

STAND. COM. REP. NO. 517

Honolulu, Hawaii

FEB 20 2015

RE: S.B. No. 501  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committees on Water and Land and Public Safety,  
Intergovernmental and Military Affairs, to which was referred S.B.  
No. 501 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 amend the coastal zone management program's objectives and policies to account for projected sea level rise and 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; Department of Planning and Permitting of the City and County of Honolulu; Environmental Caucus of the Democratic Party of Hawaii; Hawaii's Thousand Friends; Surfrider Foundation Oahu Chapter; Surfrider Foundation; University of Hawai'i at Mānoa; and fifteen individuals. Your Committees received testimony in opposition to this measure from the Chamber of Commerce Hawaii and Building Industry Association of Hawaii. Your Committees received comments on this measure from the Office of Planning.

Your Committees find that as an island state, land use and development in Hawaii are concentrated on our low-lying coastal plains. In many communities, the densest development is right up against the shoreline. This pattern of coastal development is



resulting in major impacts to our public beaches and marine resources and increasing community exposure to hazards of beach erosion and coastal flooding. The science is clear that rates of sea-level rise will increase in the coming decades. This will result in increasing severity and frequency of coastal erosion and flooding events. Therefore, moving new development back from the shoreline by requiring increased setbacks and planning for sea-level rise is vital.

According to testimony, the latest published research concludes that projected future heights of sea level for Honolulu will reach a mean of one foot by 2050 and 2.8 feet by 2100, and potentially over 4.5 feet by the end of the century.

Your Committees further find that a minimum 60-foot setback and updated erosion rate based setback policy for new development was successfully adopted by Kauai County in 2014 (County of Kauai Ordinance No. 979). Erosion rate based setbacks are also required by Maui County (shoreline rules for the Maui Planning Commission, §12-203) as well as in state conservation district lands (chapter 13-5, Hawaii Administrative Rules). Minimum shoreline setbacks of 60 feet and erosion rate based setbacks statewide will provide improved buffer space between new development and highly dynamic beach environments, reducing exposure to coastal hazards and improving the State's ability to protect beaches and coastal environments.

Your Committees have amended this measure by:

- (1) Adding a definition for "coastal hazards" to section 205A-1, Hawaii Revised Statutes (HRS), to include tsunami, hurricanes, wind, storm waves, erosion, impacts related to sea level rise, subsidence, and point and nonpoint source pollution;
- (2) Amending section 205A-2(b)(6)(A), HRS, to use the term "coastal hazards" to cover all coastal hazards and striking references to specific coastal hazards;
- (3) Reverting section 205-2(b)(9)(A), HRS, back to its original language;
- (4) Adding "coral" and "and coastal dunes" to section 205A-(c)(4)(C), HRS, to improve protection of these critical resources;



- (5) Amending section 205A-2(c)(5)(B), HRS, to remove reference to the terms "transportation", "infrastructure", and "residential and commercial development", but including reference to "coastal hazards" to improve climate adaptation and resiliency;
- (6) Amending section 205A-2(c)(6)(A), HRS, to use the term "coastal hazards" to cover all coastal hazards and striking references to specific coastal hazards;
- (7) Amending section 205A-2(c)(6)(B), HRS, by reverting to the original term "control development" and incorporating the term "coastal hazards";
- (8) Deleting the proposed section 205-2(c)(6)(E), HRS;
- (9) Amending paragraph (13) of the definition of "development" in section 205A-22, HRS, by deleting the word "projected" as it relates to sea level rise;
- (10) Amending the definitions of "special management area emergency permit", "special management area minor permit", and "special management area use permit" in section 205A-22, HRS, to change references from "substantial" harm or adverse effect to "significant" harm or adverse effect;
- (11) Amending section 205A-26(2)(D), HRS, at the request of the City and County of Honolulu to provide for "adequate mitigation" rather than "minimize development" for development located in in areas subject to coastal hazards;
- (12) Amending section 205A-43(a), HRS, related to shoreline setbacks by re-inserting twenty feet as the absolute minimum shoreline setback;
- (13) Ensuring and clarifying that the Department of Land and Natural Resources prescribe the methods by which the erosion rate date is used and clarifying that the counties may rely on a sixty-foot minimum setback rather than requiring a sixty-foot setback;



- (14) Deleting the proposed section 205A-43(c), HRS, since there is no exemption or waiver provision in the shoreline setback law;
- (15) Amending the definitions of shoreline management minor permit shoreline area use permit to revert to the original language;
- (16) Deleting the amendment to section 205A-2(c)(6)(E), HRS, avoiding grading of and damage to coastal dunes;
- (17) Amending the purpose section to reflect the amended purpose of the measure;
- (18) Changing the effective date from July 1, 2015, to upon approval; and
- (19) 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 and Land 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. 501, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 501, S.D. 1, and be referred to the Committees on Judiciary and Labor and Ways and Means.

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

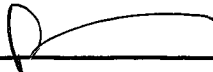
  
WILL ESPERO, Chair

  
LAURA H. THIELEN, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:* <div style="text-align: center; font-size: 1.2em;">SB 501</div>	Committee Referral: <div style="text-align: center; font-size: 1.2em;">WTL / PSM, JDL / NAM</div>	Date: <div style="text-align: center; font-size: 1.2em;">02-18-15</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-around; align-items: flex-end;"> <div> <input type="checkbox"/> Pass, unamended 2312         </div> <div> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div> <input type="checkbox"/> Hold 2310         </div> <div> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
THIELEN, Laura H. (C)	✓			
GALUTERIA, Brickwood (VC)	✓			
IHARA, Jr., Les	✓			
RIVIERE, Gil	✓			
RUDERMAN, Russell E.	✓			
SHIMABUKURO, Maile S.L.	✓			
SLOM, Sam				✓
<b>TOTAL</b>	6			1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted         <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="text-align: center; font-size: 1.5em; margin-top: 10px;">  </div>				
<b>Distribution:</b> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <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

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

\*Only one measure per Record of Votes