

STAND. COM. REP. NO. **1012**

Honolulu, Hawaii

**MAR 23 2017**

RE: H.B. No. 437  
H.D. 2  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred H.B. No. 437, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to prohibit variances for shoreline hardening structures that will artificially fix the shoreline, including a seawall, revetment, or groin, unless:

- (1) A public hearing is held;
- (2) The applicant for the variance demonstrates that the shoreline hardening structure is necessary to protect an existing legal object, structure, or activity from damage due to seawater inundation or shoreline erosion; and
- (3) The legal object, structure, or activity cannot reasonably be protected by relocating it outside the shoreline area.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Office of Planning, County of Hawai'i Planning Department, Hawai'i Alliance for Progressive



Action, Maui Tomorrow, and eighteen individuals. Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources, Land Use Research Foundation of Hawaii, and Outrigger Enterprises Group. Your Committee received comments on this measure from the Department of Transportation and Office of the Mayor of the County of Maui.

Your Committee finds that shoreline hardening structures are necessary in some instances to protect property and infrastructure; however, poor planning and excess of such structures has resulted in the erosion of beaches and shorelines throughout the State. Your Committee notes that beaches and shorelines are culturally, economically, and socially invaluable assets that must be safeguarded for the long-term public interest of the people of Hawaii. Your Committee finds that the additional requirements for approval of a variance mandated in this measure will provide greater oversight and accountability, and will limit the approval of shoreline hardening structures to those instances where the structure is crucial to protect property and infrastructure.

Your Committee has amended this measure by:

- (1) Removing damage due to seawater inundation as a cause for granting a variance;
- (2) Clarifying that the applicant shall provide to the authority for consideration a thorough assessment and comparison of impacts, feasibility, and costs of alternatives to the shoreline hardening structure;
- (3) Amending what information the authority shall consider when reviewing an application for a variance; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 437, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 437,



H.D. 2, S.D. 1, and be referred to your Committee on Judiciary and Labor.

Respectfully submitted on  
behalf of the members of the  
Committee on Water and Land,

*Karl Rhoads*

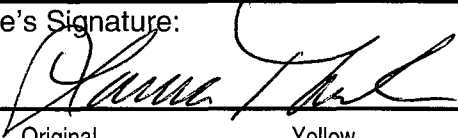
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KARL RHOADS, Chair



The Senate  
Twenty-Ninth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

|   |   |                                       |                     |         |
|---|---|---------------------------------------|---------------------|---------|
| Bill / Resolution No.:*   | Committee Referral:   | Date:                                 |                     |         |
| HB437, HD2  | WTL, JDL  | 03-17-2017                            |                     |         |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____ |   |                                       |                     |         |
| The Recommendation is:  |   |                                       |                     |         |
| <input type="checkbox"/> Pass, unamended<br>2312  | <input checked="" type="checkbox"/> Pass, with amendments<br>2311 | <input type="checkbox"/> Hold<br>2310 |                     |         |
| <input type="checkbox"/> Recommit<br>2313   |   |                                       |                     |         |
| Members   | Aye   | Aye (WR)                              | Nay                 | Excused |
| RHOADS, Karl (C)  | /   |                                       |                     |         |
| GABBARD, Mike (VC)  |   |                                       |                     | /       |
| INOUYE, Lorraine R.   | /   |                                       |                     |         |
| KIM, Donna Mercado  |   |                                       |                     | /       |
| THIELEN, Laura H.   | /   |                                       |                     |         |
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| <b>TOTAL</b>  | 3   | -                                     | -                   | 2       |
| Recommendation:   |   |                                       |                     |         |
| <input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>                         |   |                                       |                     |         |
| Chair's or Designee's Signature:  |   |                                       |                     |         |
|    |   |                                       |                     |         |
| Distribution:   |   |                                       |                     |         |
| Original  | Yellow  | Pink                                  | Goldenrod           |         |
| File with Committee Report  | Clerk's Office  | Drafting Agency                       | Committee File Copy |         |

\*Only one measure per Record of Votes