

STAND. COM. REP. NO.

2344

Honolulu, Hawaii

FEB 18 2016

RE: S.B. No. 2353
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committees on Water, Land, and Agriculture and Public Safety, Intergovernmental, and Military Affairs, to which was referred S.B. No. 2353 entitled:

"A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT,"

beg leave to report as follows:

The purpose and intent of this measure is to exempt a county from establishing a shoreline setback line based on a long-term annual shoreline erosion rate until the time when erosion rate data is available.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Office of Planning, University of Hawai'i System, Conservation Council for Hawai'i, and four individuals. Your Committees received comments on this measure from the Building Industry Association of Hawaii and Chamber of Commerce Hawaii.

Your Committees find that sea level rise must be considered as the State looks to future coastal development. Your Committees appreciate the Office of Planning's recommendations on how to improve this measure to make it more balanced in its approach to coastal zone management (CZM).

Your Committees have therefore amended this measure by:

- (1) Inserting a definition for the term "coastal hazards", which includes tsunami, hurricanes, wind, storm waves,



flooding, erosion, sea level rise, subsidence, and point and nonpoint source pollution, into section 205A-2, Hawaii Revised Statutes;

- (2) Moving language regarding the protection of coastal dunes from beach protection objectives to coastal ecosystems objectives and policies and deleting language referring to the protection of beaches and coastal dunes for environmental services and as natural barriers to coastal hazards;
- (3) Deleting language that would have included transportation infrastructure and residential and commercial development under economic use objectives of the CZM program;
- (4) Removing language that would have made avoidance of grading of and damage to coastal dunes a coastal hazard policy of the CZM program;
- (5) Inserting language to include preservation of coastal dunes as an objective of the CZM program;
- (6) Inserting language to prohibit developments on certain subdivided parcels if the parcels will be significantly affected by sea level rise over the period of at least fifty years from the subdivision date;
- (7) Reinserting the term "substantial", rather than "significant", relating to a development's adverse environmental or ecological affect, for purposes of approval of the development in a special management area;
- (8) Inserting language to require a development in a special management area, in order to be approved, to have adequate mitigation, including location and adaptive or resilient design, to reduce the risk of coastal hazards;
- (9) Amending language relating to alternative methods for establishing the shoreline setback line when shoreline erosion rate data is available and reinstating the existing shoreline setback requirement of twenty to forty feet;

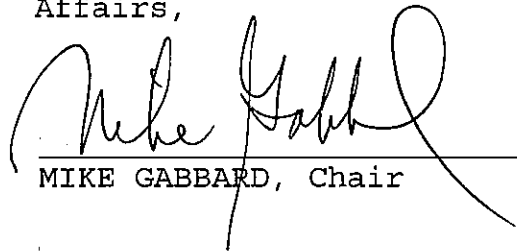


- (10) Deleting language that would have required any exemption or waiver to the shoreline setback line to include a covenant prohibiting future improvements to the shoreline that interfere with the natural coastal process; and
- (11) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water, Land, and Agriculture and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2353, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2353, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Water, Land, and
Agriculture and Public Safety,
Intergovernmental, and Military
Affairs,



CLARENCE K. NISHIHARA, Chair

MIKE GABBARD, Chair

The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Water, Land, and Agriculture
WLA

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 2353</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">WLA / PSM, WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/10/16</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
DELA CRUZ, Donovan M.				✓
RIVIERE, Gil				✓
RUDERMAN, Russell E.				✓
SHIMABUKURO, Maile S.L.				✓
THIELEN, Laura H.	✓			
WAKAI, Glenn	✓			
SLOM, Sam		✓		
TOTAL	4	1	0	34
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

The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental and Military Affairs
PSM

Bill / Resolution No.:* <div style="text-align: center;">SB2353</div>	Committee Referral: <div style="text-align: center;">WLA/PSM, WAM</div>	Date: <div style="text-align: center; font-size: 1.2em;">2/10/16</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	/			
ESPERO, Will (VC)	/			
BAKER, Rosalyn H.				/
INOUE, Lorraine R.				/
SLOM, Sam	WR	X		
TOTAL	2 <i>BWR</i>	1		2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <i>Will Espero</i>				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes