

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING 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

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committee on
Water and Land

Friday, Mar 15, 2024
1:00 p.m.

State Capitol, Conference Room 229 & Videoconference

In consideration of
HOUSE BILL 1546 HOUSE DRAFT 1
RELATING TO RESTORATION OF BEACH LANDS

House Bill 1546 House Draft 1 proposes to amend the definition of “beach restoration” used in laws governing the Board of Land and Natural Resources’ powers to engage in beach restoration to include activities undertaken to improve eroded beaches and degraded dune systems and to remove abandoned and remnant manmade materials that pose a risk to the health of the public and ecosystem. **The Department of Land and Natural Resources (Department) strongly supports this bill.**

The Department administers the beach restoration program for the State via the Office of Conservation and Coastal Lands (OCCL). The beach fund can be used to provide grants to counties, nongovernmental organizations and the University of Hawai‘i for the restoration of beach lands.

Currently “beach restoration” by definition is limited to the placement of sand on a beach from outside sources such as streams, harbors, quarries, and offshore sand sources. In recent years community organizations have expressed an interest in conducting related nature-based activities, such as dune restoration, to promote a naturally resilient shoreline. These organizations need financial assistance to accomplish these stewardship activities.

The Department supports broadening the types of community-supported activities covered by the definition of “beach restoration.” Including dune restoration, sand pushing, and removal of derelict structures as “beach restoration” in addition to the placement of sand will enable OCCL to support a full suite of nature-based activities proven to enhance the public trust, promote resilience, and encourage community engagement.

The Department believes that the bill’s current language is inclusive of a range of beach restoration activities. However, we appreciate testimony submitted expressing concern that the bill’s current

language would actually exclude beach nourishment. We therefore propose the following amendments to better align the changes proposed by the bill with its intent:

At Section 2, page 2, line 13; replace the currently proposed language with the following:

""Beach restoration" means [~~the placement of sand, with or without stabilizing structures, on an eroded beach from an outside source such as offshore sand deposits, streams, channels or harbor mouths, or an upland sand quarry.~~] any activity undertaken to:

(1) Maintain and improve ~~eroded~~ beaches and ~~degraded~~ dune systems through management of sand and native dune vegetation; or

(2) Remove abandoned remnant materials from beaches and dunes that pose a risk to public ~~and~~ ecosystem health and coastal ecosystems; or

(3) Nourish eroded beaches through the placement of compatible sand from an outside or adjacent source, with or without stabilizing structures.

Mahalo for the opportunity to provide testimony in support of this measure.



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
Senate Committee on Water and Land
Friday, March 15, 2024 at 1:00 p.m.

By

Charles "Chip" Fletcher, PhD
Interim Dean

School of Ocean and Earth Science and Technology

And

Darren Lerner, PhD
Director, Sea Grant College Program

And

Michael Bruno, PhD
Provost

University of Hawai'i at Mānoa

HB 1546 HD1 – RELATING TO RESTORATION OF BEACH LANDS

Chair Inouye, Vice Chair Elefante, and Members of the Committee:

The University of Hawai'i Sea Grant College Program (Hawai'i Sea Grant) and the Climate Resilience Collaborative (CRC) support House Bill 1546, which amends the definition of "beach restoration" used in laws governing the Board of Land and Natural Resources' powers to engage in beach restoration to include activities undertaken to improve eroded beaches and degraded dune systems and to remove abandoned and remnant materials that pose a risk to the health of the public and ecosystem.

Hawai'i Sea Grant and CRC support this measure because it will enable the Department of Land and Natural Resources (DLNR) to more effectively maintain and improve beaches and the health of coastal resources and support sustainable climate adaptation statewide. Hawai'i Sea Grant and CRC support the amendments proposed by DLNR to improve this bill.

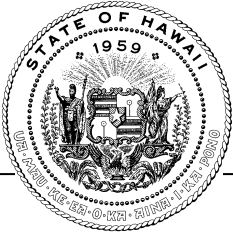
Hawai'i Sea Grant's mission is to provide integrated research, extension, and education activities that increase understanding and use of ocean and coastal resources of the Hawaiian and Pacific Islands and support the informed personal, policy, and management decisions that are integral to realizing this vision. Hawai'i Sea Grant is part of a national network of 34 university-based programs associated with the National Oceanic and Atmospheric Administration that promote better understanding, conservation, and use of coastal resources.

CRC is a multi-investigator research project at the University of Hawai'i at Mānoa focused on sea level rise adaptation and climate resilience. CRC is updating coastal models that project the impacts of sea level rise.

The research that goes into identifying Hawai'i's exposure to sea level rise is coming out of the University of Hawai'i School of Ocean and Earth Science and Technology. To maintain our understanding of sea level threats based on the latest science, these researchers need ongoing

financial support from the State. CRC would be happy to provide updated sea level rise data and projections to the Committee or any lawmaker upon request.

CRC and Hawai'i Sea Grant support House Bill 1546, provided its adoption does not impact priorities as indicated in our Board of Regents Approved Budget. Thank you for the opportunity to testify on this measure.



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
INTERIM DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawai'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

Statement of
MARY ALICE EVANS, Interim Director

before the
SENATE COMMITTEE ON WATER AND LAND
Friday, March 15, 2024, 1:00 PM
State Capitol, Conference Room 229

in consideration of
HB 1546 HD1 HD1
RELATING TO RESTORATION OF BEACH LANDS.

Chair Inouye, Vice Chair Elefante, and Members of the Senate Committee on Water and Land:

The purpose of HB 1546 HD1 is to amend the definition of beach restoration used in laws governing the board of land and natural resources' powers to engage in beach restoration by expanding the types of activities in response to the increasing threat of sea level rise and beach loss.

The Office of Planning and Sustainable Development (OPSD) **supports** HB 1546 HD1. For the purposes of clarity and accuracy to expand the types of activities in beach restoration, the OPSD recommends amending the definition of "Beach restoration" proposed by HB 1546 HD1 as follows:

"Beach restoration" means any activity undertaken to:

- (1) Nourish eroded beaches through the placement of compatible sand from an adjacent or outside source, with or without stabilization structures; or
- (2) ~~(1)~~ Maintain and improve [~~eroded~~] beaches and [~~degraded~~] dune systems through management of sand and native dune vegetation; or
- (3) ~~(2)~~ Remove abandoned remnant [~~manmade~~] materials from beaches and dunes that pose a risk to public [~~and ecosystem~~] health and coastal ecosystems.

Thank you for the opportunity to testify on this measure.

OFFICE OF CLIMATE CHANGE SUSTAINABILITY AND RESILIENCY

KE KE'ENA LOLI ANIAU MĀLAMA 'ĀINA A ME KE OLA LOA

CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 11th FLOOR • HONOLULU, HAWAII 96813

PHONE: (808) 768-2277 • EMAIL: resilientoahu@honolulu.gov • INTERNET: www.resilientoahu.org

RICK BLANGIARDI
MAYOR
MEIA



MATTHEW GONSER, AICP, CFM
EXECUTIVE DIRECTOR &
CHIEF RESILIENCE OFFICER
PO'O HO'OKO & KAHU OLA LOA

BENJAMIN SULLIVAN
DEPUTY DIRECTOR &
DEPUTY CHIEF RESILIENCE OFFICER
HOPE PO'O & HOPE KAHU OLA LOA

FRIDAY, MARCH 15, 2024, 1:00 P.M.

STATE OF HAWAII
SENATE COMMITTEE ON WATER AND LAND

**TESTIMONY ON HOUSE BILL 1546, HD1
RELATING TO RESTORATION OF BEACH LANDS**

BY,

MATTHEW GONSER
EXECUTIVE DIRECTOR AND CHIEF RESILIENCE OFFICER
OFFICE OF CLIMATE CHANGE, SUSTAINABILITY AND RESILIENCY

Dear Chair Inouye, Vice Chair Elefante, and Members of the Committee:

The City and County of Honolulu (“City”) Office of Climate Change, Sustainability and Resiliency (CCSR) **supports HB1546, HD1**, which amends the definition of “beach restoration” used in laws governing the Board of Land and Natural Resources’ powers to engage in beach restoration by expanding the types of activities recognized as restorative and beneficial to beach lands in response to the increasing threat of sea level rise and beach loss.

Over five miles of sandy beach on O’ahu have already been lost to erosion, and 60 percent of O’ahu beaches are in a chronic state of erosion. Future projections of up to 5.84 feet of sea level rise by the end of the century will have significant impacts on coastal properties and environmental resources. Climate Ready O’ahu, the City’s climate adaptation strategy, recognizes the critical role dune ecosystems play in providing shoreline erosion control and seeks to strengthen partnerships with local community groups to provide additional capacity for local beach restoration¹.

Expanding the current definition of beach restoration to include additional activities that promote a naturally resilient shoreline will enable broader community

¹ *Climate Ready O’ahu*, Action 5.4: Collaborate with the community to restore beach and dune systems in City beach parks: <https://www.climatereadyoahu.org/>.

Chair Inouye and Vice Chair Elefante
HB1546, HD1
March 15, 2024
Page 2

participation in restoration efforts by making it easier for the Department of Land and Natural Resources to fund dune restoration and beach cleanups, two common community-driven restoration efforts. Mitigating the impacts of sea level rise and coastal flooding on our beaches and coastal communities will require coordination and commitment for generations to come. Increasing funding, support, and collaboration with community organizations for more diverse beach restoration projects is a necessary step towards strengthening our resilience to climate impacts, while restoring our unique and culturally important natural ecosystems.

Thank you for the opportunity to testify in support of HB1546, HD1.



3/12/2024

Water and Land Committee
Hawai'i State Capitol
Honolulu, Hawai'i 96813

Dear Chair Inouye, Vice Chair Elefante, and Members of the Water and Land Committee,

Position: Support HB1546 - Restoration of Beach Lands

The Surfrider Foundation, Hawai'i region, is testifying in **strong support of HB1546 HD1**,

From 2021-2022, the Surfrider Foundation, O'ahu Chapter, SeaGrant, and SSFM International convened the North Shore Coastal Resilience Working Group (NSCRWG),¹ a group of stakeholders on the North Shore, to discuss the imminent threats of sea level rise and proposed solutions. Of the 7 critical concerns that we identified, one specifically discussed the immediate need to address the environmental impacts of unauthorized and expired materials on the shoreline.

Surfrider Foundation has supported the community-based "burrito" cleanups at Kammies beach on the North Shore of O'ahu. During these cleanups, community members remove failed burrito systems, remnant black fabric, and other dangerous debris along the state shoreline. There is a significant need for more funding, action, and capacity to remove these materials not only along O'ahu, but public shorelines throughout the state.

HB1546 supports OCCL's ability to better support these efforts by broadening the definition of the uses of the Beach Restoration Fund in order to provide a wider array of options to respond to the many challenges that face our shoreline and beach communities.

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Surfrider maintains a network of over 150 chapters and academic clubs nationwide, including 3 chapters in the Hawaiian Islands. The Surfrider Foundation focuses on many aspects of the environment such as coastal protection, plastic pollution, and water quality. Thank you for your consideration of this testimony in support of HB1546, submitted on the behalf of the Surfrider Foundation's 3 Chapters in Hawai'i and all of our members who live in the state and visit to enjoy the many coastal recreational opportunities offered by all of the islands' coastlines.

Sincerely,

Lauren Blickley
Hawai'i Regional Manager
Surfrider Foundation

¹ <https://hawaii.surfrider.org/northshoreworkinggroup/>

Friday, March 15, 2024, 1:00 P.M.

State of Hawai‘i

Senate Committee on Water and Land
State Capitol, Conference Room 229

**JOINT TESTIMONY OF DUANE FISHER AND ERIC ROBINSON OFFERING
COMMENTS ON HOUSE BILL 1546, HD1
RELATING TO RESTORATION OF BEACH LANDS**

Dear Chair Inouye, Vice Chair Elefante, and Committee Members:

Our firm is legal counsel for a variety of clients that own property throughout the State, including individuals, businesses, and resorts. We practice in the areas of business and real estate law, including land use, shoreline, and special management area issues. We **offer comments** on House Bill 1546, HD1.

As we have previously testified, we agree with HB1546’s premise that the State should “expand[] the types of activities” that it “recognizes as restorative and beneficial to beach lands[.]” Notwithstanding this premise, we have voiced our concerns that the bill could instead potentially narrow recognized activities by removing the activities currently recognized as beach restoration (*i.e.*, sand placement, with or without stabilizing structures). The Office of Conservation and Coastal Lands reached out to us regarding our concerns, some of which we understand are addressed in the Department of Land and Natural Resources’ proposed amendments. We support the amendment to identify sand placement, with or without stabilizing structures, as a recognized beach restoration activity—this language already exists in HRS § 171-151.

Without such an amendment, the bill could be interpreted by DLNR and BLNR to preclude the placement of sand and instead only allow sand pushing and sand back passing. Sand placement is an essential tool for restoring and maintaining our beaches, and in some instances, stabilizing structures are needed. For example, beach restoration in Waikiki (which the State is currently partnering with private industry on) includes sand placement, both with and without stabilizing structures. We must keep all of the tools available to us in the toolbox, including sand placement, with and without stabilizing structures.

Given the potential for varied interpretations of what sand sources are allowable, we believe that it is important to also restore the examples of outside sand sources currently provided in HRS § 171-151. Accordingly, we respectfully offer the following amendments for the Committee’s consideration:

- **On page 2, line 20 – Delete the word “or”**
- **On page 3, line 2 – Delete the period and replace with “; or”**
- **On page 3, line 3 – Insert a new subparagraph (3) to read as follows:**


“(3) Nourish eroded beaches through the placement of compatible sand, with or without stabilizing structures, from an outside or adjacent sand source such as offshore sand deposits, streams, channels or harbor mouths, or an upland sand quarry.”

Mahalo for the opportunity to provide testimony on HB1546, HD1.

Very truly yours,



Duane R. Fisher



Eric S. Robinson

HB-1546-HD-1

Submitted on: 3/12/2024 1:19:50 PM

Testimony for WTL on 3/15/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Denise E Antolini	Individual	Support	Written Testimony Only

Comments:

Aloha WTL Chair Inouye, Vice Chair Elefante, and Members,

I write in strong support of HB1546 HD1.

As a co-organizer of several community clean ups at "Kammies" beach on the North Shore of O'ahu of failed burrito systems, remnant black fabric, and other dangerous debris in the state shoreline and swirling in the surf, I have seen first-hand the need for more funding, action, and capacity to remove such materials from our public beaches.

OCCL needs a broader definition of the uses of the Beach Restoration Fund in order to provide the options of responding to (or partnering with communities to remediate) the broader range of situations, challenges, and solutions now facing shoreline beaches and communities.

Some of the unauthorized or abandoned materials urgently need to be removed and will take serious organized effort, with funding, to remove them safely.

I understand that OCCL may be suggesting clarifying amendments, which I support, in order to ensure a clearer definition and intent for this important bill.

Mahalo,

Denise Antolini

Pūpūkea, North Shore, O'ahu

HB-1546-HD-1

Submitted on: 3/12/2024 4:12:50 PM

Testimony for WTL on 3/15/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacqueline S. Ambrose	Individual	Support	Written Testimony Only

Comments:

Aloha,

YES to RESTORATION OF BEACH LANDS.

Amends the definition of "beach restoration" used in laws governing the Board of Land and Natural Resources' powers to engage in beach restoration to include activities undertaken to maintain and improve eroded beaches and degraded dune systems and to remove abandoned and remnant manmade materials that pose a risk to the health of the public and ecosystem.

HB-1546-HD-1

Submitted on: 3/12/2024 4:35:58 PM

Testimony for WTL on 3/15/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
GWEN YOUNG	Individual	Support	Written Testimony Only

Comments:

Dear all,

As a resident of O'ahu, I urge you to support Coastal Protection including amending the definition of "beach restoration" to include activities to improve eroded beaches and degraded dune systems and remove abandoned materials that post risk to public.

Dilapidated, dangerous, and potentially toxic structures exist Island wide and in Papahānaumokuākea causing death endangerment to our native and protected sea life such as monk seals, sea turtles, shore birds, and to near shore fishes, mammals, corals, etc.

With sea level rise, human homes are being consumed by the large swell, king tides, and storm surges. We must take responsibility to remove these hazardous structures. We are removing debris with toxic chemicals resulting from the tragic wild fires in Lahaina. Why would abandoned non-burnt structures be allowed to crumble or be swept into our oceans?

Thank you,
Gwen Young

HB-1546-HD-1

Submitted on: 3/13/2024 9:37:26 AM

Testimony for WTL on 3/15/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Daniel Amato	Individual	Support	Written Testimony Only

Comments:

As an environmental scientist, I support HB1546. In light of a rising sea, we need to support all legislation that aids in the protection of coastal resources. The Board of Land and Natural Resources' requires the power to engage in beach restoration to maintain and improve eroded beaches and degraded dune systems and to remove abandoned and remnant manmade materials that pose a risk to the health of the public and ecosystems. Thanks -Daniel Amato

LATE

HB-1546-HD-1

Submitted on: 3/14/2024 2:36:29 PM

Testimony for WTL on 3/15/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maureen Brock	Individual	Support	Written Testimony Only

Comments:

I support this bill to amend the definition of "beach restoration" and include activities to improve eroded beaches and degraded dune systems and remove abandoned materials that post risk to public.