



Sierra Club Hawai'i Chapter

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HOUSE COMMITTEE ON JUDICIARY

February 24, 2011, 2:15 P.M.
(Testimony is s pages long)

TESTIMONY IN SUPPORT FOR HB 926 HD1 WITH PROPOSED AMENDMENTS

Aloha Chair Keith-Agaran and Members of the Committee:

The Hawai'i Chapter of the Sierra Club, with 8,000 dues-paying members and supporters, *supports* the intent of HB 926 HD1. This measure is intended to prohibit the inclusion of usually temporary accreted lands when determining coastal shoreline setbacks. The proposed definition of "accreted lands," however is problematic. We suggest amended language below.

We have all heard stories about irrigation systems and other techniques by certain coastal property owners to claim more land. Or landowners that measure the shoreline setback each year until they get a "favorable" result that allows the construction of a home closer to the ocean. This practice can reduce the amount of beach available to residents and visitors and can create hazards for lateral access.

Our shorelines are always in flux. Coastal processes giveth and they taketh away. This bill should ensure that coastal property owners don't inappropriately claim newly deposited lands makai of their property as their own. Any temporary new lands created on our coastline shouldn't be used as a basis to move permanent development closer to the ocean.

Proposed Amendments:

First, this measure be amended to apply to all counties (striking the language "in any county with a population greater than five hundred thousand,"). The rationale underlying this bill is equally applicable to all counties and, quite frankly, some of the neighboring islands are experiencing greater rates of erosion/accretion than O'ahu.

Second, we propose amending the definition of "accreted lands." It seems unreasonable to require the state to repeatedly file for certification on temporary accreted land that may appear for only a few months in a year. We suggest instead:

For the purposes of this section, "accreted lands" means a conclusive determination that there was an accumulation of land on a beach or shore along the ocean by the action of natural forces after 2003.

We hope this Committee will make these changes and move this bill forward. Thank you for this opportunity to provide testimony.