
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~~] landowner or developer, as a condition
5 precedent to final approval of a subdivision, in cases where
6 public access is 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~~] shoreline, as defined in section 205A-1 on any
11 coastal shoreline[~~, and to dedicate~~]; and

12 (2) Dedicate land for public access by right of way from a
13 public highway to areas in the mountains where there
14 are existing facilities for hiking, hunting, fruit-
15 picking, ti-leaf sliding, and other recreational
16 purposes, and where there are existing mountain
17 trails.



1 The county shall ensure that there is reasonable street parking
2 near public access areas in the special management areas under
3 chapter 205A."

4 SECTION 2. Chapter 205A, Hawaii Revised Statutes, is
5 amended as follows:

6 1. By amending the definition of "agency" in section 205A-
7 1 to read:

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

12 2. By amending subsections (b) and (c) of section 205A-2
13 to read:

14 "(b) Objectives.

15 (1) Recreational resources;

16 (A) Provide coastal recreational opportunities
17 accessible to the public.

18 (2) Historic resources;

19 (A) Protect, preserve, and, where desirable, restore
20 those natural and manmade historic and
21 prehistoric resources in the coastal zone



1 management area that are significant in Hawaiian
2 and American history and culture.

3 (3) Scenic and open space resources;

4 (A) Protect, preserve, and, where desirable, restore
5 or improve the quality of coastal scenic and open
6 space resources.

7 (4) Coastal ecosystems;

8 (A) Protect valuable coastal ecosystems, including
9 beaches, reefs, and dunes from disruption and
10 minimize significant adverse environmental or
11 ecological impacts on all coastal ecosystems.

12 (5) Economic uses;

13 (A) Provide public or private facilities and
14 improvements important to the State's economy in
15 suitable locations.

16 (6) Coastal hazards;

17 (A) Reduce hazard to life and property from coastal
18 hazards, including tsunami, [~~storm waves, stream~~
19 ~~flooding,~~] hurricanes, wind, waves, flooding,
20 erosion, sea-level rise, subsidence, and point
21 and nonpoint source pollution.

22 (7) Managing development;



1 (A) Improve the development review process,
2 communication, and public participation in the
3 management of and planning for the development of
4 coastal resources and hazards[-] mitigation.

5 (8) Public participation;

6 (A) Stimulate public awareness, education, and
7 participation in coastal management.

8 (9) Beach protection;

9 (A) Protect beaches and coastal dunes for public use
10 and recreation[-] against coastal hazards.

11 (10) Marine resources;

12 (A) Promote the protection, use, and development of
13 marine and coastal resources to assure their
14 sustainability.

15 (c) Policies.

16 (1) Recreational resources;

17 (A) Improve coordination and funding of coastal
18 recreational planning and management; and

19 (B) Provide adequate, accessible, and diverse
20 recreational opportunities in the coastal zone
21 management area for the general public by:



- 1 (i) Protecting coastal resources uniquely suited
2 for recreational activities that cannot be
3 provided in other areas;
- 4 (ii) Requiring repair, restoration, or
5 replacement of coastal resources having
6 significant recreational value including[~~r~~
7 ~~but not limited to,~~] coral reefs, surfing
8 sites, fishponds, coastal dunes, and [~~sand~~]
9 beaches, when [~~such~~] the resources will be
10 unavoidably damaged by development; or
11 requiring reasonable monetary compensation
12 to the State for recreation when repair,
13 restoration, or replacement is not feasible
14 or desirable;
- 15 (iii) Providing and managing adequate public
16 access, consistent with conservation of
17 natural resources, to and along all
18 shorelines with recreational value;
- 19 (iv) Providing an adequate supply of shoreline
20 parks and other recreational facilities
21 suitable for public recreation;



1 (v) Ensuring public recreational uses of county,
2 state, and federally owned or controlled
3 shoreline lands and waters having
4 recreational value consistent with public
5 safety standards and conservation of natural
6 resources;

7 (vi) Adopting water quality standards and
8 regulating point and nonpoint sources of
9 pollution to protect, and where feasible,
10 restore the recreational value of coastal
11 waters;

12 (vii) Developing new shoreline recreational
13 opportunities, where appropriate, such as
14 artificial lagoons, artificial beaches, and
15 artificial reefs for surfing and fishing;
16 and

17 (viii) Encouraging reasonable dedication of
18 shoreline areas with recreational value for
19 public use as part of discretionary
20 approvals or permits by the land use
21 commission, board of land and natural
22 resources, and county authorities; and



- 1 crediting such dedication against the
2 requirements of section 46-6.
- 3 (2) Historic resources;
- 4 (A) Identify and analyze significant archaeological
5 resources;
- 6 (B) Maximize information retention through
7 preservation of remains and artifacts or salvage
8 operations; and
- 9 (C) Support state goals for protection, restoration,
10 interpretation, and display of historic
11 resources.
- 12 (3) Scenic and open space resources;
- 13 (A) Identify valued scenic resources in the coastal
14 zone management area;
- 15 (B) Ensure that new developments are compatible with
16 their visual environment by designing and
17 locating such developments to minimize the
18 alteration of natural landforms and existing
19 public views to and along the shoreline;
- 20 (C) Preserve, maintain, and, where desirable, improve
21 and restore shoreline open space and scenic



- 1 resources[+], and public access to those
2 resources; and
- 3 (D) Encourage those developments that are not coastal
4 dependent to locate in inland areas.
- 5 (4) Coastal ecosystems;
- 6 (A) Exercise an overall conservation ethic, and
7 practice stewardship in the protection, use, and
8 development of marine and coastal resources;
- 9 (B) Improve the technical basis for natural resource
10 management;
- 11 (C) Preserve [~~valuable~~] coastal ecosystems, including
12 beaches, reefs, [~~of significant biological or~~
13 economic importance,] and dunes;
- 14 (D) Minimize disruption or degradation of coastal
15 water ecosystems by effective regulation of
16 stream diversions, channelization, and similar
17 land and water uses, recognizing competing water
18 needs; [~~and~~]
- 19 (E) Promote water quantity and quality planning and
20 management practices that reflect the tolerance
21 of fresh water and marine ecosystems and maintain
22 and enhance water quality through the development



1 and implementation of point and nonpoint source
2 water pollution control measures[-]; and
3 (F) Prevent the grading or destruction of any primary
4 coastal dune.

5 (5) Economic uses;

6 (A) Concentrate coastal dependent development in
7 appropriate areas;

8 (B) Ensure that coastal dependent development such as
9 harbors and ports, and coastal related
10 development such as visitor industry facilities
11 and energy generating facilities, are located,
12 designed, and constructed to minimize adverse
13 social, visual, and environmental impacts in the
14 coastal zone management area; and

15 (C) Direct the location and expansion of coastal
16 dependent developments to areas presently
17 designated and used for such developments and
18 permit reasonable long-term growth at such
19 areas[-] with consideration of sea-level rise,
20 and permit coastal dependent development outside
21 of presently designated areas when:



- 1 (i) Use of presently designated locations is not
2 feasible;
- 3 (ii) Adverse environmental effects and exposure
4 to negative impacts related to sea-level
5 rise are minimized; and
- 6 (iii) The development is important to the State's
7 economy[-], infrastructure, or utilities.
- 8 (6) Coastal hazards;
- 9 (A) Develop and communicate adequate information
10 about [~~storm wave,~~] tsunami, [~~flood,~~] hurricanes,
11 wind, waves, flooding, erosion, sea-level rise,
12 subsidence, and point and nonpoint source
13 pollution hazards;
- 14 (B) [~~Control~~] Engage in early planning and control
15 development in areas subject to [~~storm wave,~~
16 tsunami, [~~flood,~~] hurricanes, wind, waves,
17 flooding, erosion, [~~hurricane, wind,~~] sea-level
18 rise, subsidence, and point and nonpoint source
19 pollution hazards;
- 20 (C) Ensure that developments comply with requirements
21 of the [~~Federal~~] National Flood Insurance
22 Program; and



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



1 with coastal issues, developments, and government
2 activities; and

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

6 (9) Beach protection;

7 (A) Locate new structures inland from the shoreline
8 setback to conserve open space, minimize
9 interference with natural shoreline processes,
10 minimize negative impacts to coastal
11 environments, and minimize loss of improvements
12 due to coastal hazards including erosion;

13 (B) Prohibit construction of private erosion-
14 protection structures seaward of the shoreline,
15 except when they [~~result~~]:

16 (i) Result in improved public access, safety,
17 aesthetic, environmental, and engineering
18 solutions to coastal hazards including
19 erosion at the sites;

20 (ii) Enhance beach conservation or restoration;
21 and [~~de~~]



1 (iii) Do not significantly interfere with existing
2 recreational and waterline activities[+
3 and];

4 and

5 (C) Minimize the construction of public [~~erosion-~~
6 ~~protection~~] coastal hazard-protection structures
7 seaward of the shoreline[-], except when they
8 result in improved public access, safety,
9 aesthetic, environmental, and engineering
10 solutions to coastal hazards, or when they
11 enhance beach conservation or restoration.

12 (10) Marine resources;

13 (A) Ensure that the use and development of marine and
14 coastal resources are ecologically and
15 environmentally sound and economically
16 beneficial;

17 (B) Coordinate the management of marine and coastal
18 resources and activities to improve effectiveness
19 and efficiency;

20 (C) Assert and articulate the interests of the State
21 as a partner with federal agencies in the sound



1 management of ocean resources within the United
2 States exclusive economic zone;

3 (D) Promote research, study, and understanding of
4 ocean processes, marine life, and other ocean
5 resources [~~in order~~] to acquire and inventory
6 information necessary to understand how ocean
7 development activities relate to and impact upon
8 ocean and coastal resources; and

9 (E) Encourage research and development of new,
10 innovative technologies for exploring, using, or
11 protecting marine and coastal resources."

12 3. By amending the definitions of "department,"
13 "development," "special management area emergency permit,"
14 "special management area minor permit," "special management area
15 use permit," and "structure" in section 205A-22 to read:

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



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

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

16 "Development" does not include the following:

- 17 (1) Construction of a single-family residence that is not
18 part of a larger development;
- 19 (2) Repair or maintenance of roads and highways within
20 existing rights-of-way;
- 21 (3) Routine maintenance dredging of existing streams,
22 channels, and drainage ways;



- 1 (4) Repair and maintenance of underground utility lines,
2 including [~~but not limited to~~] water, sewer, power,
3 and telephone and minor appurtenant structures such as
4 pad mounted transformers and sewer pump stations;
- 5 (5) Zoning variances, except for height, density, parking,
6 and shoreline setback;
- 7 (6) Repair, maintenance, or interior alterations to
8 existing structures including hardened shorelines;
- 9 (7) Demolition or removal of structures, except those
10 structures located on any historic site as designated
11 in national or state registers;
- 12 (8) Use of any land for the purpose of cultivating,
13 planting, growing, and harvesting plants, crops,
14 trees, and other agricultural, horticultural, or
15 forestry products or animal husbandry, or aquaculture
16 or mariculture of plants or animals, or other
17 agricultural purposes;
- 18 (9) Transfer of title to land;
- 19 (10) Creation or termination of easements, covenants, or
20 other rights in structures or land;
- 21 (11) Subdivision of land into lots greater than twenty
22 acres in size;



- 1 (12) Subdivision of a parcel of land into four or fewer
- 2 parcels when no associated construction activities are
- 3 proposed; provided that any land which is so
- 4 subdivided shall not thereafter qualify for this
- 5 exception with respect to any subsequent subdivision
- 6 of any of the resulting parcels;
- 7 (13) Installation of underground utility lines and
- 8 appurtenant aboveground fixtures less than four feet
- 9 in height along existing corridors;
- 10 (14) Structural and nonstructural improvements to existing
- 11 single-family residences, where otherwise permissible;
- 12 (15) Nonstructural improvements to existing commercial
- 13 structures; and
- 14 (16) Construction, installation, maintenance, repair, and
- 15 replacement of civil defense warning or signal devices
- 16 and sirens;
- 17 provided that whenever the authority finds that any excluded
- 18 use, activity, or operation may have a cumulative impact, or a
- 19 significant environmental or ecological effect on a special
- 20 management area, that use, activity, or operation shall be
- 21 defined as "development" for the purpose of this part.

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

9 "Special management area minor permit" means an action by
10 the authority authorizing development the valuation of which is
11 not in excess of [~~\$125,000~~] \$250,000 and which has no
12 substantial adverse environmental or ecological effect, taking
13 into account potential cumulative effects.

14 "Special management area use permit" means an action by the
15 authority authorizing development the valuation of which exceeds
16 [~~\$125,000~~] \$250,000 or which may have a substantial adverse
17 environmental or ecological effect, taking into account
18 potential cumulative effects.

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



1 4. By amending section 205A-26 to read:

2 "**§205A-26 Special management area guidelines.** In
3 implementing this part, the authority shall adopt the following
4 guidelines for the review of developments proposed in the
5 special management area:

6 (1) All development in the special management area shall
7 be subject to reasonable terms and conditions relative
8 to the objectives, policies, and guidelines of this
9 chapter set by the authority [~~in order~~] to ensure:

10 (A) Adequate public access, by dedication or other
11 means, to and along the publicly owned or used
12 beaches, recreation areas, and natural reserves
13 is provided to the extent consistent with sound
14 conservation principles;

15 (B) Adequate and properly located public recreation
16 areas and wildlife preserves are reserved;

17 (C) Provisions are made for solid and liquid waste
18 treatment, [~~disposition,~~] disposal, and
19 management which will minimize adverse effects
20 upon special management area resources; and

21 (D) Alterations to existing land forms and
22 vegetation, except crops, and construction of



1 structures shall cause minimum adverse effect to
2 water resources and scenic and recreational
3 amenities and minimum danger of floods, wind
4 damage, wave damage, storm surge, landslides,
5 erosion, sea-level rise, siltation, or failure in
6 the event of earthquake[~~+~~];

7 (2) No development shall be approved unless the authority
8 has first found:

9 (A) That the development will not have any
10 [~~substantial~~] significant adverse environmental
11 or ecological effect, except as such adverse
12 effect is minimized to the extent practicable and
13 clearly outweighed by public health, safety, or
14 compelling public interests. Such adverse
15 effects shall include[~~, but not be limited to,~~]
16 the potential cumulative impact of individual
17 developments, each one of which taken in itself
18 might not have a [~~substantial~~] significant
19 adverse effect, and the elimination of planning
20 options;

21 (B) That the development is consistent with the
22 objectives, policies, and special management area



1 guidelines of this chapter and any guidelines
2 enacted by the legislature; [~~and~~]

3 (C) That the development is consistent with the
4 county general plan and zoning. Such a finding
5 of consistency does not preclude concurrent
6 processing where a general plan or zoning
7 amendment may also be required[-];

8 (D) That the development has been adequately planned
9 to minimize the risk from coastal hazards such as
10 tsunami, hurricanes, wind, waves, flooding,
11 erosion, sea-level rise, subsidence, and point
12 and nonpoint source pollution; and

13 (E) That the development does not impede reasonable
14 and adequate public access to or along the
15 shoreline or beach area;

16 and

17 (3) The authority shall seek to minimize, where
18 reasonable:

19 (A) Dredging, filling, or otherwise altering any bay,
20 estuary, salt marsh, river mouth, slough, or
21 lagoon;



1 (B) Any development which would directly reduce the
2 size of any beach or other area usable for public
3 recreation;

4 (C) Any development which would reduce or impose
5 restrictions upon public access to tidal and
6 submerged lands, beaches, portions of rivers and
7 streams within the special management areas, and
8 the mean high tide line where there is no beach;

9 (D) Any development which would substantially
10 interfere with or detract from the line of sight
11 toward the sea from the state highway nearest the
12 coast; and

13 (E) Any development which would adversely affect
14 water quality, existing areas of open water free
15 of visible structures, existing and potential
16 fisheries and fishing grounds, wildlife habitats,
17 or potential or existing agricultural uses of
18 land."

19 5. By adding two new definitions to section 205A-41 to be
20 appropriately inserted and to read:

21 "Authority" means the county planning commission, except
22 in counties where the county planning commission is advisory



1 only, in which case "authority" means the county council or such
2 body as the council may by ordinance designate.

3 "Department" means the planning departments of the counties
4 of Kauai, Maui, and Hawaii, and the department of planning and
5 permitting of the city and county of Honolulu, as appropriate."

6 6. By amending section 205A-43 to read:

7 **"§205A-43 Establishment of shoreline setbacks and duties**
8 **and powers of the department.** (a) Setbacks along shorelines
9 are established of not less than twenty feet and not more than
10 forty feet inland from the shoreline. The department shall
11 adopt rules pursuant to chapter 91, prescribing procedures for
12 determining the shoreline setback line, and shall enforce the
13 shoreline setbacks and rules pertaining thereto.

14 (b) The powers and duties of the department shall
15 include[, ~~but not be limited to:~~

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

19 ~~(2) The department shall review]~~ reviewing the plans of
20 all applicants who propose any structure, activity, or facility
21 that would be prohibited without a variance pursuant to this
22 part. The department may require that the plans be supplemented



1 by accurately mapped data and photographs showing natural
2 conditions and topography relating to all existing and proposed
3 structures and activities.

4 (c) The shoreline setback established in this section
5 shall not apply to:

6 (1) Any structure that abuts the shoreline within the
7 Waikiki Special District as defined in the Land Use
8 Ordinance, Chapter 21, Revised Ordinances of Honolulu,
9 as of the effective date of this Act; or

10 (2) Properties that abut beaches that are subject to the
11 Waikiki Beach Reclamation Agreement dated October 19,
12 1928, between the Territory of Hawaii and beachfront
13 property owners in Waikiki, as amended. "

14 7. By amending subsection (a) of section 205A-43.5 to
15 read:

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



1 public hearing may be waived prior to action on a variance
2 application for:

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

5 ~~[(2) Protection of a legal structure costing more than
6 \$20,000; provided the structure is at risk of
7 immediate damage from shoreline erosion;~~

8 ~~-(3) Other structures or activities; provided that no
9 person or agency has requested a public hearing within
10 twenty five calendar days after public notice of the
11 application; or~~

12 ~~-(4)]~~ (2) Temporary emergency protection of a legal
13 structure or improvement costing more than \$50,000;
14 provided that the structure or improvement is at risk
15 of immediate damage from shoreline erosion or other
16 coastal hazard; or

17 ~~[-(4)]~~ (3) Maintenance, repair, reconstruction, and minor
18 additions or alterations of legal boating, maritime,
19 or watersports recreational facilities, which result
20 in little or no interference with natural shoreline
21 processes."

22 8. By amending section 205A-45 to read:



1 "**§205A-45 Shoreline setback lines established by county.**

2 (a) The [~~several~~] counties through rules adopted pursuant to
3 chapter 91 or ordinance may require that shoreline setback lines
4 be established at distances greater than established in this
5 part.

6 (b) The [~~several~~] counties through rules adopted pursuant
7 to chapter 91 or ordinance may expand the shoreline area to
8 include the area between mean sea level and the shoreline.

9 (c) The counties, through rules adopted under chapter 91
10 or ordinance, or under existing authority, shall:

11 (1) Use the shoreline setback as a tool to minimize the
12 damage from coastal hazards, including tsunami,
13 hurricanes, wind, waves, flooding, erosion, sea-level
14 rise, subsidence, and point and nonpoint source
15 pollution. Measures such as early planning, variances
16 for innovative design, and minimum buildable areas
17 shall be considered; and

18 (2) Ensure that:

19 (A) Any parcels created after the subdivision of an
20 original parcel are sufficiently large to
21 mitigate environmental damage and hazard
22 exposure; and



1 (B) Public safety, public access, and public
2 shoreline areas are protected.

3 (d) Any shoreline setback adopted by a county pursuant to
4 this section shall not apply to:

5 (1) Any structure that abuts the shoreline within the
6 Waikiki Special District as defined in the Land Use
7 Ordinance, Chapter 21, Revised Ordinances of Honolulu,
8 as of the effective date of this Act; or

9 (2) Properties that abut beaches that are subject to the
10 Waikiki Beach Reclamation Agreement dated October 19,
11 1928, between the Territory of Hawaii and beachfront
12 property owners in Waikiki, as amended."

13 9. By amending subsection (a) of section 205A-46 to read:

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 or adequate public access and
2 will not artificially fix 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~~] harden the shoreline; provided that
18 the authority [~~also finds~~]:
- 19 (A) Finds that shoreline erosion is likely to cause
20 significant hardship to the applicant if the
21 facilities or improvements are not allowed within
22 the shoreline area [~~, and the authority imposes~~];



1 (B) Considers whether the activity will alter beach-
2 quality sediment availability;

3 (C) Finds that the facilities or improvements do not
4 limit or severely reduce adequate public access
5 or public shoreline use; and

6 (D) Imposes conditions to prohibit any structure
7 seaward of the existing shoreline unless it is
8 clearly in the public interest; [~~or~~]

9 (10) Private facilities or improvements that are mauka or
10 landward of an existing hardened shoreline; or

11 ~~[(10)]~~ (11) Moving of sand from one location seaward of the
12 shoreline to another location seaward of the
13 shoreline~~[+]~~ within the same littoral system; provided
14 that the authority also finds that moving of sand
15 ~~[will not adversely affect beach processes,]~~ will not
16 diminish the size of a public beach, and will be
17 necessary to stabilize an eroding shoreline~~[-]~~ or for
18 stream mouth maintenance."

19 10. By amending subsection (c) of section 205A-71 to read:
20 "(c) The authority shall adopt rules under chapter 91
21 setting forth procedures for implementing this section.



1 As used in this section, "authority" means the county
2 planning commission, except in counties where the county
3 planning commission is advisory only, in which case "authority"
4 means the county council or such body as the council may by
5 ordinance designate."

6 SECTION 3. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun, before its effective date.

9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on January 1, 2046.



S.B. NO. 468
S.D. 1
H.D. 2

Report Title:

Shoreline Setback

Description:

Improves and updates provisions for the management of coastal zones. (SB468 HD2)

SB468 HD2 HMS 2009-3619

