

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the Senate Committee on  
WATER AND LAND**

**Wednesday, January 29, 2020  
1:15PM  
State Capitol, Room 229**

**In consideration of  
SENATE BILL 2381  
RELATING TO SHORELINE SETBACKS**

Senate Bill 2381 proposes to adjust shoreline setback requirements by taking into consideration rising sea levels. The **Department of Land and Natural Resources supports this measure.**

Re-defining shoreline setback requirements to adapt to climate change impacts is an important step in protecting our communities and our coastal natural and cultural resources from the impacts of sea level rise and coastal erosion.

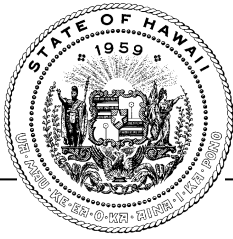
Thank you for the opportunity to comment on this measure

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS



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**DAVID Y. IGE**  
GOVERNOR

**MARY ALICE EVANS**  
DIRECTOR  
OFFICE OF PLANNING

Statement of

**MARY ALICE EVANS**  
Director, Office of Planning  
before the

**SENATE COMMITTEE ON WATER AND LAND**

Wednesday, January 29, 2020

1:15 PM

State Capitol, Conference Room 229

in consideration of

**SB 2381**

**RELATING TO SHORELINE SETBACKS.**

Chair Kahele, Vice Chair Keith-Agaran, and Members of the Senate Committee on Water and Land.

The Office of Planning (OP) Coastal Zone Management Program serves as the lead agency for Hawaii Revised Statutes Chapter 205A and respectfully offers the following comments on SB 2381.

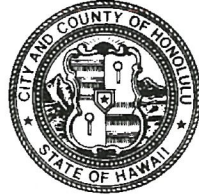
Pursuant to HRS §205A-41, "Shoreline setback line" *means that line established by the county running inland from the shoreline at a horizontal plane*. Currently, except for areas with high cliffs, the impact of vertical sea level rise at a specific parcel has been reflected and transformed into the horizontal shoreline setback. Without transformation, it is unclear how the addition of a vertical measure of "an altitude of at least 2 meters above sea level" (page 2 lines 7-8), would be directly applied to horizontal shoreline setbacks.

Thank you for the opportunity to testify on this measure.

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL  
MAYOR



KATHY K. SOKUGAWA  
ACTING DIRECTOR

TIMOTHY F. T. HIU  
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI  
DEPUTY DIRECTOR

**LATE**

January 29, 2020

The Honorable Kaiali'i Kahele, Chair  
and Members of the Committee on Water and Land  
Hawaii State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Kahele and Committee Members:

**Subject: Senate Bill No. 2381  
Relating to Shoreline Setbacks**

The Department of Planning and Permitting (DPP) **offers comments on** Senate Bill No. 2381, which would increase the shoreline setback for development purposes, and add a new "vertical" setback of at least 2 meters above sea level.

The City's recognition of the importance of addressing impacts of climate change on our islands is well documented, through the establishment of a City Climate Change Commission, Mayor Kirk Caldwell's Climate Change directive, and the establishment of a permanent Office of Climate Change, Sustainability and Resiliency (OCCSR).

We do support updating shoreline setback regulations in light of sea level rise impacts. In fact, we are working with our Climate Change Commission to expressly develop our own ordinance. Their recent best practices and science-based recommendations included eight major points. Three of them speak directly to Senate Bill No. 2381:

1. *Setbacks should be "place-appropriate," and not one-size fits all.* In Honolulu, our existing regulations reflect this: for very shallow lots, current state law allows us to reduce the shoreline so that there is minimum amount of use of the property. At the same time, as we take action on subdivision of shoreline property, we require a 60-foot shoreline boundary.

Senate Bill No. 2381 seems to reduce the flexibility appropriate to suit different situations. We have a variety of property types along the shoreline, necessitating a flexible approach. Some lots are large, and not intensely developed, allowing for better accommodation of long-term sea level rise impacts. Others are small, shallow, residential lots that are fully developed; they have difficulty meeting a 40-foot setback, let alone a 2-meter altitude setback. Some of these small lots are actually at, or below sea level. How should these lots comply with a 2-meter setback? Will development be allowed to build above this height level? Is the intent

to accept that some properties will be rendered with no development potential? Our review of sea level maps reveal that much of Kakaako, Ala Moana and Waikiki will be dramatically affected. I've attached a map that demonstrates how far inland a 2-meter vertical setback would reach in the Ala Moana and Waikiki areas. The area shaded blue represents the proposed setback. As you can see, the proposal would have a significant impact on new development in these areas.

2. *Use multiple criteria to determine setback.* As drafted, this Bill does not reveal the basis for the single setback of 40 feet. As you know, the shoreline is not uniform. Some shorelines involve eroding sand beaches; some face significant reefs; and some abut rocky cliffs. Thus, it is difficult to justify a single standard, particularly when site-specific variances are sought.
3. *Develop a robust process for public outreach.* The City is just beginning its public dialogue on how to best update our shoreline regulations. We would be willing to take the proposals of this Bill as part of the alternatives discussed with the community.

In sum, we support the intent of Senate Bill No. 2381, but believe it should be amended to give each county with similar, but not necessarily identical shoreline characteristics and challenges, the flexibility to best respond to the intent of the Bill. We therefore ask that it be amended before moving forward.

Thank you for the opportunity to testify.

Very truly yours,



Kathy K. Sokugawa  
Acting Director





**SENATE COMMITTEE ON WATER AND LAND  
State Capitol, Conference Room 229  
415 South Beretania Street  
1:15 PM**

January 29, 2020

RE: SENATE BILL NO. 2381, RELATED TO SHORELINE SETBACKS

Chair Kahele, Vice Chair Keith-Agaran, 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 provides the following comments on S.B. 2381**, which would change the shoreline setback requirements to not less than forty feet inland from the shoreline, and an altitude of at least two meters above sea level.

In order to truly address sea level rise and climate change issues, the state should first focus on all government infrastructure meeting these standards, as opposed to simply mandating compliance on private property. Relocating all government infrastructure (i.e. roads, sewer, water, drainage, etc.) and utilities (i.e. electric, gas, telephone, cable, etc.) would force the market to move overtime. Mandating compliance on private property without government leadership is irresponsible.

We appreciate the opportunity to express our views S.B. No. 2381.

**LATE**

**SB-2381**

Submitted on: 1/29/2020 8:17:26 AM

Testimony for WTL on 1/29/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Thorne Abbott	Testifying for Coastal Planners, LLC	Support	No

Comments:

The Legislature should incentivize and empower each County to regulate exposure to coastal hazards including sea level rise (SLR). For example, County's should regulate the type of construction allowed in areas that are likely to be subject to SLR during a building's lifespan. Building a slab on grade residence at a low elevation near the ocean is unwise given the home is likely to last at least 50 years. While FEMA's flood program addresses some construction techniques, it is primarily focused on strengthening in place and not relocating or avoiding flood or erosion prone sites altogether. In addition, FEMA flood zones are based on past flood events and do not account for projected SLR. Thus, the FEMA flood program (which is not used by all the County's) may mislead some property owners and developers into a false sense of security believing thier home or building is safe, when in fact, it is still subject to salt water innundation due to SLR. Similarly, simple horizontal setback distances that do not account for elevation above sea level may also be misleading, especially along sandy shorelines the shift in response to waves and currents.

We recommend amending the bill. Instead of refering to 'altitude' the bill should refer to 'elevation' or 'elevation above sea level'. We also suggest the underlined added text as shown below.

Section 205A-43 (a) Setbacks along shorelines are established of not less than [~~twenty feet and not more than~~] forty feet inland from the shoreline. Setbacks shall limit and/or restrict the construction of buildings that would be in harms way due to coastal hazards including sea level rise innundation during the building's anticipated lifespan. The department shall adopt rules to implement coastal hazard avoidance pursuant to chapter 91, and shall enforce the shoreline setbacks and rules pertaining thereto."

Mahalo for your consideration and support of smart coastal planning.