

JAN 20 2023

A BILL FOR AN ACT

RELATING TO BEACH PRESERVATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that sea level rise is an
2 unstopable reality for Hawaii and the world. The
3 Intergovernmental Panel on Climate Change's Sixth Assessment
4 Report Summary for Policymakers states that "[m]any changes due
5 to past and future greenhouse gas emissions are irreversible for
6 centuries to millennia, especially changes in the ocean, ice
7 sheets[,] and global sea level." Also, for the first time in
8 its history, the Intergovernmental Panel on Climate Change warns
9 that "low-likelihood outcomes, such as ice-sheet collapse,
10 abrupt ocean circulation changes, some compound extreme events,
11 and warming substantially larger than the assessed *very likely*
12 range of future warming, cannot be ruled out and are part of the
13 risk assessment."

14 The legislature also finds that Sunset Beach is a priceless
15 stretch of irreplaceable coastline, world-famous and iconic to
16 the sport of surfing, and a key driver of the north shore
17 economy. However, the State's failure to enforce its own laws



1 and uphold its duties under the public trust doctrine on a small
2 stretch of Sunset Beach coastline between 59-145 and 59-175C Ke
3 Nui road on Oahu, has led to houses falling onto the sand,
4 debris littering near shore waters, and limitations to public
5 access.

6 The legislature finds that the State has jeopardized the
7 future of Sunset Beach in this respect and has decided to take
8 ownership of these particular problematic properties in order to
9 create a new public beach park and allow natural coastal
10 processes to reform a beach in the area.

11 The legislature further finds that the acquisition will
12 provide additional benefits to include:

13 (1) Giving parcel owners a fair exit strategy from a
14 situation that otherwise has no good ending and
15 implementing a leaseback program that will allow the
16 State to recoup some of its investment;

17 (2) Creating a new park that shall be conveyed to the city
18 and county of Honolulu or a nonprofit such as the
19 North Shore Community Land Trust; with extra funds to
20 construct additional parking and potentially another
21 shower facility; and



1 (3) Providing extra parking that will alleviate traffic
2 and allow residents and visitors to enjoy the
3 beautiful and iconic shoreline.

4 The legislature finds that this one-time acquisition of
5 properties does not signify any policy or set any precedent and
6 is not endorsing the creation of a policy to purchase coastal
7 property that the State otherwise could acquire for free as the
8 unstoppable shoreline moves mauka. Notwithstanding, waiting for
9 the beach to erode could mean losing Sunset Beach entirely,
10 which is not in the public interest.

11 The legislature finds that in the future, proper
12 enforcement of beach preservation laws should avoid a repeat of
13 this scenario, and the legislature fully expects the department
14 of land and natural resources to execute and enforce state law.

15 Accordingly, the purpose of this Act is to:

16 (1) Require the department of land and natural resources
17 to acquire by eminent domain the fee simple interest
18 to the parcels of land with improvements thereon
19 located between 59-145 and 59-175C Ke Nui road;

20 (2) Appropriate funds to the department of land and
21 natural resources for the just compensation of taking



1 the fee simple interest to the parcels of land with
2 improvements thereon; and

3 (3) Appropriate funds to the department of land and
4 natural resources to create a new public beach park.

5 SECTION 2. The department of land and natural resources
6 shall acquire by eminent domain pursuant to chapter 101, Hawaii
7 Revised Statutes, the fee simple interest to the following
8 parcels of land with existing improvements thereon, for the
9 purpose of creating a new public beach park. The parcels to be
10 acquired are as follows:

- 11 (1) TMK 5-9-002-001-0000 (59-145 Ke Nui road);
- 12 (2) TMK 5-9-002-002-0000 (59-147A Ke Nui road);
- 13 (3) TMK 5-9-002-003-0000 (59-147 Ke Nui road);
- 14 (4) TMK 5-9-002-004-0000 (59-149 Ke Nui road);
- 15 (5) TMK 5-9-002-005-0000 (59-151A Ke Nui road);
- 16 (6) TMK 5-9-002-007-0000 (59-151 Ke Nui road);
- 17 (7) TMK 5-9-002-008-0000 (59-155 Ke Nui road);
- 18 (8) TMK 5-9-002-009-0000 (59-157 Ke Nui road);
- 19 (9) TMK 5-9-002-011-0000 (59-161 Ke Nui road);
- 20 (10) TMK 5-9-002-012-0000 (59-163 Ke Nui road);
- 21 (11) TMK 5-9-002-017-0000 (59-165D Ke Nui road);



- 1 (12) TMK 5-9-002-018-0000 (59-165B Ke Nui road);
- 2 (13) TMK 5-9-002-019-0000 (59-165A Ke Nui road);
- 3 (14) TMK 5-9-002-020-0000 (59-165 Ke Nui road);
- 4 (15) TMK 5-9-002-021-0000 (59-171 Ke Nui road);
- 5 (16) TMK 5-9-002-022-0000 (59-171A Ke Nui road);
- 6 (17) TMK 5-9-002-023-0000 (59-171B Ke Nui road);
- 7 (18) TMK 5-9-002-024-0000 (59-171C Ke Nui road);
- 8 (19) TMK 5-9-002-025-0000 (59-171D Ke Nui road);
- 9 (20) TMK 5-9-002-026-0000 (59-175C Ke Nui road);
- 10 (21) TMK 5-9-002-027-0000 (59-175B Ke Nui road); and
- 11 (22) TMK 5-9-002-030-0000 (59-175 Ke Nui road).

12 SECTION 3. There is appropriated out of the general
 13 revenues of the State of Hawaii the sum of \$60,000,000 or so
 14 much thereof as may be necessary for fiscal year 2023-2024 for
 15 the just compensation of taking the fee simple interest to the
 16 parcels of land with improvements thereon located between 59-145
 17 and 59-175C Ke Nui road.

18 The sum appropriated shall be expended by the department of
 19 land and natural resources for the purposes of this Act.

20 SECTION 4. There is appropriated out of the general
 21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2023-2024 and
2 the same sum or so much thereof as may be necessary for fiscal
3 year 2024-2025 for the creation of a new public beach park.

4 The sums appropriated shall be expended by the department
5 of land and natural resources for the purposes of this Act.

6 SECTION 5. This Act shall take effect on July 1, 2023.

7

INTRODUCED BY: 



S.B. NO. 1026

Report Title:

Eminent Domain; Ke Nui Road; Department of Land and Natural Resources; Appropriations

Description:

Requires the Department of Land and Natural Resources to acquire by eminent domain the fee simple interest to the parcels of land with improvements thereon located between 59-145 and 59-175C Ke Nui Road. Appropriates funds.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

