

Honolulu, Hawaii

FEB 15 2022

RE: S.B. No. 2519
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 2519 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:

- (1) Require an emergency shoreline hardening permit for the construction, maintenance, or improvement of a temporary erosion control structure;
- (2) Provide that each permit is valid for a maximum of one year; provided that the lifetime of the structure may be extended no more than an additional two and a half years upon an applicant demonstrating a concerted effort, as deemed acceptable by the Board of Land and Natural Resources, to develop and implement a long-term solution that will enable the removal of the temporary erosion control structure;
- (3) Establish penalties for persons who build, improve, or maintain a temporary erosion control structure without a valid permit; and
- (4) Require the Board of Land and Natural Resources to administer and enforce this Act.



Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and Surfrider Foundation. Your Committee received comments on this measure from the Office of Planning and Sustainable Development.

Your Committee finds that many beachfront homeowners in the State have built seawalls, sandbag walls, known locally as "burritos", or other shoreline hardening structures, including geotextile fabric, to stave off local sea level rise, strong wave action, and coastal flooding along the coast. However, these structures accelerate coastal erosion in areas they are meant to protect and further cause increased erosion in adjacent areas of the beach that do not have similar structures. While some of these structures are built without permission, others are built with emergency permits that are typically limited to three years, are often granted endless extensions, and are generally not removed after the expiration of the permit.

Your Committee also finds that the State has a "no tolerance" policy for new shoreline armoring. Although property owners may apply to build a seawall, this process is long and cumbersome, including a formal environmental review and public hearings, and requires approval from the Department of Land and Natural Resources. The emergency permit, in contrast, does not require the lengthy review process that is required for formal, authorized seawalls. This measure strengthens rules regarding the issuance of permits and its validity; long-term solutions to enable the removal of temporary erosion control structures; and penalties for persons who build, improve, or maintain a temporary erosion control structure without a valid permit.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) 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 S.B.



No. 2519, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2519, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

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

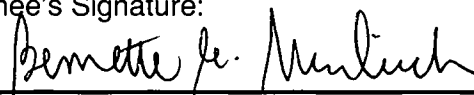


LORRAINE R. INOUYE, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2519	WTL, JDC/WAM	2/11/22		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	/			
KEITH-AGARAN, Gilbert S.C. (VC)	/			
MISALUCHA, Bennette E.	/			
RIVIERE, Gil	/			
FEVELLA, Kurt	/			
TOTAL	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
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