
A BILL FOR AN ACT

RELATING TO RESTORATION OF BEACH LANDS.

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 Assessment Report 6 (2021)
4 stated that it has high confidence that global sea level will
5 continue to rise for centuries to millennia, regardless of
6 whether humans slow carbon emissions into the atmosphere.

7 The legislature also finds that the state climate change
8 mitigation and adaptation commission, created by Act 32, Session
9 Laws of Hawaii 2017, stated in its 2022 report to the
10 legislature that Hawaii is projected to likely experience
11 between 3.9 and 5.9 feet of sea level rise by the year 2100.
12 The legislature finds that sea level rise poses a serious and
13 imminent threat to Hawaii's coastal communities and residents
14 and to Hawaii's natural resources, primarily beaches and coastal
15 ecosystems. The legislature recognizes that the State has an
16 affirmative duty to preserve beaches as a public trust resource
17 for the people of Hawaii, and that beaches are both culturally



1 important and provide natural resilience to sea level rise and
2 associated coastal flooding.

3 The legislature further finds that initiating beach
4 restoration pilot projects, such as a project to address costal
5 erosion in Kahana bay on the island of Maui, will further the
6 State's goals of preserving the State's beaches for the people
7 of Hawaii. In 2017, the owners of units in the nine condominium
8 projects and one residential parcel on Kahana bay formed and
9 funded the Kahana Bay Steering Committee to develop and
10 implement a regional project to restore eroded beaches in the
11 bay. The Kahana Bay Steering Committee retained Oceanit in 2018
12 to assist in the engineering, planning, permitting, and
13 implementation of the project. Oceanit engaged in extensive
14 community and agency consultation and, in 2021, published the
15 Kahana Bay Erosion Mitigation Project Second Draft Environmental
16 Impact Statement, which estimated that the project would cost
17 between \$26,000,000 and \$40,000,000 and require the creation of
18 several rock groins. The Kahana Bay Steering Committee proposed
19 to fund the projected cost of the project through community
20 facilities district financing pursuant to chapter 3.75, Maui
21 County Code, which would require that the rock groins required



1 to hold the replenished sand in place be publicly owned. For
2 various reasons, this project has stalled.

3 The legislature additionally finds that another pilot
4 project that would advance the State's goals of beach
5 restoration would be to restore the dunes at Hanakao beach
6 park, which will build resilience and infrastructure protection
7 from high wave events and function as a natural buffer against
8 the effects of sea level rise. In addition to cultural
9 practices and community gatherings, Hanakao beach is a prime
10 location for Hawaiian outrigger canoeing and is the home for all
11 west Maui canoe clubs. Dune restoration is a nature-based, low-
12 impact solution that balances environmental sustainability with
13 cultural and recreational needs. However, further technical
14 guidance and assistance in using the tools of dune restoration
15 is needed to create a productive dune habitat and restore dunes
16 and ecosystem services.

17 Accordingly, the purpose of this Act is to:

- 18 (1) Amend the definition of "beach restoration" to expand
19 the types of activities the State recognizes as
20 restorative and beneficial to beach lands in response



1 to increasing threats of sea level rise and beach
2 loss; and

3 (2) Appropriate funds for a Kahana bay beach restoration
4 pilot project and a sand restoration and dune
5 replenishment pilot project on the island of Maui.

6 SECTION 2. Section 171-151, Hawaii Revised Statutes, is
7 amended by amending the definition of "beach restoration" to
8 read as follows:

9 ""Beach restoration" means [~~the placement of sand, with or~~
10 ~~without stabilizing structures, on an eroded beach from an~~
11 ~~outside source such as offshore sand deposits, streams, channels~~
12 ~~or harbor mouths, or an upland sand quarry.] an activity
13 undertaken to:~~

- 14 (1) Maintain and improve beaches and dune systems through
15 management of sand and native dune vegetation;
16 (2) Place sand on an eroded beach from an approved outside
17 or adjacent source, with or without stabilizing
18 structures; or
19 (3) Remove abandoned remnant materials from beaches and
20 dunes that pose a risk to public health and coastal
21 ecosystems."



1 SECTION 3. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2025-2026 and
4 the same sum or so much thereof as may be necessary for fiscal
5 year 2026-2027 for a Kahana bay beach restoration pilot project
6 to be undertaken seaward of the parcels located at and between
7 tax map key numbers 2-4-3-010:001 at the southern end and 2-4-3-
8 005:029 on the northern end, on the island of Maui; provided
9 that the Kahana bay beach restoration pilot project shall not
10 include the creation of any t-groins; provided further that the
11 department of land and natural resources shall consult with the
12 Army Corps of Engineers regarding a path forward for the Kahana
13 bay beach restoration project; provided further that the sums
14 appropriated shall be provided in the following ratios:

- 15 (1) Twenty-five per cent to be paid out of the general
16 revenues of the State of Hawaii;
- 17 (2) Twenty-five per cent to be paid by the county of Maui;
18 and
- 19 (3) Fifty per cent to be paid by residents living or
20 owning property in the parcels located and between tax
21 map key numbers 2-4-3-010:001 at the southern end and



1 2-4-3-005:029 on the northern end, on the island of
2 Maui.

3 The sums appropriated shall be expended by the department
4 of land and natural resources for the purposes of this Act.

5 SECTION 4. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2025-2026 and
8 the same sum or so much thereof as may be necessary for fiscal
9 year 2026-2027 for a sand restoration and dune replenishment
10 pilot project to be undertaken seaward of Hanakao Park on the
11 island of Maui; provided that the sand restoration and dune
12 replenishment pilot project shall not include the construction
13 of any t-groins; provided further that that sums appropriated
14 shall be provided in the following ratios:

- 15 (1) Twenty-five per cent to be paid out of the general
16 revenues of the State of Hawaii;
- 17 (2) Twenty-five per cent to be paid by the county of Maui;
18 and
- 19 (3) Fifty per cent to be paid by residents living or
20 owning property in the area surrounding Hanakao Park.



1 The sums appropriated shall be expended by the department
2 of land and natural resources for the purposes of this Act.

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

Restoration of Beach Lands; Kahana Bay Beach Restoration Pilot Project; Sand Restoration and Dune Replenishment Pilot Project; Appropriation

Description:

Amends the definition of "beach restoration" to include activities undertaken to maintain and improve eroded beaches and degraded dune systems through the management of sand and native vegetation, place sand on an eroded beach, and remove abandoned remnant materials that pose a risk to public and ecosystem health. Appropriates funds for a Kahana Bay beach restoration pilot project and a sand restoration and dune replenishment pilot project on the island of Maui. Effective 7/1/3000. (HD1)

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