

H.B. NO. 1391

A BILL FOR AN ACT

RELATING TO COASTAL ZONE MANAGEMENT.

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

1 SECTION 1. Section 205A-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§205A-2 Coastal zone management program; objectives and**
4 **policies.** (a) The objectives and policies in this section
5 shall apply to all parts of this chapter.

6 (b) Objectives.

7 (1) Recreational resources;

8 (A) Provide coastal recreational opportunities
9 accessible to the public.

10 (2) Historic resources;

11 (A) Protect, preserve, and, where desirable, restore
12 those natural and manmade historic and
13 prehistoric resources in the coastal zone
14 management area that are significant in Hawaiian
15 and American history and culture.

16 (3) Scenic and open space resources;

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- 1 (A) Protect, preserve, and, where desirable, restore
2 or improve the quality of coastal scenic and open
3 space resources.
- 4 (4) Coastal ecosystems;
- 5 (A) Protect valuable coastal ecosystems, including
6 reefs, from disruption and minimize adverse
7 impacts on all coastal ecosystems.
- 8 (5) Economic uses;
- 9 (A) Provide public or private facilities and
10 improvements important to the State's economy in
11 suitable locations.
- 12 (6) Coastal hazards;
- 13 (A) Reduce hazard to life and property from coastal
14 hazards including but not limited to, tsunami,
15 hurricanes, wind, storm waves, [~~stream~~] flooding,
16 erosion, sea-level rise, subsidence, and
17 pollution.
- 18 (7) Managing development;
- 19 (A) Improve the development review process,
20 communication, and public participation in the
21 management and planning of coastal resources and
22 hazards.

- 1 (8) Public participation;
- 2 (A) Stimulate public awareness, education, and
- 3 participation in coastal management.
- 4 (9) Beach protection;
- 5 (A) Protect beaches and coastal dunes for public use
- 6 and recreation[-], and as natural barriers to
- 7 coastal hazards.
- 8 (10) Marine resources;
- 9 (A) Promote the protection, use, and development of
- 10 marine and coastal resources to assure their
- 11 sustainability.
- 12 (c) Policies.
- 13 (1) Recreational resources;
- 14 (A) Improve coordination and funding of coastal
- 15 recreational planning and management; and
- 16 (B) Provide adequate, accessible, and diverse
- 17 recreational opportunities in the coastal zone
- 18 management area by:
- 19 (i) Protecting coastal resources uniquely suited
- 20 for recreational activities that cannot be
- 21 provided in other areas;

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- 1 (ii) Requiring repair or replacement of coastal
2 resources having significant recreational
3 value including, but not limited to, coral
4 reefs, surfing sites, fishponds, and sand
5 beaches, when such resources will be
6 unavoidably damaged by development; or
7 requiring reasonable monetary compensation
8 to the State for recreation when repair or
9 replacement is not feasible or desirable;
- 10 (iii) Providing and managing adequate public
11 access, consistent with conservation of
12 natural resources, to and along shorelines
13 with recreational value;
- 14 (iv) Providing an adequate supply of shoreline
15 parks and other recreational facilities
16 suitable for public recreation;
- 17 (v) Ensuring public recreational uses of county,
18 state, and federally owned or controlled
19 shoreline lands and waters having
20 recreational value consistent with public
21 safety standards and conservation of natural
22 resources;

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- 1 (vi) Adopting water quality standards and
2 regulating point and nonpoint sources of
3 pollution to protect, and where feasible,
4 restore the recreational value of coastal
5 waters;
- 6 (vii) Developing new shoreline recreational
7 opportunities, where appropriate, such as
8 artificial lagoons, artificial beaches, and
9 artificial reefs for surfing and fishing;
10 and
- 11 (viii) Encouraging reasonable dedication of
12 shoreline areas with recreational value for
13 public use as part of discretionary
14 approvals or permits by the land use
15 commission, board of land and natural
16 resources, and county authorities; and
17 crediting such dedication against the
18 requirements of section 46-6.
- 19 (2) Historic resources;
- 20 (A) Identify and analyze significant archaeological
21 resources;

- 1 (B) Maximize information retention through
- 2 preservation of remains and artifacts or salvage
- 3 operations; and
- 4 (C) Support state goals for protection, restoration,
- 5 interpretation, and display of historic
- 6 resources.
- 7 (3) Scenic and open space resources;
- 8 (A) Identify valued scenic resources in the coastal
- 9 zone management area;
- 10 (B) Ensure that new developments are compatible with
- 11 their visual environment by designing and
- 12 locating such developments to minimize the
- 13 alteration of natural landforms and existing
- 14 public views to and along the shoreline;
- 15 (C) Preserve, maintain, and, where desirable, improve
- 16 and restore shoreline open space and scenic
- 17 resources; and
- 18 (D) Encourage those developments that are not coastal
- 19 dependent to locate in inland areas.
- 20 (4) Coastal ecosystems;

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- 1 (A) Exercise an overall conservation ethic, and
2 practice stewardship in the protection, use, and
3 development of marine and coastal resources;
- 4 (B) Improve the technical basis for natural resource
5 management;
- 6 (C) Preserve valuable coastal ecosystems, including
7 reefs, of significant biological or economic
8 importance;
- 9 (D) Minimize disruption or degradation of coastal
10 water ecosystems by effective regulation of
11 stream diversions, channelization, and similar
12 land and water uses, recognizing competing water
13 needs; and
- 14 (E) Promote water quantity and quality planning and
15 management practices that reflect the tolerance
16 of fresh water and marine ecosystems and maintain
17 and enhance water quality through the development
18 and implementation of point and nonpoint source
19 water pollution control measures.
- 20 (5) Economic uses;
- 21 (A) Concentrate coastal dependent development in
22 appropriate areas;

1 (B) Ensure that coastal dependent development such as
2 harbors and ports, and coastal related
3 development such as visitor industry facilities
4 and energy generating facilities, are located,
5 designed, and constructed to minimize adverse
6 social, visual, and environmental impacts in the
7 coastal zone management area; and

8 (C) Direct the location and expansion of coastal
9 dependent developments to areas presently
10 designated and used for such developments and
11 permit reasonable long-term growth at such areas,
12 and permit coastal dependent development outside
13 of presently designated areas when:

14 (i) Use of presently designated locations is not
15 feasible;

16 (ii) Adverse environmental effects are minimized;
17 and

18 (iii) The development is important to the State's
19 economy.

20 (6) Coastal hazards;

21 (A) Develop and communicate adequate information
22 about [~~storm wave,~~] tsunami, [~~flood,~~] hurricanes,

1 wind, storm waves, flooding, erosion, sea-level
2 rise, subsidence, and point and nonpoint source
3 pollution hazards;

4 (B) ~~[Control]~~ Engage in early planning and control
5 development in areas subject to ~~[storm-wave,]~~
6 tsunami, ~~[flood,]~~ hurricanes, wind, storm waves,
7 flooding, erosion, sea-level rise, subsidence,
8 and point and nonpoint source pollution hazards;

9 (C) Ensure that developments comply with requirements
10 of the ~~[Federal]~~ National Flood Insurance
11 Program; and

12 (D) Prevent coastal flooding from inland projects.

13 (7) Managing development;

14 (A) Use, implement, and enforce existing law
15 effectively to the maximum extent possible in
16 managing and planning for present and future
17 coastal zone development;

18 (B) Facilitate timely processing of applications for
19 development permits and resolve overlapping or
20 conflicting permit requirements; and

21 (C) Communicate the potential short and long-term
22 impacts of proposed significant coastal

1 developments early in their life cycle and in
2 terms understandable to the public to facilitate
3 public participation in the planning and review
4 process.

5 (8) Public participation;

6 (A) Promote public involvement in coastal zone
7 management processes;

8 (B) Disseminate information on coastal management
9 issues by means of educational materials,
10 published reports, staff contact, and public
11 workshops for persons and organizations concerned
12 with coastal issues, developments, and government
13 activities; and

14 (C) Organize workshops, policy dialogues, and site-
15 specific mediations to respond to coastal issues
16 and conflicts.

17 (9) Beach protection;

18 (A) Locate new structures inland from the shoreline
19 setback to conserve open space, minimize
20 interference with natural shoreline processes,
21 and minimize loss of improvements due to erosion;

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- 1 (B) Prohibit construction of private erosion-
- 2 protection structures seaward of the shoreline,
- 3 except when they result in improved aesthetic and
- 4 engineering solutions to erosion at the sites and
- 5 do not interfere with existing recreational and
- 6 waterline activities; and
- 7 (C) Minimize the construction of public erosion-
- 8 protection structures seaward of the shoreline.
- 9 (10) Marine resources;
- 10 (A) Ensure that the use and development of marine and
- 11 coastal resources are ecologically and
- 12 environmentally sound and economically
- 13 beneficial;
- 14 (B) Coordinate the management of marine and coastal
- 15 resources and activities to improve effectiveness
- 16 and efficiency;
- 17 (C) Assert and articulate the interests of the State
- 18 as a partner with federal agencies in the sound
- 19 management of ocean resources within the United
- 20 States exclusive economic zone;
- 21 (D) Promote research, study, and understanding of
- 22 ocean processes, marine life, and other ocean

1 resources in order to acquire and inventory
2 information necessary to understand how ocean
3 development activities relate to and impact upon
4 ocean and coastal resources; and

5 (E) Encourage research and development of new,
6 innovative technologies for exploring, using, or
7 protecting marine and coastal resources."

8 SECTION 2. Section 205A-22, Hawaii Revised Statutes, is
9 amended by amending the definitions of "department,"
10 "development," "special management area emergency permit," and
11 "structure," to read as follows:

12 ""Department" means the planning department in the counties
13 of Kauai, Maui, and Hawaii, and the department of [~~land~~
14 ~~utilization~~] planning and permitting in the city and county of
15 Honolulu, or other appropriate agency as designated by the
16 county councils.

17 "Development" means any of the uses, activities, or
18 operations on land or in or under water within a special
19 management area that are included below:

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

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

11 "Development" does not include the following:

- 12 (1) Construction of a single-family residence that is not
13 part of a larger development;
- 14 (2) Repair or maintenance of roads and highways within
15 existing rights-of-way;
- 16 (3) Routine maintenance dredging of existing streams,
17 channels, and drainage ways;
- 18 (4) Repair and maintenance of underground utility lines,
19 including but not limited to water, sewer, power, and
20 telephone and minor appurtenant structures such as pad
21 mounted transformers and sewer pump stations;

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- 1 (5) Zoning variances, except for height, density, parking,
2 and shoreline setback;
- 3 (6) Repair, maintenance, or interior alterations to
4 existing structures;
- 5 (7) Demolition or removal of structures, except those
6 structures located on any historic site as designated
7 in national or state registers;
- 8 (8) Use of any land for the purpose of cultivating,
9 planting, growing, and harvesting plants, crops,
10 trees, and other agricultural, horticultural, or
11 forestry products or animal husbandry, or aquaculture
12 or mariculture of plants or animals, or other
13 agricultural purposes;
- 14 (9) Transfer of title to land;
- 15 (10) Creation or termination of easements, covenants, or
16 other rights in structures or land;
- 17 (11) Subdivision of land into lots greater than twenty
18 acres in size;
- 19 (12) Subdivision of a parcel of land into four or fewer
20 parcels when no associated construction activities are
21 proposed; provided that any land which is so
22 subdivided shall not thereafter qualify for this

1 exception with respect to any subsequent subdivision
2 of any of the resulting parcels;

3 (13) Installation of underground utility lines and
4 appurtenant aboveground fixtures less than four feet
5 in height along existing corridors;

6 (14) Structural and nonstructural improvements to existing
7 single-family residences, where otherwise permissible;

8 (15) Nonstructural improvements to existing commercial
9 structures; and

10 (16) Construction, installation, maintenance, repair, and
11 replacement of civil defense warning or signal devices
12 and sirens;

13 provided that whenever the authority finds that any excluded
14 use, activity, or operation may have a cumulative impact, or a
15 significant environmental or ecological effect on a special
16 management area, that use, activity, or operation shall be
17 defined as "development" for the purpose of this part.

18 "Special management area emergency permit" means an action
19 by the authority authorizing development in cases of emergency
20 requiring immediate action to prevent substantial physical harm
21 to persons or property or to allow the reconstruction of
22 structures damaged by natural hazards to their original form;

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1 provided that such structures were previously found to be legal
2 and in compliance with requirements of the [~~Federal~~] National
3 Flood Insurance Program.

4 "Structure" includes but is not limited to any building,
5 road, pipe, flume, conduit, siphon, aqueduct, telephone line,
6 [~~and~~] electrical power transmission and distribution line[~~-~~],
7 wall, revetment, and groin."

8 SECTION 3. Section 205A-26, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§205A-26 Special management area guidelines.** In
11 implementing this part, the authority shall adopt the following
12 guidelines for the review of developments proposed in the
13 special management area:

14 (1) All development in the special management area shall
15 be subject to reasonable terms and conditions set by
16 the authority in order to ensure:

17 (A) Adequate public access, by dedication or other
18 means, to and along the publicly owned or used
19 beaches, recreation areas, and natural reserves
20 is provided to the extent consistent with sound
21 conservation principles;

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- 1 (B) Adequate and properly located public recreation
- 2 areas and wildlife preserves are reserved;
- 3 (C) Provisions are made for solid and liquid waste
- 4 treatment, disposition, and management which will
- 5 minimize adverse effects upon special management
- 6 area resources; and
- 7 (D) Alterations to existing land forms and
- 8 vegetation, except crops, and construction of
- 9 structures shall cause minimum adverse effect to
- 10 water resources and scenic and recreational
- 11 amenities and minimum danger of floods, wind
- 12 damage, wave damage, storm surge, landslides,
- 13 erosion, sea-level rise, siltation, or failure in
- 14 the event of earthquake.
- 15 (2) No development shall be approved unless the authority
- 16 has first found:
- 17 (A) That the development will not have any
- 18 [~~substantial~~] significant adverse environmental
- 19 or ecological effect, except as such adverse
- 20 effect is minimized to the extent practicable and
- 21 clearly outweighed by public health, safety, or
- 22 compelling public interests. Such adverse

1 effects shall include, but not be limited to, the
2 potential cumulative impact of individual
3 developments, each one of which taken in itself
4 might not have a substantial adverse effect, and
5 the elimination of planning options;

6 (B) That the development is consistent with the
7 objectives, policies, and special management area
8 guidelines of this chapter and any guidelines
9 enacted by the legislature; [~~and~~]

10 (C) That the development is consistent with the
11 county general plan and zoning. Such a finding
12 of consistency does not preclude concurrent
13 processing where a general plan or zoning
14 amendment may also be required[~~-~~]; and

15 (D) That the development has been adequately planned
16 to minimize the risk from coastal hazards such as
17 tsunamis, hurricanes, wind, storm waves,
18 flooding, erosion, and sea-level rise.

19 (3) The authority shall seek to minimize, where
20 reasonable:

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- 1 (A) Dredging, filling, or otherwise altering any bay,
2 estuary, salt marsh, river mouth, slough, or
3 lagoon;
- 4 (B) Any development which would reduce the size of
5 any beach or other area usable for public
6 recreation;
- 7 (C) Any development which would reduce or impose
8 restrictions upon public access to tidal and
9 submerged lands, beaches, portions of rivers and
10 streams within the special management areas, and
11 the mean high tide line where there is no beach;
- 12 (D) Any development which would substantially
13 interfere with or detract from the line of sight
14 toward the sea from the state highway nearest the
15 coast; and
- 16 (E) Any development which would adversely affect
17 water quality, existing areas of open water free
18 of visible structures, existing and potential
19 fisheries and fishing grounds, wildlife habitats,
20 or potential or existing agricultural uses of
21 land."

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1 SECTION 4. Section 205A-41, Hawaii Revised Statutes, is
2 amended by adding the definition of "department" to read as
3 follows:

4 "Department" means the planning department in the counties
5 of Kauai, Maui, and Hawaii, and the department of planning and
6 permitting in the city and county of Honolulu, or other
7 appropriate agency as designated by the county councils."

8 SECTION 5. Section 205A-43, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "(a) [~~Setbacks along shorelines are established of not~~
11 ~~less than twenty feet and not more than forty feet inland from~~
12 ~~the shoreline.] The shoreline setback line shall be established
13 using a method including but not limited to an average annual
14 shoreline erosion rate and shall not be less than twenty feet
15 from the shoreline. The department shall adopt rules pursuant
16 to chapter 91, prescribing procedures for determining the
17 shoreline setback line, and shall enforce the shoreline setbacks
18 and rules pertaining thereto.~~

19 (b) The powers and duties of the department shall include,
20 but not be limited to[+]

1 ~~(1) The department shall adopt rules under chapter 91~~
2 ~~prescribing procedures for determining the shoreline setback~~
3 ~~line; and~~

4 ~~(2) The department shall review]~~ reviewing the plans of
5 all applicants who propose any structure, activity, or facility
6 that would be prohibited without a variance pursuant to this
7 part. The department may require that the plans be supplemented
8 by accurately mapped data and photographs showing natural
9 conditions and topography relating to all existing and proposed
10 structures and activities."

11 SECTION 6. Section 205A-43.5, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) Prior to action on a variance application, the
14 authority shall hold a public hearing under chapter 91. By
15 adoption of rules under chapter 91, the authority may delegate
16 responsibility to the department. Public and private notice,
17 including reasonable notice to abutting property owners and
18 persons who have requested this notice, shall be provided, but a
19 public hearing may be waived prior to action on a variance
20 application for:

21 (1) Stabilization of shoreline erosion by the moving of
22 sand entirely on public lands;

- 1 (2) Protection of a legal structure costing more than
- 2 [~~\$20,000;~~] \$50,000; provided the structure is at risk
- 3 of immediate damage from shoreline erosion;
- 4 ~~[(3) Other structures or activities; provided that no~~
- 5 ~~person or agency has requested a public hearing within~~
- 6 ~~twenty-five calendar days after public notice of the~~
- 7 ~~application; or]~~
- 8 (3) Temporary emergency protection of a legal inhabited
- 9 dwelling; provided the structure is at risk of
- 10 immediate damage from shoreline erosion or other
- 11 coastal hazard; or
- 12 (4) Maintenance, repair, reconstruction, and minor
- 13 additions or alterations of legal boating, maritime,
- 14 or watersports recreational facilities, which result
- 15 in little or no interference with natural shoreline
- 16 processes."

17 SECTION 7. Section 205A-45, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§205A-45 Shoreline setback lines established by county.**

20 (a) The several counties through rules adopted pursuant to
21 chapter 91 or ordinance may require that shoreline setback lines

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1 be established at distances greater than that established in
2 this part.

3 (b) The several counties through rules adopted pursuant to
4 chapter 91 or ordinance may expand the shoreline area to include
5 the area between mean sea level and the shoreline.

6 (c) The several counties, through rules adopted pursuant
7 to chapter 91, or ordinance, or under existing authority, shall
8 use the shoreline setback as a tool to minimize the damage from
9 coastal hazards including but not limited to, tsunamis,
10 hurricanes, wind, storm waves, flooding, erosion, sea-level
11 rise, subsidence, and pollution. The setback shall consider the
12 average annual erosion rate. Measures such as early planning,
13 variances for innovative design, and minimum buildable areas
14 shall be considered.

15 (d) The several counties, through rules adopted pursuant
16 to chapter 91, or ordinance, or under existing authority, shall
17 ensure that any parcels created after the subdivision of an
18 original parcel are sufficiently large to accommodate a
19 shoreline setback based on average annual erosion rate."

20 SECTION 8. Section 205A-46, Hawaii Revised Statutes, is
21 amended to read as follows:

1 **"§205A-46 Variances.** (a) A variance may be granted for a
2 structure or activity otherwise prohibited in this part if the
3 authority finds in writing, based on the record presented, that
4 the proposed structure or activity is necessary for or ancillary
5 to:

- 6 (1) Cultivation of crops;
- 7 (2) Aquaculture;
- 8 (3) Landscaping; provided that the authority finds that
9 the proposed structure or activity will not adversely
10 affect beach processes and will not artificially fix
11 the shoreline;
- 12 (4) Drainage;
- 13 (5) Boating, maritime, or watersports recreational
14 facilities;
- 15 (6) Facilities or improvements by public agencies or
16 public utilities regulated under chapter 269;
- 17 (7) Private facilities or improvements that are clearly in
18 the public interest;
- 19 (8) Private facilities or improvements [~~which will neither~~
20 ~~adversely affect beach processes nor artificially fix~~
21 ~~the shoreline~~]; provided that the authority also finds
22 that hardship will result to the applicant if the

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1 facilities or improvements are not allowed within the
2 shoreline area; or

3 ~~[(9) Private facilities or improvements that may~~
4 ~~artificially fix the shoreline; provided that the~~
5 ~~authority also finds that shoreline erosion is likely~~
6 ~~to cause hardship to the applicant if the facilities~~
7 ~~or improvements are not allowed within the shoreline~~
8 ~~area, and the authority imposes conditions to prohibit~~
9 ~~any structure seaward of the existing shoreline unless~~
10 ~~it is clearly in the public interest; or]~~

11 ~~(10)]~~ (9) Moving of sand from one location seaward of the
12 shoreline to another location seaward of the
13 shoreline~~[+]~~ within adjacent areas; provided that the
14 authority also finds that moving of sand ~~[will not~~
15 ~~adversely affect beach processes,~~] will not diminish
16 the size of a public beach~~[7]~~ and will be necessary to
17 stabilize an eroding shoreline.

18 (b) A variance may be granted for private facilities or
19 improvements that may artificially fix the shoreline; provided
20 that the authority also finds that shoreline erosion is likely
21 to cause hardship to the applicant if the facilities or
22 improvements are not allowed within the shoreline area, and the

1 authority imposes conditions to prohibit any structure seaward
2 of the existing shoreline unless it is clearly in the public
3 interest.

4 [~~b~~] (c) Hardship shall be defined in rules adopted by the
5 authority under chapter 91. Hardship shall not be determined as
6 a result of county zoning changes, planned development permits,
7 cluster permits, or subdivision approvals after June 16, 1989,
8 or as a result of any other permit or approval listed in rules
9 adopted by the authority.

10 [~~e~~] (d) No variance shall be granted unless appropriate
11 conditions are imposed:

- 12 (1) To maintain safe lateral access to and along the
13 shoreline or adequately compensate for its loss;
- 14 (2) To minimize risk of adverse impacts on beach
15 processes;
- 16 (3) To minimize risk of structures failing and becoming
17 loose rocks or rubble on public property; [~~and~~]
- 18 (4) To minimize adverse impacts on public views to, from,
19 and along the shoreline."

20 SECTION 9. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

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1 SECTION 10. This Act shall take effect on July 1, 2010.

2

3

INTRODUCED BY:

Calvin K. F. Day

4

BY REQUEST

5

JAN 22 2007

6

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT.

PURPOSE: Requires affected agencies to account for sea-level rise and minimize risks from coastal hazards such as erosion, storm inundation, hurricanes, and tsunamis.

MEANS: Amend sections 205A-2, 205A-22, 205A-26, 205A-41, 205A-43, 205A-43.5(a), 205A-44(a), 205A-45, and 205A-46, Hawaii Revised Statutes.

JUSTIFICATION: Current shoreline setback requirements have been established without adequate data on historical shoreline positions and trends. This has led to high wave and flood zones being closer to developed areas with increased risk from storms, hurricanes, or tsunamis. Because chronically retreating shorelines eventually threaten these improvements, there has also been widespread construction of shore protection structures such as seawalls and revetments.

Sea-level rise is well documented in the Hawaiian Islands. Historical tide gauge data provide clear evidence of long term change in mean sea-level at all record keeping locations in the Islands. The Brunn rule provides a generic ratio for sea-level rise to shoreline retreat, with average values of 1 inch of rise to 100 inches of retreat for sandy shorelines. Exposure to coastal hazards is directly related to proximity to the shoreline. Preparing for the migration of hazards requires understanding the rate of sea-level rise and localized erosion rates. The effective date of the bill, July 1, 2010, will give the counties sufficient time to acquire erosion

data or determine an alternate procedure or method to average annual shoreline erosion rate for individual locations.

It is important that information regarding natural hazards such as coastal erosion data be incorporated into the planning and permitting processes at the earliest stages of development. This bill makes various changes to mitigate coastal hazards, including a requirement for affected agencies to plan for coastal hazards such as erosion, sea-level rise, storm inundation, hurricanes, and tsunamis by considering future movements of the shoreline that can threaten structures. Average annual erosion rates shall be considered before zoning, community planning, and subdivision changes are made.

Impact on the public: Protect shoreline improvements and natural resources from coastal hazards.

Impact on the department and other agencies: Would require more diligence by affected agencies when reviewing and processing land use entitlements in the shoreline area.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: LNR 101.

OTHER AFFECTED AGENCIES: Department of Business, Economic Development, and Tourism - Coastal Zone Management Program; Department of Transportation; county planning departments

EFFECTIVE DATE: July 1, 2010.