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## A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1           SECTION 1. Chapter 179, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§179-           Petition for land improvements to prevent  
5 flooding. (a) A landowner whose real property is at risk of  
6 reasonably foreseeable flooding or whose real property has  
7 experienced a flood due to man-made alterations or natural  
8 conditions on state lands may petition the department for the  
9 creation of a flood mitigation action plan.

10           (b) Within sixty days after the filing of the petition,  
11 the department shall:

12           (1) Consult and collaborate with all state agencies with  
13           jurisdiction over the state lands alleged to be a  
14           flood hazard;

15           (2) Assess the merits of the petition and the risk of a  
16           flood to the real property; and

17           (3) Issue one of the following decisions:



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1           (A) No action. If the department determines that no  
2           action be taken, the department shall state the  
3           reasons for such determination in writing; or

4           (B) Action. If the department determines action be  
5           taken to mitigate flooding to the real property,  
6           the department shall provide the landowner with a  
7           copy of a proposed action plan making  
8           improvements to the state lands to mitigate  
9           flooding.

10           (c) If no substantial progress is made on the  
11           implementation of the flood mitigation action plan within one  
12           hundred and twenty days after the department's determination  
13           that action be taken, the landowner may undertake reasonable  
14           measures to make improvements to the state lands to mitigate  
15           flooding.

16           (d) Nothing in this section shall be construed to relieve  
17           any duty to:

18           (1) Conduct an environmental impact assessment as may be  
19           required by law;

20           (2) Obtain any necessary permit or license for the action  
21           being taken; or



1        (3) Any other requirements as provided by law."

2        SECTION 2. New statutory material is underscored.

3        SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: *Lion Martin*

JAN 27 2021



# H.B. NO. 1353

**Report Title:**

State Lands; Department of Land and Natural Resources; Flood Mitigation

**Description:**

Establishes a process for landowners whose real property is at risk of reasonably foreseeable flooding or whose real property has experienced a flood due to man-made alterations or natural conditions on state lands to petition the department of land and natural resources for a flood mitigation action plan.

Authorizes landowners to undertake improvements to the state lands if substantial progress is not made within a certain amount of time.

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

