



# University of Hawaii at Manoa

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## HB 2450 RELATING TO THE DETERMINATION OF THE SHORELINE

Statement for  
House Committees on  
Planning, Energy, and Environmental Protection  
and  
Ocean and Marine Resources

By  
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HB 2450 would amend HRS Chapter 205A-42 by adding certain provisions relative to the determination of shorelines. The primary focus of this bill is to provide language that would assure adequate public notification of shoreline determinations; that would permit public and agency appeals of shoreline determinations; that would prohibit the designation of public property created by erosion as private property; and that would require removal of any man-made developments placed or built without all permits and approvals, that may affect a shoreline determination, to be removed at least three weeks prior to the determination. This statement does not represent an institutional position of the University of Hawaii.

HB 2450 is similar to HB 3139 insofar as it provides various notification procedures for shoreline determination considerations. HB 2450 would require public notice of shoreline determination through the Bulletin of the Office of Environmental Quality Control. HB 3139 would require publication in a newspaper of general circulation. Given the interest and purpose of the notification, it would appear appropriate to consider both avenues of publication of the announcement.

The right to appeal decisions of shoreline determinations is valid. Given the dynamic nature of much of the coastal area, shoreline determinations may need subsequent revision if historic or other data indicate substantive shoreline fluctuations.

The stipulation that shoreline determinations shall not designate public property created by erosion as private property is somewhat confusing. Generally one thinks in terms of property being lost not created by erosion.

The provision that would require removal of non-permitted structures from the shoreline area three weeks prior to the determination of the shoreline seems arbitrary and may be environmentally unwise. In general, non-permitted structures should be reviewed and their environmental effects evaluated to see if they can be removed without significantly impacting the environment in which they are found. If such structures are jeopardizing the beach, beach access, or otherwise encroaching on public lands, they should be removed, whether or not the shoreline determination is proposed. It may be better to establish the existing shoreline as a baseline and with subsequent certification allow the shoreline to be moved inland, but not seaward. This will take into account both the present and future shorelines, and should also meet the public interests.