
A BILL FOR AN ACT

RELATING TO SHORELINE SETBACK.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that beaches are unique
2 assets of the State created by the natural process of erosion
3 and accretion. For example, accretion has caused the beachfront
4 of Kailua Beach to increase during the past several decades,
5 benefitting beachgoers from around the State, the nation, and
6 the world. Kailua Beach is one of the few beaches that is fully
7 urban, accreting, and entirely unarmored. This asset, however,
8 remains affected by erosion related to sand deficiencies at
9 Kailua Beach Park as well as the threat of a future rise in sea
10 levels. Because the southern end of Kailua Beach is now subject
11 to long-term erosion, which is migrating northward with time,
12 Kailua Beach is a prime example of the maxim: what nature can
13 give, it can take back.

14 Accreted beach land, in the form of coastal dunes and dry
15 beach area, is an integral portion of the beach system. This
16 land holds the fragile carbonate sands, which the active beach
17 relies upon during periods of episodic erosion. These same



1 lands will once again transition back into active beach area as
2 the shoreline migrates and the sea level rises.

3 The purpose of this Act is to ensure that, in any county
4 with a population of more than five hundred thousand, accreted
5 lands that are subject to the natural effects of future erosion
6 are protected from any construction or improvement that could
7 require future hardening of the shoreline with artificial
8 revetments or seawalls to protect the improvements from the
9 eventual process of natural erosion.

10 SECTION 2. Section 205A-43, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§205A-43 Establishment of shoreline setbacks and duties
13 and powers of the department. (a) Setbacks along shorelines
14 are established of not less than twenty feet and not more than
15 forty feet inland from the shoreline[-]; provided that, in any
16 county with a population greater than five hundred thousand, the
17 setback along the shoreline shall not be less than twenty feet
18 from the shoreline or twenty feet from any accreted lands along
19 the shoreline, whichever is greater. The department shall adopt
20 rules pursuant to chapter 91, and shall enforce the shoreline
21 setbacks and rules pertaining thereto.



1 (b) The powers and duties of the department shall
2 include [7] but not be limited to:

3 (1) The department shall adopt rules under chapter 91
4 prescribing procedures for determining the shoreline
5 setback line; and

6 (2) The department shall review the plans of all
7 applicants who propose any structure, activity, or
8 facility that would be prohibited without a variance
9 pursuant to this part. The department may require
10 that the plans be supplemented by accurately mapped
11 data and photographs showing natural conditions and
12 topography relating to all existing and proposed
13 structures and activities.

14 (c) For the purposes of this section, "accreted lands"
15 means lands judicially decreed or registered under the State's
16 accretion laws."

17 SECTION 3. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval;
2 provided that this Act shall be applied prospectively and shall
3 only apply to undeveloped lands that have been judicially
4 decreed or registered under the State's accretion laws.



Report Title:

Shoreline setback; Accretion

Description:

Prohibits inclusion of accreted lands in determining shoreline setback line in counties with a population over 500,000. (HB926 HD1)

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