

**BILL041(22)**  
**Testimony**

**MISC. COMM. 70**

COUNCIL

## **COUNCIL Meeting**

Meeting Date: Feb 22, 2023 @ 10:00 AM

Support: 14

Oppose: 3

I wish to comment: 0

Name: Bert Weeks	Email: bertweeks3@gmail.com	Zip: 96701
Representing: Self	Position: Support	Submitted: Feb 18, 2023 @ 09:57 PM
Testimony: I support this bill. Adaptation to the impacts of climate change is necessary and the sooner, the better. Our children and grandchildren are the ones that will feel the most impact and will benefit the most from the urgent action that we take today. Delaying will only make it worse in the long run		
Name: Ryan Dadds, PA-C	Email: ryan_dadds@yahoo.com	Zip: 96744
Representing: SURFRIDER Oahu	Position: Support	Submitted: Feb 20, 2023 @ 11:16 AM
Testimony: I support Bill 41 to provide shoreline setbacks because of worsening beach erosion due to sea level rise. This will prevent beach pollution from homes falling into the ocean. Will also prevent wasted monetary funds to prevent erosion and repair to these homes along the coastline.		
Name: Camile Cleveland	Email: policy@oahu.surfrider.org	Zip: 96816
Representing: Surfrider Foundation OÊ»ahu Chapter	Position: Support	Submitted: Feb 20, 2023 @ 11:28 AM
Name: Maliha Zamurd	Email: malihazamurd@yahoo.com	Zip: 96813
Representing: Self	Position: Support	Submitted: Feb 20, 2023 @ 03:58 PM
Testimony: I strongly support this bill.		
Name: Brittany Kamai	Email: Brittanykamai@gmail.com	Zip: 96813
Representing: Self	Position: Support	Submitted: Feb 20, 2023 @ 04:49 PM
Testimony: I am writing in support of Bill 41 because this is a step in protecting our community and island from sea-level rise and the increase in big wave events that are taking out historical and cultural sites, beaches, beach access, walkways, roadway ways and homes. We need these accelerated and proactive steps so our communities around our islands are able to stay protected and connected.  Mahalo nui, Brittany Kamai		
Name: Hayley Yoshinaga	Email: hayyoshinaga@gmail.com	Zip: 96822
Representing: Self	Position: Support	Submitted: Feb 20, 2023 @ 08:33 PM
Testimony: I support 41		

Name: Jax Richards	Email: Jax6street@gmail.com	Zip: 96822
Representing: Surfrider	Position: Support	Submitted: Feb 20, 2023 @ 08:37 PM
Testimony: We need to face our erosion problem with the best data out there and bill 41 will do that.		
Name: Lauren Kaiser	Email: lkaiser15@gmail.com	Zip: 96813
Representing: Self	Position: Support	Submitted: Feb 21, 2023 @ 07:29 AM
Testimony: Shoreline setbacks are important regulations that require property owners to keep a certain distance between their structures and the water's edge. This regulation protects both the environment and property owners by preventing erosion and ensuring that water quality is maintained. This bill is grounded in the latest climate science to help us make smarter, place-based decisions and ensure that our shorelines are protected for generations to come. We need an erosion-based shoreline setback policy to better protect new development in the future from coastal erosion, high waves, and sea level rise.		
Name: Mattison Priest	Email: mattison.priest@hotmail.com	Zip: 96817
Representing: Self	Position: Support	Submitted: Feb 21, 2023 @ 09:36 AM
Testimony: Aloha Council Members,  Over the last century, O'ahu has lost more than 5 miles of beach due to coastal erosion and sea level rise, and at least 60% of our beaches are chronically eroding. Sea level rise is an adapting issue and therefore, the Shoreline Setbacks need to adapt with it, and ahead of it.  I strongly support Bill 41 which would update the Shoreline Setbacks on O'ahu.  Bill 41 uses historical erosion data to help us make smarter, place-based decisions grounded in science. This erosion-based shoreline setback policy has already been successfully implemented in Maui and Kaua'i for decades. Let O'ahu follow in their footsteps.  Thank you for the opportunity to testify, Mattison Priest		
Name: Christian Squire	Email: csquire@hawaii.edu	Zip: 96816
Representing: Self	Position: Support	Submitted: Feb 21, 2023 @ 09:44 AM
Testimony: Aloha,  Please support Bill 41 to protect our quickly eroding shorelines. We have seen a drastic increase in sea level rise and its effects in recent years. I strongly support Bill 41 as it uses real data to make intelligent decisions for the future of our coastlines backed by real scientific data.  Mahalo,		

Christian Squire		
Name: Rachel Webster	Email: raycarwebster@yahoo.com	Zip: 96813
Representing: Self	Position: Support	Submitted: Feb 21, 2023 @ 09:49 AM
Testimony: I am in support of this bill to help prevent costal erosion.		
Name: Natalie Wohner	Email: natalie.wohner@gmail.com	Zip: 96822
Representing: Self	Position: Support	Submitted: Feb 21, 2023 @ 09:58 AM
Testimony: Dear council members, I am in strong support of Bill 41 to ensure that shoreline setback policies are based on erosion-based data. We are already losing coastal structures due to sea level rise and high waves. We can't fight the ocean, but we can adopt and involve the many experts in this field to help with developing sustainable plans for the future. Mahalo for the opportunity to testify, Natalie Wohner		
Name: Robert Armstrong	Email: bob@armstrongbuilders.com	Zip: 96819
Representing: Self	Position: Oppose	Submitted: Feb 21, 2023 @ 11:15 AM
Name: Leah Laramee	Email: Leah.J.Laramee@hawaii.gov	Zip: 96813
Representing: State of Hawaii Climate Change Mitigation and Adaptation Commission	Position: Support	Submitted: Feb 21, 2023 @ 02:23 PM
Name: Dr. Chip Fletcher	Email: fletcher@soest.hawaii.edu	Zip: 96734
Representing: Climate Resilience Collaborative	Position: Support	Submitted: Feb 21, 2023 @ 03:54 PM
Name: John Dean	Email: jdean@startupcv.com	Zip: 96795
Representing: Self	Position: Oppose	Submitted: Feb 22, 2023 @ 07:40 AM
Testimony: Chair Tommy Walters and members of the Honolulu City Council,  I am submitting testimony in opposition of Bill 41 relating to shoreline setback. I believe that not enough time has been allowed for community participation and that this Bill is being rushed through City Council.  John Dean		
Name: Suzanne Young	Email: suzanne.young@hcentral.com	Zip: 96817

Representing: Honolulu Board of REALTORS	Position: Oppose	Submitted: Feb 22, 2023 @ 08:46 AM
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2/22/2023

City Council  
City and County of Honolulu  
Honolulu, Hawai'i 96813

Aloha Chair Waters, Vice Chair Kia'āina, and Members of the City Council,

**Position: Support Bill 41 (2022), CD2.**

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Surfrider maintains a network of over 150 chapters and academic clubs nationwide, including 4 chapters in the Hawaiian Islands. The Surfrider Foundation focuses on many aspects of the environment such as coastal protection, plastic pollution, and water quality.

I am testifying in strong support of Bill 41 (2022), CD2 (hereafter "Bill 41"), which would update the Shoreline Setbacks on O'ahu, codified at Revised Ordinances of Honolulu Chapter 23. O'ahu's coastal communities are already experiencing the hazards of sea level rise (SLR) and erosion, particularly in the North Shore community. In response to this, the Surfrider Foundation O'ahu Chapter, the University of Hawai'i Sea Grant College, and consulting firm SSFM International launched the North Shore Coastal Resilience Working Group (NSCRWG) to investigate community-driven solutions for coastal management. In the findings of the NSCRWG report, one of the immediate-term adaptation pathways included "Policy Changes to Limit Shoreline Development and Plan for Climate Adaptation," which includes "[Adopting] updated SMA and shoreline setback requirements (Chapter 23 and 25, ROH)."<sup>1</sup> Shoreline erosion and SLR pose a complicated threat to the islands that require complex solutions to solve – appropriate shoreline setbacks are an important part of that solution, as they provide a buffer between the island's coastal communities and the hazards associated with SLR and erosion.

Further, I support Bill 41 in that it uses historical erosion data to help make smarter, place-based decisions grounded in science. This erosion-based shoreline setback policy has already been successfully implemented in Maui and Kaua'i for decades. Bill 41 would also advance the implementation of Action 29 of the City's community-driven O'ahu Resilience Strategy.

SLR and coastal erosion are issues of top concern to our volunteers, and we appreciate the consideration of critical tools such as those in Bill 41 to address them. Thank you for your consideration of this testimony in support of Bill 41 submitted on the behalf of the Surfrider Foundation O'ahu Chapter and all of our members who live on the island and visit to enjoy the many coastal recreational opportunities offered by all of the island's coastlines.

Sincerely,

Camile Cleveland  
Volunteer Policy Coordinator  
Surfrider Foundation, O'ahu Chapter

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<sup>1</sup> *Adaptive Coastal Management Recommendations, Actions and Strategies*, North Shore Coastal Resilience Working Group, October 2022  
[https://20811975.fs1.hubspotusercontent-na1.net/hubfs/20811975/web-North-Shore-Coastal-Erosion-Report\\_102122\\_Web.pdf](https://20811975.fs1.hubspotusercontent-na1.net/hubfs/20811975/web-North-Shore-Coastal-Erosion-Report_102122_Web.pdf)

February 21, 2023

The Honorable Tommy Waters, Chair  
The Honorable Esther Kia'āina, Vice-Chair  
and Members of the City Council  
Honolulu City Council  
530 South King Street, Room 202  
Honolulu, Hawaii 96813

**Subject: Bill 41 (2022), CD2 and Bill 42 (2022), CD2**

Dear Chair Waters, Vice-Chair Kia'āina, and Council Members,

I am Robert Armstrong, and I own a small parcel on Kaneohe Bay. While I support reasonable and responsible efforts to manage and protect Oahu's shoreline, **I strongly oppose both Bills 41 and Bill 42 (2022), unless certain key changes are made to them and to the SMA process.**

Bills 41 and 42, as currently drafted, would have unintended consequences that would unfairly and unnecessarily deprive individual owners of the use and value of their properties and would be unfair and devastating for many small landowners like me.

**Bill 41 (2022), CD2**

There are some shoreline properties facing imminent and grave danger from both storm surf and sea level rise.

However, many shoreline properties like mine do not face any imminent danger and have many decades of use and value remaining even in the face of the projected sea level rise. Bill 41, as written, would destroy the value of many such properties.

**Given the many different situations around the island, what is clear is that an arbitrary "one size fits all" increase in shoreline setback, irrespective of lot size, location, topography, exposure, and shoreline conditions, is not fair, reasonable, or necessary.** Such a drastic restriction is unnecessary in many cases, where there many ways to plan and develop and build responsibly, taking into account and creatively designing for the projected rise in sea level in the coming decades.



My lot is on a sheltered side of Kaneohe Bay and is protected from high surf and from most storm conditions. I have a permitted grading plan and have been working on the placement and design of a home taking into account the projected rise in sea level.

**The proposed increased setback, however, would prevent my house design from being permitted and constructed, and my lot (currently assessed at \$1,500,000) would be rendered virtually unusable and worthless.** Please see the attached drawing, which shows what Bill 41 would do to my property.

Existing oceanfront and shoreline properties have been assessed and taxed by the City and County of Honolulu at the highest possible values, and this sudden, arbitrary, and overbroad restriction on use of such properties would have a devastating effect on the values of such properties and be tantamount to a “taking.”

**The Department’s “simple” answer of getting a variance if needed is not realistic.** As shown in the attached drawing, for lots like mine on Kaneohe Bay (and around the island), doing almost any construction or renovation will involve work within the proposed 60-foot setback. **How can the City Council or any City and County body deal in a timely manner with the hundreds, if not thousands, of variance applications and hearings that will be triggered by this “one size fits all” approach to shoreline setbacks?**

The immediate focus should be on addressing the micro-environments that face imminent danger and need immediate action. Immediate, creative, and coordinated efforts are needed to address the problems faced by such threatened properties. Then more time and study is needed on appropriate setbacks for different micro-environments around the island, taking into account creative ways of maximizing the useful life and value of existing shoreline properties.

### **Bill 42 (2022), CD2**

The threat of Bill 42 has created a panic on the part of shoreline property owners, who are scrambling to find a way to deal the proposed imposition of SMA requirements on all shoreline properties. I have been quoted \$125,000 - \$175,000 to prepare and submit the SMA application for just a normal single-family home. **Given the exorbitant expense and an overwhelmed City and County system,** many shoreline and oceanfront property owners will never have a chance to complete the process before their property values are unfairly and unnecessarily destroyed.

Pushing back the proposed implementation date from January 1, 2024 to July 1, 2024 will do nothing to solve this problem.

**The real problem is that the \$500,000 cutoff for minor SMA permits has never been changed, while construction costs have increased by 4 to 5 times. The cutoff for minor SMA permits should be increased to \$2,000,000.**

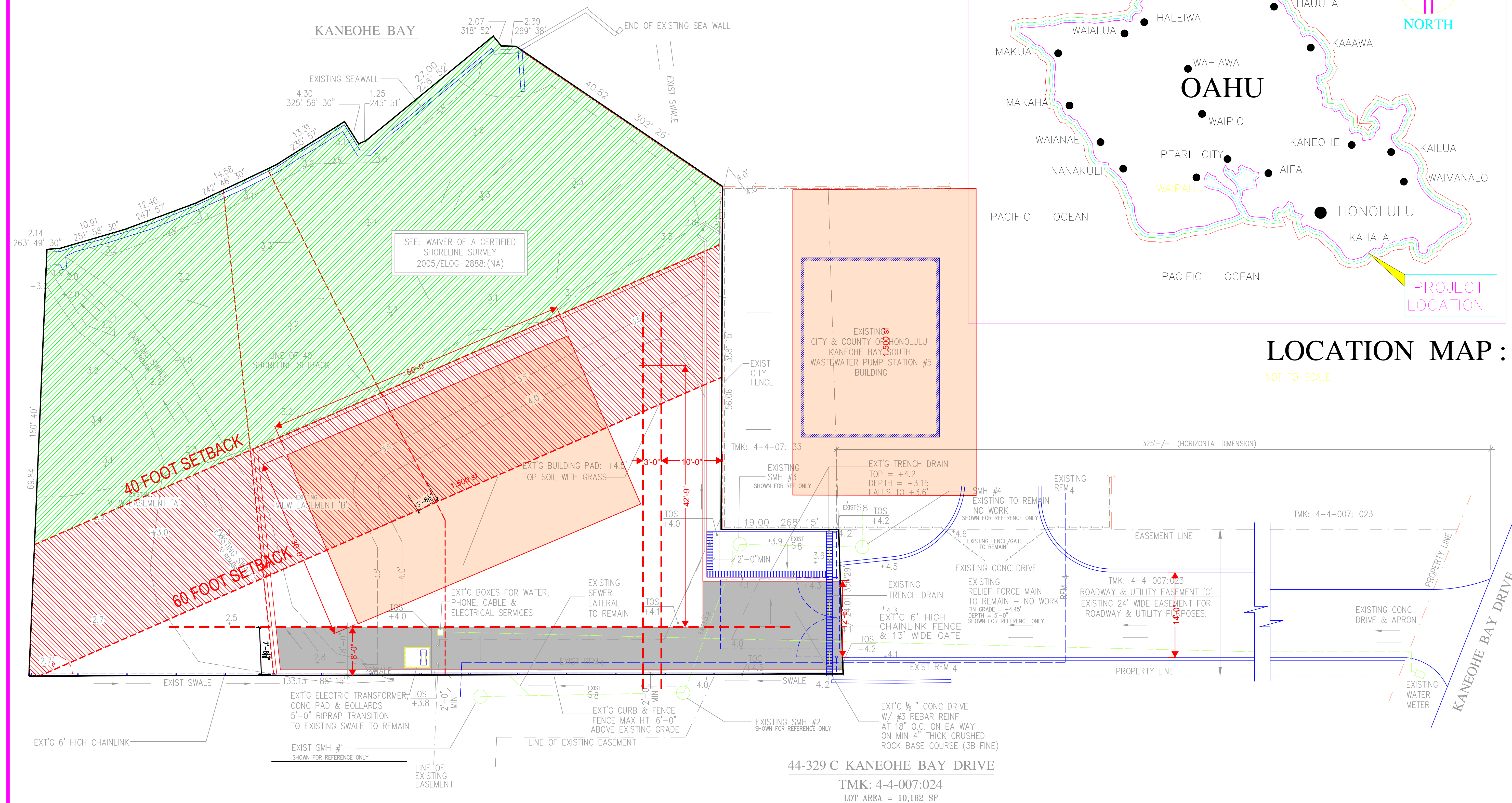
When the \$500,000 cutoff was enacted in about 1987, normal single-family homes could be built for less than \$500,000, and it was truly a large construction project or development that would trigger a requirement for a major SMA permit (together with all its environmental, public notice, and public hearing requirements). **Construction costs are now 4 to 5 times higher than they were in 1987. As a result, almost any construction on a shoreline parcel will require a major SMA permit. How many small property owners can afford that? How is the City and County going to handle all these SMA permits and hearings?**

For these reasons, I strongly oppose both Bills 41 and 42, as presently written.

Thank you for your consideration and for the opportunity to testify on this matter.

Sincerely,

Robert Armstrong



## LOCATION MAP :

REVISIONS :

KANEOHE BAY LOT  
44-329 KANEOHE BAY DRIVE  
TMK: 4-4-007:024

DATE 9-20-2022

# A002

## PROJECT LOCATION & SITE PLAN

44-329 KANEOHE BAY DRIVE

**Testimony of**  
**Leah Laramee, Climate Change Mitigation and Adaptation Coordinator**  
  
**for**  
**Honolulu City and County Council Meeting**  
**Comments in support of**  
**Bill 41 CD 2**  
**RELATING TO SHORELINE SETBACKS**

Dear Chair Kiaāina, Vice Chair Cordero, and Councilmembers,

Bill 41 CD2 establishes an erosion-based shoreline setback policy to better protect new development in the future from coastal erosion, high waves, and sea level rise. **The Hawaii Climate Change Mitigation and Adaptation Commission(Commission) supports this measure.**

TheHawaii Climate Change Mitigation and AdaptationCommission “recognizes the urgency of climate threats and the need to act quickly. It promotes ambitious, climate-neutral, culturally responsible strategies for climate change adaptation and mitigation in a manner that is clean, equitable and resilient.” TheCommission, established by Act 32 SLH 2017 to uphold the United States’ pledges under the Paris Agreement,isthecoordinating bodyfor policiesonclimatechange mitigation and adaptation for thestate.It is ahigh-levelmulti-jurisdictional bodythatguidesthe priorities of the state’s climate response.Co-chaired by DLNR and Office of Planning,itconsists of20 members—chairs offourlegislative committees, andexecutivedepartment heads at the county and state levels.

The State Commission’s priority for adaptation of climate change is to work on sea level rise action. Bill 41 will bring City law in alignment with the latest climate science and will help to protect our communities from coastal and climate hazards while protecting coastal ecosystems. We all, federal, state, and county government agencies and the public need to be collaborative to support resource management, planning, and decision-making based on the latest and best-available coastal and climate science and this Bill will help us do so.

Thank you for the opportunity to comment.



**Dr. Charles “Chip” Fletcher**

Director, Climate Resilience Collaborative  
Interim Dean, School of Ocean and Earth Science and Technology  
University of Hawai‘i at Mānoa

[fletcher@soest.hawaii.edu](mailto:fletcher@soest.hawaii.edu)

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Wednesday, February 22, 2023

Aloha, Chair Waters, Vice-Chair Kia‘āina, and Councilmembers,

I am writing to support Bill 41 (2022), CD2 (CR-32). I write as Interim Dean of the School of Ocean and Earth Science and Technology at the University of Hawai‘i at Mānoa and as the Director of the Climate Resilience Collaborative (CRC).

CRC is a multi-investigator research project at the University of Hawai‘i at Mānoa focused on sea level rise adaptation and climate resilience. CRC is updating coastal models that project the impacts of sea level rise.

I support Bill 41 because sea level rise is an inevitable and permanent reality on our shorelines. Bill 41 achieves two critical objectives: 1) It increases the shoreline setback and this creates an improved safety buffer for developed assets; and 2) It establishes a scientific basis for defining that buffer.

Thank you, I am available for questions.

Respectfully,

*C. Fletcher*

Charles Fletcher

Testimony by Suzanne Young, CEO  
Honolulu Board of Realtors®

Honolulu City Council  
February 22, 2023  
Honolulu Hale

RE: Bill 41 (2022), CD2 - **in opposition** with comments

Aloha Chair Waters and Councilmembers:

Thank you for the opportunity to provide testimony on this bill. The Honolulu Board of REALTORS® (HBR) on behalf of our 7,000 members and its City Affairs Committee **opposes Bill 41 (2022), CD2 at this time.**

HBR strongly supports the intent of Bill 41 (2022) CD2 – to protect Oahu’s shorelines, as well as our shoreline property owners, families and communities. However, because this bill will significantly affect our shoreline homeowners, it needs additional time for review, education and input. We are particularly concerned about the negative and economically burdensome impacts Bill 41 CD2 may have on Oahu’s shoreline families. Also, as indicated by recent testimony on February 9, 2023, there are additional reports currently being finalized that would inform and benefit a final version of Bill 41 (2022) for adoption.

For these reasons, the Honolulu Board of Realtors opposes the passage of Bill 41 (2022) CD2 at this time and recommends deferred action until adequate time has been allowed for additional information, data and community input to inform a best final version for adoption.

Thank you for your consideration and the opportunity to provide our input on this critical measure.