
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 the Coastal Zone
8 Management Act's permitting framework is intended to regulate
9 special management area development while allowing certain
10 activities to proceed without unnecessary delay. These
11 activities, expressly excluded from the statutory definition of
12 "development", are not intended to be subject to special
13 management area permit requirements.

14 The legislature also finds that it is in the public
15 interest to streamline the delivery of essential public
16 infrastructure, which may be accomplished, in part, by creating
17 a targeted permitting exemption for state- or county-sponsored



1 infrastructure improvement projects that are consistent with the
2 applicable county's community plans.

3 Accordingly, the purpose of this Act is to amend the
4 definition of "development" as it pertains to coastal zone
5 management areas in the State to:

6 (1) Clarify that certain activities are excluded from the
7 definition of "development" and are not subject to
8 special management area use permit requirements; and

9 (2) Exempt from special management area use permit
10 requirements state- or county-sponsored infrastructure
11 improvement projects that are consistent with the
12 applicable county's community plans.

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

16 "Development":

17 (1) Means any ~~[of the uses, activities, or operations on~~
18 ~~land or in or under water within a special management~~
19 ~~area that are included below:~~

20 ~~(A) Placement or erection of any solid material or~~
21 ~~any gaseous, liquid, solid, or thermal waste;~~



- 1 ~~(B) Grading, removing, dredging, mining, or~~
2 ~~extraction of any materials;~~
- 3 ~~(C) Change in the density or intensity of use of~~
4 ~~land, including but not limited to the division~~
5 ~~or subdivision of land;~~
- 6 ~~(D) Change in the intensity of use of water, ecology~~
7 ~~related thereto, or of access thereto; and~~
- 8 ~~(E) Construction, reconstruction, or alteration of~~
9 ~~the size of any structure; and]~~

10 use, activity, or structure, whether temporary or
11 permanent, on land or in the water within the special
12 management area that is placed, erected, or modified;
13 and

- 14 (2) Does not include the following[+], and the following
15 shall be exempt from special management area use
16 permit requirements:

- 17 (A) Construction or reconstruction of a single-family
18 residence that is less than seven thousand five
19 hundred square feet of floor area; is not
20 situated on a shoreline parcel or a parcel that
21 is impacted by waves, storm surges, high tide, or



- 1 shoreline erosion; and is not part of a larger
2 development;
- 3 (B) Repair or maintenance of roads and highways
4 within existing rights-of-way;
- 5 (C) Routine maintenance dredging of existing streams,
6 channels, and drainage ways;
- 7 (D) Repair and maintenance of underground utility
8 lines, including but not limited to water, sewer,
9 power, and telephone and minor appurtenant
10 structures including pad mounted transformers and
11 sewer pump stations;
- 12 (E) Zoning variances, except for height, density,
13 parking, and shoreline setback;
- 14 (F) Repair, maintenance, or interior alterations to
15 existing structures;
- 16 (G) Demolition or removal of structures, except those
17 structures located on any historic site as
18 designated in national or state registers;
- 19 (H) Use of any land for the purpose of cultivating,
20 planting, growing, and harvesting plants, crops,
21 trees, and other agricultural, horticultural, or



- 1 forestry products or animal husbandry, or
- 2 aquaculture or mariculture of plants or animals,
- 3 or other agricultural purposes, including all
- 4 traditional fishpond and traditional agricultural
- 5 practices;
- 6 (I) Transfer of title to land;
- 7 (J) Creation or termination of easements, covenants,
- 8 or other rights in structures or land;
- 9 (K) Subdivision of land into lots greater than twenty
- 10 acres in size;
- 11 (L) Subdivision of a parcel of land into four or
- 12 fewer parcels when no associated construction
- 13 activities are proposed; provided that any land
- 14 that is so subdivided shall not thereafter
- 15 qualify for this exception with respect to any
- 16 subsequent subdivision of any of the resulting
- 17 parcels;
- 18 (M) Installation of underground utility lines and
- 19 appurtenant aboveground fixtures less than four
- 20 feet in height along existing corridors;



- 1 (N) Structural and nonstructural improvements to
2 existing single-family residences, where
3 otherwise permissible;
- 4 (O) Nonstructural improvements to existing commercial
5 or noncommercial structures;
- 6 (P) Construction, installation, maintenance, repair,
7 and replacement of emergency management warning
8 or signal devices and sirens;
- 9 (Q) Installation, maintenance, repair, and
10 replacement of public pedestrian and bicycle
11 facilities, including sidewalks, paths, bikeways,
12 crosswalks, stairs, ramps, traffic control
13 barriers, signs, signals, and associated
14 improvements;
- 15 (R) Trash removal or invasive vegetation removal or
16 control, including incidental ground disturbance,
17 excluding the use of herbicides;
- 18 (S) Installation of fencing, including associated
19 improvements and incidental structures, for
20 invasive species control or preservation of
21 native habitats on conservation land;



- 1 (T) Installation, maintenance, repair, and
- 2 replacement of lighting, fixtures, and equipment
- 3 to establish compliance with current standards at
- 4 existing public facilities;
- 5 (U) Installation, maintenance, repair, and
- 6 replacement of security measures, including
- 7 fencing, to existing public facilities;
- 8 (V) Hawaiian traditional and customary practices,
- 9 including work conducted by traditional means
- 10 near, in, or related to loko i`a, traditional
- 11 Hawaiian fishponds; [~~and~~]
- 12 (W) Reconstruction of any lawfully constructed
- 13 structure that was damaged or destroyed in a
- 14 disaster proclaimed by the governor to constitute
- 15 a state of emergency pursuant to chapter 127A, or
- 16 a disaster declared pursuant to federal law;
- 17 provided that:
- 18 (i) The structure is not situated on a shoreline
- 19 parcel or a parcel that is impacted by
- 20 waves, storm surges, high tide, or shoreline
- 21 erosion;



- 1 (ii) Reconstruction commences within six years
- 2 from the date that the proclamation is
- 3 issued; and
- 4 (iii) The reconstructed structure is similar to
- 5 its original footprint or overall dimensions
- 6 that were existing or permitted and in
- 7 compliance with the requirements of
- 8 floodplain management standards; and
- 9 (X) Federal- , state- , or county-funded, authorized,
- 10 or implemented infrastructure and improvement
- 11 projects that are exempt from an environmental
- 12 assessment or determined as finding of no
- 13 significant impact under chapter 343; provided
- 14 that "infrastructure" as used in this
- 15 subparagraph includes waterlines and water
- 16 facilities; waste waterlines and wastewater
- 17 facilities; gas lines and gas facilities;
- 18 drainage facilities; electrical, communications,
- 19 telephone, and cable television utilities; and
- 20 highway, roadway, bridge, and driveway
- 21 improvements;



1 provided that [~~whenever~~] if the authority finds that
2 any excluded use, activity, or operation may have a
3 cumulative impact, or a significant environmental or
4 ecological effect on a special management area, that
5 use, activity, or operation shall be defined as
6 "development" for the purpose of this part."

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

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

12 SECTION 5. This Act shall take effect on July 1, 3000;
13 provided that the amendments made to section 205A-22, Hawaii
14 Revised Statutes, by section 2 of this Act shall not be repealed
15 when that section is reenacted on July 1, 2028, pursuant to
16 section 5 of Act 304, Session Laws of Hawaii 2025.



Report Title:

Coastal Zone Management Act; Special Management Area; Permits; Requirements; Development; Excluded Activities; Public Infrastructure Improvement Projects; Exemption

Description:

Amends the definition of "development," as it pertains to coastal zone management, to clarify that certain activities are excluded from the definition of "development" and are not subject to special management area use permit requirements and to exempt state- or county-sponsored infrastructure improvement projects that are consistent with the applicable county's community plans. Effective 7/1/3000. (HD1)

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