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Statement of
LEO R. ASUNCION
Planning Program Administrator, Office of Planning
before the
HOUSE COMMITTEE ON FINANCE

Friday, February 22, 2019
11:00 AM
State Capitol, Conference Room 308

in consideration of
HB 549, HD1
RELATING TO THE ENVIRONMENT.

Chair Luke, Vice Chair Cullen, and Members of the House Committee on Finance.

The OP respectfully offers the following comments that include both critical and technical amendments that will address the purpose of this measure to strengthen CZM objectives and policies to reduce residential exposure to coastal hazards and protect beaches, while allowing continuity of services for public facilities and improvements.

Critical Amendments

1. **Page 27, line 3 to page 28, line 5**, the purpose of shoreline setbacks and prohibition of structures within the shoreline area is to provide a buffer zone to protect beach processes, shoreline open space, public access to and along the shoreline, and minimize the risk of coastal hazards to life and property. Shoreline setback variance is an exception to the prohibition of structures within the shoreline area. To leave the discretionary variance to the county authorities to allow private facilities or improvements within the shoreline area, and restrict new shoreline hardening structures, the OP recommends amending HRS §§ 205A-46(a)(8) and (9) as follows:
 - (8) Private facilities or improvements ~~[which]~~ that will neither adversely affect beach processes, or result in flanking shoreline erosion nor artificially fix the shoreline; provided that the authority ~~[also finds that]~~ may consider hardship that will result to the applicant if the facilities or improvements are not allowed within the shoreline area;
 - (9) Private facilities or improvements that may artificially fix the shoreline except for areas with sand beaches; provided that the

~~[authority also finds that shoreline is likely to cause] action will not interfere with existing recreational and water line activities; provided further that the authority may consider hardship that will result to the applicant if the facilities or improvements are not allowed within the shoreline area[, and the authority imposes conditions to prohibit any structure seaward of the existing shoreline unless it is clearly in the public interests]; or~~

2. **Page 23, lines 1-2**, the OP questions the addition of language that would result in HRS § 205A-29 not applicable to permits for uses within the state conservation district as proposed by this measure. The SMA permit requirements shall apply to uses of the state conservation districts if they are located within the county designated special management areas. The SMA permit requirements ensures the participation of the local communities to protect coastal resources and public shoreline access. Pursuant to HRS § 205A-5, all state and county agencies shall ensure that their rules comply with the objectives and policies of Chapter 205A, and any guidelines enacted by the legislature. OP recommends that the added language be deleted.
3. **Page 23, lines 5-9**, the OP supports the amendments from HB 549 HD1 to HRS § 205A-43(a) to require setbacks along shorelines are established of not less than forty feet inland from the shoreline.
4. **Page 24, lines 1-7**, the OP recommends amending HRS §205A-43.5(a)(2) to potentially waive a public hearing prior to action on a variance application for:
 - (2) Protection of a legal structure ~~[costing more than \$20,000;]~~ or a public facility, which does not fix the shoreline, under an emergency authorization issued by the authority; provided that the structure or public facility is at risk of immediate damage from shoreline erosion;

Technical Amendments

In addition, the OP proposes the following technical amendments for clarity, consistency, and style.

5. To ensure clarity and consistency throughout the Chapter relating to coastal hazards, adding the definition of “Coastal hazards” to HRS § 205A-1 Definitions as follows:

"Coastal hazards" means any tsunami, hurricane, wind, wave, storm surges, high tide, flooding, erosion, sea level rise, subsidence, and point and nonpoint source pollution.

6. **Page 7, line 10**, the OP recommends amending HRS § 205A-2(b)(6) Coastal hazards as follows:
 - (6) Coastal hazards;
 - (A) Reduce hazard to life and property from [~~tsunami, storm waves, stream flooding, erosion, subsidence, and pollution~~] coastal hazards.

7. **Page 7, lines 19-21**, the OP recommends amending HRS § 205A-2(b)(9) Beach protection by replacing the term “ecosystem services” with “benefits of coastal ecosystems”, and replacing the proposed language from HB 549 on **page 8, lines 1-2**, with the language for the beach protection objective, as follows:
 - (9) Beach protection;
 - (A) Protect beaches and coastal dunes for public use and recreation, benefits of coastal ecosystems, and as natural barriers to coastal hazards; and
 - (B) Coordinate and fund beach management and protection.

8. **Page 8, line 21, to page 9, line 5**, the OP recommends amending HRS § 205A-2(c)(1)(B)(ii) by replacing the term “replacement” with “restoration” as follows:
 - (ii) Requiring [~~replacement~~] restoration of coastal resources [~~having~~] that have significant recreational and ecosystem value including, but not limited to coral reefs, surfing sites, fishponds, and sand beaches, when [~~such~~] these resources will be unavoidably damaged by development; or requiring reasonable monetary compensation to the State for recreation when [~~replacement~~] restoration is not feasible or desirable;

9. **Page 12, line 20 to page 13, line 10**, for consistency with OP’s proposed amendment to add the definition of coastal hazards, we recommend amending HRS § 205A-2(c)(5)(B) as follows:
 - (B) Ensure [~~that coastal dependent development such as~~] residential and commercial development, transportation infrastructure, [harbors and ports], and coastal related development [such as] , including but not limited to visitor industry facilities and energy generating facilities, are located, designed and constructed to minimize exposure to coastal hazards, and minimize adverse social, visual, and environmental impacts in the coastal zone management area; and

10. **Page 14, lines 1-2**, for consistency with OP’s proposed amendment to add the definition of coastal hazards, the OP recommends amending HRS § 205A-2(c)(5)(C)(ii) as follows:
 - (ii) Adverse environmental effects and risks from coastal hazards are minimized; and

11. **Page 14, line 6, to page 15, line 8**, with the definition of “Coastal hazards” added to HRS § 205A-2, the OP recommends amending HRS § 205A-2(c)(6) Coastal hazards as follows:
- (6) Coastal hazards;
 - (A) Develop and communicate adequate information about [~~storm wave, tsunami, flood, erosion, hurricane, wind, subsidence, and point and nonpoint source pollution hazards~~] risks of coastal hazards;
 - (B) Control development, including planning and zoning control, in areas subject to [~~storm wave, tsunami, flood, erosion, hurricane, wind, subsidence, and point and nonpoint source pollution hazards~~] coastal hazards;
 - (C) Ensure that development comply with requirements of the [~~Federal~~] National Flood Insurance Program; and
 - (D) Prevent coastal flooding from inland projects;
12. **Page 16, line 15, to page 17, line 18**, to restrict shoreline hardening structures, the OP recommends amending HRS § 205A-2(c)(9) Beach protection as follows:
- (9) Beach protection
 - (A) Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline process, and minimize loss of improvements due to erosion;
 - (B) Prohibit construction of private [~~erosion protection~~] shoreline hardening structures [~~seaward of the shoreline~~], including but not limited to seawalls and revetments, except [~~when they result in improved aesthetic and engineering solutions to erosion~~] at the sites and where they do not interfere with beach processes and existing recreational and waterline activities;
 - (C) Minimize the construction of public [~~erosion protection~~] shoreline hardening structures [~~seaward of the shoreline~~], including but not limited to seawalls and revetments;
 - (D) Avoid grading of and damage to coastal dunes;
 - ~~(D)~~(E) Prohibit private property owners from creating a public nuisance by inducing or cultivating the private property owner’s vegetation in a beach transit corridor; and
 - ~~(E)~~(F) Prohibit private property owners from creating a public nuisance by allowing the private property owner’s unmaintained vegetation to interfere or encroach upon a beach transit corridor.

Thank you for the opportunity to testify on this measure.



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
FINANCE**

**Friday, February 22, 2019
11:00 a.m.
State Capitol, Conference Room 308**

**In consideration of
HOUSE BILL 549, HOUSE DRAFT 1
RELATING TO THE ENVIRONMENT**

House Bill 549, House Draft 1 proposes to amend the Hawaii Coastal Zone Management Act, Chapter 205A, Hawaii Revised Statutes (HRS), to reduce residential exposure to coastal hazards with sea level rise, strengthen protections for state beaches, and update language for consistency with other HRS. **The Department of Land and Natural Resources (Department) supports this measure and offers the following comments and amendments.**

1. To ensure clarity and consistency throughout the Chapter relating to coastal hazard adding the definition of "Coastal hazards" to HRS § 205A-1 Definitions as follows:

"Coastal hazards" includes tsunami, hurricanes, wind, waves, storm surges, high tide, flood, erosion, sea level rise, subsidence, and point and nonpoint source pollution.

2. Page 6, lines 8-10, we recommend amending HRS § 205A-2(b)(6) Coastal hazards as follows:

(6) Coastal hazards;

(A) Reduce hazard to life and property from [~~tsunami, storm waves, stream flooding, erosion, subsidence, and pollution~~] coastal hazards.

3. Page 6, lines 19-21, and 7, lines 1-2, the we recommend amending HRS § 205A-2(b)(9) "Beach Protection" by re-organizing the section and by replacing the term "ecosystem services" with "benefits of coastal ecosystems," and making other technical amendments as follows:

(9) Beach protection;

- (A) Protect beaches [~~for public use and recreation~~] and coastal dunes for:
 - (i) public use and recreation;
 - (ii) benefits of coastal ecosystems;
 - (iii) natural barriers to coastal hazards; and
- (B) Coordinate and fund beach management and protection.

4. Page 8, lines 17-21, and page 9 lines 1-5, we recommend amending HRS § 205A-2(c)(1)(B)(ii) by replacing the term “replacement” with “restoration, not “protection,” as follows:

- (ii) Requiring [~~replacement~~] restoration of coastal resources [~~having~~] that have significant recreational and ecosystem value including, but not limited to coral reefs, surfing sites, fishponds, [~~and~~] sand beaches, and coastal dunes, when [~~such~~] these resources will be unavoidably damaged by development; or requiring [~~reasonable~~] monetary compensation to the State for recreation when [~~replacement~~] restoration is not feasible or desirable;

5. For consistency with the proposed amendment to add the definition of coastal hazards; on Page 12, lines 20-21, and page 13 lines 1-8 we recommend amending HRS § 205A-2(c)(5)(B) as follows:

- (B) Ensure [~~that coastal dependent development such as~~] residential and commercial development, transportation infrastructure, [harbors and ports], and coastal related development such as visitor industry facilities and energy generating facilities, are located, designed and constructed to minimize exposure to coastal hazards, and minimize adverse social, visual, and environmental impacts in the coastal zone management area; and

6. For consistency with the proposed amendment to add the definition of coastal hazards; Page 14, lines 1-2, we recommend amending HRS § 205A-2(c)(5)(C)(ii) as follows:

- (ii) Adverse environmental effects and risks from coastal hazards are minimized; and

7. Page 14, lines 7-20, and page 15, lines 1-2, with the definition of “Coastal hazards” added to HRS § 205A-2, we recommend amending HRS § 205A-2(c)(6) Coastal hazards as follows:

- (6) Coastal hazards;
 - (A) Develop and communicate adequate information about [~~storm wave, tsunami, flood, erosion, hurricane, wind, subsidence, and point and nonpoint source pollution hazards~~] risks of coastal hazards;
 - (B) Control development, including planning and zoning controls, in areas subject to [~~storm wave, tsunami, flood, erosion, hurricane, wind, subsidence, and point and nonpoint source pollution hazards~~] coastal hazards;
 - (C) Ensure that development comply with requirements of the [~~Federal~~] National Flood Insurance Program; and
 - (D) Prevent coastal flooding from inland projects;

8. Page 16, lines 20-21, and page 17, lines 1-10, we recommend amending HRS § 205A-2(c)(9) Beach protection as follows:
 - (9) Beach protection
 - (A) Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline process, and minimize loss of improvements due to erosion;
 - (B) Prohibit construction of private ~~[erosion protection]~~ shoreline hardening structures [seaward of the shoreline], such as seawalls and revetments, ~~[except when they result in improved aesthetic and engineering solutions to erosion]~~ at ~~[the] sites and with sand beaches [do not interfere with beach processes]~~ and at sites where shoreline hardening structures interfere with [and] existing recreational and waterline activities;
 - (C) Minimize the construction of public ~~[erosion protection structure]~~ shoreline hardening structures [seaward of the shoreline], such as seawalls and revetments at sites with sand beaches and at sites where shoreline hardening structures interfere with existing recreational and water line activities;
 - (D) Avoid grading of and damage to coastal dunes;
9. Under section § 205A-22(1) to help assess potential impacts on public beaches and shoreline, we recommend amending construction or reconstruction of a single-family residence as not “development” set forth in HRS § 205A-22(1) as follows:
 - (1) Construction or reconstruction of a single-family residence that is less than seven thousand five hundred square feet of floor area, is not situated on a parcel that is impacted by waves, storm surges, high tide, or shoreline erosion, and is not part of a larger development;
10. Page 23, lines 1-2, we request that HRS § 205A-29(b) in which it is stated “This section shall not apply to permits for uses within the state land use conservation district designated pursuant to chapter 183C,” **not be added to the statute.**
11. Page 23, line 6, we support the amendments to HRS § 205A-43(a) to require setbacks along shorelines are established of not less than forty feet inland from the shoreline.
12. Page 24, lines 1- 7, we recommend amending HRS §205A-43.5(a)(2) as follows:
 - (2) Protection of a legal structure ~~[costing more than \$20,000;]~~ or a public facility, which does not fix the shoreline, under an emergency authorization issued by the authority; provided that the structure or public facility is at risk of immediate damage from shoreline erosion;
13. Page 25, lines 1-4, the Department respectfully asks that part (1), “The inadvertent taking from the shoreline area of the materials, such as those inadvertently carried away on the body, and on clothes, toys, recreational equipment, and bags;” not be removed from the statute. The Department appreciates the intent to strengthen prohibitions against taking sand or other natural beach or marine deposits from the shoreline area. However, we feel the proposed amendment may be too restrictive.

14. Page 27, lines 3-21, and page 28, lines 1-5, the purpose of shoreline setbacks and prohibition of structures within the shoreline area is to provide a buffer zone to protect beach processes, shoreline open space, public access to and along the shoreline, and minimize the risk of coastal hazards to life and property. We recommend amending HRS §§ 205A-46(a)(8) and (9) as follows:
- (8) Private facilities or improvements, excluding seawalls and revetments, [which] that will neither adversely affect beach processes, or result in flanking shoreline erosion [nor artificially fix the shoreline]; provided that the authority ~~[also finds that]~~ may consider hardship that will result to the applicant if the facilities or improvements are not allowed within the shoreline area;
 - (9) Private facilities or improvements that may artificially fix the shoreline except for areas with sand beaches; provided that the ~~[authority also finds that shoreline is likely to cause]~~ action will not interfere with existing recreational and water line activities; provided further that the authority may consider hardship that will result to the applicant if the facilities or improvements are not allowed within the shoreline area,~~and the authority imposes conditions to prohibit any structure seaward of the existing shoreline unless it is clearly in the public interests];~~ or

Thank you for the opportunity to comment on this measure.



HB 549, HD 1, RELATING TO THE ENVIRONMENT

FEBRUARY 22, 2019 · HOUSE FINANCE
COMMITTEE · CHAIR REP. SYLVIA LUKE

POSITION: Support.

RATIONALE: IMUAlliance supports HB 549, HD 1, relating to the environment, which requires new developments to plan for the impacts of projected sea level rise and prohibits development in areas significantly affected by projected sea level rise.

According to a report produced by the Hawai'i Climate Change Mitigation and Adaptation Commission, global sea levels could rise more than three feet by 2100, with more recent projections showing this occurring as early as 2060. In turn, over the next 30 to 70 years, approximately 6,500 structures and 19,800 people statewide will be exposed to chronic flooding. Additionally, an estimated \$19 billion in economic loss would result from chronic flooding of land and structures located in exposure areas. Finally, approximately 38 miles of coastal roads and 550 cultural sites would be chronically flooded, on top of the 13 miles of beaches that have already been lost on Kaua'i, O'ahu, and Maui to erosion fronting shoreline armoring, like seawalls.

As we work to reduce carbon emissions and stave off the worst consequences of climate change, we must begin preparing for the adverse impact of sea level rise on our shores. We are now quantifying the speed at which we must act. We cannot continue to develop the 25,800-acre statewide sea level rise exposure area—one-third of which is designated for urban use—without risking massive structural damage and, potentially, great loss of life.



SIERRA CLUB OF HAWAI'I

MĀLAMA I KA HONUA. *Cherish the Earth.*

HOUSE COMMITTEE ON FINANCE

February 22, 2019 11:00 AM Room 308

In **SUPPORT of HB 549 HD 1: Relating to the Environment**

Aloha Chair Luke, Vice Chair Cullen, and committee members,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **supports passage of HB 549 HD 1, Relating to the Environment.**

HB 549 updates Chapter 205A, the Hawaii Coastal Zone Management Act, to incorporate sea level rise within its objectives, policies, and permitting processes related to Special Management Areas and Shoreline Setbacks. This is necessary and timely, as sea level rise is here and will continue, at increasing rates, in future years. Its impacts are already being felt, especially in the form of narrowing or loss of beaches--a public trust resource which should be afforded the highest levels of protection.

As mentioned in Section 1 of the bill, a study by UH researchers documents that over the time period covered by the study (1925-2015) more than thirteen miles of beach statewide have been completely lost to erosion fronting seawalls and revetments, due in part to a history of county agencies ("authorities" under Chapter 205A) frequently granting shoreline setback variances where the authorities have made a finding that denial of such variances would present a hardship to the private property applicants.

We strongly support the intent of this bill to halt, and reverse, the narrowing and loss of beaches and public access caused in large part by granting of shoreline setback variances, especially as we enter a new era of sea level rise. As the sea level rises we can expect a dramatic increase in the number of variances sought to armor coastal properties. It is appropriate to take measures now to guard against further coastal armoring and promote managed retreat alternatives where feasible.

We encourage the Committee to take a look at the hardship provision in HRS 205A-46, Section 8, part 8 & 9 of the bill (pages 27-28). The HD 1 proposes to address shoreline setback variance issues by requiring that the proposed action for which a variance is sought will neither adversely affect beach processes, result in flanking of adjacent properties, nor curtail public access unless it is clearly in the public interest. The HD 1 also makes the hardship provision optional, stating "the authority may consider hardship that will result to the applicant if the facilities of improvements are not allowed within the shoreline area." We assert that the hardship provision is currently a mandatory requirement for a shoreline setback variance (if hardship cannot be

proved, no variance can be granted) and that making it an optional consideration weakens the current law and could potentially lead to challenges based upon constitutional requirements for due process. In the previous committee, we recommended that the hardship test be retained as a necessary condition in addition to, and not overruling, other requirements including those suggested in HB 549 HD 1, i.e. neither adversely affect beach processes, result in flanking of adjacent properties, nor curtail public access.

We therefore offer the following suggested language in SECTION 8, page 27-28 of the bill:

“(8) Private facilities or improvements that will neither adversely affect beach processes, result in flanking of adjacent properties, or curtail public access, provided that the authority also finds that hardship will result to the applicant if the facilities or improvements are not allowed within the shoreline area;

(9) Private facilities or improvements that may artificially fix the shoreline; provided that the authority also finds (a) that hardship will result to the applicant if the facilities or improvements are not allowed within the shoreline area; and (b) the action will neither adversely affect beach processes, result in flanking of adjacent properties, nor curtail public access unless it is clearly in the public interest, for example, in the case of imminent threat of a road or highway failure, or to other critical public infrastructure.”

We recognize that the hardship provision is often used by homeowners to obtain a variance and build a seawall, but believe that including both requirements as mandatory provisions is better than the language currently proposed in the HD 1.

Mahalo for this opportunity to provide testimony in **support of HB 549 HD 1**.

Mahalo,



Jodi Malinoski, Policy Advocate



**TESTIMONY TO THE HOUSE COMMITTEE ON FINANCE
State Capitol, Conference Room 308
415 South Beretania Street
11:00 AM**

February 22, 2019

RE: HOUSE BILL NO. 549 HD 1, RELATED TO THE ENVIRONMENT

Chair Luke, Vice Chair Cullen, and members of the committee:

My name is Gladys Quinto Marrone, CEO of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities we all call home.

BIA-Hawaii has the following **comments** on H.B. 549 HD 1, which proposes to amend policies and objectives related to coastal zone management to reduce residential exposure to coastal hazards and protect state beaches and public shoreline access.

We understand that the proposed bill is in response to findings from a University of Hawaii Coastal Geology Study found that the current polices, objectives and practices allow for:

- (1) The hardening of shorelines through a hardship variance that is granted based upon demonstrating hardship brought on by coastal erosion. When granted, these hardship variances set into motion a cycle of shoreline armoring that causes "flanking", or amplified erosion, on properties adjacent to armored shorelines. This continuous cycle of hardening and flanking can extend along an entire beach and, in a section of northeast Oahu, approximately forty-five per cent of observed shoreline hardening was implemented in response to adjacent hardening. This cycle, caused by a combination of beach erosion and coastal policy, has resulted in the narrowing and even elimination of beaches to the extent that they can no longer be used for public recreation or cultural practice; and,
- (2) Renovation and expansion of single-family homes in erosion and flood-prone coastal areas, thereby extending building lifetimes indefinitely and allowing for virtually complete coverage of coastal parcels by these structures. The average building surface area increased by twenty per cent following the establishment of the State's coastal zone management program and, combined with sea level rise, this development increases the likelihood of mass structural failure and deposit of debris on public beaches.



As an island state, we all should be concerned about how climate change and sea level rise are impacting our coastal areas. The proposed amendments to the coastal zone management statutes make it more difficult for private property owners to protect or improve their properties along the coast. If government prevents a property owner from protecting their property because of the impact it would generate on the adjacent public lands, who should compensate the land owner for their loss?

Rather than create a system that gradually infringes upon private property rights over time, we would suggest a more comprehensive approach to addressing the problem today by doing the following:

1. Formally adopt the maps created by the Hawai'i Climate Change Mitigation & Adaptation Commission that identifies areas, now and in the future, that will be impacted by sea level rise. This would allow affected landowners to be informed of the possible designation and raise any concerns they may have through the administrative rulemaking process used to adopt the maps.
2. Identify those areas around the state that will be subject to high rates of coastal erosion due to sea level rise. Provide funding for condemnation of the private properties impacted and relocation of public infrastructure.

We appreciate the opportunity provide comments on H.B. 549 HD 1.

HB-549-HD-1

Submitted on: 2/21/2019 11:07:09 AM

Testimony for FIN on 2/22/2019 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Philip Fernandez	Individual	Support	No

Comments:



Chamber of Commerce HAWAII

The Voice of Business

**Testimony to the House Committee on Finance
Friday, February 22, 2019 at 11:00 A.M.
Conference Room 308, State Capitol**

LATE

RE: HOUSE BILL 549 HD1 RELATING TO THE ENVIRONMENT

Chair Luke, Vice Chair Cullen, and Members of the committee:

The Chamber of Commerce Hawaii ("The Chamber") has the following comments on H.B. 549 HD 1, which proposes to amend policies and objectives related to coastal zone management to reduce residential exposure to coastal hazards and protect state beaches and public shoreline access.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

We understand that the proposed bill is in response to findings from a University of Hawaii Coastal Geology Study found that the current polices, objectives and practices allow for:

- 1) The hardening of shorelines through a hardship variance that is granted based upon demonstrating hardship brought on by coastal erosion. When granted, these hardship variances set into motion a cycle of shoreline armoring that causes "flanking", or amplified erosion, on properties adjacent to armored shorelines. This continuous cycle of hardening and flanking can extend along an entire beach and, in a section of northeast Oahu, approximately forty-five per cent of observed shoreline hardening was implemented in response to adjacent hardening. This cycle, caused by a combination of beach erosion and coastal policy, has resulted in the narrowing and even elimination of beaches to the extent that they can no longer be used for public recreation or cultural practice; and,
- 2) Renovation and expansion of single-family homes in erosion and flood-prone coastal areas, thereby extending building lifetimes indefinitely and allowing for virtually complete coverage of coastal parcels by these structures. The average building surface area increased by twenty per cent following the establishment of the State's coastal zone management program and, combined with sea level rise, this development increases the likelihood of mass structural failure and deposit of debris on public beaches.



Chamber of Commerce HAWAII

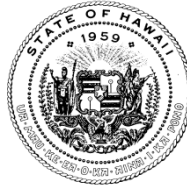
The Voice of Business

As an Island State, we all should be concerned about how climate change and sea level rise are impacting our coastal areas. The proposed amendments to the Coastal Zone Management statutes makes it more difficult for private property owners to protect or improve their properties along the coast. If government prevents a property owner from protecting their property because of the impact it would generate on the adjacent public lands, who should compensate the land owner for their loss?

Rather than create a system that gradually infringes upon private property rights over time, we would suggest a more comprehensive approach to addressing the problem today by doing the following:

1. Formally adopt the maps created by the Hawai'i Climate Change Mitigation & Adaptation Commission that identifies areas, now and in the future, that will be impacted by sea level rise. This would allow affected landowners to be informed of the possible designation and raise any concerns they may have through the Administrative Rule making process used to adopt the maps.
2. Identify those areas around the state that will be subject to high rates of coastal erosion due to sea level rise. Provide funding for condemnation of the private properties impacted and relocation of public infrastructure.

We appreciate the opportunity provide comments on H.B. 549 HD 1.



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

Friday, February 22, 2019
11:00 a.m.
State Capitol, Conference Room 308

H.B. 549, H.D. 1
RELATING TO THE ENVIRONMENT.

House Committee on Finance

The Department of Transportation (DOT) **supports the intent** of this bill which proposes various amendments to HRS Chapter 205A, including amendments on the Coastal Zone Management (CZM) Program objectives and policies, special management area guidelines, and shoreline setbacks due to sea level rise and other natural and human impacts.

DOT respectfully offers the following comment on related to the proposed amendment on page 24, lines 1- 7. Limiting the waiver for a public hearing prior to actions on variance applications to only "temporary protections" and for emergency authorizations that do not exceed three (3) years is a concern for DOT. The definition for what constitutes a "temporary protection" is a concern as emergency actions may require robust response. Further, emergency authorizations that extend beyond three years are typically those requiring immediate and extensive responses. As such, requiring a public hearing prior to the granting of a variance application may result in delays to critical and necessary emergency responses.

Thank you for the opportunity to provide testimony.

HB-549-HD-1

Submitted on: 2/22/2019 6:30:39 AM

Testimony for FIN on 2/22/2019 11:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members:

Please support HB549.

Hawaii's valuable coastlines are eroding due to rising sea levels which, at 3mm/year, is unprecedented in the geologic record.

Thank you for the opportunity to present my testimony.

Sincerely,

Andrea Quinn

Kihei

LATE

HB-549-HD-1

Submitted on: 2/22/2019 7:07:39 AM

Testimony for FIN on 2/22/2019 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments:

Strongly Support.

Allowing development and seawalls in vulnerable shoreline areas are going to cost taxpayers big time, down the road. And that road is short.