
A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1 SECTION 1. The legislature finds that the coastal zone
2 management program was established as part of the coastal zone
3 management law under Act 188, Session Laws of Hawaii 1977. The
4 Act declared that it is the State's objective regarding scenic
5 and open space resources to protect, preserve, and, where
6 desirable, restore or improve the quality of coastal scenic and
7 open space resources; regarding coastal ecosystems, to protect
8 valuable coastal ecosystems from disruption and minimize adverse
9 impacts on all coastal ecosystems; regarding coastal hazards, to
10 reduce hazards to life and property from tsunami, storm waves,
11 stream flooding, erosion, and subsidence; and regarding managing
12 development, to improve the development review process,
13 communication, and public participation in the management of
14 coastal resources and hazards.

15 The legislature further finds that a 2012 study by the
16 United States Geological Survey and University of Hawaii
17 researchers indicates that seventy per cent of beaches in the



1 State are undergoing a trend of chronic sand loss and shoreline
2 retreat and more than thirteen miles of beach have been
3 completely lost to erosion fronting seawalls and revetments.
4 The Hawaii sea level rise vulnerability and adaptation report,
5 accepted by the Hawaii climate change mitigation and adaptation
6 commission in 2017, finds that with just 1.1 feet of sea level
7 rise many more miles of beach could be lost to erosion (e.g.,
8 five miles on Kauai, seven miles on Oahu, and eight miles on
9 Maui) if widespread armoring is allowed. In consideration of
10 its findings, the report recommends enabling beaches to persist
11 with sea level rise and suggests integration of sea level rise
12 considerations into the Hawaii Coastal Zone Management Act
13 (chapter 205A, Hawaii Revised Statutes).

14 The legislature further finds that the convergence of
15 development densification along shorelines, increasing landward
16 migration of shorelines because of sea level rise and other
17 human and natural impacts, and extensive beach loss fronting
18 shoreline armoring, has resulted in a situation where existing
19 policies and regulations must be updated to address critical
20 shortcomings. In a recent study by the University of Hawaii
21 coastal geology group, primary causes for failure of coastal



1 zone management policy objectives were identified as being
2 related to the following:

3 (1) Current policies, ordinances, and practices allowing
4 hardening of shorelines in the case of demonstrated
5 hardship brought on by coastal erosion through a
6 variance process. The hardship variance inadvertently
7 incentivizes the siting of structures nearer to the
8 coastline owing to increased likelihood that shoreline
9 hardening will be authorized. This variance process
10 in conjunction with increasing landward migration of
11 the shoreline, ensures that pressure on regulatory
12 agencies to allow shoreline armoring will continue to
13 increase under existing policies. Further, amplified
14 erosion, known as "flanking", occurs on properties
15 located adjacent to existing shoreline hardening. The
16 amplified erosion in combination with the hardship
17 variance spurs a continuous cycle of hardening and
18 flanking that can extend along an entire beach. The
19 university of Hawaii study, which demonstrated this
20 effect in a section of northeast Oahu, reports that
21 roughly forty-five per cent of observed shoreline



1 hardening was implemented in response to adjacent
2 hardening. This combination of beach erosion and
3 coastal policy that has allowed widespread shoreline
4 armoring has caused narrowing or elimination of
5 beaches to the extent that these beaches can no longer
6 be used for public recreation and cultural practice;
7 and

- 8 (2) Current policies, ordinances, and practices allowing
9 for renovation and expansion of single-family homes,
10 extending building lifetimes indefinitely and allowing
11 for virtually complete coverage of coastal parcels by
12 structures within erosion- and flood-prone coastal
13 areas. The University of Hawaii study demonstrated
14 this policy weakness, reporting that the average
15 building surface area increased by twenty per cent
16 following implementation of the Coastal Zone
17 Management Act. As sea levels continue to rise,
18 concentrated shoreline development will be exposed to
19 coastal hazards, thus increasing the likelihood of
20 mass structural failure and deposit of debris on
21 public beach resources.



1 The legislature finds that current coastal zone management
2 policies and regulations concerning protection of beaches, beach
3 access, and beach ecosystems are inadequate, primarily because
4 of sea level rise and other natural and human impacts, but also
5 because the policies and regulations are unable to reconcile
6 development along dynamic beach systems while protecting these
7 natural environments. To address these inadequacies, the
8 legislature finds that state coastal zone management policies
9 must be strengthened to conserve beaches for present and future
10 generations while also reducing hazard exposure to shorefront
11 communities.

12 The purpose of this Act is to amend chapter 205A, Hawaii
13 Revised Statutes, to strengthen state policies to reduce
14 residential exposure to coastal hazards and protect state
15 beaches and to update language for consistency with other Hawaii
16 Revised Statutes.

17 SECTION 2. Section 205A-1, Hawaii Revised Statutes, is
18 amended by adding two new definitions to be appropriately
19 inserted and to read as follows:

20 "Beach" means a coastal landform composed predominantly of
21 sand from eroded rock, coral, or shell material that is built



1 and maintained by tides and waves. "Beach" also means a dynamic
2 system encompassing sand deposits in nearshore submerged areas
3 and sand dunes, or upland beach deposits landward of the
4 shoreline, and providing benefits for public use and recreation,
5 for coastal ecosystems, and as a natural barrier against coastal
6 hazards.

7 "Coastal hazards" include tsunami, hurricanes, wind, waves,
8 storm surges, high tide, flooding, stream flooding, erosion, sea
9 level rise, subsidence, and point and nonpoint source
10 pollution."

11 SECTION 3. Section 205A-2, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§205A-2 Coastal zone management program; objectives and**
14 **policies.** (a) The objectives and policies in this section
15 shall apply to all parts of this chapter.

16 (b) Objectives.

17 (1) Recreational resources;

18 (A) Provide coastal recreational opportunities
19 accessible to the public.

20 (2) Historic resources;



1 (A) Protect, preserve, and, where desirable, restore
2 those natural and manmade historic and
3 prehistoric resources in the coastal zone
4 management area that are significant in Hawaiian
5 and American history and culture.

6 (3) Scenic and open space resources;

7 (A) Protect, preserve, and, where desirable, restore
8 or improve the quality of coastal scenic and open
9 space resources.

10 (4) Coastal ecosystems;

11 (A) Protect valuable coastal ecosystems, including
12 reefs, beaches, and coastal dunes, from
13 disruption and minimize adverse impacts on all
14 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;



- 1 (A) Reduce hazard to life and property from [~~tsunami,~~
2 ~~storm waves, stream flooding, erosion,~~
3 ~~subsidence, and pollution.~~] coastal hazards.
- 4 (7) Managing development;
- 5 (A) Improve the development review process,
6 communication, and public participation in the
7 management of coastal resources and hazards.
- 8 (8) Public participation;
- 9 (A) Stimulate public awareness, education, and
10 participation in coastal management.
- 11 (9) Beach protection;
- 12 (A) Protect beaches and coastal dunes for [~~public~~]:
13 (i) Public use and recreation[-];
14 (ii) Benefits of coastal ecosystems; and
15 (iii) Natural barriers to coastal hazards; and
- 16 (B) Coordinate and fund beach management and
17 protection; and
- 18 (10) Marine resources;
- 19 (A) Promote the protection, use, and development of
20 marine and coastal resources to assure their
21 sustainability.



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- 1 (c) Policies.
- 2 (1) Recreational resources;
- 3 (A) Improve coordination and funding of coastal
- 4 recreational planning and management; and
- 5 (B) Provide adequate, accessible, and diverse
- 6 recreational opportunities in the coastal zone
- 7 management area by:
- 8 (i) Protecting coastal resources uniquely suited
- 9 for recreational activities that cannot be
- 10 provided in other areas;
- 11 (ii) Requiring [~~replacement~~] restoration of
- 12 coastal resources [~~having~~] that have
- 13 significant recreational and ecosystem
- 14 value, including[~~ing~~] but not limited to coral
- 15 reefs, surfing sites, fishponds, [~~and~~] sand
- 16 beaches, and coastal dunes, when [~~such~~]
- 17 these resources will be unavoidably damaged
- 18 by development[~~ing~~] or requiring [~~reasonable~~]
- 19 monetary compensation to the State for
- 20 recreation when [~~replacement~~] restoration is
- 21 not feasible or desirable;



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- 1 (iii) Providing and managing adequate public
2 access, consistent with conservation of
3 natural resources, to and along shorelines
4 with recreational value;
- 5 (iv) Providing an adequate supply of shoreline
6 parks and other recreational facilities
7 suitable for public recreation;
- 8 (v) Ensuring public recreational uses of county,
9 state, and federally owned or controlled
10 shoreline lands and waters having
11 recreational value consistent with public
12 safety standards and conservation of natural
13 resources;
- 14 (vi) Adopting water quality standards and
15 regulating point and nonpoint sources of
16 pollution to protect [7] and, where feasible,
17 restore the recreational value of coastal
18 waters;
- 19 (vii) Developing new shoreline recreational
20 opportunities, where appropriate, [~~such as~~]
21 including but not limited to artificial



- 1 lagoons, artificial beaches, and artificial
2 reefs for surfing and fishing; and
3 (viii) Encouraging reasonable dedication of
4 shoreline areas with recreational value for
5 public use as part of discretionary
6 approvals or permits by the land use
7 commission, board of land and natural
8 resources, and county authorities; and
9 crediting [~~such~~] this dedication against the
10 requirements of section 46-6;
- 11 (2) Historic resources;
- 12 (A) Identify and analyze significant archaeological
13 resources;
- 14 (B) Maximize information retention through
15 preservation of remains and artifacts or salvage
16 operations; and
- 17 (C) Support state goals for protection, restoration,
18 interpretation, and display of historic
19 resources;
- 20 (3) Scenic and open space resources;



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- 1 (A) Identify valued scenic resources in the coastal
2 zone management area;
- 3 (B) Ensure that new developments are compatible with
4 their visual environment by designing and
5 locating [~~such~~] these developments to minimize
6 the alteration of natural landforms and existing
7 public views to and along the shoreline;
- 8 (C) Preserve, maintain, and, where desirable, improve
9 and restore shoreline open space and scenic
10 resources; and
- 11 (D) Encourage those developments that are not coastal
12 dependent to locate in inland areas;
- 13 (4) Coastal ecosystems;
- 14 (A) Exercise an overall conservation ethic, and
15 practice stewardship in the protection, use, and
16 development of marine and coastal resources;
- 17 (B) Improve the technical basis for natural resource
18 management;
- 19 (C) Preserve valuable coastal ecosystems, including
20 reefs, beaches, and coastal dunes, of significant
21 biological or economic importance;



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- 1 (D) Minimize disruption or degradation of coastal
2 water ecosystems by effective regulation of
3 stream diversions, channelization, and similar
4 land and water uses, recognizing competing water
5 needs; and
- 6 (E) Promote water quantity and quality planning and
7 management practices that reflect the tolerance
8 of fresh water and marine ecosystems and maintain
9 and enhance water quality through the development
10 and implementation of point and nonpoint source
11 water pollution control measures;
- 12 (5) Economic uses;
- 13 (A) Concentrate coastal dependent development in
14 appropriate areas;
- 15 (B) Ensure [~~that coastal dependent development such~~
16 ~~as harbors and ports,~~] residential and commercial
17 development, transportation infrastructure, and
18 coastal related development [such as], including
19 but not limited to visitor industry facilities
20 and energy generating facilities [~~, are~~]:



- 1 (i) Are located, designed, and constructed to
 2 minimize exposure to coastal hazards; and
 3 (ii) Minimize adverse social, visual, and
 4 environmental impacts in the coastal zone
 5 management area; and
 6 (C) Direct the location and expansion of coastal
 7 [~~dependent developments~~] development to areas
 8 presently designated and used for [~~such~~] these
 9 developments and permit reasonable long-term
 10 growth at [~~such~~] these areas, and permit coastal
 11 [~~dependent~~] development outside of presently
 12 designated areas when:
 13 (i) Use of presently designated locations is not
 14 feasible;
 15 (ii) Adverse environmental effects and risks from
 16 coastal hazards are minimized; and
 17 (iii) The development is important to the State's
 18 economy;
 19 (6) Coastal hazards;
 20 (A) Develop and communicate adequate information
 21 about [~~storm wave, tsunami, flood, erosion,~~



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- 1 ~~subsidence, and point and nonpoint source~~
2 ~~pollution]~~ risks of coastal hazards;
- 3 (B) Control development, including planning and
4 zoning control, in areas subject to [~~storm wave,~~
5 ~~tsunami, flood, erosion, hurricane, wind,~~
6 ~~subsidence, and point and nonpoint source~~
7 ~~pollution]~~ coastal hazards;
- 8 (C) Ensure that developments comply with requirements
9 of the [~~Federal]~~ National Flood Insurance
10 Program; and
- 11 (D) Prevent coastal flooding from inland projects;
- 12 (7) Managing development;
- 13 (A) Use, implement, and enforce existing law
14 effectively to the maximum extent possible in
15 managing present and future coastal zone
16 development;
- 17 (B) Facilitate timely processing of applications for
18 development permits and resolve overlapping or
19 conflicting permit requirements; and
- 20 (C) Communicate the potential short and long-term
21 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,



- 1 and minimize loss of improvements ~~[due to]~~
2 because of erosion;
- 3 (B) Prohibit construction of private ~~[erosion-~~
4 ~~protection]~~ shoreline hardening structures
5 ~~[seaward of the shoreline, except when they~~
6 ~~result in improved aesthetic and engineering~~
7 ~~solutions to erosion]~~ such as seawalls and
8 revetments, at [the] sites [and do not] with
9 beaches and at sites where shoreline hardening
10 structures interfere with existing recreational
11 and waterline activities;
- 12 (C) Minimize the construction of public ~~[erosion-~~
13 ~~protection]~~ shoreline hardening structures
14 ~~[seaward of the shoreline;],~~ such as seawalls and
15 revetments at sites with beaches and at sites
16 where shoreline hardening structures interfere
17 with existing recreational and waterline
18 activities;
- 19 (D) Avoid grading of and damage to coastal dunes;
- 20 ~~[-(D)-]~~ (E) Prohibit private property owners from
21 creating a public nuisance by inducing or



1 cultivating the private property owner's
2 vegetation in a beach transit corridor; and
3 ~~[-(E)-]~~ (F) Prohibit private property owners from
4 creating a public nuisance by allowing the
5 private property owner's unmaintained vegetation
6 to interfere or encroach upon a beach transit
7 corridor; and
8 (10) Marine and coastal resources;
9 (A) Ensure that the use and development of marine and
10 coastal resources are ecologically and
11 environmentally sound and economically
12 beneficial;
13 (B) Coordinate the management of marine and coastal
14 resources and activities to improve effectiveness
15 and efficiency;
16 (C) Assert and articulate the interests of the State
17 as a partner with federal agencies in the sound
18 management of ocean resources within the United
19 States exclusive economic zone;
20 (D) Promote research, study, and understanding of
21 ocean and coastal processes, climate change and



1 sea level rise, marine life, and other ocean
2 resources to acquire and inventory information
3 necessary to understand how [~~ocean~~] coastal
4 development activities relate to and impact upon
5 ocean and coastal resources; and

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

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

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

- 15 (1) Placement or erection of any solid material or any
16 gaseous, liquid, solid, or thermal waste;
- 17 (2) Grading, removing, dredging, mining, or extraction of
18 any materials;
- 19 (3) Change in the density or intensity of use of land,
20 including but not limited to the division or
21 subdivision of land;



1 (4) Change in the intensity of use of water, ecology
2 related thereto, or of access thereto; and

3 (5) Construction, reconstruction, demolition, or
4 alteration of the size of any structure.

5 "Development" does not include the following:

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

12 (2) Repair or maintenance of roads and highways within
13 existing rights-of-way;

14 (3) Routine maintenance dredging of existing streams,
15 channels, and drainage ways;

16 (4) Repair and maintenance of underground utility lines,
17 including but not limited to water, sewer, power, and
18 telephone and minor appurtenant structures such as pad
19 mounted transformers and sewer pump stations;

20 (5) Zoning variances, except for height, density, parking,
21 and shoreline setback;



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- 1 (6) Repair, maintenance, or interior alterations to
- 2 existing structures;
- 3 (7) Demolition or removal of structures, except those
- 4 structures located on any historic site as designated
- 5 in national or state registers;
- 6 (8) Use of any land for the purpose of cultivating,
- 7 planting, growing, and harvesting plants, crops,
- 8 trees, and other agricultural, horticultural, or
- 9 forestry products or animal husbandry, or aquaculture
- 10 or mariculture of plants or animals, or other
- 11 agricultural purposes;
- 12 (9) Transfer of title to land;
- 13 (10) Creation or termination of easements, covenants, or
- 14 other rights in structures or land;
- 15 (11) Final subdivision approval; provided that in counties
- 16 that may automatically approve tentative subdivision
- 17 applications as a ministerial act within a fixed time
- 18 of the submission of a preliminary plat map, unless
- 19 the director takes specific action, a special
- 20 management area use permit if required, shall be
- 21 processed concurrently with an application for



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



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

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

8 "§205A-26 Special management area guidelines. In
9 implementing this part, the authority shall adopt the following
10 guidelines for the review of developments proposed in the
11 special management area:

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

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

19 (B) Adequate and properly located public recreation
20 areas and wildlife preserves are reserved;



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



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- 1 effects shall include~~[7]~~ but not be limited to~~[7]~~
2 the potential cumulative impact of individual
3 developments, each one of which taken in itself
4 might not have a ~~[substantial]~~ significant adverse
5 effect, and 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, community plan, and zoning.
12 ~~[Such a]~~ A finding of consistency does not
13 preclude concurrent processing where a general
14 plan, community plan, or zoning amendment may
15 also be required.
- 16 (3) The authority shall seek to minimize, where
17 reasonable:
- 18 (A) Dredging, filling, or otherwise altering any bay,
19 estuary, salt marsh, river mouth, slough, or
20 lagoon;



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

20 SECTION 6. Section 205A-43, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 "(a) Setbacks along shorelines are established of not less
2 than [~~twenty feet and not more than~~] forty feet inland from the
3 shoreline. The department shall adopt rules pursuant to chapter
4 91, and shall enforce the shoreline setbacks and rules
5 pertaining thereto."

6 SECTION 7. Section 205A-43.5, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

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

- 16 (1) Stabilization of shoreline erosion by the moving of
17 sand entirely on public lands;
- 18 (2) [~~Protection~~] Temporary protection of a legal structure
19 [~~costing more than \$20,000,~~] or a public facility,
20 which does not fix the shoreline, under an emergency
21 authorization issued by the authority; provided that



- 1 the structure or public facility is at risk of
2 immediate damage from shoreline erosion;
- 3 (3) Other structures or activities; provided that no
4 person or agency has requested a public hearing within
5 twenty-five calendar days after public notice of the
6 application; or
- 7 (4) Maintenance, repair, reconstruction, and minor
8 additions or alterations of legal boating, maritime,
9 or watersports recreational facilities, [~~which~~] that
10 result in little or no interference with natural
11 shoreline processes."

12 SECTION 8. 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~~], excluding
11 seawalls and revetments, that will neither adversely
12 affect beach processes [~~nor artificially fix the~~
13 ~~shoreline,~~], nor result in flanking shoreline erosion;
14 provided that the authority [~~also finds that~~] may
15 consider hardship that will result to the applicant if
16 the facilities or improvements are not allowed within
17 the shoreline area;
- 18 (9) Private facilities or improvements that may
19 artificially fix the shoreline[~~,~~], except for areas
20 with sand beaches; provided that the [~~authority also~~
21 ~~finds that shoreline erosion is likely to cause~~]



1 action will not interfere with existing recreational
2 and waterline activities; provided further that the
3 authority may consider hardship that will result to
4 the applicant if the facilities or improvements are
5 not allowed within the shoreline area[, ~~and the~~
6 ~~authority imposes conditions to prohibit any structure~~
7 ~~seaward of the existing shoreline unless it is clearly~~
8 ~~in the public interest~~]; or

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

16 SECTION 9. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 10. This Act shall take effect on July 1, 2020.



1

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Report Title:

Climate Change; Sea Level Rise; Barriers; Flooding; Coastal Zone Management; Shoreline Hardening

Description:

Requires new developments to plan for the impacts of projected sea level rise and restricts development in areas significantly affected by projected sea level rise. Amends policies and objectives related to coastal zone management to reduce residential exposure to coastal hazards and protect state beaches and public shoreline access. Defines "beach" and "coastal hazards." Increases the minimum shoreline setback.

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

