
A BILL FOR AN ACT

RELATING TO COASTAL RESILIENCE.

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

1 SECTION 1. The legislature finds that coastal erosion
2 threatens the State's economic, natural, cultural, and spiritual
3 assets. Mantokuji bay, Paia, in the county of Maui, exemplifies
4 the threat and urgency of developing effective coastal
5 management strategies. Mantokuji bay is a natural coastal cell
6 spanning approximately one mile of shoreline, bounded by
7 headlands and historically featuring a wide sand beach that
8 buffered the land from ocean forces. The bay once sustained a
9 balanced coastal ecosystem including sand dunes, rocky
10 shoreline, coral reef structure, and habitat for endangered
11 Hawaiian green sea turtles.

12 The legislature further finds that county sand mining
13 operations in the 1930s removed significant quantities of beach
14 sand for public works projects, triggering decades of
15 accelerated erosion that has degraded water quality, damaged
16 coral reef ecosystems, undercut natural headland rock features,
17 and caused the bay to widen. According to the university of



1 Hawaii coastal geology group, the Mantokuji bay coastline is
2 retreating inland at an average rate of approximately 1.6 feet
3 per year, threatening residences, infrastructure, and
4 irreplaceable cultural sites along its shores.

5 The legislature notes that the most significant of the
6 threatened cultural resources along the bay is the Paia
7 Mantokuji, a Soto Zen Buddhist temple. Established in 1906, the
8 temple is listed on the Hawaii register of historic places and
9 is the oldest Soto Zen Buddhist temple in the State. The temple
10 hosts one of the State's most popular annual Obon festivals,
11 drawing thousands of visitors. The temple grounds contain
12 sacred burial sites, including a former crematorium and numerous
13 ancestral remains. Coastal erosion has caused ancestral burials
14 to fall into the ocean, creating an urgent cultural and
15 spiritual crisis while threatening the temple's structural
16 integrity. The bay also buffers the Hana highway, the major
17 transportation corridor for northeast Maui communities, from
18 coastal hazards.

19 The legislature finds that the State's historical
20 parcel-by-parcel coastal management approach has prevented
21 comprehensive regional solutions and resulted in piecemeal



1 hardening that exacerbated regional erosion. Past county sand
2 mining in Mantokuji bay further contributed to current
3 conditions. Effective protection requires addressing the entire
4 bay as a natural coastal cell for specific regional coastal
5 remediation. Coastal resilience approaches include nature-based
6 solutions, enhancement of naturally occurring features such as
7 headlands and reefs, hybrid natural-engineered systems, adaptive
8 protection structures, and other innovative coastal adaptation
9 strategies that offer opportunities to protect Mantokuji bay
10 while maintaining environmental protection and shoreline access.

11 The legislature further finds, however, that traditional
12 regulatory processes effectively make approval of regional
13 bay-wide resilience solutions extremely difficult due to
14 overlapping jurisdictions and rigid criteria not designed for
15 comprehensive coastal management.

16 Accordingly, the purpose of this Act is to establish a
17 five-year pilot program to implement comprehensive coastal
18 resilience measures for Mantokuji bay that use streamlined
19 regulatory processes while maintaining environmental and
20 cultural protections, which may later be used to inform future
21 statewide policy for protecting threatened coastal areas.



1 SECTION 2. (a) There is established within the department
2 of business, economic development, and tourism a five-year
3 coastal resilience pilot program to implement comprehensive,
4 streamlined coastal management measures for the restoration and
5 preservation of Mantokuji bay, Paia, in the county of Maui.
6 Under the pilot program, the department shall approve and
7 implement coastal management measures that support regional
8 coastal remediation by addressing the entirety of Mantokuji bay
9 as a natural coastal cell, rather than individual land parcels.

10 (b) The pilot program shall establish a monitoring program
11 in a manner specified by the department to evaluate its efficacy
12 and environmental impacts.

13 (c) The state historic preservation division shall conduct
14 a streamlined historic preservation review to evaluate measures
15 approved under the pilot program. The state historic
16 preservation division shall require:

17 (1) An archaeological literature review of archaeological
18 and historical documentation for the area of potential
19 effect and the project environment;

20 (2) An archaeological monitoring plan providing for a
21 qualified archaeologist to be present during



1 ground-disturbing activities with the authority to
2 halt work if significant historic properties or human
3 remains are encountered; and

4 (3) An inadvertent discovery protocol establishing
5 procedures for the treatment of any iwi kupuna, burial
6 goods, or cultural artifacts discovered during project
7 implementation.

8 The state historic preservation division shall issue a
9 determination within forty-five calendar days of receiving the
10 documentation required pursuant to this subsection; provided
11 that if no determination is issued within forty-five days, the
12 pilot program may proceed in accordance with the monitoring plan
13 and inadvertent discovery protocol submitted pursuant to
14 paragraphs (2) and (3); provided further that any applicable
15 requirements pursuant to section 106 of the National Historic
16 Preservation Act of 1966, as amended, shall be satisfied before
17 the pilot program proceeds.

18 (d) The department shall coordinate with federal agencies
19 to seek expedited review and approval of coastal management
20 measures approved under the pilot program through consolidated
21 applications and coordinated processes where feasible.



1 (e) Notwithstanding any law or ordinance to the contrary,
2 the pilot program may be exempt from:

3 (1) Chapter 183C, Hawaii Revised Statutes, relating to
4 conservation districts;

5 (2) Chapter 205A, Hawaii Revised Statutes, relating to
6 coastal zone management;

7 (3) Chapter 343, Hawaii Revised Statutes, relating to
8 environmental impact statements;

9 (4) County ordinances regulating shoreline setback and
10 variance requirements; and

11 (5) County building permit requirements specifically
12 related to coastal resilience structures; provided
13 that public safety standards shall be maintained.

14 (f) Nothing in this section shall be construed to exempt
15 the pilot program from:

16 (1) Any federal laws and regulations, including but not
17 limited to:

18 (A) United States Army Corps of Engineers permit
19 requirements;



- 1 (B) Applicable requirements pursuant to section 106
2 of the National Historic Preservation Act of
3 1966, as amended;
- 4 (C) Consultation requirements pursuant to the
5 Endangered Species Act of 1973, as amended;
- 6 (D) Water quality certification requirements pursuant
7 to the Clean Water Act of 1972, as amended; and
- 8 (E) Federal consistency review requirements pursuant
9 to the Coastal Zone Management Act of 1992, as
10 amended;
- 11 (2) Article XII, section 7, of the Hawaii State
12 Constitution, protecting traditional and customary
13 rights of Native Hawaiians;
- 14 (3) Chapter 6E, Hawaii Revised Statutes, relating to
15 historic preservation; provided that only the
16 streamlined historic preservation review required
17 pursuant to subsection (c) shall apply; and
- 18 (4) Marine life protection laws and water quality
19 standards.
- 20 (g) The department shall submit an annual report on the
21 pilot program to the legislature no later than twenty days prior



1 to the convening of each regular session. Each report shall
2 include:

- 3 (1) A status report for the pilot program;
- 4 (2) An evaluation of the efficacy of the pilot program;
- 5 (3) Budget expenditures; and
- 6 (4) Any other findings and recommendations, including any
7 proposed legislation.

8 (h) As used in this section:

9 "Department" means the department of business, economic
10 development, and tourism.

11 "Pilot program" means the coastal resilience pilot program
12 established pursuant to subsection (a).

13 SECTION 3. This Act shall take effect on July 1, 3000, and
14 shall be repealed on June 30, 2031.



Report Title:

Maui County; DBEDT; SHPD; Coastal Resilience Pilot Program;
Historic Preservation Review; Reports

Description:

Establishes a five-year Coastal Resilience Pilot Program within the Department of Business, Economic Development, and Tourism for the preservation of Mantokuji Bay. Allows the Pilot Program to be exempt from certain regulatory requirements. Requires the State Historic Preservation Division to conduct a streamlined historic preservation review. Requires annual reports to the Legislature. Sunsets 6/30/2031. Effective 7/1/3000. (HD1)

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

