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# A BILL FOR AN ACT

RELATING TO CONSERVATION.

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

1       SECTION 1. The legislature finds that the beaches and  
2 shorelines of Hawaii are among the State's most valuable natural  
3 assets. However, coastal erosion and beach loss have reached a  
4 level of high concern. Given the current trends of rising  
5 global sea levels and increased coastal development, coastal  
6 erosion is expected to continue to be an environmental,  
7 societal, cultural, and economic concern for the foreseeable  
8 future.

9       The legislature also finds that accreted beach land, in the  
10 form of coastal dunes and dry beach area, is an integral part of  
11 the State's beach system. Accreted land holds the fragile  
12 carbonate sands upon which the active beach relies during  
13 periods of episodic erosion. As sand accumulates, plants  
14 adapted to the beach environment emerge, stabilizing the surface  
15 and promoting further dune formation. Coastal dunes act as  
16 flexible barriers to ocean storm surges and waves, protect low-  
17 lying backshore areas, and serve as sand reservoirs for beach  
18 nourishment. However, coastal dunes are highly sensitive to



1 human activities and their preservation depends on careful  
2 management.

3 The purpose of this Act is to protect the State's valuable  
4 coastal ecosystems by including the preservation of coastal  
5 dunes as a policy and objective of beach restoration and coastal  
6 management programs.

7 SECTION 2. Chapter 171, Hawaii Revised Statutes, is  
8 amended by adding a new section to part VIII to be appropriately  
9 designated and to read as follows:

10 "§171- Coastal dune preservation. All beach  
11 restoration plans prepared or revised by the department pursuant  
12 to section 171-153 for areas that contain or are adjacent to  
13 coastal dunes shall include provisions to minimize adverse  
14 impacts to and disruption or degradation of coastal dunes by  
15 effective regulation that includes limits on development  
16 activity and interference with dune structure."

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

19 "(b) Objectives.

20 (1) Recreational resources;

21 (A) Provide coastal recreational opportunities  
22 accessible to the public.



- 1           (2) Historic resources;
- 2                 (A) Protect, preserve, and, where desirable, restore
- 3                         those natural and manmade historic and
- 4                         prehistoric resources in the coastal zone
- 5                         management area that are significant in Hawaiian
- 6                         and American history and culture.
- 7           (3) Scenic and open space resources;
- 8                 (A) Protect, preserve, and, where desirable, restore
- 9                         or improve the quality of coastal scenic and open
- 10                         space resources.
- 11           (4) Coastal ecosystems;
- 12                 (A) Protect valuable coastal ecosystems, including
- 13                         reefs[7] and dunes, from disruption and minimize
- 14                         adverse impacts on all coastal ecosystems.
- 15           (5) Economic uses;
- 16                 (A) Provide public or private facilities and
- 17                         improvements important to the State's economy in
- 18                         suitable locations.
- 19           (6) Coastal hazards;
- 20                 (A) Reduce hazard to life and property from tsunami,
- 21                         storm waves, stream flooding, erosion,
- 22                         subsidence, and pollution.



- 1           (7) Managing development;
- 2                 (A) Improve the development review process,
- 3                         communication, and public participation in the
- 4                         management of coastal resources and hazards.
- 5           (8) Public participation;
- 6                 (A) Stimulate public awareness, education, and
- 7                         participation in coastal management.
- 8           (9) Beach protection;
- 9                 (A) Protect beaches for public use and recreation.
- 10          (10) Marine resources;
- 11                 (A) Promote the protection, use, and development of
- 12                         marine and coastal resources to assure their
- 13                         sustainability.
- 14          (c) Policies.
- 15          (1) Recreational resources;
- 16                 (A) Improve coordination and funding of coastal
- 17                         recreational planning and management; and
- 18                 (B) Provide adequate, accessible, and diverse
- 19                         recreational opportunities in the coastal zone
- 20                         management area by:



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



1 recreational value consistent with public  
2 safety standards and conservation of natural  
3 resources;

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

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

14 (viii) Encouraging reasonable dedication of  
15 shoreline areas with recreational value for  
16 public use as part of discretionary  
17 approvals or permits by the land use  
18 commission, board of land and natural  
19 resources, and county authorities; and  
20 crediting such dedication against the  
21 requirements of section 46-6;

22 (2) Historic resources;



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



- 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[~~r~~] and dunes, of significant biological or  
8 economic 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; and
- 20 (F) Minimize adverse impacts to and disruption or  
21 degradation of coastal dunes by effective  
22 regulation that includes limits on development





1                   activity and interference with dune structure in  
2                   areas containing or adjacent to coastal dunes;

3           (5) Economic uses;

4                   (A) Concentrate coastal dependent development in  
5                   appropriate areas;

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

13                  (C) Direct the location and expansion of coastal  
14                  dependent developments to areas presently  
15                  designated and used for such developments and  
16                  permit reasonable long-term growth at such areas,  
17                  and permit coastal dependent development outside  
18                  of presently designated areas when:

19                           (i) Use of presently designated locations is not  
20                           feasible;

21                           (ii) Adverse environmental effects are minimized;  
22                           and



- 1                   (iii) The development is important to the State's
- 2                                   economy;
- 3       (6) Coastal hazards;
- 4           (A) Develop and communicate adequate information
- 5                   about storm wave, tsunami, flood, erosion,
- 6                   subsidence, and point and nonpoint source
- 7                   pollution hazards;
- 8           (B) Control development in areas subject to storm
- 9                   wave, tsunami, flood, erosion, hurricane, wind,
- 10                   subsidence, and point and nonpoint source
- 11                   pollution hazards;
- 12           (C) Ensure that developments comply with requirements
- 13                   of the Federal Flood Insurance Program; and
- 14           (D) Prevent coastal flooding from inland projects;
- 15       (7) Managing development;
- 16           (A) Use, implement, and enforce existing law
- 17                   effectively to the maximum extent possible in
- 18                   managing present and future coastal zone
- 19                   development;
- 20           (B) Facilitate timely processing of applications for
- 21                   development permits and resolve overlapping or
- 22                   conflicting permit requirements; and



1 (C) Communicate the potential short and long-term  
2 impacts of proposed significant coastal  
3 developments early in their life cycle and in  
4 terms understandable to the public to facilitate  
5 public participation in the planning and review  
6 process;

7 (8) Public participation;

8 (A) Promote public involvement in coastal zone  
9 management processes;

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

16 (C) Organize workshops, policy dialogues, and site-  
17 specific mediations to respond to coastal issues  
18 and conflicts;

19 (9) Beach protection;

20 (A) Locate new structures inland from the shoreline  
21 setback to conserve open space, minimize



- 1 interference with natural shoreline processes,  
2 and minimize loss of improvements due to erosion;
- 3 (B) Prohibit construction of private erosion-  
4 protection structures seaward of the shoreline,  
5 except when they result in improved aesthetic and  
6 engineering solutions to erosion at the sites and  
7 do not interfere with existing recreational and  
8 waterline activities;
- 9 (C) Minimize the construction of public erosion-  
10 protection structures seaward of the shoreline;
- 11 (D) Prohibit private property owners from creating a  
12 public nuisance by inducing or cultivating the  
13 private property owner's vegetation in a beach  
14 transit corridor; and
- 15 (E) Prohibit private property owners from creating a  
16 public nuisance by allowing the private property  
17 owner's unmaintained vegetation to interfere or  
18 encroach upon a beach transit corridor;
- 19 (10) Marine resources;
- 20 (A) Ensure that the use and development of marine and  
21 coastal resources are ecologically and



- 1 environmentally sound and economically  
2 beneficial;
- 3 (B) Coordinate the management of marine and coastal  
4 resources and activities to improve effectiveness  
5 and efficiency;
- 6 (C) Assert and articulate the interests of the State  
7 as a partner with federal agencies in the sound  
8 management of ocean resources within the United  
9 States exclusive economic zone;
- 10 (D) Promote research, study, and understanding of  
11 ocean processes, marine life, and other ocean  
12 resources to acquire and inventory information  
13 necessary to understand how ocean development  
14 activities relate to and impact upon ocean and  
15 coastal resources; and
- 16 (E) Encourage research and development of new,  
17 innovative technologies for exploring, using, or  
18 protecting marine and coastal resources."

19 SECTION 4. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Coastal Dunes; Coastal Zone Management; DLNR; Beach Restoration

**Description:**

Establishes the preservation of coastal dunes as a policy and objective of the State's beach restoration and coastal management programs. (HB1537 HD1)

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

