

JAN 21 2022

S.B. NO. 2814

A BILL FOR AN ACT

RELATING TO A COASTAL ZONE PROGRAM.

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

1 SECTION 1. The legislature finds that the current
2 shoreline regulatory process has become a substantial time and
3 cost burden and obstacle to the State, counties, and private
4 landowners. Experiential observations over the past decade
5 demonstrate that Hawaii's current shoreline permit system is
6 reactive and has often become an obstacle to protecting,
7 preserving, and restoring the State's shorelines and coastal
8 ecosystems. As both a time and cost obstacle, the current
9 shoreline permit system often significantly contributes to
10 exacerbating shoreline erosion and coastal ecosystem
11 degradation. The current shoreline permit process includes the
12 environmental assessment planning process, as detailed in
13 chapter 343, Hawaii Revised Statutes, completion of which is
14 required prior to applying for federal, state, and county permit
15 applications. A Hawaii next generation coastal zone managers
16 program can overcome these negative impacts from Hawaii's
17 current shoreline planning process and shoreline permit system.



1 The legislature further finds that developing a framework
2 for a Hawaii next generation coastal zone managers program will
3 have two important outcomes. The first outcome will be a
4 sustainable jobs program for the islands' next generation of
5 place-based coastal zone managers, based on experiential
6 learning and environmental literacy, with college degrees in all
7 fields of coastal zone management, such as coastal geology,
8 cultural resources, archaeology, ocean engineering, ecosystem
9 services, water science, marine biology, watershed management,
10 environmental planning, and marine education. As the second
11 outcome, Hawaii will have a competent cadre of place-based
12 experts with the knowledge, skills, and abilities to adequately
13 understand and manage the State's growing coastal zone problems
14 in an era of sea level rise.

15 The legislature further finds that implementation of a
16 Hawaii next generation coastal zone managers program can fulfill
17 identified state priorities. The deliverables and outputs from
18 such a program offer the State a programmatic framework to
19 substantially achieve the following 2017 recommendations from
20 the Hawaii climate change mitigation and adaptation commission:



- 1 (1) Recommendation 7: Develop significant and sustainable
2 funding sources and incentives to support adaptation
3 to sea level rise;
- 4 (2) Recommendation 8: Support research, assessment, and
5 monitoring of coastal hazards and impacts to sea level
6 rise; and
- 7 (3) Recommendation 9: Establish collaborative governance
8 processes through the Hawaii climate change mitigation
9 and adaptation commission that support a learning
10 approach to sea level rise adaptation.

11 Additionally, a Hawaii next generation coastal zone
12 managers program supports the implementation phase (2020 to
13 2030) of the statewide Hawaii ocean resources management plan
14 2020, which is managed by the office of planning and sustainable
15 development; as mandated by chapter 205A, Hawaii Revised
16 Statutes, relating to coastal zone management; and supported by
17 the council on ocean resources, which is represented by most
18 state agencies. The plan's implementation phase focuses on the
19 following areas:

- 20 (1) Focus area 1: development and coastal hazards;
- 21 (2) Focus area 2: land-based pollution; and



1 (3) Focus area 3: marine ecosystems.

2 Accordingly, the purpose of this Act is to establish a
3 taskforce, managed by the office of planning and sustainable
4 development, with assistance from an advisory group and a
5 consultation team, to develop a programmatic framework for a
6 Hawaii next generation coastal zone managers program as a
7 standing, statewide-funded program whose mission shall be to
8 better mitigate impacts to the State's coastal zone caused by
9 sea level rise and acute coastal erosion.

10 SECTION 2. (a) There is established within the office of
11 planning and sustainable development a coastal zone framework-
12 development taskforce which shall develop a programmatic
13 framework for a Hawaii next generation coastal zone management
14 program. The goal of a Hawaii next generation coastal zone
15 managers program shall be to shift from the current parcel-by-
16 parcel shoreline planning process to a proactive, regional
17 coastal planning approach in order to plan for and mitigate the
18 anticipated impacts of sea level rise and coastal erosion.

19 (b) The office of planning and sustainable development
20 shall convene the taskforce established pursuant to subsection
21 (a), which shall consist of the following members:



- 1 (1) The director of the office of planning and sustainable
2 development, or the director's designee, who shall
3 serve as the chair;
- 4 (2) Two members from the office of planning and
5 sustainable development's staff to be selected by the
6 director of the office of planning and sustainable
7 development and designated as the secretariat resource
8 persons; provided that one of the two persons shall
9 manage the budget and project plan;
- 10 (3) The chairperson of the board of land and natural
11 resources, or the chairperson's designee;
- 12 (4) One member representing the Hawaii climate change
13 mitigation and adaptation commission, to be selected
14 by the commission;
- 15 (5) A representative from each of the county planning
16 departments, to be selected by the directors of the
17 respective departments;
- 18 (6) At least three place-based planners each representing
19 Molokai, Lanai, and the Kona area of Hawaii island, to
20 be appointed by the mayor of the respective county;



(7) At least two members representing the University of Hawaii system, to be selected by the president of the University of Hawaii; and

(8) Two members representing the University of Hawaii sea grant college program, to be selected by the president of the University of Hawaii;

provided that the office of planning and sustainable development shall hire or appoint at least one additional staff person to serve as a taskforce member and shall assist the taskforce to organize the project, manage tasks, produce outreach materials, conduct outreach activities, and assist in production of the taskforce's deliverables.

(c) In developing the framework required by subsection (a), the taskforce shall engage a framework-development advisory group to be composed of subject-matter experts and sector representatives. The taskforce shall recommend subject-matter experts and sector representatives who shall be invited to serve as volunteers on the advisory group. The advisory group shall be composed of diverse, experienced, and interested persons from sectors underrepresented by the members of the taskforce, including members from the public, private, academic, and



1 nonprofit sectors and other relevant organizations, as well as
2 community, cultural, and next generation representatives. The
3 advisory group shall serve in an expert and advisory capacity
4 only and shall not provide oversight to the work of the
5 taskforce. The advisory group shall have the opportunity to
6 have significant input on all aspects of the tasks and
7 deliverables to be include in the framework.

8 (d) The taskforce shall meet no more than quarterly with
9 members of the advisory group at a place and time to be
10 determined by the chair of the taskforce.

11 (e) Within the first six months of the establishment of
12 the taskforce, the office of planning and sustainable
13 development shall develop a project scope of work and hire a
14 team of consultants with appropriate expertise, as defined in
15 the project scope of work. The consultant team shall carry out
16 the tasks and activities identified in subsections (f), (g), and
17 (i) in order to complete the deliverables specified in
18 subsection (h).

19 (f) The framework developed by the taskforce shall include
20 detailed terms of reference for a proactive planning process to
21 preserve the State's remaining coastal ecosystems while



1 simultaneously protecting existing threatened development from
2 coastal erosion and to overcome the following challenges:

3 (1) How to streamline and consolidate Hawaii's reactive,
4 multi-jurisdictional, regulatory permit system while
5 continuing to meet environmental regulations;

6 (2) How to shift Hawaii's reactive environmental
7 assessment process, under chapter 343, Hawaii Revised
8 Statutes, to one that is funded proactively ahead of
9 acute or anticipated coastal erosion;

10 (3) How to enhance curriculum related to coastal zone
11 management and recruit students at all levels to
12 address Hawaii's lack of local, place-based experts to
13 adequately manage the State's coastal ecosystems; and

14 (4) How to define and catalog the scope and breadth of
15 Hawaii's "nature-based solutions", via an incipient
16 catalog, that would become eligible for federal
17 funding programs.

18 The framework shall also:

19 (1) Develop a plan to reduce the time and cost of coastal
20 permits by approximately seventy-five per cent in



order to protect at-risk and threatened shoreline
development that was built thirty to fifty years ago;

(2) Develop a proactive planning process and electronic-
permitting system that complies with all environmental
rules and best-management practices as required by
federal, state, and county regulations in order to
protect, preserve, and where possible, restore the
State's shorelines and at-risk coastal ecosystems; and

(3) Define the steps to create the following program
outputs:

(A) Enhanced curriculum and training programs for
bachelor's, master's, and doctoral degrees with
university, community colleges, and private
industry;

(B) A cadre of place-based science, engineering,
culture, and planning experts with degrees in
coastal zone management;

(C) Experiential learning practicums to proactively
complete critical studies for at-risk coastal
ecosystems; and



(D) Input to transparent regulatory applications and permit approval processes.

(g) In carrying out its responsibilities, the taskforce shall study other states' current coastal planning systems in order to understand, document, and recommend options for a state-level, proactive, shoreline-planning regulatory process.

(h) The scope of work for the framework shall include the following deliverables:

(1) A database of advisory group members and meeting agendas with attendees and products presented listed, to include presentations and minutes from meetings which summarize findings, recommendations, and actions identified;

(2) The terms of reference for the implementation of a future program to be named the Hawaii next generation coastal zone managers program;

(3) A shoreline adaptation electronic-permitting system strategic implementation plan, which includes at least an investigation of the applicability for adaptation in Hawaii of the state of Washington's joint aquatic



resources permit application streamlined permit
process;

(4) A draft multi-year education and outreach campaign
strategy and database of stakeholders;

(5) A database of focus group and community meeting
attendees and constituents, with meeting findings and
recommendations reports for continued strategic
engagement;

(6) A report on recommendations for future funding for
program implementation, which shall be based on
findings and outcomes from the deliverables identified
in paragraphs (1) through (5), and shall include draft
funding recommendations and proposed legislation
required to implement key components of the proposed
Hawaii next generation coastal zone managers program;

(7) Procurement and tracking of travel funds to meet
project requirements; provided that travel funds shall
be allotted for initial and follow-up focus group and
community meetings throughout the State; and

(8) Records of procurement of funds and expenditures of
local stipends related to community meetings, database



1 of attendees, photo documentation, and meeting
2 feedback form with collected comments. Stipends shall
3 be provided to designated local community liaison
4 personnel and local community leaders who are assigned
5 to manage, set up, advertise, and communicate about
6 community meetings; provided that at least two student
7 or faculty representatives per community high school
8 shall be invited to attend each of the community
9 meetings; provided further that stipends shall not
10 exceed \$1,500 per individual and shall be provided to
11 not more than two individuals per focus group meeting
12 or community meeting.

13 (i) To achieve the deliverables identified in subsection
14 (h), the taskforce, together with the consultant team, shall
15 convene statewide focus group meetings and community meetings in
16 order to complete a curriculum-development strategic plan that
17 incorporates the framework for project-based experiential-
18 learning practicums through university-led, coastal
19 environmental assessments. This strategic plan shall become
20 part of the framework, terms-of-reference deliverable.



1 (j) The taskforce shall submit the draft framework, which
2 shall include the deliverables identified in subsection (h),
3 findings, recommendations, and any proposed legislation to the
4 legislature no later than November 15, 2023. The final
5 framework, with all deliverables, shall be submitted to the
6 legislature no later than April 15, 2024.

7 (k) The taskforce shall be dissolved on June 30, 2024.

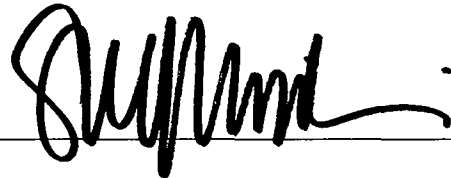
8 SECTION 3. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$950,000 or so much
10 thereof as may be necessary for fiscal year 2022-2023 to support
11 the Hawaii next generation coastal zone managers program
12 established pursuant to section 2 of this Act.

13 The sum appropriated shall be expended by the office of
14 planning and sustainable development for the purposes of this
15 Act.

16 SECTION 4. This Act shall take effect on July 1, 2022.

17

INTRODUCED BY: _____



S.B. NO. 2814

Report Title:

Coastal Erosion; Shoreline; Permits; Hawaii Next Generation
Coastal Zone Managers Program; Jobs Program; Enhanced
Curriculum; Taskforce; Advisory Group; Appropriation

Description:

Establishes, within the office of planning and sustainable development, a taskforce, advisory group, and consultant team to develop a coastal zone framework-development taskforce to develop a programmatic framework for a Hawaii next generation coastal zone management program. Makes an appropriation.

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