
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 purpose of this Act is to amend chapter 205A, Hawaii
16 Revised Statutes, to strengthen state policies to reduce
17 residential exposure to coastal hazards and protect state



1 beaches and to update language for consistency with other Hawaii
2 Revised Statutes.

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

6 "Beach" means a coastal landform composed predominantly of
7 sand from eroded rock, coral, or shell material that is
8 established and shaped by wave action and tidal processes. Such
9 coastal landform encompasses sand deposits in nearshore
10 submerged areas, and sand dunes or upland beach deposits
11 landward of the shoreline, and provides benefits for public use
12 and recreation, for coastal ecosystems, and as a natural buffer
13 against coastal hazards.

14 "Coastal hazards" include tsunami, hurricanes, wind, waves,
15 storm surges, high tide, flooding, stream flooding, erosion, sea
16 level rise, subsidence, and point and nonpoint source
17 pollution."

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



1 "§205A-2 Coastal zone management program; objectives and
2 policies. (a) The objectives and policies in this section
3 shall apply to all parts of this chapter.

4 (b) Objectives.

5 (1) Recreational resources;

6 (A) Provide coastal recreational opportunities
7 accessible to the public.

8 (2) Historic resources;

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

14 (3) Scenic and open space resources;

15 (A) Protect, preserve, and, where desirable, restore
16 or improve the quality of coastal scenic and open
17 space resources.

18 (4) Coastal ecosystems;

19 (A) Protect valuable coastal ecosystems, including
20 reefs, beaches, and coastal dunes, from



- 1 disruption and minimize adverse impacts on all
2 coastal ecosystems.
- 3 (5) Economic uses;
- 4 (A) Provide public or private facilities and
5 improvements important to the State's economy in
6 suitable locations.
- 7 (6) Coastal hazards;
- 8 (A) Reduce hazard to life and property from [~~tsunami,~~
9 ~~storm waves, stream flooding, erosion,~~
10 ~~subsidence, and pollution.~~] coastal hazards.
- 11 (7) Managing development;
- 12 (A) Improve the development review process,
13 communication, and public participation in the
14 management of coastal resources and hazards.
- 15 (8) Public participation;
- 16 (A) Stimulate public awareness, education, and
17 participation in coastal management.
- 18 (9) Beach protection;
- 19 (A) Protect beaches and coastal dunes for [~~public~~]:
- 20 (i) Public use and recreation[-];
- 21 (ii) Benefits of coastal ecosystems; and



- 1 (iii) Natural buffers against coastal hazards; and
- 2 (B) Coordinate and fund beach management and
- 3 protection.
- 4 (10) Marine and coastal resources;
- 5 (A) Promote the protection, use, and development of
- 6 marine and coastal resources to assure their
- 7 sustainability.
- 8 (c) Policies.
- 9 (1) Recreational resources;
- 10 (A) Improve coordination and funding of coastal
- 11 recreational planning and management; and
- 12 (B) Provide adequate, accessible, and diverse
- 13 recreational opportunities in the coastal zone
- 14 management area by:
- 15 (i) Protecting coastal resources uniquely suited
- 16 for recreational activities that cannot be
- 17 provided in other areas;
- 18 (ii) Requiring [~~replacement~~] restoration of
- 19 coastal resources [~~having~~] that have
- 20 significant recreational and ecosystem
- 21 value, including [~~7~~] but not limited to coral



1 reefs, surfing sites, fishponds, [and] sand
2 beaches, and coastal dunes, when [~~such~~]
3 these resources will be unavoidably damaged
4 by development[+] or requiring [~~reasonable~~]
5 monetary compensation to the State for
6 recreation when [~~replacement~~] restoration is
7 not feasible or desirable;

8 (iii) Providing and managing adequate public
9 access, consistent with conservation of
10 natural resources, to and along shorelines
11 with recreational value;

12 (iv) Providing an adequate supply of shoreline
13 parks and other recreational facilities
14 suitable for public recreation;

15 (v) Ensuring public recreational uses of county,
16 state, and federally owned or controlled
17 shoreline lands and waters having
18 recreational value consistent with public
19 safety standards and conservation of natural
20 resources;



- 1 (vi) Adopting water quality standards and
2 regulating point and nonpoint sources of
3 pollution to protect [7] 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 including but not limited to artificial
9 lagoons, artificial beaches, and artificial
10 reefs for surfing and fishing; 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~~] this 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~~] these developments to minimize
- 13 the alteration of natural landforms and existing
- 14 public views to and along the shoreline;
- 15 (C) Preserve, maintain, and, where desirable, improve
- 16 and restore shoreline open space and scenic
- 17 resources; and
- 18 (D) Encourage those developments that are not coastal
- 19 dependent to locate in inland areas;
- 20 (4) Coastal ecosystems;



- 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, beaches, and coastal dunes, of significant
8 biological or 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;
- 20 (5) Economic uses;



- 1 (A) Concentrate coastal dependent development in
2 appropriate areas;
- 3 (B) Ensure [~~that coastal dependent development such~~
4 ~~as harbors and ports,~~] residential and commercial
5 development, transportation infrastructure, and
6 coastal related development [~~such as~~], including
7 but not limited to visitor industry facilities
8 and energy generating facilities[, ~~are~~]:
- 9 (i) Are located, designed, and constructed to
10 minimize exposure to coastal hazards; and
- 11 (ii) Minimize adverse social, visual, and
12 environmental impacts in the coastal zone
13 management area; and
- 14 (C) Direct the location and expansion of coastal
15 [~~dependent~~] developments to areas [~~presently~~]
16 designated and used for [~~such~~] these developments
17 and permit reasonable long-term growth at [~~such~~]
18 these areas, and permit coastal [~~dependent~~]
19 development outside of [~~presently~~] designated
20 areas when:



- 1 (i) Use of [~~presently~~] designated locations is
2 not feasible;
- 3 (ii) Adverse environmental effects and risks from
4 coastal hazards are minimized; and
- 5 (iii) The development is important to the State's
6 economy;
- 7 (6) Coastal hazards;
- 8 (A) Develop and communicate adequate information
9 about [~~storm wave, tsunami, flood, erosion,~~
10 ~~subsidence, and point and nonpoint source~~
11 ~~pollution~~] risks of coastal hazards;
- 12 (B) Control development, including planning and
13 zoning control, in areas subject to [~~storm wave,~~
14 ~~tsunami, flood, erosion, hurricane, wind,~~
15 ~~subsidence, and point and nonpoint source~~
16 ~~pollution~~] coastal hazards;
- 17 (C) Ensure that developments comply with requirements
18 of the [~~Federal~~] National Flood Insurance
19 Program; and
- 20 (D) Prevent coastal flooding from inland projects;
- 21 (7) Managing development;



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

12 (B) Prohibit construction of private [~~erosion-~~
13 ~~protection~~] shoreline hardening structures
14 [~~seaward of the shoreline, except when they~~
15 ~~result in improved aesthetic and engineering~~
16 ~~solutions to erosion~~] such as seawalls and
17 revetments, at [the] sites [~~and do not~~] with
18 beaches and at sites where shoreline hardening
19 structures interfere with existing recreational
20 and waterline activities;



- 1 (C) Minimize the construction of public [~~erosion-~~
2 ~~protection~~] shoreline hardening structures
3 [~~seaward of the shoreline,~~] such as seawalls and
4 revetments at sites with beaches and at sites
5 where shoreline hardening structures interfere
6 with existing recreational and waterline
7 activities;
- 8 (D) Minimize grading of and damage to coastal dunes;
- 9 [~~D~~] (E) Prohibit private property owners from
10 creating a public nuisance by inducing or
11 cultivating the private property owner's
12 vegetation in a beach transit corridor; and
- 13 [~~E~~] (F) Prohibit private property owners from
14 creating a public nuisance by allowing the
15 private property owner's unmaintained vegetation
16 to interfere or encroach upon a beach transit
17 corridor; and
- 18 (10) Marine and coastal resources;
- 19 (A) Ensure that the use and development of marine and
20 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 and coastal processes, the impacts of
12 climate change and sea level rise, marine life,
13 and other ocean resources to acquire and
14 inventory information necessary to understand how
15 [~~ocean~~] coastal development activities relate to
16 and impact upon ocean and coastal resources; and
- 17 (E) Encourage research and development of new,
18 innovative technologies for exploring, using, or
19 protecting marine and coastal resources."



1 SECTION 4. Section 205A-22, Hawaii Revised Statutes, is
2 amended by amending the definitions of "department" and
3 "development" to read as follows:

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

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

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



1 (5) Construction, reconstruction, [~~demolition,~~] or
2 alteration of the size of any structure.

3 "Development" does not include the following:

- 4 (1) Construction or reconstruction of a single-family
5 residence that is less than seven thousand five
6 hundred square feet of floor area, is not situated on
7 a shoreline parcel or a parcel that is impacted by
8 waves, storm surges, high tide, or shoreline erosion,
9 and is not part of a larger development;
- 10 (2) Repair or maintenance of roads and highways within
11 existing rights-of-way;
- 12 (3) Routine maintenance dredging of existing streams,
13 channels, and drainage ways;
- 14 (4) Repair and maintenance of underground utility lines,
15 including but not limited to water, sewer, power, and
16 telephone and minor appurtenant structures such as pad
17 mounted transformers and sewer pump stations;
- 18 (5) Zoning variances, except for height, density, parking,
19 and shoreline setback;
- 20 (6) Repair, maintenance, or interior alterations to
21 existing structures;



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



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



- 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-29, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 "(a) The authority in each county, upon consultation with
2 the central coordinating agency, shall adopt rules under
3 chapter 91 setting the special management area use permit
4 application procedures, conditions under which hearings must be
5 held, and the time periods within which the hearing and action
6 for special management area use permits shall occur. The
7 authority shall provide for adequate notice to individuals whose
8 property rights may be adversely affected and to persons who
9 have requested in writing to be notified of special management
10 area use permit hearings or applications. The authority shall
11 also provide public notice [~~statewide~~] that is at minimum
12 circulated throughout the county and at least twenty days in
13 advance of the hearing. The authority may require a reasonable
14 filing fee which shall be used for the purposes set forth
15 herein.

16 Any rule adopted by the authority shall be consistent with
17 the objectives, policies, and special management area guidelines
18 provided in this chapter. Action on the special management
19 permit shall be final unless otherwise mandated by court order."

20 SECTION 7. 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 8. 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 of a legal structure [~~costing more than~~
- 19 \$20,000,] or a public facility, which does not fix the
- 20 shoreline, under an emergency authorization issued by
- 21 the authority; provided that the structure or public



1 facility is at risk of immediate damage from shoreline
2 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 9. Section 205A-44, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 "(b) Except as provided in this section, structures are
15 prohibited in the shoreline area without a variance pursuant to
16 this part. Structures in the shoreline area shall not need a
17 variance if:

18 (1) They were completed prior to June 22, 1970;

19 (2) They received either a building permit, board
20 approval, or shoreline setback variance prior to June
21 16, 1989;



- 1 (3) They are outside the shoreline area when they receive
2 either a building permit or board approval;
- 3 (4) They are necessary for or ancillary to continuation of
4 existing agriculture or aquaculture in the shoreline
5 area on June 16, 1989;
- 6 (5) They are minor structures permitted under rules
7 adopted by the department which do not affect beach
8 processes or artificially fix the shoreline and do not
9 interfere with public access or public views to and
10 along the shoreline; or
- 11 (6) Work being done consists of maintenance, repair,
12 reconstruction, and minor additions or alterations of
13 legal boating, maritime, or watersports recreational
14 facilities, which are publicly owned, and which result
15 in little or no interference with natural shoreline
16 processes;
- 17 provided that permitted structures may be repaired, but shall
18 not be enlarged, rebuilt, or replaced within the shoreline area
19 without a variance."

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



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

5 (1) Cultivation of crops;

6 (2) Aquaculture;

7 (3) Landscaping; provided that the authority finds that
8 the proposed structure or activity will not adversely
9 affect beach processes and will not artificially fix
10 the shoreline;

11 (4) Drainage;

12 (5) Boating, maritime, or watersports recreational
13 facilities;

14 (6) Facilities or improvements by public agencies or
15 public utilities regulated under chapter 269;

16 (7) Private facilities or improvements that are clearly in
17 the public interest;

18 (8) Private facilities or improvements [~~which~~], excluding
19 seawalls and revetments, that will neither adversely
20 affect beach processes [~~nor artificially fix the~~
21 ~~shoreline;~~], nor result in flanking shoreline erosion;



1 provided that the authority [~~also finds that~~] may
2 consider hardship that will result to the applicant if
3 the facilities or improvements are not allowed within
4 the shoreline area;

- 5 (9) Private facilities or improvements that may
6 artificially fix the shoreline; provided that the
7 authority [~~also finds that shoreline erosion is likely~~
8 ~~to cause~~] may consider hardship that will result to
9 the applicant if the facilities or improvements are
10 not allowed within the shoreline area[, ~~and the~~
11 ~~authority imposes conditions to prohibit any structure~~
12 ~~seaward of the existing shoreline unless it is clearly~~
13 ~~in the public interest~~]; provided further that a
14 variance to artificially fix the shoreline shall not
15 be granted in areas with sand beaches and in areas
16 where artificially fixing the shoreline may interfere
17 with existing recreational and waterline activities;
18 or

- 19 (10) Moving of sand from one location seaward of the
20 shoreline to another location seaward of the
21 shoreline; provided that the authority also finds that



1 moving of sand will not adversely affect beach
2 processes, will not diminish the size of a public
3 beach, and will be necessary to stabilize an eroding
4 shoreline."

5 SECTION 11. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 12. This Act shall take effect on July 1, 2050.



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. Takes effect on 7/1/2050. (HD1)

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

