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# 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 projects that have been



1 determined, under chapter 343, Hawaii Revised Statutes, to be  
2 exempt from the preparation of an environmental assessment or to  
3 have no significant environmental impact.

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

- 7 (1) Specify that certain activities should be exempt from  
8 special management area use permit requirements; and
- 9 (2) Exempt from special management area use permit  
10 requirements certain federal-, state-, or county-  
11 funded, authorized, or implemented infrastructure and  
12 improvement projects that are exempt from an  
13 environmental assessment or for which a finding of no  
14 significant impact has been issued.

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

18 ""Development":

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



- 1 (A) Placement or erection of any solid material or  
2 any gaseous, liquid, solid, or thermal waste;
- 3 (B) Grading, removing, dredging, mining, or  
4 extraction of any materials;
- 5 (C) Change in the density or intensity of use of  
6 land, including but not limited to the division  
7 or subdivision of land;
- 8 (D) Change in the intensity of use of water, ecology  
9 related thereto, or of access thereto; and
- 10 (E) Construction, reconstruction, or alteration of  
11 the size of any structure; and
- 12 (2) Does not include the following[+], and the following  
13 should be exempt from special management area use  
14 permit requirements:
- 15 (A) Construction or reconstruction of a single-family  
16 residence that is less than seven thousand five  
17 hundred square feet of floor area; is not  
18 situated on a shoreline parcel or a parcel that  
19 is impacted by waves, storm surges, high tide, or  
20 shoreline erosion; and is not part of a larger  
21 development;



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



1 or other agricultural purposes, including all  
2 traditional fishpond and traditional agricultural  
3 practices;

4 (I) Transfer of title to land;

5 (J) Creation or termination of easements, covenants,  
6 or other rights in structures or land;

7 (K) Subdivision of land into lots greater than twenty  
8 acres in size;

9 (L) Subdivision of a parcel of land into four or  
10 fewer parcels when no associated construction  
11 activities are proposed; provided that any land  
12 that is so subdivided shall not thereafter  
13 qualify for this exception with respect to any  
14 subsequent subdivision of any of the resulting  
15 parcels;

16 (M) Installation of underground utility lines and  
17 appurtenant aboveground fixtures less than four  
18 feet in height along existing corridors;

19 (N) Structural and nonstructural improvements to  
20 existing single-family residences, where  
21 otherwise permissible;



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



1 to establish compliance with current standards at  
2 existing public facilities;

3 (U) Installation, maintenance, repair, and  
4 replacement of security measures, including  
5 fencing, to existing public facilities;

6 (V) Hawaiian traditional and customary practices,  
7 including work conducted by traditional means  
8 near, in, or related to loko i'a, traditional  
9 Hawaiian fishponds; [~~and~~]

10 (W) Reconstruction of any lawfully constructed  
11 structure that was damaged or destroyed in a  
12 disaster proclaimed by the governor to constitute  
13 a state of emergency pursuant to chapter 127A, or  
14 a disaster declared pursuant to federal law;  
15 provided that:

16 (i) The structure is not situated on a shoreline  
17 parcel or a parcel that is impacted by  
18 waves, storm surges, high tide, or shoreline  
19 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 for which a finding of no  
13 significant impact has been issued under chapter  
14 343; provided that for the purposes of this  
15 subparagraph, "infrastructure" includes  
16 waterlines and water facilities; waste waterlines  
17 and wastewater facilities; gas lines and gas  
18 facilities; drainage facilities; electrical,  
19 communications, telephone, and cable television  
20 utilities; and highway, roadway, bridge, and  
21 driveway 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 and Improvement Projects; Exemption

**Description:**

Specifies that certain activities should be exempt from special management area use permit requirements. Exempts federal-, state-, or county-funded, authorized, or implemented infrastructure and improvement projects that are exempt from an environmental assessment or for which a finding of no significant impact has been issued. Effective 7/1/3000. (HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

