

JAN 22 2021

A BILL FOR AN ACT

RELATING TO COASTAL ZONE MANAGEMENT.

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

1 SECTION 1. The legislature finds that Hawaii is
2 experiencing increased threats to its infrastructure,
3 environment, and ecosystems due to climate change, such as the
4 increasing frequency and severity of storms, sea level rise,
5 groundwater inundation, and coastal erosion.

6 The legislature is concerned that resort areas such as
7 Waikiki, given their importance to the economic well-being of
8 the State and its substantial coastal exposure, is experiencing
9 the adverse effects of these threats. For example, Waikiki is
10 facing the accelerated deterioration and failure of both public
11 and private shoreline improvements, such as seawalls,
12 revetments, groins, and walkways.

13 A Waikiki-specific beach protection exemption will allow
14 replacement and improvement of shoreline structures to
15 accommodate predicted sea level increases. Without such
16 improvements, future beach restoration efforts in Waikiki will
17 be limited and increasingly threatened by coastal hazards. The



1 purpose of this Act is to strengthen the resilience of resort
2 areas such as Waikiki to anticipated impacts of coastal hazards,
3 including climate change and sea-level rise.

4 SECTION 2. Section 205A-2, Hawaii Revised Statutes, is
5 amended by amending subsection (c) to read as follows:

6 "(c) Policies.

7 (1) Recreational resources;

8 (A) Improve coordination and funding of coastal
9 recreational planning and management; and

10 (B) Provide adequate, accessible, and diverse
11 recreational opportunities in the coastal zone
12 management area by:

13 (i) Protecting coastal resources uniquely suited
14 for recreational activities that cannot be
15 provided in other areas;

16 (ii) Requiring replacement of coastal resources
17 having significant recreational value
18 including, but not limited to surfing sites,
19 fishponds, and sand beaches, when such
20 resources will be unavoidably damaged by
21 development; or requiring reasonable



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



- 1 (vii) Developing new shoreline recreational
- 2 opportunities, where appropriate, such as
- 3 artificial lagoons, artificial beaches, and
- 4 artificial reefs for surfing and fishing;
- 5 and
- 6 (viii) Encouraging reasonable dedication of
- 7 shoreline areas with recreational value for
- 8 public use as part of discretionary
- 9 approvals or permits by the land use
- 10 commission, board of land and natural
- 11 resources, and county authorities; and
- 12 crediting such dedication against the
- 13 requirements of section 46-6;
- 14 (2) Historic resources;
- 15 (A) Identify and analyze significant archaeological
- 16 resources;
- 17 (B) Maximize information retention through
- 18 preservation of remains and artifacts or salvage
- 19 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 developments to minimize the
10 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, of significant biological or economic
- 5 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 as
- 21 harbors and ports, and coastal related



1 development such as visitor industry facilities
2 and energy generating facilities, are located,
3 designed, and constructed to minimize adverse
4 social, visual, and environmental impacts in the
5 coastal zone management area; and

6 (C) Direct the location and expansion of coastal
7 dependent developments to areas presently
8 designated and used for such developments and
9 permit reasonable long-term growth at such areas,
10 and permit coastal dependent development outside
11 of presently designated areas when:

12 (i) Use of presently designated locations is not
13 feasible;

14 (ii) Adverse environmental effects are minimized;
15 and

16 (iii) The development is important to the State's
17 economy;

18 (6) Coastal hazards;

19 (A) Develop and communicate adequate information
20 about storm wave, tsunami, flood, erosion,



- 1 subsidence, and point and nonpoint source
- 2 pollution hazards;
- 3 (B) Control development in areas subject to storm
- 4 wave, tsunami, flood, erosion, hurricane, wind,
- 5 subsidence, and point and nonpoint source
- 6 pollution hazards;
- 7 (C) Ensure that developments comply with requirements
- 8 of the Federal Flood Insurance Program; and
- 9 (D) Prevent coastal flooding from inland projects;
- 10 (7) Managing development;
- 11 (A) Use, implement, and enforce existing law
- 12 effectively to the maximum extent possible in
- 13 managing present and future coastal zone
- 14 development;
- 15 (B) Facilitate timely processing of applications for
- 16 development permits and resolve overlapping or
- 17 conflicting permit requirements; and
- 18 (C) Communicate the potential short and long-term
- 19 impacts of proposed significant coastal
- 20 developments early in their life cycle and in
- 21 terms understandable to the public to facilitate



- 1 public participation in the planning and review
2 process;
- 3 (8) Public participation;
- 4 (A) Promote public involvement in coastal zone
5 management processes;
- 6 (B) Disseminate information on coastal management
7 issues by means of educational materials,
8 published reports, staff contact, and public
9 workshops for persons and organizations concerned
10 with coastal issues, developments, and government
11 activities; and
- 12 (C) Organize workshops, policy dialogues, and site-
13 specific mediations to respond to coastal issues
14 and conflicts;
- 15 (9) Beach protection;
- 16 (A) Locate new structures inland from the shoreline
17 setback to conserve open space, minimize
18 interference with natural shoreline processes,
19 and minimize loss of improvements due to erosion;
- 20 (B) Prohibit construction of private erosion-
21 protection structures seaward of the shoreline,



1 except when they result in improved aesthetic and
2 engineering solutions to erosion at the sites and
3 do not interfere with existing recreational and
4 waterline activities; provided that this
5 subparagraph shall not apply to Waikiki;

6 (C) Minimize the construction of public erosion
7 protection structures seaward of the shoreline;

8 (D) Minimize grading of and damage to coastal dunes.

9 (E) Prohibit private property owners from creating a
10 public nuisance by inducing or cultivating the
11 private property owner's vegetation on a beach
12 transit corridor; and

13 (F) Prohibit private property owners from creating a
14 public nuisance by allowing the private property
15 owner's unmaintained vegetation to interfere or
16 encroach upon a beach transit corridor; and

17 (10) Marine and coastal resources;

18 (A) Ensure that the use and development of marine and
19 coastal resources are ecologically and
20 environmentally sound and economically
21 beneficial;



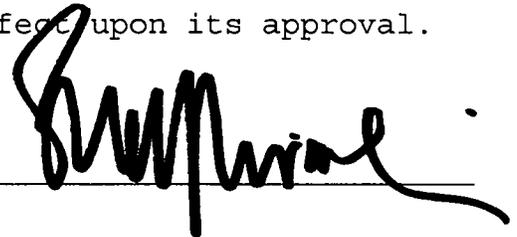
- 1 (B) Coordinate the management of marine and coastal
2 resources and activities to improve effectiveness
3 and efficiency;
- 4 (C) Assert and articulate the interests of the State
5 as a partner with federal agencies in the sound
6 management of ocean resources within the United
7 States exclusive economic zone;
- 8 (D) Promote research, study, and understanding of
9 ocean processes, marine life, and other ocean
10 resources to acquire and inventory information
11 necessary to understand how ocean development
12 activities relate to and impact upon ocean and
13 coastal resources; and
- 14 (E) Encourage research and development of new,
15 innovative technologies for exploring, using, or
16 protecting marine and coastal resources."

17 SECTION 3. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.

19

INTRODUCED BY: _____



S.B. NO. 796

Report Title:

Coastal Zone Management Program; Erosion Protection; Waikiki

Description:

Exempts Waikiki from certain coastal zone management program policies relating to beach protection.

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