

## Column: Use surplus to protect Sunset Beach

By Chip Fletcher and Colin Lee · Dec. 25, 2022

Hawaii has a budget surplus of \$1.9 billion. We urge use of these funds to protect treasured Sunset Beach. Here is our two-part proposal.

First, we encourage the administration to change course from the past and crack down on expired emergency hardening permissions granted to coastal property owners. Reporting by the Star-Advertiser clearly demonstrates a strong legal justification for acting on expired permits. Beaches are a vital ecological, cultural and public resource. The state has a fiducial obligation to enforce laws aimed at protecting these public trust lands.

Houses falling onto the sand, debris littering nearshore waters and limitations to public access are all symptoms of our failure to uphold the public trust doctrine, and an inadequate response to the scientific reality of sea level rise. Any doubts harbored by coastal stakeholders regarding the threat posed by sea-level rise should be reconsidered in light of recent stunning findings of the Intergovernmental Panel on Climate Change. The IPCC states with “high confidence” that: “Sea level is committed to rise for centuries to millennia due to continuing deep-ocean warming and ice-sheet melt and will remain elevated for thousands of years.”

Second, we encourage the Legislature to appropriate funds to purchase every property west of the bridge at Sunset Beach and makai of Kamehameha Highway. This buyout of fewer than 50 parcels should extend all the way to the undeveloped parcel at Rocky Point. Based on public property tax records, we estimate this action will cost less than \$115 million, about 6% of the budget surplus. In the short term, the state could lease the majority of these properties back to their current owners, or whomever else may be interested; hardened waterfront lots should be returned to nature so that the beach, and public access, can recover.

Alternatively, this solution could move immediately to the long-term fix and get these at-risk properties out of nature’s way in order to establish a spacious new public beach park and parking lot. Empirical models by our University of Hawaii research team show clearly that these parcels are vulnerable to growing erosion and annual wave inundation over the next 50 years.

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1. Parcel owners would have a fair exit strategy from a situation that otherwise has no good ending and a lease-back program allows the state to recoup some of its investment.

2. In the long term, the new park could be conveyed to the city or a nonprofit such as the North Shore Community Land Trust with extra funds to construct additional parking and potentially another shower facility.

3. Extra parking will alleviate traffic and the new park will allow residents and visitors to enjoy this beautiful and iconic shoreline.

Rightly so, the new administration is addressing the affordable housing crisis. Although this solution would remove a small percentage of Hawaii's housing stock, this decision would result in an equitable outcome for local families living on or near this coastline. Why? Because the state has an obligation to protect public beaches but no obligation to provide payouts to private property owners whose risky investment in coastal real estate was taken by the rising ocean. This one-time solution for a hazardous area with high public value allows property owners to leave with fair market value instead of the degraded parcel value that sea level rise will inevitably impose in the future.

This action also presents an opportunity for the government to pilot another policy tool by making suitable but currently undeveloped land available for land swaps with interested local families who would like to remain close to their friends and relatives.

This one-time acquisition would not set any legal precedent and moving forward we are not endorsing the creation of a government policy to purchase coastal property that it will otherwise acquire for free as the unstoppable shoreline moves mauka. This move must be done in concert with increased enforcement of state and county laws intended to protect public coastal resources.

To any akamai buyer, the fair market value of these properties is already diminished and will continue to decline with each successive inch of sea level rise. While this action is expensive, it is affordable in light of the current budget surplus, and the benefit to present and future generations of Hawaii is immeasurable.

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