
A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the coastal zone
2 management program was established as part of the coastal zone
3 management law under Act 188, Session Laws of Hawaii 1977. The
4 Act declared that it is state policy regarding scenic and open
5 space resources to protect, preserve and, where desirable,
6 restore or improve the quality of coastal scenic and open space
7 resources; regarding coastal ecosystems, to protect valuable
8 coastal ecosystems from disruption and minimize adverse impacts
9 on all coastal ecosystems; regarding coastal hazards, to reduce
10 hazards to life and property from tsunami, storm waves, stream
11 flooding, erosion, and subsidence; and regarding managing
12 development, to improve the development review process,
13 communication, and public participation in the management of
14 coastal resources and hazards.

15 The legislature further finds that a 2012 study by the
16 United States Geological Survey and university of Hawaii
17 researchers indicates that seventy per cent of beaches in the



1 State are undergoing a trend of chronic sand loss and shoreline
2 retreat and more than thirteen miles of beach have been
3 completely lost to erosion fronting seawalls and revetments.
4 The Hawaii sea level rise vulnerability and adaptation report,
5 accepted by the Hawaii climate change mitigation and adaptation
6 commission in 2017, finds that with just 1.1 feet of sea level
7 rise many more miles of beach could be lost to erosion (e.g.,
8 five miles on Kauai, seven miles on Oahu, and eight miles on
9 Maui) if widespread armoring is allowed. In consideration of
10 its findings, the report recommends enabling beaches to persist
11 with sea level rise and suggests integration of sea level rise
12 considerations into the Hawaii Coastal Zone Management Act
13 (chapter 205A, Hawaii Revised Statutes).

14 The legislature further finds that the convergence of
15 development densification along shorelines and increasing
16 landward migration of shorelines due to sea level rise and other
17 human and natural impacts, as well as extensive beach loss
18 fronting shoreline armoring, has resulted in a situation where
19 existing policies and regulations must be updated to address
20 critical shortcomings to protect beaches and other coastal
21 environments from further degradation while also reducing



1 exposure of shorefront communities to increasing erosion and
2 flooding hazards with sea level rise. In a recent study by the
3 university of Hawaii coastal geology group, primary causes for
4 failure of coastal zone management policy objectives were
5 identified as being related to the following:

6 (1) Current policies, ordinances, and practices allowing
7 hardening of shorelines in the case of demonstrated
8 hardship brought on by coastal erosion through a
9 variance process. The hardship variance also
10 inadvertently incentivizes the siting of structures
11 nearer to the coastline owing to increased likelihood
12 that shoreline hardening will be authorized. This
13 variance process in conjunction with increasing
14 landward migration of the shoreline, ensures that
15 pressure on regulatory agencies to allow shoreline
16 armoring will continue to increase under existing
17 policies. Further, amplified erosion, known as
18 "flanking" occurs on properties located adjacent to
19 existing shoreline hardening. The amplified erosion
20 in combination with the hardship variance spurs a
21 continuous cycle of hardening and flanking that can



1 extend along an entire beach. The university of
2 Hawaii study, which demonstrated this effect in a
3 section of northeast Oahu, reports that roughly forty-
4 five per cent of observed shoreline hardening was
5 implemented in response to adjacent hardening. This
6 combination of beach erosion and coastal policy that
7 has allowed widespread shoreline armoring has caused
8 narrowing or elimination of beaches to the extent that
9 these beaches can no longer be used for public
10 recreation and cultural practice; and

- 11 (2) Current policies, ordinances, and practices allowing
12 for renovation and expansion of single-family homes,
13 extending building lifetimes indefinitely and allowing
14 for virtually complete coverage of coastal parcels by
15 structures within erosion and flood-prone coastal
16 areas. The university of Hawaii study demonstrated
17 this policy weakness, reporting that the average
18 building surface area increased by twenty per cent
19 following implementation of the Coastal Zone
20 Management Act. As sea levels continue to rise, our
21 concentrated shoreline development will be exposed to



1 coastal hazards, thus increasing the likelihood of
2 mass structural failure and deposit of debris on
3 public beach resources.

4 In response to the inadequacies of the current coastal zone
5 management policies and regulations with respect to the
6 protection of beaches, beach access, and beach ecosystems, due
7 primarily to sea level rise and other natural and human impacts,
8 but also related to the inability of existing policies and
9 regulations to reconcile development along dynamic beach systems
10 while protecting these natural environments, the legislature
11 finds that state coastal zone management policies must be
12 strengthened to conserve beaches for present and future
13 generations while also reducing hazard exposure to shorefront
14 communities.

15 The purpose of this Act is to amend chapter 205A, Hawaii
16 Revised Statutes, to strengthen state policies to reduce
17 residential exposure to coastal hazards and protect state
18 beaches and to update language for consistency with other Hawaii
19 Revised Statutes.



1 SECTION 2. Section 205A-1, Hawaii Revised Statutes, is
2 amended by adding two new definitions to be appropriately
3 inserted and to read as follows:

4 "Beach" means a coastal landform composed predominantly of
5 sand from eroded rock, coral, or shell material that is built
6 and maintained by tides and waves. "Beach" also means a dynamic
7 system encompassing sand deposits in nearshore submerged areas
8 and sand dunes, or upland beach deposits landward of the
9 shoreline, and providing benefits for public use and recreation,
10 for coastal ecosystems, and as a natural barrier against coastal
11 hazards.

12 "Coastal hazards" include tsunami, hurricanes, wind, waves,
13 storm surges, high tide, flooding, stream flooding, erosion, sea
14 level rise, subsidence, and point and nonpoint source
15 pollution."

16 SECTION 3. Section 205A-2, Hawaii Revised Statutes, is
17 amended to read as follows:

18 **"§205A-2 Coastal zone management program; objectives and**
19 **policies.** (a) The objectives and policies in this section
20 shall apply to all parts of this chapter.

21 (b) Objectives.



- 1 (1) Recreational resources;
- 2 (A) Provide coastal recreational opportunities
- 3 accessible to the public.
- 4 (2) Historic resources;
- 5 (A) Protect, preserve, and, where desirable, restore
- 6 those natural and manmade historic and
- 7 prehistoric resources in the coastal zone
- 8 management area that are significant in Hawaiian
- 9 and American history and culture.
- 10 (3) Scenic and open space resources;
- 11 (A) Protect, preserve, and, where desirable, restore
- 12 or improve the quality of coastal scenic and open
- 13 space resources.
- 14 (4) Coastal ecosystems;
- 15 (A) Protect valuable coastal ecosystems, including
- 16 reefs, beaches, and coastal dunes, from
- 17 disruption and minimize adverse impacts on all
- 18 coastal ecosystems.
- 19 (5) Economic uses;



1 (A) Provide public or private facilities and
2 improvements important to the State's economy in
3 suitable locations.

4 (6) Coastal hazards;

5 (A) Reduce hazard to life and property from [~~tsunami,~~
6 ~~storm waves, stream flooding, erosion,~~
7 ~~subsidence, and pollution.~~] coastal hazards.

8 (7) Managing development;

9 (A) Improve the development review process,
10 communication, and public participation in the
11 management of coastal resources and hazards.

12 (8) Public participation;

13 (A) Stimulate public awareness, education, and
14 participation in coastal management.

15 (9) Beach protection;

16 (A) Protect beaches and coastal dunes for [~~public~~]:

17 (i) Public use and recreation[-];

18 (ii) Benefits of coastal ecosystems; and

19 (iii) Natural barriers to coastal hazards; and

20 (B) Coordinate and fund beach management and

21 protection; and



- 1 (10) Marine resources;
- 2 (A) Promote the protection, use, and development of
- 3 marine and coastal resources to assure their
- 4 sustainability.
- 5 (c) Policies.
- 6 (1) Recreational resources;
- 7 (A) Improve coordination and funding of coastal
- 8 recreational planning and management; and
- 9 (B) Provide adequate, accessible, and diverse
- 10 recreational opportunities in the coastal zone
- 11 management area by:
- 12 (i) Protecting coastal resources uniquely suited
- 13 for recreational activities that cannot be
- 14 provided in other areas;
- 15 (ii) Requiring [~~replacement~~] restoration of
- 16 coastal resources [~~having~~] that have
- 17 significant recreational and ecosystem
- 18 value, including[7] but not limited to coral
- 19 reefs, surfing sites, fishponds, [and] sand
- 20 beaches, and coastal dunes, when [~~such~~]
- 21 these resources will be unavoidably damaged



- 1 by development [7] or requiring [reasonable]
2 monetary compensation to the State for
3 recreation when [replacement] restoration is
4 not feasible or desirable;
- 5 (iii) Providing and managing adequate public
6 access, consistent with conservation of
7 natural resources, to and along shorelines
8 with recreational value;
- 9 (iv) Providing an adequate supply of shoreline
10 parks and other recreational facilities
11 suitable for public recreation;
- 12 (v) Ensuring public recreational uses of county,
13 state, and federally owned or controlled
14 shoreline lands and waters having
15 recreational value consistent with public
16 safety standards and conservation of natural
17 resources;
- 18 (vi) Adopting water quality standards and
19 regulating point and nonpoint sources of
20 pollution to protect, and where feasible,



- 1 restore the recreational value of coastal
- 2 waters;
- 3 (vii) Developing new shoreline recreational
- 4 opportunities, where appropriate, [~~such as~~]
- 5 including but not limited to artificial
- 6 lagoons, artificial beaches, and artificial
- 7 reefs for surfing and fishing; and
- 8 (viii) Encouraging reasonable dedication of
- 9 shoreline areas with recreational value for
- 10 public use as part of discretionary
- 11 approvals or permits by the land use
- 12 commission, board of land and natural
- 13 resources, and county authorities; and
- 14 crediting [~~such~~] this dedication against the
- 15 requirements of section 46-6;
- 16 (2) Historic resources;
- 17 (A) Identify and analyze significant archaeological
- 18 resources;
- 19 (B) Maximize information retention through
- 20 preservation of remains and artifacts or salvage
- 21 operations; and



- 1 (C) Support state goals for protection, restoration,
2 interpretation, and display of historic
3 resources;
- 4 (3) Scenic and open space resources;
 - 5 (A) Identify valued scenic resources in the coastal
6 zone management area;
 - 7 (B) Ensure that new developments are compatible with
8 their visual environment by designing and
9 locating [~~such~~] these developments to minimize
10 the alteration of natural landforms and existing
11 public views to and along the shoreline;
 - 12 (C) Preserve, maintain, and, where desirable, improve
13 and restore shoreline open space and scenic
14 resources; and
 - 15 (D) Encourage those developments that are not coastal
16 dependent to locate in inland areas;
- 17 (4) Coastal ecosystems;
 - 18 (A) Exercise an overall conservation ethic, and
19 practice stewardship in the protection, use, and
20 development of marine and coastal resources;



- 1 (B) Improve the technical basis for natural resource
2 management;
- 3 (C) Preserve valuable coastal ecosystems, including
4 reefs, beaches, and dunes, of significant
5 biological or economic importance;
- 6 (D) Minimize disruption or degradation of coastal
7 water ecosystems by effective regulation of
8 stream diversions, channelization, and similar
9 land and water uses, recognizing competing water
10 needs; and
- 11 (E) Promote water quantity and quality planning and
12 management practices that reflect the tolerance
13 of fresh water and marine ecosystems and maintain
14 and enhance water quality through the development
15 and implementation of point and nonpoint source
16 water pollution control measures;
- 17 (5) Economic uses;
- 18 (A) Concentrate coastal dependent development in
19 appropriate areas;
- 20 (B) Ensure [~~that coastal dependent development such~~
21 ~~as harbors and ports,~~] residential and commercial



1 development, transportation infrastructure, and
2 coastal related development [~~such as~~], including
3 but not limited to visitor industry facilities
4 and energy generating facilities [~~are~~]:

5 (i) Are located, designed, and constructed to
6 minimize exposure to coastal hazards; and

7 (ii) Minimize adverse social, visual, and
8 environmental impacts in the coastal zone
9 management area; and

10 (C) Direct the location and expansion of coastal
11 [~~dependent developments~~] development to areas
12 presently designated and used for [~~such~~] these
13 developments and permit reasonable long-term
14 growth at [~~such~~] these areas, and permit coastal
15 [~~dependent~~] development outside of presently
16 designated areas when:

17 (i) Use of presently designated locations is not
18 feasible;

19 (ii) Adverse environmental effects and risks from
20 coastal hazards are minimized; and



- 1 (iii) The development is important to the State's
- 2 economy;
- 3 (6) Coastal hazards;
- 4 (A) Develop and communicate adequate information
- 5 about [~~storm wave, tsunami, flood, erosion,~~
- 6 ~~subsidence, and point and nonpoint source~~
- 7 ~~pollution~~] risks of coastal hazards;
- 8 (B) Control development, including planning and
- 9 zoning control, in areas subject to [~~storm wave,~~
- 10 ~~tsunami, flood, erosion, hurricane, wind,~~
- 11 ~~subsidence, and point and nonpoint source~~
- 12 ~~pollution~~] coastal hazards;
- 13 (C) Ensure that developments comply with requirements
- 14 of the [~~Federal~~] National Flood Insurance
- 15 Program; and
- 16 (D) Prevent coastal flooding from inland project;
- 17 (7) Managing development;
- 18 (A) Use, implement, and enforce existing law
- 19 effectively to the maximum extent possible in
- 20 managing present and future coastal zone
- 21 development;



- 1 (B) Facilitate timely processing of applications for
- 2 development permits and resolve overlapping or
- 3 conflicting permit requirements; and
- 4 (C) Communicate the potential short and long-term
- 5 impacts of proposed significant coastal
- 6 developments early in their life cycle and in
- 7 terms understandable to the public to facilitate
- 8 public participation in the planning and review
- 9 process;
- 10 (8) Public participation;
- 11 (A) Promote public involvement in coastal zone
- 12 management processes;
- 13 (B) Disseminate information on coastal management
- 14 issues by means of educational materials,
- 15 published reports, staff contact, and public
- 16 workshops for persons and organizations concerned
- 17 with coastal issues, developments, and government
- 18 activities; and
- 19 (C) Organize workshops, policy dialogues, and site-
- 20 specific mediations to respond to coastal issues
- 21 and conflicts;



1 (9) Beach protection;

2 (A) Locate new structures inland from the shoreline
3 setback to conserve open space, minimize
4 interference with natural shoreline processes,
5 and minimize loss of improvements due to erosion;

6 (B) Prohibit construction of private [~~erosion-~~
7 ~~protection~~] shoreline hardening structures
8 [~~seaward of the shoreline, except when they~~
9 ~~result in improved aesthetic and engineering~~
10 ~~solutions to erosion~~] such as seawalls and
11 revetments, at [the] sites [~~do not~~] with beaches
12 and at sites where shoreline hardening structures
13 interfere with existing recreational and
14 waterline activities;

15 (C) Minimize the construction of public [~~erosion-~~
16 ~~protection~~] shoreline hardening structures
17 [~~seaward of the shoreline,~~] such as seawalls and
18 rock revetments at sites with beaches and at
19 sites where shoreline hardening structures
20 interfere with existing recreational and
21 waterline activities;



- 1 (D) Avoid grading of and damage to coastal dunes;
- 2 ~~(D)~~ (E) Prohibit private property owners from
- 3 creating a public nuisance by inducing or
- 4 cultivating the private property owner's
- 5 vegetation in a beach transit corridor; and
- 6 ~~(E)~~ (F) Prohibit private property owners from
- 7 creating a public nuisance by allowing the
- 8 private property owner's unmaintained vegetation
- 9 to interfere or encroach upon a beach transit
- 10 corridor; and
- 11 (10) Marine and coastal resources;
- 12 (A) Ensure that the use and development of marine and
- 13 coastal resources are ecologically and
- 14 environmentally sound and economically
- 15 beneficial;
- 16 (B) Coordinate the management of marine and coastal
- 17 resources and activities to improve effectiveness
- 18 and efficiency;
- 19 (C) Assert and articulate the interests of the State
- 20 as a partner with federal agencies in the sound



1 management of ocean resources within the United
2 States exclusive economic zone;

3 (D) Promote research, study, and understanding of
4 ocean and coastal processes, climate change and
5 sea level rise, marine life, and other ocean
6 resources to acquire and inventory information
7 necessary to understand how [~~ocean~~] coastal
8 development activities relate to and impact upon
9 ocean and coastal resources; and

10 (E) Encourage research and development of new,
11 innovative technologies for exploring, using, or
12 protecting marine and coastal resources."

13 SECTION 4. Section 205A-22, Hawaii Revised Statutes, is
14 amended by amending the definition of "development" to read as
15 follows:

16 ""Development" means any of the uses, activities, or
17 operations on land or in or under water within a special
18 management area that are included below:

19 (1) Placement or erection of any solid material or any
20 gaseous, liquid, solid, or thermal waste;



1 (2) Grading, removing, dredging, mining, or extraction of
2 any materials;

3 (3) Change in the density or intensity of use of land,
4 including but not limited to the division or
5 subdivision of land;

6 (4) Change in the intensity of use of water, ecology
7 related thereto, or of access thereto; and

8 (5) Construction, reconstruction, demolition, or
9 alteration of the size of any structure.

10 "Development" does not include the following:

11 (1) Construction or reconstruction of a single-family
12 residence that is less than seven thousand five
13 hundred square feet of floor area, is not situated on
14 a parcel that is impacted by waves, storm surges, high
15 tide, or shoreline erosion, and is not part of a
16 larger development;

17 (2) Repair or maintenance of roads and highways within
18 existing rights-of-way;

19 (3) Routine maintenance dredging of existing streams,
20 channels, and drainage ways;



- 1 (4) Repair and maintenance of underground utility lines,
2 including but not limited to water, sewer, power, and
3 telephone and minor appurtenant structures such as pad
4 mounted transformers and sewer pump stations;
- 5 (5) Zoning variances, except for height, density, parking,
6 and shoreline setback;
- 7 (6) Repair, maintenance, or interior alterations to
8 existing structures;
- 9 (7) Demolition or removal of structures, except those
10 structures located on any historic site as designated
11 in national or state registers;
- 12 (8) Use of any land for the purpose of cultivating,
13 planting, growing, and harvesting plants, crops,
14 trees, and other agricultural, horticultural, or
15 forestry products or animal husbandry, or aquaculture
16 or mariculture of plants or animals, or other
17 agricultural purposes;
- 18 (9) Transfer of title to land;
- 19 (10) Creation or termination of easements, covenants, or
20 other rights in structures or land;



- 1 (11) Final subdivision approval; provided that in counties
2 that may automatically approve tentative subdivision
3 applications as a ministerial act within a fixed time
4 of the submission of a preliminary plat map, unless
5 the director takes specific action, a special
6 management area use permit if required, shall be
7 processed concurrently with an application for
8 tentative subdivision approval or after tentative
9 subdivision approval and before final subdivision
10 approval;
- 11 (12) Subdivision of land into lots greater than twenty
12 acres in size;
- 13 (13) Subdivision of a parcel of land into four or fewer
14 parcels when no associated construction activities are
15 proposed; provided that any land that is so subdivided
16 shall not thereafter qualify for this exception with
17 respect to any subsequent subdivision of any of the
18 resulting parcels;
- 19 (14) Installation of underground utility lines and
20 appurtenant aboveground fixtures less than four feet
21 in height along existing corridors;



1 (15) Structural and nonstructural improvements to existing
2 single-family residences, where otherwise permissible;

3 (16) Nonstructural improvements to existing commercial
4 structures; and

5 (17) Construction, installation, maintenance, repair, and
6 replacement of emergency management warning or signal
7 devices and sirens;

8 provided that whenever the authority finds that any excluded
9 use, activity, or operation may have a cumulative impact, or a
10 significant environmental or ecological effect on a special
11 management area, that use, activity, or operation shall be
12 defined as "development" for the purpose of this part."

13 SECTION 5. Section 205A-26, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§205A-26 Special management area guidelines.** In
16 implementing this part, the authority shall adopt the following
17 guidelines for the review of developments proposed in the
18 special management area:

19 (1) All development in the special management area shall
20 be subject to reasonable terms and conditions set by
21 the authority in order to ensure:



- 1 (A) Adequate access, by dedication or other means, to
2 publicly owned or used beaches, recreation areas,
3 and natural reserves is provided to the extent
4 consistent with sound conservation principles;
- 5 (B) Adequate and properly located public recreation
6 areas and wildlife preserves are reserved;
- 7 (C) Provisions are made for solid and liquid waste
8 treatment, disposition, and management [~~which~~
9 that will minimize adverse effects upon special
10 management area resources; and
- 11 (D) Alterations to existing land forms and
12 vegetation, except crops, and construction of
13 structures shall cause minimum adverse effect to
14 water resources, beaches, and coastal dunes, and
15 scenic and recreational amenities and [~~minimum~~
16 ~~danger of~~] minimize impacts from floods, wind
17 damage, storm surge, landslides, erosion, sea
18 level rise, siltation, or failure in the event of
19 earthquake.
- 20 (2) No development shall be approved unless the authority
21 has first found:



- 1 (A) That the development will not have any
2 ~~[substantial]~~ significant adverse environmental or
3 ecological effect, except as ~~[such]~~ any adverse
4 effect is minimized to the extent practicable and
5 clearly outweighed by public health, safety, or
6 compelling public interests. ~~[Such]~~ The adverse
7 effects shall include~~[7]~~ but not be limited to~~[7]~~
8 the potential cumulative impact of individual
9 developments, each one of which taken in itself
10 might not have a ~~[substantial]~~ significant adverse
11 effect, and the elimination of planning options;
- 12 (B) That the development is consistent with the
13 objectives, policies, and special management area
14 guidelines of this chapter and any guidelines
15 enacted by the legislature; and
- 16 (C) That the development is consistent with the
17 county general plan, community plan, and zoning.
18 ~~[Such a]~~ A finding of consistency does not
19 preclude concurrent processing where a general
20 plan, community plan, or zoning amendment may
21 also be required.



- 1 (3) The authority shall seek to minimize, where
2 reasonable:
- 3 (A) Dredging, filling or otherwise altering any bay,
4 estuary, salt marsh, river mouth, slough or
5 lagoon;
- 6 (B) Any development [~~which~~] that would reduce the
7 size of any beach or other area usable for public
8 recreation;
- 9 (C) Any development [~~which~~] that would reduce or
10 impose restrictions upon public access to tidal
11 and submerged lands, beaches, portions of rivers
12 and streams within the special management areas
13 and the mean high tide line where there is no
14 beach;
- 15 (D) Any development [~~which~~] that would substantially
16 interfere with or detract from the line of sight
17 toward the sea from the state highway nearest the
18 coast; and
- 19 (E) Any development [~~which~~] that would adversely
20 affect water quality, existing areas of open
21 water free of visible structures, existing and



1 potential fisheries and fishing grounds, wildlife
2 habitats, or potential or existing agricultural
3 uses of land."

4 SECTION 6. Section 205A-43, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) Setbacks along shorelines are established of not less
7 than [~~twenty feet and not more than~~] forty feet inland from the
8 shoreline. The department shall adopt rules pursuant to chapter
9 91, and shall enforce the shoreline setbacks and rules
10 pertaining thereto."

11 SECTION 7. Section 205A-43.5, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) Prior to action on a variance application, the
14 authority shall hold a public hearing under chapter 91. By
15 adoption of rules under chapter 91, the authority may delegate
16 responsibility to the department. Public and private notice,
17 including reasonable notice to abutting property owners and
18 persons who have requested this notice, shall be provided, but a
19 public hearing may be waived prior to action on a variance
20 application for:



- 1 (1) Stabilization of shoreline erosion by the moving of
2 sand entirely on public lands;
- 3 (2) [~~Protection~~] Temporary protection of a legal structure
4 [~~costing more than \$20,000;~~] or a public facility,
5 which does not fix the shoreline, under an emergency
6 authorization issued by the authority; provided that
7 the structure or public facility is at risk of
8 immediate damage from shoreline erosion;
- 9 (3) Other structures or activities; provided that no
10 person or agency has requested a public hearing within
11 twenty-five calendar days after public notice of the
12 application; or
- 13 (4) Maintenance, repair, reconstruction, and minor
14 additions or alterations of legal boating, maritime,
15 or watersports recreational facilities, [~~which~~] that
16 result in little or no interference with natural
17 shoreline processes."

18 SECTION 8. Section 205A-46, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) A variance may be granted for a structure or activity
21 otherwise prohibited in this part if the authority finds in



1 writing, based on the record presented, that the proposed
2 structure or activity is necessary for or ancillary to:

3 (1) Cultivation of crops;

4 (2) Aquaculture;

5 (3) Landscaping; provided that the authority finds that
6 the proposed structure or activity will not adversely
7 affect beach processes and will not artificially fix
8 the shoreline;

9 (4) Drainage;

10 (5) Boating, maritime, or watersports recreational
11 facilities;

12 (6) Facilities or improvements by public agencies or
13 public utilities regulated under chapter 269;

14 (7) Private facilities or improvements that are clearly in
15 the public interest;

16 (8) Private facilities or improvements ~~[which]~~, excluding
17 seawalls and revetments, that will neither adversely
18 affect beach processes ~~[nor artificially fix the~~
19 ~~shoreline]~~, nor result in flanking shoreline erosion;

20 provided that the authority ~~[also finds that]~~ may
21 consider hardship that will result to the applicant if



1 the facilities or improvements are not allowed within
2 the shoreline area;

3 (9) Private facilities or improvements that may
4 artificially fix the shoreline[+], except for areas
5 with sand beaches; provided that the [authority also
6 finds that shoreline erosion is likely to cause]
7 action will not interfere with existing recreational
8 and waterline activities; provided further that the
9 authority may consider hardship that will result to
10 the applicant if the facilities or improvements are
11 not allowed within the shoreline area[+ ~~and the~~
12 ~~authority imposes conditions to prohibit any structure~~
13 ~~seaward of the existing shoreline unless it is clearly~~
14 ~~in the public interest]~~; or

15 (10) Moving of sand from one location seaward of the
16 shoreline to another location seaward of the
17 shoreline; provided that the authority also finds that
18 moving of sand will not adversely affect beach
19 processes, will not diminish the size of a public
20 beach, and will be necessary to stabilize an eroding
21 shoreline."



1 SECTION 9. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 10. This Act shall take effect on July 1, 2019.



Report Title:

Climate Change; Sea Level Rise; Barriers; Flooding; Coastal Zone Management

Description:

Requires new developments to plan for the impacts of projected sea level rise and prohibits development in areas significantly affected by projected sea level rise. Amends policies and objectives related to coastal zone management to reduce residential exposure to coastal hazards and protect state beaches and public shoreline access. Defines "beach" and "coastal hazards". (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

