
A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL PROTECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. The legislature finds that many important
3 aspects of our State, including its economy and the way of life
4 of its communities, rely on the preservation of its beaches.
5 However, beach loss has accelerated at an unprecedented rate in
6 recent decades, resulting in Hawaii losing more than seventeen
7 miles of beaches. Repeated king tides have deteriorated beaches
8 and sea walls and shoreline hardening has hastened the rate of
9 beach loss.

10 As rising sea levels and intensifying erosion continue to
11 threaten beaches, Hawaii's economy faces tens of billions of
12 dollars in potential losses. The loss of Waikiki beach alone
13 would cause an estimated \$2,000,000,000 in annual losses to
14 Hawaii's economy. Losing similar beaches that are critical to
15 our communities would also be devastating, resulting in
16 significant decreases in property values, revenues to local
17 businesses, and the overall quality of life in the State.



1 As beaches erode and retreat, the State may need to acquire
 2 adjacent private lands to ensure that space exists for beaches
 3 and dune systems to survive. The acquisition of adjacent land
 4 will also enable continued public access to these priceless
 5 community assets. Additionally, acquiring adjacent property
 6 will create a buffer zone between the shoreline and developed
 7 areas to protect the State from potential natural disasters.

8 The purpose of this Act is to ensure the preservation of
 9 Hawaii's beaches for future generations by:

- 10 (1) Establishing a Hawaii beach preservation special fund
 11 within the treasury of the State to be used to acquire
 12 lands to facilitate landward retreat or carry out
 13 other forms of managed retreat for the protection of
 14 public beaches;
- 15 (2) Creating a working group within the Hawaii climate
 16 change mitigation and adaptation commission to
 17 determine appropriate funding mechanisms for the
 18 Hawaii beach preservation special fund; and
- 19 (3) Establishing a three-year north shore Oahu pilot
 20 project to explore managed retreat options to address
 21 current emergency beach conditions and investigate



1 managed retreat options that may be replicated
2 elsewhere in the State.

3 PART II

4 SECTION 2. Chapter 171, Hawaii Revised Statutes, is
5 amended by adding a new section to part VIII to be appropriately
6 designated and to read as follows:

7 "§171- Hawaii beach preservation special fund. (a)

8 There is established a Hawaii beach preservation special fund
9 within the treasury of the State into which shall be deposited:

10 (1) All appropriations made by the legislature to the
11 fund; and

12 (2) Gifts, donations, and grants from public agencies and
13 private persons.

14 All interest earned or accrued on moneys deposited into the
15 fund shall become part of the fund.

16 (b) Subject to legislative appropriation, the department
17 of land and natural resources may expend moneys from the fund to
18 acquire from landowners lands needed to ensure the perpetuation
19 of sandy beaches for the public by facilitating landward retreat
20 where those beaches are undergoing submersion and erosion due to
21 sea level rise and to carry out other forms of managed retreat



1 for the protection of public beaches, with the prior
2 authorization of the legislature by concurrent resolution.
3 Lands acquired pursuant to this section shall be managed by the
4 department or other agency, as appropriate.

5 (c) The department shall adopt rules in accordance with
6 chapter 91 to effectuate the purposes of this section."

7 SECTION 3. (a) There shall be established within the
8 Hawaii climate change mitigation and adaptation commission a
9 Hawaii beach preservation working group. The working group
10 shall identify effective funding mechanisms for the Hawaii beach
11 preservation special fund.

12 (b) The working group shall consider as possible funding
13 mechanisms for the Hawaii beach preservation special fund:

- 14 (1) Increases to the conveyance tax applicable to
15 shoreline properties;
16 (2) Taxes or surcharges on real property; and
17 (3) Any other funding mechanism the working group deems
18 appropriate.

19 (c) The commission shall determine the working group's
20 membership from among the commission's members.



1 (d) The working group shall submit a report with findings
2 and recommendations, including proposed legislation, if any, to
3 the legislature no later than twenty days prior to the convening
4 of the regular session of 2019. Copies of the report shall be
5 transmitted to the mayor of each county.

6 SECTION 4. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$ or so much
8 thereof as may be necessary for fiscal year 2018-2019 to be
9 deposited into the Hawaii beach preservation special fund.

10 SECTION 5. There is appropriated out of the Hawaii beach
11 preservation special fund the sum of \$ or so much
12 thereof as may be necessary for fiscal year 2018-2019 for the
13 purpose of purchasing property from landowners threatened by sea
14 level rise or beach erosion and carrying out other forms of
15 managed retreat.

16 The sum appropriated shall be expended by the department of
17 land and natural resources for the purposes of this Act.

18 PART III

19 SECTION 6. (a) There is established the north shore Oahu
20 pilot program, to be administered by the department of land and
21 natural resources until June 30, 2021, to address sea level rise



1 and beach erosion by exploring managed retreat options for beach
2 preservation in the State.

3 (b) The north shore Oahu pilot program shall investigate
4 and make recommendations for managed retreat options, including
5 buyouts or other methods of land acquisition, that address
6 current emergency conditions at legacy beaches on Oahu's north
7 shore and that may be replicated elsewhere in the State to
8 preserve beaches with economic and cultural value. The pilot
9 program shall make recommendations for strategies that may be
10 funded through the Hawaii beach preservation special fund
11 established pursuant to section 171- , Hawaii Revised Statutes.
12 The pilot program shall focus on the north shore of Oahu and
13 other beaches in the State of Hawaii that have economic and
14 cultural value.

15 (c) The north shore Oahu pilot program shall submit a
16 report of its findings and recommendations, including any
17 proposed legislation, to the legislature no later than twenty
18 days prior to the convening of the regular session of 2021.

19 (d) The north shore Oahu pilot project shall be dissolved
20 on June 30, 2021.



1 SECTION 7. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so much
3 thereof as may be necessary for fiscal year 2018-2019 for the
4 north shore Oahu pilot program.

5 The sum appropriated shall be expended by the department of
6 land and natural resources for the purposes of this Act.

7 PART IV

8 SECTION 8. New statutory material is underscored.

9 SECTION 9. This Act shall take effect on July 1, 2050;
10 provided that part III of this Act shall be repealed on June 30,
11 2021.



Report Title:

Department of Land and Natural Resources; Climate Change;
Special Fund; Working Group; Pilot Program; Appropriation

Description:

Establishes a Hawaii Beach Preservation Special Fund.
Authorizes the DLNR to expend moneys from the Special Fund to
acquire lands for beach preservation with prior authorization of
the Legislature. Creates a working group within the Hawaii
Climate Change Mitigation and Adaptation Commission to determine
appropriate funding mechanisms for the Special Fund.
Establishes a three-year North Shore Oahu Pilot Program under
DLNR to explore managed retreat options. Appropriates funds.
(HB2468 HD2)

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