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# HOUSE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ADOPT  
POLICIES PROHIBITING THE INSTALLATION OF SHORELINE  
HARDENING STRUCTURES UNLESS CERTAIN CONDITIONS ARE MET.

1           WHEREAS, Hawaii's beaches and shoreline areas provide  
2 numerous benefits that are critical to the cultural values and  
3 way of life of the Native Hawaiian community and the public; and  
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5           WHEREAS, access to the shoreline and the resources in the  
6 nearshore environment is critical to Native Hawaiian cultural  
7 perpetuation and constitutionally protected traditional and  
8 customary gathering practices; and  
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10           WHEREAS, Hawaii's beaches and shoreline areas provide a  
11 place to bond with 'ohana and friends, to foster positive youth  
12 development and early appreciation for natural resources, and to  
13 provide for a variety of recreational activities, such as  
14 surfing and fishing, that have been staples of local life for  
15 generations; and  
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17           WHEREAS, Hawaii's beaches are also a driving force for the  
18 State's economy as a key attraction for tourists visiting the  
19 islands; and  
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21           WHEREAS, Hawaii's laws have recognized the right of the  
22 public to access the shoreline and the Office of Hawaiian  
23 Affairs has always been a strong advocate for shoreline access  
24 in the State; and  
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26           WHEREAS, poor planning has resulted in the proliferation of  
27 shoreline hardening structures that continue to erode away much  
28 of the State's beaches and shoreline areas, cutting off lateral  
29 shoreline access; and



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 2 WHEREAS, while shoreline hardening structures are necessary  
 3 in some instances to protect property and infrastructure, they  
 4 have notoriously led to the erosion of beaches throughout the  
 5 State and should only be granted where absolutely necessary; and  
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7 WHEREAS, an estimated twenty-five percent of Oahu's beaches  
 8 have been permanently lost due to shoreline hardening, along  
 9 with many miles of shoreline on Maui; and  
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11 WHEREAS, in many areas, the beach loss has completely  
 12 precluded safe lateral access along the shoreline, eliminating  
 13 any opportunity for cultural or public use; and  
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15 WHEREAS, despite the clear impact of shoreline hardening  
 16 structures on our shoreline areas, however, the threat of sea  
 17 level rise and adjacent shoreline loss due to existing shoreline  
 18 hardening structures may motivate coastal landowners to seek the  
 19 installation of new shoreline hardening structures for their own  
 20 properties, particularly where buildings or infrastructure have  
 21 been placed too close to the ocean; and  
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23 WHEREAS, legislation is necessary to provide an increased  
 24 level of public accountability and regulatory oversight in the  
 25 proposed installation of new shoreline hardening structures;  
 26 now, therefore,  
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28 BE IT RESOLVED by the House of Representatives of the  
 29 Twenty-ninth Legislature of the State of Hawaii, Regular Session  
 30 of 2017, the Senate concurring, that the Department of Land and  
 31 Natural Resources is urged to adopt policies prohibiting the  
 32 construction of shoreline hardening structures in shoreline  
 33 areas unless certain conditions are met; and  
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35 BE IT FURTHER RESOLVED that a variance for construction of  
 36 a shoreline hardening structure should not be approved unless  
 37 there has been a public hearing and showing that the shoreline  
 38 hardening structure is necessary to protect an existing legal  
 39 object, structure, or activity from damage due to seawater  
 40 inundation or shoreline erosion, and no reasonable alternative  
 41 locations exist; and



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BE IT FURTHER RESOLVED that in determining whether a variance for a shoreline hardening structure may be approved, the authority shall consider the following factors:

- (1) The feasibility and cost of relocating the relevant structures, objects, or activities outside of the shoreline area;
- (2) The likelihood and severity of damage that will occur if the shoreline hardening structure is not constructed;
- (3) The availability of reasonable alternative means to protect the relevant objects, structures, or activities from damage due to shoreline erosion;
- (4) The nature and scope of valued cultural and historical resources in the seaward areas that may be impacted by shoreline erosion resulting from the installation of a shoreline hardening structure, impact to any associated native Hawaiian traditional and customary practices, and the feasibility of action that may be taken to protect the resources and practices; and
- (5) The diminution of safe lateral public access and enjoyment of shoreline area resulting from the shoreline hardening structure, and conditions, including but not limited to public access easements, that may be required to mitigate any such diminution; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Chair of the Board of Land and Natural Resources and Chair of the Board of Trustees of the Office of Hawaiian Affairs.

OFFERED BY: 

MAR 10 2017

