



DAVID Y. IGE  
GOVERNOR

MARY ALICE EVANS  
DIRECTOR  
OFFICE OF PLANNING

## OFFICE OF PLANNING STATE OF HAWAII

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Statement of  
**MARY ALICE EVANS**  
Director, Office of Planning  
before the  
**SENATE COMMITTEE ON WATER AND LAND**  
Friday, February 12, 2021  
1:00 PM  
Conference Room 229 & Videoconference

in consideration of  
**SB 1310**  
**RELATING TO COASTAL ZONE MANAGEMENT.**

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

The Office of Planning (OP) serves as the lead agency of the Hawaii Coastal Zone Management (CZM) Program, which was approved by the federal government in 1978, as defined in Hawaii Revised Statutes (HRS) Chapter 205A.

The purpose of SB 1310 is to protect Hawaii's beaches from accelerated erosion resulting from shoreline hardening structures. The OP respectfully provides the following **comments**:

1. The proposed reference of HRS § 205A-30 on Page 4, line 18, does not apply to the State Department of Land and Natural Resources. This section applies to the county authorities, which are county planning commissions, except on Oahu where it is the city council, to issue a special management area (SMA) emergency permit. Therefore, the proposed amendments to HRS § 205A-30 will not effectuate the purpose of this proposed measure.
2. Where shoreline management strategies, such as beach restoration may need to occur as one mechanism to fight against shoreline erosion, offshore structures such as groins – when properly designed – will function as an effective tool to stabilize and maintain beaches. The OP recommends that the definition of “Shoreline hardening structures” exclude groins.

Thank you for the opportunity to testify on this measure.



**Hawaiian  
Electric**

**TESTIMONY BEFORE THE SENATE COMMITTEE ON  
WATER AND LAND**

**S.B. 1310  
Relating to Coastal Zone Management**

Friday, February 12, 2021  
1:00 p.m. Agenda Item #3  
State Capitol, Conference Room 229 & Videoconference

Kerstan J. Wong  
Director, Operations, Planning and Construction Management Division  
Hawaiian Electric Company, Inc.

Dear Chair Inouye, Vice Chair Keith-Agaran and Members of the Committee,

My name is Kerstan Wong and I am testifying on behalf of Hawaiian Electric Company in **opposition** of S.B. 1310 Relating to Coastal Zone Management.

The Bill proposes to allow emergency permits for the construction, maintenance or improvement of shoreline hardening structures to be issued but the permit will be valid for only 3 years and cannot be renewed or extended.

As currently written, the bill's potential restriction of 3 years for emergency permits may not be sufficient time to allow for the issuance of a permanent approval on an acceptable solution. Project planning for a permanent and acceptable solution, which could include Chapter 343 compliance such as Environmental Impact Statements and Shoreline Management Area Compliance, design and construction could take many years. May we suggest a period of 7 years for the emergency permit to be valid if an applicant is demonstrating their intent to seek a compliant permanent solution. Another suggestion would be to allow extension of the 3 years if a final permit application has been submitted and is pending. A third option we offer is to provide language in the Bill

which exempts shoreline hardening structures for public purpose utility facilities from the limited 3-year emergency permit requirement.

An example of the continued need for shoreline hardening structures, is our Kahe Generation Facility on Oahu, which is in the shoreline management area, and produces the most firm and reliable electricity on the island. Continued protection and maintenance of this facility from the ocean including the effects of projected sea level rise is essential to maintain an adequate and reliable supply of power for Oahu.

Hawaiian Electric understands the anticipated effects of climate change - including increased storm activity and rising sea levels – therefore these important issues are part of our long-range planning and our ongoing work to enhance the resilience of our infrastructure.

Accordingly, Hawaiian Electric opposes S.B. 1310 as written, or in the alternative offer practical revisions to make the Bill acceptable. Thank you for this opportunity to testify.

Randolph G. Moore  
2445-A Makiki Heights Drive  
Honolulu Hawaii 96822

Telephone (808) 778-8832

email makikimoore@gmail.com

February 10, 2021

Honorable Lorraine R Inouye, Chair  
and members of the Committee on Water and Land  
The Senate  
State Capitol  
Honolulu, HI

Dear Senator Inouye and members of the Committee:

Subject: SB 1310 relating to coastal zone management

I encourage you to amend this bill, which as written would prohibit the extension of three-year permits granted by the Department of Land and Resources to oceanfront property owners to protect their properties from coastal erosion.

A bill addressing coastal erosion is long overdue. The lack of an overall policy on protection of property (public property as well as private property) as well as the preservation of sandy shoreline that is based on science and considers public as well as private interests has led to the hodge-podge of homeowner as well as state ad hoc actions to stem the loss of property.

I write as the owner since 1969 of sandy beachfront property at Sunset Beach. I have watched beach erosion over the past 50-plus years. At any given spot along this 2-plus miles of coast, the beach can be stable for more than ten years, then lose four feet, or ten feet, in a matter of days, then regenerate to restore some or all of what was lost and remain stable thereafter for many years. There appears to be no rhyme or reason, explainable in advance, for the behavior of the shoreline at any given spot.

Near my house, the owners of houses closest to the eroding beach acted, some without permits, to build walls, dump boulders, or install sandbags of varying dimensions to stop the erosion and protect their homes.

The problem for the neighbors of these early actors is that in many cases the erosion is deflected to the neighboring properties, who suffer more erosion in front of their properties than would have been the case if their neighbor had not installed a barrier. Then they are forced to act to save their homes, and the chain reaction continues.

When I built my current house in 1976, the required shoreline setback was 40 feet. I intentionally set my house back 60 feet to minimize the possibility that erosion would affect it. The most recent October 2020 erosion episode has taken the edge of the bank to within less than one foot from one of the corners of my house. The house sits on poles and was designed to be moveable. My lot is long and narrow, so I could move it as much as 60 ft back from its present location. I am prepared to do this if the state says I must. But any such action ought to be the result of state regulations, policies, procedures, that are based on science and rationality. I believe the proposed bill fails this test.

The proposed bill says, in effect, you (property owner) have up to three years from the date of your permit to figure out what to do, and then you must remove whatever you install. What becomes of all the currently-

unpermitted barriers? What are the guidelines to DLNR for issuing emergency permits to currently-unpermitted barriers as well as those not yet constructed? The emergency permits are valid for “up to three years.” What are the guidelines for determining how long the period should be? And what becomes of the property owner who installed a barrier, but the three year period expires in two months. If he/she takes it down when the permit expires, but the next door neighbor doesn’t, because the neighbor’s permit runs for another two years, the person removing his/her barrier is subject to increasing erosion caused by the neighbor’s still-permitted barrier. This is all the more unfair if the neighbor got a permit recently for a barrier that was installed years ago without a permit.

If and when the legal and illegal barriers must be removed, it would be less expensive in the aggregate and likely more environmentally desirable if all barriers in a row were removed at the same time. There could be a provision that the state would pay the cost of any property owner who did not have the funds to pay his/her fair share, with the state taking a lien against the property to secure repayment to the state, with interest.

And then there is the question of why, when beaches stabilize after a barrier has been installed, the barriers need to be removed?

Also, if barriers are not to be permitted, are property owners entitled to compensation because the state has, in effect, taken some or all of their property for a public purpose without compensation?

I understand that the Hawaii chapter of the Surfrider Foundation would like to organize a group of interested parties to discuss the problem of barriers to shoreline erosion and develop recommendations for how to deal with shoreline erosion.

My hope is that this committee will amend SB 1310 so that it recognizes this effort, and tasks this committee with working with DLNR to develop recommendations that would be incorporated in a bill in the 2022 legislative session to implement the recommendations.

Mahalo for your consideration.

*Randolph G. Moore*

**SB-1310**

Submitted on: 2/9/2021 1:45:56 PM

Testimony for WTL on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Halford	Individual	Oppose	No

Comments:

I oppose Sb1310. As a long time owner and resident of Ke Nui Rd We have experienced the sand shifts known to that section of beach. My husband bought our property on Ke Nui Rd approximately 37 years ago. He is a lifelong born and raised resident of Oahu. We have lived and raised our family of 4 now adult children on this beach. Maintaining the shoreline coastal access and property is very important to us. We do not see the 2 as mutually exclusive. 3 years ago (2018) we had several hurricane/stroms in a row that caused extensive erosion to our property and several others along Ke Nui Rd. We were permitted to use the "sand burritos" to save our properties from further damage. The burritos and subsequent sand replenishment saved our home and the sand dune. Since then we have not experienced further erosion. In fact the last 3 years naupaka and pohuehue have started to regrow on the dune. The beach fronting our property has not suffered further erosion. There has been and continues to be a very large beach fronting these properties today. It seems arbitrary and punitive to subject the home owners and residents of this beach differently than that of homeowners in Lanikai, Waimanalo, Hawaii Kai and Waikiki. The Coastal Land Management <https://dlnr.hawaii.gov/occl/coastal-lands-program/> supports comprehensive community based shoreline management. The management of our coastlines should be universal.

The permits and requests we have asked for require NO public money and are **preventing the erosion of the coastline not accelerating it.**

If Waikiki is able to use sand replenishment, groins and other shoreline enhancing/stabilizing tools. We as residents should be able to as well.

Thank you,

Diane Halford

homeowner/resident

**SB-1310**

Submitted on: 2/9/2021 2:17:12 PM

Testimony for WTL on 2/12/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
peter halford	Individual	Oppose	No

Comments:

Thank you for the opportunity to testify on SB 1310. I am opposed to this bill. I have a home on Ke Nui Road that is fronting Ehukai and Pupukea surf breaks, and have witnessed the shore line changes for 37 years. A freak swell due to 3 hurricanes threatened our home and took out 12 feet of our land in September 2018. A number of our neighbors had the same predicament. We were granted approval by the DNLR to place sand burritos to stop further erosion and save our homes and property. They were successful. The sand has subsequently all come back and the dunes are restored. In fact the beach has never looked better. This bill states that no extensions or repairs will be allowable after 3 years which flies in the face of maintaining the present coastline. It would be counterproductive to remove sand and foliage in search of a burrito. The maintenance and protection of our shorelines should be comprehensive and universal. (Waikiki has groins, and sand replenishment ). Thank you, Peter Halford 59-317 Ke Nui Road

**SB-1310**

Submitted on: 2/9/2021 2:30:39 PM

Testimony for WTL on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
glenn wachtel	Individual	Oppose	No

Comments:

Hi, I am a long time 25yr beachfront resident residing on the North Shore and a former City and County employee with the Lifeguard Division and I oppose SB #1310 in its entirety. The State needs to allow MORE options and solutions to relieve the shoreline erosion issues faced by long time local residents rather than taking away or restricting the current protocols which are already extremely limited. For local residents residing on the North Shore there is virtually no other option allowed by the State but the installation of temporary sand burritos to manage the shoreline erosion. However, for other beaches and the hotels and resorts that front them around the State there have been numerous State allowed and funded beach erosion and protection projects not the least the one just started at Waikiki Beach that will pump 1000's of tons sand from offshore onto the beach with an offshore dredging machine and heavy machinery on the beach to move the sand which will close Waikiki Beach to the public for three months. Or the recently completed concrete rock seawall and groin approved and funded by the State fronting the Royal Hawaiian Hotel. Same thing with the State approved and funded offshore groins and seawalls installed for erosion protection at Ko Olina Beaches. Same thing with the shoreline erosion protection approved by the State for the installation of large rock boulders and rock cages on the beaches of Punaluu and Kaawa to prevent Kam Highway from erosion. Same thing with Barrack Obama's seawall extension and approval by the State in Waimanalo. So why do local long time shoreline residents that experience the same erosion issues get only get temporary sand burritos and the Big Hotels, Resorts and other beaches and owners around the State get all the proper long term erosion protection they ask for from the State and we barely can get temporary sand burritos? We are equal citizens by law and should be afforded the same remedies that have been granted to the big hotels, resorts and other owners for the same issue. I would also like to add that the burritos that have been installed on the North Shore DO NOT I repeat DO NOT contribute to erosion. All the sand where the burritos have been installed has returned 100% in just a matter of months. Just walk along Sunset Beach to Ke Iki beach now and you will see its as wide, replenished and as full as ever from mother nature with no effects from the burritos. So whats the fuss? The burritos are working! Let us have and keep the only solution afforded to us by the State which is a fraction of what is afforded to big beachfront hotels and resorts other owners and threatened City or State areas. I would also like to state that what has been stated in the first paragraph of #SB1310 is totally false. Sand burritos do not contribute to shoreline erosion as has been proven on the North Shore. This Bill



is poorly written is without proper reserarch and study and needs to be rejected in its entirety.

**SB-1310**

Submitted on: 2/9/2021 3:06:36 PM

Testimony for WTL on 2/12/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Moani Keala	Individual	Oppose	No

Comments:

This bill unfairly penalizes beachfront homeowners. State owned beachfront properties with sea walls or shoreline revetments were paid for by community tax dollars. If legislators intend to penalise all beach front owners then the state should also be penalized, and not just private citizens. All hardscape, i.e., sea walls, etc. should be removed if this bill passes, and that includes all concrete fronting Waikiki beach. This would be ridiculous, and thus the bill is discriminatory because it mandates harm to private citizens who own beachfront land. Auwe!

**SB-1310**

Submitted on: 2/9/2021 2:51:21 PM

Testimony for WTL on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
glenn wachtel	Individual	Oppose	No

Comments:

Hi, I am a long time 25yr beachfront resident residing on the North Shore and a former City and County employee with the Lifeguard Division and I oppose SB #1310 in its entirety. The State needs to allow MORE options and solutions to relieve the shoreline erosion issues faced by long time local residents rather than taking away or restricting the current protocols which are already extremely limited. For local residents residing on the North Shore there is virtually no other option allowed by the State but the installation of temporary sand burritos to manage the shoreline erosion. However, for other beaches and the hotels and resorts that front them around the State there have been numerous State allowed and funded beach erosion and protection projects not the least the one just started at Waikiki Beach that will pump 1000's of tons sand from offshore onto the beach with an offshore dredging machine and heavy machinery on the beach to move the sand which will close Waikiki Beach to the public for three months. Or the recently completed concrete rock seawall and groin approved and funded by the State fronting the Royal Hawaiian Hotel. Same thing with the State approved and funded offshore groins and seawalls installed for erosion protection at Ko Olina Beaches. Same thing with the shoreline erosion protection approved by the State for the installation of large rock boulders and rock cages on the beaches of Punaluu and Kaawa to prevent Kam Highway from erosion. Same thing with Barrack Obama's seawall extension and approval by the State in Waimanalo. So why do local long time shoreline residents that experience the same erosion issues get only get temporary sand burritos and the Big Hotels, Resorts and other beaches and owners around the State get all the proper long term erosion protection they ask for from the State and we barely can get temporary sand burritos? We are equal citizens by law and should be afforded the same remedies that have been granted to the big hotels, resorts and other owners for the same issue. I would also like to add that the burritos that have been installed on the North Shore DO NOT I repeat DO NOT contribute to erosion. All the sand where the burritos have been installed has returned 100% in just a matter of months. Just walk along Sunset Beach to Ke Iki beach now and you will see its as wide, replenished and as full as ever from mother nature with no effects from the burritos. So whats the fuss? The burritos are working! Let us have and keep the only solution afforded to us by the State which is a fraction of what is afforded to big beachfront hotels and resorts other owners and threatened City or State areas. I would also like to state that what has been stated in the first paragraph of #SB1310 is totally false. Sand burritos do not contribute to shoreline erosion as has been proven on the North Shore. This Bill

is poorly written is without proper reserarch and study and needs to be rejected in its entirety.

**SB-1310**

Submitted on: 2/9/2021 8:41:38 PM

Testimony for WTL on 2/12/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Charles Brand	Individual	Oppose	No

Comments:

I am in opposition to Senate Bill # 1310.

The inequities between the Waikiki commercial beach restoration project vs the punitive attack on passive private property protection of residential shoreline neighborhoods must be addressed and considered before this bill or any such bills are passed.

It is unjust to allow massive hotel associations to work directly with the state to repeatedly restructure the Waikiki beach shoreline through shoreline hardening of seawalls, groins and sand excavation. While at the same time, denying local residential neighborhoods the ability to self-fund, limited passive property protection tactics of seawall repair, and sandbag walls (burritos). Until this inequity is addressed, I stand in opposition to this bill.

Yours sincerely,

Charles Brand

North Shore Homeowner

**SB-1310**

Submitted on: 2/10/2021 8:10:31 AM

Testimony for WTL on 2/12/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Patrice Kaplan	Individual	Oppose	No

Comments:

As a citizen of the State of Hawaii, and a resident of the North Shore of Oahu, I am in opposition to Senate Bill # 1310. The inequities between the Waikiki commercial beach restoration project vs the attack on passive private property protection of residential shoreline neighborhoods must be addressed and considered before this bill or any such bills are passed. It is unjust to allow massive hotel associations to work directly with the state to repeatedly restructure the Waikiki beach shoreline through shoreline hardening of seawalls, groins and sand excavation. While at the same time, denying local residential neighborhoods the ability to self fund, limited passive property protection tactics of seawall repair, and sandbag walls(burritos). Until this inequity is addressed, I stand in opposition to this bill. Appreciate your consideration of this testimony in opposition to SB #1310. Sincerely, Patrice Kaplan

**SB-1310**

Submitted on: 2/10/2021 11:11:21 AM

Testimony for WTL on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Suzanne Aquino	Individual	Oppose	No

Comments:

RE: SB1310: Relating to Coastal Zone Management

I am in opposition of Senate Bill # 1310.

As a tax-paying Hawaii home owner I feel it is in my right to question how the Hawaii State representatives can, without due diligence, consider denying me the the ability to individually finance and protect the integrity, value and safety of my beachfront property without proving to me that such efforts will truly jeopardize the Oahu coastline yet meanwhile blatantly permit similar ongoing restorative processes in Waikiki.

To date, the evidence that private property beach restoration as opposed to Waikiki beach restoration selectively destroys the state's coastline is journalistic here-say and finger pointing.

How can the state and its representatives pass legislation without sound evidence derived from scientific based research?

I believe the discrepancy between the state's endorsed and financed Waikiki commercial beach restoration project and SB1310 taking punitive action on local private property owners' attempt to protect their own property shorelines should be addressed with scientific data before this bill or any future bills are introduced and voted on.

Where is the data? Where is the transparency?

Sincerely,

Suzanne Lei Aquino

**SB-1310**

Submitted on: 2/10/2021 11:19:04 AM

Testimony for WTL on 2/12/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
rodney youman	Individual	Oppose	No

## Comments:

As a home owner and tax payer on the North Shore of Oahu, I stand in FIRM opposition to Senate Bill # 1310. There is an abysmal inequality between the Waikiki commercial beach restoration projects, and the punitive attack on passive private property protection of residential shoreline neighborhoods. We have been subjected to outrageous fines for simply trying to save our homes. This is a violation of the Equal Protection and Due Process clauses enshrined in the U.S. Constitution. Dozens of homes, some of which have been there for several decades, are in imminent danger of falling into the Ocean. This in turn poses an immediate threat to many families. These urgent matters must be addressed and considered before this bill or any such bills are passed. It is patently unjust to allow massive hotel associations to work directly with the State, to repeatedly restructure the Waikiki beach shoreline through shoreline hardening of seawalls, groins and sand excavation. At the same time, however, denying local residential neighborhoods the ability to self fund, use limited passive property protection tactics of seawall repair, and sandbag walls (burritos) installation. Until this inequality and double-standard is addressed, I stand in firm opposition to this bill. Sincerely, RODNEY R. YOUMAN.



As a tax payer and home owner on the North Shore of Oahu, I strongly oppose Senate Bill 1310 because of its unjust inequalities and its far too broad. It's a huge mistake to assume that all the shorelines of all coasts of the Hawaiian Islands are the same, there needs to be segregation and specific policy applicable for each sides of the Islands due to the vast diversities. For example, the North Shore of Oahu and in particular the stretch of coast from Keiki Beach to Sunset Beach Park experiences a sand migration cycle unlike nowhere else on Oahu or even the rest of Hawaii or the world for that matter. The unique topography of the ocean floor along this stretch of coast combined with the huge waves during the winter months which can get as big as 80ft put any beachfront home without some sort of hardened shoreline in danger! These monster waves break extremely close to shore unleashing all their energy onto the shoreline of the underlying homes which are just a few yards away while in comparison the South and East Shores of Oahu rarely get waves above 15ft that break 100s of yards out at sea so by the time they reach the shoreline they've lost all their energy!

Hardening the shoreline on this stretch of coast should be a 'no brainer' and Permits should be offered to all beachfront homes that currently have no shoreline protection. In addition to the above, scientific evidence proving that a hardened shoreline accelerates beach erosion DOES NOT APPLY HERE! It's been proven that seawalls or revetments don't cause any beach erosion on this stretch of beach and the beach width at any one time is purely determined by the current stage of the local Sand Migration Cycle which is unique to this area

As a beachfront home owner of a home with a permitted Rock Revetment located at Pipeline Beach, Oahu, I can tell you first hand that the rock revetment we have that stretches across 7 properties does not cause beach erosion as each year the maximum beach width

in front of our homes grows to approximately 75+ yards wide. Also, our properties wouldn't exist without this rock revetment as on numerous XXL swells over the past years, the rock revetments have saved our homes from falling into the ocean when the surge from the waves reached our rock revetment and defused most of the energy!

Furthermore, the City of Honolulu with the permission from the DLNR (OCCL dept.) has been undertaking sand pushing of Sunset Beach Park during the summer months. This practice which can be directly attributed to one of the causes of the accelerated erosion of the beach to the west has been approved with no studies or an EA Report on the effects it has on the Sand Migration Cycle. It's crazy that owners of homes fronting this shoreline have had to try and save their properties with soft short term solutions (burritos) at their expense while bearing the brunt of bad publicity for the accelerated beach erosion supposedly caused by the Burritos when it has nothing to do with these 'Burrito Structures'

Based on the above points I stand in firm opposition to this Bill

Sincerely,

William Kernot  
59 411 Ke Nui Rd  
Haleiwa HI 96712  
808 799 3983



Aloha,

As citizens of the State of Hawaii, native Hawaiians and owners of beachfront property here on Oahu, we are in opposition to Senate Bill # 1310.

We feel it is unjust to allow massive hotel associations to work directly with the state to repeatedly restructure Waikiki beaches through shoreline hardening. While at the same time, denying local residential neighborhoods the ability to self-fund, limited passive property protection tactics of seawall repair, and sandbag walls(burritos). My wife and I are multi-generational Hawaii residents raising our family of five here on the North Shore of Oahu. Please, help us to protect our home so that we may pass it on to future generations of our family.

Until this inequity is addressed, we stand in opposition to this bill.

Sincerely,

Fred & Melissa Patacchia