

JAN 26 2009

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 46-6.5, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) Each county shall adopt ordinances which shall
4 require a subdivider or developer, as a condition precedent to
5 final approval of a subdivision, in cases where public access is
6 not already provided, to [~~dedicate~~]:
7 (1) Dedicate land for public access by right-of-way or
8 easement for pedestrian travel from a public highway
9 or public streets to the land below the high-water
10 mark on any coastal shoreline[~~, and to dedicate~~];
11 (2) Dedicate land for public access by right of way from a
12 public highway to areas in the mountains where there
13 are existing facilities for hiking, hunting, fruit-
14 picking, ti-leaf sliding, and other recreational
15 purposes, and where there are existing mountain
16 trails [~~-~~]; and



1 (3) Ensure that there is reasonable street parking near
2 public access areas in the special management areas
3 under chapter 205A."

4 SECTION 2. Section 205A-1, Hawaii Revised Statutes, is
5 amended by amending the definition of "agency" to read:

6 "Agency" means any agency, board, commission, department,
7 or officer of a county government or the state government,
8 including the authority as defined in [~~part~~] parts II[+] and
9 III;"

10 SECTION 3. Section 205A-2, Hawaii Revised Statutes, is
11 amended by amending subsections (b) and (c) to read as follows:

12 (b) Objectives.

13 (1) Recreational resources;

14 (A) Provide coastal recreational opportunities
15 accessible to the public.

16 (2) Historic resources;

17 (A) Protect, preserve, and, where desirable, restore
18 those natural and manmade historic and
19 prehistoric resources in the coastal zone
20 management area that are significant in Hawaiian
21 and American history and culture.

22 (3) Scenic and open space resources;



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 of and planning for the development of
22 coastal resources and 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 for the general public by:
- 19 (i) Protecting coastal resources uniquely suited
- 20 for recreational activities that cannot be
- 21 provided in other areas;



- 1 (ii) Requiring repair or replacement of coastal
2 resources having significant recreational
3 value, including [7] but not limited to [7]
4 coral reefs, surfing sites, fishponds, and
5 sand 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 all
13 shorelines [~~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;



- 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 [7], and public access to those
- 18 resources; and
- 19 (D) Encourage those developments that are not coastal
- 20 dependent to locate in inland areas.



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



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- (5) Economic uses;
 - (A) Concentrate coastal dependent development in appropriate areas;
 - (B) Ensure that coastal dependent development such as harbors and ports, and coastal related development such as visitor industry facilities and energy generating facilities, are located, designed, and constructed to minimize adverse social, visual, and environmental impacts in the coastal zone management area; and
 - (C) Direct the location and expansion of coastal dependent developments to areas presently designated and used for such developments and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of presently designated areas when:
 - (i) Use of presently designated locations is not feasible;
 - (ii) Adverse environmental effects are minimized;and



1 (iii) The development is important to the State's
2 [~~economy~~] infrastructure and utilities.

3 (6) Coastal hazards;

4 (A) Develop and communicate adequate information
5 about [~~storm wave~~] tsunami, [~~flood~~] hurricanes,
6 wind, storm waves, flooding, erosion, sea-level
7 rise, subsidence, and point and nonpoint source
8 pollution hazards;

9 (B) [~~Control~~] Engage in early planning and control
10 development in areas subject to [~~storm wave~~]
11 tsunami, [~~flood~~] hurricanes, wind, storm waves,
12 flooding, erosion, [~~hurricane, wind~~] sea-level
13 rise, subsidence, and point and nonpoint source
14 pollution hazards;

15 (C) Ensure that developments comply with requirements
16 of the [~~Federal~~] National Flood Insurance
17 Program; and

18 (D) Prevent coastal flooding from inland projects.

19 (7) Managing development;

20 (A) Use, implement, and enforce existing law
21 effectively to the maximum extent possible in

- 1 managing and planning for present and future
2 coastal zone development;
- 3 (B) Facilitate timely processing of applications for
4 development permits and resolve overlapping or
5 conflicting permit requirements; and
- 6 (C) Communicate the potential [~~short~~] short- and
7 long-term impacts of proposed significant coastal
8 developments early in their life cycle and in
9 terms understandable to the public to facilitate
10 public participation in the planning and review
11 process.
- 12 (8) Public participation;
- 13 (A) Promote public involvement in coastal zone
14 management processes;
- 15 (B) Disseminate information on coastal management
16 issues by means of educational materials,
17 published reports, staff contact, and public
18 workshops for persons and organizations concerned
19 with coastal issues, developments, and government
20 activities; and



- 1 (C) Organize workshops, policy dialogues, and site-
- 2 specific mediations to respond to coastal issues
- 3 and conflicts.

- 4 (9) Beach protection;

- 5 (A) Locate new structures inland from the shoreline
- 6 setback to conserve open space, minimize
- 7 interference with natural shoreline processes,
- 8 and minimize loss of improvements due to erosion;

- 9 (B) Prohibit construction of private erosion-
- 10 protection structures seaward of the shoreline,
- 11 except when they result in improved aesthetic and
- 12 engineering solutions to erosion at the sites and
- 13 do not interfere with existing recreational and
- 14 waterline activities; and

- 15 (C) Minimize the construction of public erosion-
- 16 protection structures seaward of the shoreline.

- 17 (10) Marine resources;

- 18 (A) Ensure that the use and development of marine and
- 19 coastal resources are ecologically and
- 20 environmentally sound and economically
- 21 beneficial;



1 (B) Coordinate the management of marine and coastal
2 resources and activities to improve effectiveness
3 and efficiency;

4 (C) Assert and articulate the interests of the State
5 as a partner with federal agencies in the sound
6 management of ocean resources within the United
7 States exclusive economic zone;

8 (D) Promote research, study, and understanding of
9 ocean processes, marine life, and other ocean
10 resources [~~in order~~] to acquire and inventory
11 information necessary to understand how ocean
12 development activities relate to and impact upon
13 ocean and coastal resources; and

14 (E) Encourage research and development of new,
15 innovative technologies for exploring, using, or
16 protecting marine and coastal resources."

17 SECTION 4. Section 205A-22, Hawaii Revised Statutes, is
18 amended by amending the definitions of "department,"
19 "development," "special management area emergency permit," and
20 "structure" to read as follows:

21 "Department" means the planning department in the counties
22 of Kauai, Maui, and Hawaii, and the department of [~~land~~



1 ~~utilization]~~ planning and permitting in the city and county of
2 Honolulu, or other appropriate agency as designated by the
3 county councils.

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

- 7 (1) Placement or erection of any solid material or any
8 gaseous, liquid, solid, or thermal waste;
- 9 (2) Grading, removing, dredging, mining, or extraction of
10 any materials;
- 11 (3) Change in the density or intensity of use of land,
12 including but not limited to the division or
13 subdivision of land;
- 14 (4) Change in the intensity of use of water, ecology
15 related thereto, or of access thereto; and
- 16 (5) Construction, reconstruction, [~~demolition,~~] or
17 alteration of the size, shape, footprint, or area of
18 any structure.

19 "Development" does not include the following:

- 20 (1) Construction of a single-family residence that is not
21 part of a larger development;



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



- 1 (10) Creation or termination of easements, covenants, or
- 2 other rights in structures or land;
- 3 (11) Subdivision of land into lots greater than twenty
- 4 acres in size;
- 5 (12) Subdivision of a parcel of land into four or fewer
- 6 parcels when no associated construction activities are
- 7 proposed; provided that any land which is so
- 8 subdivided shall not thereafter qualify for this
- 9 exception with respect to any subsequent subdivision
- 10 of any of the resulting parcels;
- 11 (13) Installation of underground utility lines and
- 12 appurtenant aboveground fixtures less than four feet
- 13 in height along existing corridors;
- 14 (14) Structural and nonstructural improvements to existing
- 15 single-family residences, where otherwise permissible;
- 16 (15) Nonstructural improvements to existing commercial
- 17 structures; and
- 18 (16) Construction, installation, maintenance, repair, and
- 19 replacement of civil defense warning or signal devices
- 20 and sirens;

21 provided that whenever the authority finds that any excluded
22 use, activity, or operation may have a cumulative impact, or a



1 significant environmental or ecological effect on a special
2 management area, that use, activity, or operation shall be
3 defined as "development" for the purpose of this part.

4 "Special management area emergency permit" means an action
5 by the authority authorizing development in cases of emergency
6 requiring immediate action to prevent substantial physical harm
7 to persons or property or to allow the reconstruction of
8 structures damaged by natural hazards to their original form;
9 provided that such structures were previously found to be legal
10 and in compliance with requirements of the [Federal] National
11 Flood Insurance Program.

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

16 SECTION 5. Section 205A-26, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§205A-26 Special management area guidelines. In
19 implementing this part, the authority shall adopt the following
20 guidelines for the review of developments proposed in the
21 special management area:



- 1 (1) All development in the special management area shall
2 be subject to reasonable terms and conditions set by
3 the authority [~~in order~~] to ensure:
- 4 (A) Adequate public access, by dedication or other
5 means, to and along the publicly owned or used
6 beaches, recreation areas, and natural reserves
7 is provided to the extent consistent with sound
8 conservation principles;
- 9 (B) Adequate and properly located public recreation
10 areas and wildlife preserves are reserved;
- 11 (C) Provisions are made for solid and liquid waste
12 treatment, disposition, and management which will
13 minimize adverse effects upon special management
14 area resources; and
- 15 (D) Alterations to existing land forms and
16 vegetation, except crops, and construction of
17 structures shall cause minimum adverse effect to
18 water resources and scenic and recreational
19 amenities and minimum danger of floods, wind
20 damage, wave damage, storm surge, landslides,
21 erosion, sea-level rise, siltation, or failure in
22 the event of earthquake[-];



1 (2) No development shall be approved unless the authority
2 has first found:
3 (A) That the development will not have any
4 ~~[substantial]~~ significant adverse environmental
5 or ecological effect, except as such adverse
6 effect is minimized to the extent practicable and
7 clearly outweighed by public health, safety, or
8 compelling public interests. Such adverse
9 effects shall include~~[7]~~ but not be limited to~~[7]~~
10 the potential cumulative impact of individual
11 developments, each one of which taken in itself
12 might not have a ~~[substantial]~~ significant
13 adverse effect, and the elimination of planning
14 options;
15 (B) That the development is consistent with the
16 objectives, policies, and special management area
17 guidelines of this chapter and any guidelines
18 enacted by the legislature; ~~[and]~~
19 (C) That the development is consistent with the
20 county general plan and zoning. Such a finding
21 of consistency does not preclude concurrent



- 1 processing where a general plan or zoning
2 amendment may also be required[-];
- 3 (D) That the development has been adequately planned
4 to minimize the risk from coastal hazards such as
5 tsunami, hurricanes, wind, storm waves, flooding,
6 erosion, and sea-level rise; and
- 7 (E) That the development does not impede public
8 access to or along the shoreline or beach area;
9 and
- 10 (3) The authority shall seek to minimize, where
11 reasonable:
- 12 (A) Dredging, filling, or otherwise altering any bay,
13 estuary, salt marsh, river mouth, slough, or
14 lagoon;
- 15 (B) Any development which would reduce the size of
16 any beach or other area usable for public
17 recreation;
- 18 (C) Any development which would reduce or impose
19 restrictions upon public access to tidal and
20 submerged lands, beaches, portions of rivers and
21 streams within the special management areas, and
22 the mean high tide line where there is no beach;



1 (D) Any development which would substantially
 2 interfere with or detract from the line of sight
 3 toward the sea from the state highway nearest the
 4 coast; and

5 (E) Any development which would adversely affect
 6 water quality, existing areas of open water free
 7 of visible structures, existing and potential
 8 fisheries and fishing grounds, wildlife habitats,
 9 or potential or existing agricultural uses of
 10 land."

11 SECTION 6. Section 205A-41, Hawaii Revised Statutes, is
 12 amended by adding two new definitions to be appropriately
 13 inserted and to read as follows:

14 "Authority" means the county planning commission, except
 15 in counties where the county planning commission is advisory
 16 only, in which case "authority" means the county council or such
 17 body as the council may by ordinance designate.

18 "Department" means the department of land and natural
 19 resources."

20 SECTION 7. Section 205A-43, Hawaii Revised Statutes, is
 21 amended to read as follows:



1 "§205A-43 Establishment of shoreline setbacks and duties
2 and powers of the department. (a) Setbacks along shorelines
3 are established of not less than [~~twenty feet and not more than~~]
4 forty feet inland from the shoreline. The department shall
5 adopt rules pursuant to chapter 91, prescribing procedures for
6 determining the shoreline setback line, and shall enforce the
7 shoreline setbacks and rules pertaining thereto.

8 (b) The powers and duties of the department shall
9 include [~~7~~] but not be limited to[~~+~~

10 ~~(1) The department shall adopt rules under chapter 91~~
11 ~~prescribing procedures for determining the shoreline~~
12 ~~setback line, and~~

13 ~~(2) The department shall review]~~ reviewing the plans of
14 all applicants who propose any structure, activity, or
15 facility that would be prohibited without a variance
16 pursuant to this part. The department may require
17 that the plans be supplemented by accurately mapped
18 data and photographs showing natural conditions and
19 topography relating to all existing and proposed
20 structures and activities."

21 SECTION 8. Section 205A-43.5, Hawaii Revised Statutes, is
22 amended by amending subsection (a) to read as follows:



1 "(a) Prior to action on a variance application, the
2 authority shall hold a public hearing under chapter 91. By
3 adoption of rules under chapter 91, the authority may delegate
4 responsibility to the department. Public and private notice,
5 including reasonable notice to abutting property owners and
6 persons who have requested this notice, shall be provided, but a
7 public hearing may be waived prior to action on a variance
8 application for:

- 9 (1) Stabilization of shoreline erosion by the moving of
10 sand entirely on public lands;
- 11 (2) Protection of a legal structure costing more than
12 [~~\$20,000~~] \$50,000; provided the structure is at risk
13 of immediate damage from shoreline erosion;
- 14 (3) Other structures or activities; provided that no
15 person or agency has requested a public hearing within
16 twenty-five calendar days after public notice of the
17 application; [~~or~~]
- 18 (4) Temporary emergency protection of a legal inhabited
19 dwelling; provided the structure is at risk of
20 immediate damage from shoreline erosion or other
21 coastal hazard; or



1 [~~(4)~~] (5) Maintenance, repair, reconstruction, and minor
 2 additions or alterations of legal boating, maritime,
 3 or watersports recreational facilities, which result
 4 in little or no interference with natural shoreline
 5 processes."

6 SECTION 9. Section 205A-45, Hawaii Revised Statutes, is
 7 amended to read as follows:

8 **"§205A-45 Shoreline setback lines established by county.**

9 (a) The several counties through rules adopted pursuant to
 10 chapter 91 or ordinance may require that shoreline setback lines
 11 be established at [~~distances greater than that established in~~
 12 ~~this part.~~] a distance not less than the average annual erosion
 13 rate based on a fifty-year projection, in addition to the
 14 minimum distance established in section 205A-43.

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

18 (c) The several counties, through rules adopted pursuant
 19 to chapter 91 or ordinance, or under existing authority, shall:

20 (1) Use the shoreline setback as a tool to minimize the
 21 damage from coastal hazards, including but not limited
 22 to tsunami, hurricanes, wind, storm waves, flooding,



1 erosion, sea-level rise, subsidence, and pollution.

2 Measures such as early planning, variances for

3 innovative design, and minimum buildable areas shall

4 be considered; and

5 (2) Ensure that:

6 (A) Any parcels created after the subdivision of an

7 original parcel are sufficiently large to

8 accommodate a shoreline setback based on average

9 annual erosion rate; and

10 (B) Public safety, public access, and public

11 shoreline areas are protected."

12 SECTION 10. Section 205A-46, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) A variance may be granted for a structure or activity
15 otherwise prohibited in this part if the authority finds in
16 writing, based on the record presented, that the proposed
17 structure or activity is necessary for or ancillary to:

18 (1) Cultivation of crops;

19 (2) Aquaculture;

20 (3) Landscaping; provided that the authority finds that

21 the proposed structure or activity will not adversely



- 1 affect beach processes and will not artificially fix
2 the shoreline;
- 3 (4) Drainage;
- 4 (5) Boating, maritime, or watersports recreational
5 facilities;
- 6 (6) Facilities or improvements by public agencies or
7 public utilities regulated under chapter 269;
- 8 (7) Private facilities or improvements that are clearly in
9 the public interest;
- 10 (8) Private facilities or improvements [~~which will neither~~
11 ~~adversely affect beach processes nor artificially fix~~
12 ~~the shoreline~~]; provided that the authority also finds
13 that hardship will result to the applicant if the
14 facilities or improvements are not allowed within the
15 shoreline area;
- 16 (9) Private facilities or improvements that may
17 artificially fix the shoreline; provided that the
18 authority also finds that shoreline erosion is likely
19 to cause hardship to the applicant if the facilities
20 or improvements are not allowed within the shoreline
21 area, [and] the authority imposes conditions to
22 prohibit any structure seaward of the existing



1 shoreline unless it is clearly in the public
 2 interest[7], and the authority finds that the
 3 facilities or improvements do not limit or severely
 4 reduce public access or public shoreline use; or
 5 (10) Moving of sand from one location seaward of the
 6 shoreline to another location seaward of the
 7 shoreline[7] within adjacent areas; provided that the
 8 authority also finds that moving of sand [~~will not~~
 9 ~~adversely affect beach processes,~~] will not diminish
 10 the size of a public beach[7] and will be necessary to
 11 stabilize an eroding shoreline."

12 SECTION 11. Section 205A-71, Hawaii Revised Statutes, is
 13 amended by amending subsection (c) to read as follows:

14 "(c) The authority shall adopt rules under chapter 91
 15 setting forth procedures for implementing this section.

16 As used in this section, "authority" means the county
 17 planning commission, except in counties where the county
 18 planning commission is advisory only, in which case "authority"
 19 means the county council or such body as the council may by
 20 ordinance designate."



1 SECTION 12. This Act does not affect rights and duties
 2 that matured, penalties that were incurred, and proceedings that
 3 were begun, before its effective date.

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

6 SECTION 14. This Act shall take effect upon its approval.

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INTRODUCED BY: *JM*

A. Alan Eglar
Robert Bunn

Bonny de Barb
D. J. J.
Guy L. Ac...

Will Ego

Mike Gabbard

Norman Sakomfo



Report Title:

Coastal Zone Management

Description:

Requires certain agencies to account for sea-level rise and minimize risk from coastal hazards such as erosion, storm inundation, hurricanes, and tsunamis. Preserves public shoreline access. Extends shoreline setback to no less than 40 ft. from shoreline and authorizes counties to account for annual erosion rates.

