

JAN 23 2026

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 application requirements.

14 Accordingly, the purpose of this Act is to amend the
15 definition of "development" as it pertains to coastal zone
16 management areas in the State to clarify that certain activities



1 excluded from the definition of "development" and are not
2 subject to special management area permit applications.

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

6 ""Development":

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

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

12 ~~(B) Grading, removing, dredging, mining, or~~
13 ~~extraction of any materials;~~

14 ~~(C) Change in the density or intensity of use of~~
15 ~~land, including but not limited to the division~~
16 ~~or subdivision of land;~~

17 ~~(D) Change in the intensity of use of water, ecology~~
18 ~~related thereto, or of access thereto; and~~

19 ~~(E) Construction, reconstruction, or alteration of~~
20 ~~the size of any structure; and]~~



1 use, activity, or structure, whether temporary or
2 permanent, on land or in the water within the
3 shoreline area that is placed, erected, or modified;
4 and

5 (2) Does not include the following[+], and the following
6 shall not be subject to special management area use
7 permit requirements:

8 (A) Construction or reconstruction of a single-family
9 residence that is less than seven thousand five
10 hundred square feet of floor area; is not
11 situated on a shoreline parcel or a parcel that
12 is impacted by waves, storm surges, high tide, or
13 shoreline erosion; and is not part of a larger
14 development;

15 (B) Repair or maintenance of roads and highways
16 within existing rights-of-way;

17 (C) Routine maintenance dredging of existing streams,
18 channels, and drainage ways;

19 (D) Repair and maintenance of underground utility
20 lines, including but not limited to water, sewer,
21 power, and telephone and minor appurtenant



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



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- 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;



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

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

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

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

19

INTRODUCED BY: _____



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Report Title:

Coastal Zone Management Act; Special Management Areas;
Permitting; Requirements; Development; Excluded Activities;
Exemption

Description:

Amends the definition of "development" as it pertains to coastal zone management to clarify that certain activities excluded from the definition of "development" are not subject to special management area permit requirements.

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

