
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 the
2 Intergovernmental Panel on Climate Change, the world's leading
3 authority on climate science, in its 2023 Assessment Report 6
4 Summary for Policymakers, stated with high confidence that "sea
5 level rise is unavoidable for centuries to millennia due to
6 continuing deep ocean warming and ice sheet melt, and sea levels
7 will remain elevated for thousands of years", regardless of
8 whether humans slow carbon emissions into the atmosphere. The
9 legislature also finds that the state climate change mitigation
10 and adaptation commission, created by Act 32, Session Laws of
11 Hawaii 2017 (Act 32), stated in its 2022 report to the
12 legislature that Hawaii is projected to likely experience
13 between 3.9 and 5.9 feet of sea level rise by the year 2100.

14 As reflected in Act 32, the legislature recognizes that not
15 only is climate change real, but it is also the overriding
16 challenge of the twenty-first century and one of the priority
17 issues of the legislature. Climate change poses immediate and



1 long-term threats to the State's economy, sustainability, and
2 security and its residents' way of life. Act 32 established the
3 Hawaii climate change mitigation and adaptation commission and
4 directed the commission to, as a first step, focus on and
5 develop sea level rise vulnerability and adaptation reports.

6 The legislature finds that the sea level rise vulnerability
7 and adaptation report approved by the Hawaii climate change
8 mitigation and adaptation commission identifies areas that are
9 susceptible to sea level rise impacts based on a 3.2-foot
10 increase in sea level projected to occur by mid-century or
11 earlier. These areas are designated as the sea level rise
12 exposure area projection, which the commission recommends be
13 adopted as a sea level rise exposure area overlay to guide state
14 and county adaptation strategies and standards for development.

15 The legislature finds that the methodology of sea level
16 rise modeling used for the sea level rise exposure area and the
17 Hawaii Sea Level Rise Viewer, having gone through peer review
18 and publication in the Nature Journal Scientific Reports, are
19 sufficiently validated to be appropriately used in land
20 management decisions as the best available information.



1 The legislature finds that sea level rise poses a serious
2 and imminent threat to Hawaii's coastal communities and
3 residents and to Hawaii's natural resources, primarily beaches
4 and coastal ecosystems. The legislature recognizes that the
5 State has an affirmative duty to preserve coastal resources,
6 including beaches, as a public trust resource for the people of
7 Hawaii and that healthy coastal ecosystems and beaches are both
8 culturally important and provide natural resilience to sea level
9 rise and associated coastal flooding.

10 The purpose of this Act is to increase the resilience of
11 Hawaii's coastal resources and communities and to reduce future
12 loss to property owners from sea level rise by prohibiting new
13 development within the sea level rise exposure area.

14 SECTION 2. Section 205A-26, Hawaii Revised Statutes, is
15 amended to read as follows:

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



- 1 (1) All development in the special management area shall
- 2 be subject to reasonable terms and conditions set by
- 3 the authority in order to ensure:
- 4 (A) Adequate access, by dedication or other means, to
- 5 publicly owned or used beaches, recreation areas,
- 6 and natural reserves is provided to the extent
- 7 consistent with sound conservation principles;
- 8 (B) Adequate and properly located public recreation
- 9 areas and wildlife preserves are reserved;
- 10 (C) Provisions are made for solid and liquid waste
- 11 treatment, disposition, and management that will
- 12 minimize adverse effects upon special management
- 13 area resources; and
- 14 (D) Alterations to existing landforms and vegetation,
- 15 except crops, and construction of structures
- 16 shall cause minimum adverse effect to water
- 17 resources, beaches, coastal dunes, and scenic and
- 18 recreational amenities and minimize impacts from
- 19 floods, wind damage, storm surge, landslides,
- 20 erosion, sea level rise, siltation, or failure in
- 21 the event of earthquake.



1 (2) No development shall be approved unless the authority
2 has first found:

3 (A) That the development will not have any
4 significant adverse environmental or ecological
5 effect, except as any adverse effect is minimized
6 to the extent practicable and clearly outweighed
7 by public health, safety, or compelling public
8 interests. Those adverse effects shall include
9 but not be limited to the potential cumulative
10 impact of individual developments, each of which
11 taken by itself might not have a significant
12 adverse effect, and the elimination of planning
13 options;

14 (B) That the development is consistent with the
15 objectives, policies, and special management area
16 guidelines of this chapter and any guidelines
17 enacted by the legislature; [~~and~~]

18 (C) That the development is consistent with the
19 county general plan, community plan, and zoning;
20 provided that a finding of consistency shall not
21 preclude concurrent processing where a general



1 plan, community plan, or zoning amendment may
2 also be required[+]; and

3 [~~E~~] (D) That the development will not be located
4 within the sea level rise exposure area as
5 designated by the Hawaii climate change
6 mitigation and adaptation commission or its
7 successor.

8 (3) The authority shall seek to minimize, where
9 reasonable:

10 (A) Dredging, filling or otherwise altering any bay,
11 estuary, salt marsh, river mouth, slough or
12 lagoon;

13 (B) Any development that would reduce the size of any
14 beach or other area usable for public recreation;

15 (C) Any development that would reduce or impose
16 restrictions upon public access to tidal and
17 submerged lands, beaches, portions of rivers and
18 streams within the special management areas and
19 the mean high tide line where there is no beach;

20 (D) Any development that would substantially
21 interfere with or detract from the line of sight



1 toward the sea from the state highway nearest the
 2 coast; and

3 (E) Any development that would adversely affect water
 4 quality, existing areas of open water free of
 5 visible structures, existing and potential
 6 fisheries and fishing grounds, wildlife habitats,
 7 or potential or existing agricultural uses of
 8 land."

9 SECTION 3. Statutory material to be repealed is bracketed
 10 and stricken. New statutory material is underscored.

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

12

INTRODUCED BY: _____

Amy Peruso

JAN 22 2024



Report Title:

Coastal Zone Management; Sea Level Rise Exposure Areas; Special Management Areas; Climate Resilience

Description:

Prohibits development in special management areas unless the development is first found to not be located in a sea level rise exposure area.

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