

STAND. COM. REP. NO. **434**

Honolulu, Hawaii
February 16, 2017

RE: H.B. No. 437
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Ocean, Marine Resources, & Hawaiian
Affairs, to which was referred H.B. No. 437 entitled:

"A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT,"

begs leave to report as follows:

The purpose of this measure is to prohibit variances for
construction of seawalls in shoreline areas, unless:

- (1) A public hearing is held;
- (2) The applicant demonstrates that the seawall is necessary
to protect an existing legal object, structure, or
activity from damage due to seawater inundation or
shoreline erosion; and
- (3) No reasonable alternative locations exist.

The Department of Transportation, Office of Planning,
Planning Department of the County of Kauai, Office of Hawaiian
Affairs, Sierra Club of Hawaii, Ho'omana Pono, LLC., and several
individuals testified in support of this measure. Two individuals
commented on this measure.

Your Committee finds that while seawalls are necessary in
some instances to protect property and infrastructure, seawalls
have notoriously led to erosion of beaches throughout the State.
The public hearing and requirements for approval of a variance

HB437 HD1 HSCR OMH HMS 2017-1888



mandated in this measure will prohibit the installation of seawalls except where absolutely necessary. However, your Committee raised concerns that the measure might have a negative impact on cultural and public use and access, potentially for the sole benefit of a private landowner. Accordingly, your Committee recommends the inclusion of additional criteria to be considered in the issuance of a variance under section 205A-46(d), Hawaii Revised Statutes, of this measure.


Your Committee has amended this measure by:

- (1) Clarifying the provisions regarding the approval of variances to require the variance approval authority to consider:
 - (A) The nature and scope of cultural and historical resources, or Native Hawaiian traditional or customary practices that may be impacted;
 - (B) Whether the shoreline hardening structure is the only reasonable alternative to protect relevant structures, objects, or activities from damage due to shoreline erosion; and
 - (C) The diminution of safe lateral public access and enjoyment of the shoreline area;
- (2) Clarifying that no public hearing may be waived for action on a variance application for construction of a shoreline hardening structure that will artificially fix the shoreline, including seawall, revetment and groin;
- (3) Changing the reference made to seawalls to shoreline hardening structures, including seawalls, revetments, and groins; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Ocean, Marine Resources, & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 437, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 437, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Ocean, Marine
Resources, & Hawaiian Affairs,


KANIELA ING, Chair



