

STAND. COM. REP. NO.

2510

Honolulu, Hawaii

FEB 12 2020

RE: S.B. No. 2381
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 2381 entitled:

"A BILL FOR AN ACT RELATING TO SHORELINE SETBACKS,"

begs leave to report as follows:

The purpose and intent of this measure is to establish greater shoreline setback requirements.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and Coastal Planners, LLC. Your Committee received comments on this measure from the Office of Planning, City and County of Honolulu Department of Planning and Permitting and Building Industry Association Hawaii.

Your Committee finds that real property in the State is often vulnerable to hazards such as coastal erosion and flooding from tsunamis, storms, and high waves. These hazards can be exacerbated by sea level rise and human-caused interruptions to natural sand supply. In Hawaii, all beaches are prone to seasonal or episodic erosion from high waves and storms. In addition, chronic erosion affects seventy percent of the beaches on Oahu, Maui, and Kauai.

Your Committee further finds that numerous court decisions have affirmed that privately-owned oceanfront land is lost when



shorelines undergo landward retreat and oceanfront properties become smaller. Since oceanfront properties experience landward retreat, building setbacks need to be adjusted to respond to this new geographic landscape. This measure redefines shoreline setback requirements which will protect the State's communities and coastal natural and cultural resources from the impact of sea level rise and coastal erosion.

Your Committee has amended this measure by:

- (1) Inserting an effective date of December 31, 2033, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2381, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2381, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Water and Land,



KAIALI'I MAHALELE, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 2381	Committee Referral: WTL, JDC	Date: 01/29/2020
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The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
KAHELE, Kaiali'i (C)	✓			
KEITH-AGARAN, Gilbert S.C. (VC)				✓
NISHIHARA, Clarence K.	✓			
RIVIERE, Gil				✓
FEVELLA, Kurt	✓			
TOTAL	3			2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:
Clarence K. Nishihara

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*Only one measure per Record of Votes