

ACT 226

H.B. NO. 2248

A Bill for an Act Relating to Beach Management on the North Shore of Oahu.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the northwest-facing shoreline of the north shore of Oahu from Sunset point to Kapo‘o (Sharks Cove) is an iconic beach of primary importance to state residents and visitors from around the world due to its natural beauty, famous surf breaks, recreational opportunities, marine resources, wildlife, and scenic vistas.

The legislature further finds that this north shore beach faces an increasing risk of erosion and deterioration from a combination of high-energy waves, winter surf, summer swells, sea-level rise from climate change, coastal erosion, shifting sand, inadequate building setbacks, deteriorating coral reefs, and intensive use by individuals accessing the shoreline. Estimates indicate that nearly half of all visitors to Oahu visit the north shore during their stay.

The legislature additionally finds that the infrastructure of most of the shoreline beach parks and coastal access areas along the north shore of Oahu is inadequate to handle the high number of residents and visitors who are attracted to these beaches each year, thereby causing additional damage to natural resources.

During the past fifteen to twenty years, homes in this area on the north shore of Oahu have been damaged and are at risk from high surf, summer swells, and eroding beaches, which cause significant disruption and calls for both immediate and long-term action by state and county government, beachfront homeowners, beach users, and the community at large. This area of coastline is at severe risk from the lack of overall planning for beach protection, beach access, and shoreline uses.

Furthermore, the legislature finds that Hawaii’s beaches and coastline constitute part of the public trust, held by the State for the benefit of the people,

and the State has a fiduciary duty to affirmatively protect this beach and coastal access. This beach is also a public park of the city and county of Honolulu, which also has an obligation to maintain this beach and coastal access.

The legislature finds that the long-term protection of this north shore beach, which is subject to a common wave regime and common beach erosion characteristic, is a matter of statewide concern pursuant to article X, section 6, of the Hawaii State Constitution, and requires a comprehensive assessment and plan that recognizes the risks of sea level rise from climate change. The large number of government, business, private, and community entities and individuals involved in the use and enjoyment of this north shore beach would benefit from participating in the development and implementation of a comprehensive beach management plan for this vulnerable area.

In 2010, the university of Hawaii sea grant college program successfully produced a beach and dune management program plan for Kailua beach, which provided an extensive analysis of the existing state of that beach and recommended management measures for federal, state, and local government as well as community partners, in response to threats such as sea level rise from climate change. That study serves as a useful prototype for the implementation of a beach management plan for this north shore beach and demonstrates the effectiveness of location-specific beach management policies and practices.

In October 2022, the north shore coastal resilience working group, which comprised a diverse group of government and private stakeholders, published a report titled “Adaptive Coastal Management Recommendations, Actions and Strategies”. The report documents that long-term erosion is driven by a combination of natural sand movement from large waves, sea level rise over the past century, degradation of natural dune systems from development, and the removal of sand from some beaches by sand mining operations and shoreline armoring.

One of the three coastal erosion “hot spots” identified on the north shore of Oahu was the Sunset/Kammies area. One of the key recommendations of the report was to develop a beach and dune management plan for north shore beach parks and accessways.

Therefore, the purpose of this Act is to appropriate funds to the university of Hawaii sea grant college program to develop, with diverse stakeholder input, a comprehensive, actionable north shore beach management plan covering the area from Sunset point to Kapo‘o (Sharks Cove) on the north shore of Oahu.

SECTION 2. (a) The university of Hawaii sea grant college program shall develop a comprehensive, actionable beach management plan for the area of the north shore of Oahu from Sunset point to Kapo‘o (Sharks Cove).

(b) In developing the beach management plan, the university of Hawaii sea grant college program shall ensure the inclusion of diverse community input. The plan shall consider innovative means to address beach erosion and the erosion of private beachfront property, protection of recreational access, and preservation of natural beauty and vistas.

(c) The beach management plan shall also consider:

- (1) Long- and short-term planning and climate change scenarios;
- (2) Temporary and emergency erosion management measures;
- (3) Beach and dune management techniques based on sediment transport;
- (4) Shoreline public access and foot-traffic management;
- (5) Beach and dune nourishment;

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- (6) Long-term coastal protection and land use strategies;
 - (7) Shoreline protection, erosion management, and county land use ordinance impacts on the shoreline;
 - (8) Modification of public parks;
 - (9) Shoreline setbacks and rolling easements; and
 - (10) Other innovative means to adapt to coastal erosion.
- (d) The university of Hawaii sea grant college program shall submit the north shore beach management plan to the governor and legislature by December 1, 2025.
- (e) In developing the north shore beach management plan, the university of Hawaii sea grant college program may accept private funding to supplement any legislative appropriations; provided that the donor of the private funding:
- (1) Remains anonymous or expressly releases all control over the use of the funding, as long as it is used for the purpose of developing the plan; and
 - (2) Has no influence over the development of the plan, including any of its conclusions or recommendations.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,000,000 or so much thereof as may be necessary for fiscal year 2024-2025 for the university of Hawaii sea grant college program to develop a north shore beach management plan for the area from Sunset point to Kapo'o (Sharks Cove) pursuant to section 2 of this Act.

The sum appropriated shall be expended by the university of Hawaii for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2024.

(Approved July 8, 2024.)