SB 108
RELATING TO SHORELINE SETBACK

Senate Committee on
Planning, Land and Water Use Management

Public Hearing - February 17, 1995
1:00 P.M., Room 405 SOT

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SB 108 would increase the statutory shoreline setback from a maximum of 40 feet to a minimum of forty feet and a maximum of 100 feet.

Our statement on this measure does not constitute an institutional position of the University of Hawaii.

The continuing problem of hardening of the shoreline through proliferating protective seawall construction is reflected by recent estimates that fully 15% of beaches on Oahu have been permanently lost. We thus fully support the intent of this measure to prevent further shoreline hardening and to better protect properties and structures built thereon from coastal hazards.

Studies have repeatedly demonstrated that existing setback designations inadequately accommodate natural shoreline fluctuations. As a result, different setback limits are proposed, such as those in the present measure as well as those proposed by the Office of State Planning (OSP). Both of these proposals offer fixed limits to the setback which, while probably effective, raise two concerns.

1. Objections to any further restriction of shoreline property limits will be voiced particularly by those with small lots who would find it difficult, if not impossible, to build. In the past, we have suggested that one remedy might be to provide design specifications for structures in areas subject to wave inundation. Pillar or pole construction allowing for wave underwash offers one
option for shoreline property owners who wish to build in hazardous areas.

An alternate approach aimed at confining liability and risk to those who choose to build in hazardous areas would be to enact provisions requiring self-insurance, or enabling insurance companies to adopt rates for shoreline property developers commensurate with the probability of loss. In this way, those who wish to assume the risk of building in a hazardous area would not be subsidized by more prudent property owners.

2. Since shoreline dynamics are variable, a strong rationale exists for establishment of flexible shoreline setbacks which reflect regional shoreline processes. Implementation of such a measure would require knowledge of site-specific shoreline fluctuation characteristics which we presently lack for many areas. However, the Sea Grant program presently is considering a program in conjunction with the US Geological Survey to undertake such a study, and similar work has been done in other states such as Florida.