
A BILL FOR AN ACT

RELATING TO THE COASTAL ZONE MANAGEMENT ACT.

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

1 SECTION 1. The legislature finds that the federal Coastal
2 Zone Management Act establishes a national framework for states
3 and territories to consider when managing coastal resources and
4 determining potential impacts on those resources. The Act also
5 authorizes the federal government to provide financial
6 assistance to support coastal management efforts.

7 The legislature further finds that it is in the public
8 interest to streamline the delivery of essential public
9 infrastructure, which may be accomplished, in part, by creating
10 a targeted permitting exemption for state- or county-sponsored
11 infrastructure improvement projects that are consistent with the
12 applicable county's community plans.

13 Accordingly, the purpose of this Act is to amend the
14 definition of "development" as it pertains to coastal zone
15 management areas in the State to temporarily exempt from special
16 management area use permit requirements a state- or
17 county-funded infrastructure improvement project that is:



- 1 (1) Exempted from an environmental assessment or
- 2 determined as a finding of no significant impact under
- 3 chapter 343; and
- 4 (2) Within a zone established in Lahaina in the aftermath
- 5 of the 2023 Maui wildfires that has been designated
- 6 for reentry by the State or county of Maui as of
- 7 January 1, 2026, excluding lands owned by or under the
- 8 control of the State or county of Maui.

9 SECTION 2. Section 205A-22, Hawaii Revised Statutes, is
10 amended by amending the definition of "development" to read as
11 follows:

12 ""Development":

- 13 (1) Means any of the uses, activities, or operations on
- 14 land or in or under water within a special management
- 15 area that are included below:
 - 16 (A) Placement or erection of any solid material or
 - 17 any gaseous, liquid, solid, or thermal waste;
 - 18 (B) Grading, removing, dredging, mining, or
 - 19 extraction of any materials;



- 1 (C) Change in the density or intensity of use of
- 2 land, including but not limited to the division
- 3 or subdivision of land;
- 4 (D) Change in the intensity of use of water, ecology
- 5 related thereto, or of access thereto; and
- 6 (E) Construction, reconstruction, or alteration of
- 7 the size of any structure; and
- 8 (2) Does not include the following:
- 9 (A) Construction or reconstruction of a single-family
- 10 residence that is less than seven thousand five
- 11 hundred square feet of floor area; is not
- 12 situated on a shoreline parcel or a parcel that
- 13 is impacted by waves, storm surges, high tide, or
- 14 shoreline erosion; and is not part of a larger
- 15 development;
- 16 (B) Repair or maintenance of roads and highways
- 17 within existing rights-of-way;
- 18 (C) Routine maintenance dredging of existing streams,
- 19 channels, and drainage ways;
- 20 (D) Repair and maintenance of underground utility
- 21 lines, including but not limited to water, sewer,



- 1 power, and telephone and minor appurtenant
- 2 structures including pad mounted transformers and
- 3 sewer pump stations;
- 4 (E) Zoning variances, except for height, density,
- 5 parking, and shoreline setback;
- 6 (F) Repair, maintenance, or interior alterations to
- 7 existing structures;
- 8 (G) Demolition or removal of structures, except those
- 9 structures located on any historic site as
- 10 designated in national or state registers;
- 11 (H) Use of any land for the purpose of cultivating,
- 12 planting, growing, and harvesting plants, crops,
- 13 trees, and other agricultural, horticultural, or
- 14 forestry products or animal husbandry, or
- 15 aquaculture or mariculture of plants or animals,
- 16 or other agricultural purposes, including all
- 17 traditional fishpond and traditional agricultural
- 18 practices;
- 19 (I) Transfer of title to land;
- 20 (J) Creation or termination of easements, covenants,
- 21 or other rights in structures or land;



- 1 (K) Subdivision of land into lots greater than twenty
- 2 acres in size;
- 3 (L) Subdivision of a parcel of land into four or
- 4 fewer parcels when no associated construction
- 5 activities are proposed; provided that any land
- 6 that is so subdivided shall not thereafter
- 7 qualify for this exception with respect to any
- 8 subsequent subdivision of any of the resulting
- 9 parcels;
- 10 (M) Installation of underground utility lines and
- 11 appurtenant aboveground fixtures less than four
- 12 feet in height along existing corridors;
- 13 (N) Structural and nonstructural improvements to
- 14 existing single-family residences, where
- 15 otherwise permissible;
- 16 (O) Nonstructural improvements to existing commercial
- 17 or noncommercial structures;
- 18 (P) Construction, installation, maintenance, repair,
- 19 and replacement of emergency management warning
- 20 or signal devices and sirens;



- 1 (Q) Installation, maintenance, repair, and
- 2 replacement of public pedestrian and bicycle
- 3 facilities, including sidewalks, paths, bikeways,
- 4 crosswalks, stairs, ramps, traffic control
- 5 barriers, signs, signals, and associated
- 6 improvements;
- 7 (R) Trash removal or invasive vegetation removal or
- 8 control, including incidental ground disturbance,
- 9 excluding the use of herbicides;
- 10 (S) Installation of fencing, including associated
- 11 improvements and incidental structures, for
- 12 invasive species control or preservation of
- 13 native habitats on conservation land;
- 14 (T) Installation, maintenance, repair, and
- 15 replacement of lighting, fixtures, and equipment
- 16 to establish compliance with current standards at
- 17 existing public facilities;
- 18 (U) Installation, maintenance, repair, and
- 19 replacement of security measures, including
- 20 fencing, to existing public facilities;



- 1 (V) Hawaiian traditional and customary practices,
2 including work conducted by traditional means
3 near, in, or related to loko i'a, traditional
4 Hawaiian fishponds; [~~and~~]
- 5 (W) Reconstruction of any lawfully constructed
6 structure that was damaged or destroyed in a
7 disaster proclaimed by the governor to constitute
8 a state of emergency pursuant to chapter 127A, or
9 a disaster declared pursuant to federal law;
10 provided that:
 - 11 (i) The structure is not situated on a shoreline
12 parcel or a parcel that is impacted by
13 waves, storm surges, high tide, or shoreline
14 erosion;
 - 15 (ii) Reconstruction commences within six years
16 from the date that the proclamation is
17 issued; and
 - 18 (iii) The reconstructed structure is similar to
19 its original footprint or overall dimensions
20 that were existing or permitted and in



1 compliance with the requirements of
2 floodplain management standards; and
3 (X) State- or county-funded infrastructure
4 improvement projects that are exempted from an
5 environmental assessment or determined as a
6 finding of no significant impact under chapter
7 343 and within a zone established in Lahaina in
8 the aftermath of the 2023 Maui wildfires that has
9 been designated for reentry by the State or
10 county of Maui as of January 1, 2026, excluding
11 lands owned by or under the control of the State
12 or county of Maui; provided that:
13 (i) The project is proposed, funded, authorized,
14 or implemented by the State or the county of
15 Maui;
16 (ii) The project is limited to the repair,
17 maintenance, restoration, replacement,
18 enhancement, or new construction of public
19 infrastructure, including waterlines and
20 waste facilities; waste waterlines and
21 wastewater facilities; drainage facilities;



1 and electrical, communications, road,
2 pedestrian, and bicycle multi-modal
3 facilities and improvements;
4 (iii) The project is consistent with the
5 applicable county's community plan,
6 including any regional, district, or
7 community-based plan adopted by ordinance;
8 and
9 (iv) The sponsoring agency issues a written
10 determination of consistency with the
11 applicable county's community plan,
12 including citations to relevant policies or
13 implementation actions supporting the
14 determination;
15 provided that [~~whenever~~] if the authority finds that
16 any excluded use, activity, or operation may have a
17 cumulative impact, or a significant environmental or
18 ecological effect on a special management area, that
19 use, activity, or operation shall be defined as
20 "development" for the purpose of this part."



1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

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

6 SECTION 5. This Act shall take effect on July 1, 2050, and
7 shall be repealed on June 30, 2029; provided that the amendments
8 made to section 205A-22, Hawaii Revised Statutes, by section 2
9 of this Act shall not be repealed when that section is reenacted
10 on July 1, 2028, pursuant to section 5 of Act 304, Session Laws
11 of Hawaii 2025.



Report Title:

Coastal Zone Management Act; Special Management Areas;
Permitting; Requirements; Development; Excluded Activities;
Public Infrastructure Improvement Projects; Exemption; Lahaina;
Maui Wildfires

Description:

Amends the definition of "development," as it pertains to coastal zone management, to exclude any state- or county-funded infrastructure improvement project that is exempted from an environmental assessment or determined as a finding of no significant impact under chapter 343, HRS. Applies only to zones established in Lahaina in the aftermath of the 2023 Maui wildfires that have been designated for reentry by the State or County of Maui as of January 1, 2026, excluding lands owned by or under the control of the State or County of Maui. Effective 7/1/2050. Sunsets 6/30/2029. (SD2)

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