
A BILL FOR AN ACT

RELATING TO COASTAL ZONE MANAGEMENT.

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 under the State's coastal
3 zone management law, Act 188, Session Laws of Hawaii 1977. The
4 purpose of the coastal zone management program, as codified in
5 chapter 205A, Hawaii Revised Statutes, is to "provide for the
6 effective management, beneficial use, protection, and
7 development of the coastal zone."

8 The legislature further finds that all beaches in Hawaii
9 are publicly owned. Article XI, section 1, of the Hawaii State
10 Constitution clearly states that "[a]ll public natural resources
11 are held in trust by the State for the benefit of the people."
12 This public trust includes protection of beaches, beach
13 processes, and public beach access.

14 The purpose of this Act is to strengthen state coastal zone
15 management policies, reduce risk from coastal hazards including
16 sea level rise, and protect Hawaii's beaches from shoreline
17 hardening action by clarifying and updating the language in



1 chapter 205A, Hawaii Revised Statutes, to provide statutory
2 consistency.

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 of
7 unconsolidated sediment, usually sand, that is established and
8 shaped by wave action and tidal processes. "Beach" encompasses
9 submerged sediment deposits located in nearshore areas or
10 sediment contained in dunes or older beach deposits located in
11 the backshore area.

12 "Coastal hazards" means tsunami, hurricanes, wind, waves,
13 storm surges, high tides, flooding, erosion, sea level rise,
14 subsidence, and point and nonpoint source pollution."

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

17 **"§205A-2 Coastal zone management program; objectives and**
18 **policies.** (a) The objectives and policies in this section
19 shall apply to all parts of this chapter.

20 (b) Objectives.

21 (1) Recreational resources;



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



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



1 (A) Promote the protection, use, and development of
2 marine and coastal resources to assure their
3 sustainability.

4 (c) Policies.

5 (1) Recreational resources;

6 (A) Improve coordination and funding of coastal
7 recreational planning and management; and

8 (B) Provide adequate, accessible, and diverse
9 recreational opportunities in the coastal zone
10 management area by:

11 (i) Protecting coastal resources uniquely suited
12 for recreational activities that cannot be
13 provided in other areas;

14 (ii) Requiring [~~replacement~~] restoration of
15 coastal resources [~~having~~] that have
16 significant recreational and ecosystem
17 value, including[7] but not limited to coral
18 reefs, surfing sites, fishponds, [and] sand
19 beaches, and coastal dunes, when [such]
20 these resources will be unavoidably damaged
21 by development; or requiring [~~reasonable~~]



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



H.B. NO. 2194

- 1 (vii) Developing new shoreline recreational
- 2 opportunities, where appropriate, [~~such as~~]
- 3 including but not limited to artificial
- 4 lagoons, artificial beaches, and artificial
- 5 reefs for surfing and fishing; and
- 6 (viii) Encouraging reasonable dedication of
- 7 shoreline areas with recreational value for
- 8 public use as part of discretionary
- 9 approvals or permits by the land use
- 10 commission, board of land and natural
- 11 resources, and county authorities; and
- 12 crediting such dedication against the
- 13 requirements of section 46-6;
- 14 (2) Historic resources;
- 15 (A) Identify and analyze significant archaeological
- 16 resources;
- 17 (B) Maximize information retention through
- 18 preservation of remains and artifacts or salvage
- 19 operations; and



- 1 (C) Support state goals for protection, restoration,
2 interpretation, and display of historic
3 resources;
- 4 (3) Scenic and open space resources;
 - 5 (A) Identify valued scenic resources in the coastal
6 zone management area;
 - 7 (B) Ensure that new developments are compatible with
8 their visual environment by designing and
9 locating such developments to minimize the
10 alteration of natural landforms and existing
11 public views to and along the shoreline;
 - 12 (C) Preserve, maintain, and, where desirable, improve
13 and restore shoreline open space and scenic
14 resources; and
 - 15 (D) Encourage those developments that are not coastal
16 dependent to locate in inland areas;
- 17 (4) Coastal ecosystems;
 - 18 (A) Exercise an overall conservation ethic, and
19 practice stewardship in the protection, use, and
20 development of marine and coastal resources;



- 1 (B) Improve the technical basis for natural resource
2 management;
- 3 (C) Preserve valuable coastal ecosystems, including
4 coral reefs, beaches, and coastal dunes, of
5 significant biological or economic importance;
- 6 (D) Minimize disruption or degradation of coastal
7 water ecosystems by effective regulation of
8 stream diversions, channelization, and similar
9 land and water uses, recognizing competing water
10 needs; and
- 11 (E) Promote water quantity and quality planning and
12 management practices that reflect the tolerance
13 of fresh water and marine ecosystems and maintain
14 and enhance water quality through the development
15 and implementation of point and nonpoint source
16 water pollution control measures;
- 17 (5) Economic uses;
 - 18 (A) Concentrate coastal dependent development in
19 appropriate areas;
 - 20 (B) Ensure that coastal dependent development such as
21 harbors and ports, and coastal related



1 development such as visitor industry facilities
2 and energy generating facilities, are [~~located,~~
3 planned, designed, and constructed to [minimize]
4 reduce exposure to coastal hazards, and minimize
5 adverse social, visual, and environmental impacts
6 in the coastal zone management area; and

7 (C) Direct the location and expansion of coastal
8 [~~dependent developments]~~ development to areas
9 [~~presently]~~ designated and used for [~~such~~] those
10 developments and permit reasonable long-term
11 growth at [~~such~~] those areas, and permit coastal
12 [~~dependent~~] development outside of [~~presently]~~
13 designated areas when:

14 (i) Use of presently designated locations is not
15 feasible;

16 (ii) Adverse environmental effects and risks from
17 coastal hazards are minimized; and

18 (iii) The development is important to the State's
19 economy;

20 (6) Coastal hazards;



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



- 1 (C) Communicate the potential [~~short~~] short- and
2 long-term 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~~] shoreline hardening structures
5 [~~seaward of the shoreline,~~] such as seawalls and
6 revetments, except [~~when they result in improved~~
7 ~~aesthetic and engineering solutions to erosion at~~
8 ~~the sites and do not~~] at sites where they will
9 not adversely affect the beach, beach processes,
10 or public beach access, or interfere with
11 existing recreational and waterline activities;
- 12 (C) Minimize the construction of public erosion-
13 protection structures seaward of the shoreline;
- 14 (D) Minimize grading of and damage to coastal dunes;
- 15 [~~(D)~~] (E) Prohibit private property owners from
16 creating a public nuisance by inducing or
17 cultivating the private property owner's
18 vegetation in a beach transit corridor; and
- 19 [~~(E)~~] (F) Prohibit private property owners from
20 creating a public nuisance by allowing the
21 private property owner's unmaintained vegetation



1 to interfere or encroach upon a beach transit
2 corridor;

3 (10) Marine and coastal resources;

4 (A) Ensure that the use and development of marine and
5 coastal resources are ecologically and
6 environmentally sound and economically
7 beneficial;

8 (B) Coordinate the management of marine and coastal
9 resources and activities to improve effectiveness
10 and efficiency;

11 (C) Assert and articulate the interests of the State
12 as a partner with federal agencies in the sound
13 management of ocean resources within the United
14 States exclusive economic zone;

15 (D) Promote research, study, and understanding of
16 ocean processes, impacts of climate change and
17 sea level rise, marine life, and other ocean
18 resources to acquire and inventory information
19 necessary to understand how ocean development
20 activities relate to and impact upon ocean and
21 coastal resources; and



1 (E) Encourage research and development of new,
2 innovative technologies for exploring, using, or
3 protecting marine and coastal resources."

4 SECTION 4. Section 205A-22, Hawaii Revised Statutes, is
5 amended as follows:

6 1. By amending the definition of "department" to read:
7 ""Department" means the planning department [~~in~~] of the
8 counties of Kauai, Maui, and Hawaii and the department of
9 planning and permitting in the city and county of Honolulu, or
10 other appropriate agency as designated by the county councils."

11 2. By amending the definition of "development" to read:
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;



- 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 3. By amending the definition of "special management area
7 emergency permit" to read:

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

17 4. By amending the definition of "special management area
18 minor permit" to read:

19 "Special management area minor permit" means an action by
20 the authority authorizing development, the valuation of which is
21 not in excess of \$500,000 and which has no [~~substantial~~]



1 significant adverse environmental or ecological effect, taking
2 into account potential cumulative effects."

3 5. By amending the definition of "special management area
4 use permit" to read:

5 ""Special management area use permit" means an action by
6 the authority authorizing development, the valuation of which
7 exceeds \$500,000 or which may have a [~~substantial~~] significant
8 adverse environmental or ecological effect, taking into account
9 potential cumulative effects."

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

12 "§205A-26 **Special management area guidelines.** In
13 implementing this part, the authority shall adopt the following
14 guidelines for the review of developments proposed in the
15 special management area:

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

19 (A) Adequate public access, by dedication or other
20 means, to and along publicly owned or used
21 beaches, recreation areas, and natural reserves



1 is provided to the extent consistent with sound
2 conservation principles;

3 (B) Adequate and properly located public recreation
4 areas and wildlife preserves are reserved;

5 (C) Provisions are made for solid and liquid waste
6 treatment, disposition, and management [~~which~~
7 that will minimize adverse effects upon special
8 management area resources; and

9 (D) Alterations to existing land forms and
10 vegetation, except crops, and construction of
11 structures shall cause minimum adverse effect to
12 water resources, beaches and coastal dunes, and
13 scenic and recreational amenities, and [~~minimum~~
14 ~~danger of floods, wind damage, storm surge,~~
15 ~~landslides, erosion, siltation,~~] minimize risks
16 from coastal hazards or failure in the event of
17 earthquake.

18 (2) No development shall be approved unless the authority
19 has first found:

20 (A) That the development will not have any
21 [~~substantial~~] significant adverse environmental



1 or ecological effect, except as [~~such~~] any
2 adverse effect is minimized to the extent
3 practicable and clearly outweighed by public
4 health, safety, or compelling public interests.

5 [~~Such~~] The adverse effects shall include[~~7~~] but
6 not be limited to[~~7~~] the potential cumulative
7 impact of individual developments, each one of
8 which taken in itself might not have a
9 [~~substantial~~] significant adverse effect, and the
10 elimination of planning options;

11 (B) That the development is consistent with the
12 objectives, policies, and special management area
13 guidelines of this chapter and any guidelines
14 enacted by the legislature; and

15 (C) That the development is consistent with the
16 county general plan, community plan, and zoning.
17 Such a finding of consistency does not preclude
18 concurrent processing where a general plan,
19 community plan, or zoning amendment may also be
20 required.



- 1 (3) The authority shall seek to minimize, where
2 reasonable:
- 3 (A) Dredging, filling or otherwise altering any bay,
4 estuary, salt marsh, river mouth, slough or
5 lagoon;
- 6 (B) Any development [~~which~~] that would reduce the
7 size of any beach or other area usable for public
8 recreation;
- 9 (C) Any development [~~which~~] that would reduce or
10 impose restrictions upon public access to tidal
11 and submerged lands, beaches, portions of rivers
12 and streams within the special management areas
13 and the mean high tide line where there is no
14 beach;
- 15 (D) Any development [~~which~~] that would substantially
16 interfere with or detract from the line of sight
17 toward the sea from the state highway nearest the
18 coast; and
- 19 (E) Any development [~~which~~] that would adversely
20 affect water quality, existing areas of open
21 water free of visible structures, existing and



1 potential fisheries and fishing grounds, wildlife
2 habitats, or potential or existing agricultural
3 uses of land."

4 SECTION 6. Section 205A-29, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

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



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

5 SECTION 7. Section 205A-41, Hawaii Revised Statutes, is
6 amended by adding a new definition to be appropriately inserted
7 and to read as follows:

8 "Department" means the planning department in the counties
9 of Kauai, Maui, and Hawaii, and the department of planning and
10 permitting in the city and county of Honolulu, or other
11 appropriate agency as designated by the county council."

12 SECTION 8. Section 205A-43, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) Setbacks along shorelines are established of not less
15 than [~~twenty feet and not more than~~] forty feet inland from the
16 shoreline. The department shall adopt rules pursuant to chapter
17 91, and shall enforce the shoreline setbacks and rules
18 pertaining thereto."

19 SECTION 9. Section 205A-43.5, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:



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

- 9 (1) Stabilization of shoreline erosion by the moving of
10 sand entirely on public lands;
- 11 (2) Protection of a [~~legal~~] legally established structure
12 [~~costing more than \$20,000,~~] that does not fix the
13 shoreline, under an emergency authorization issued by
14 the authority; provided that the structure is at risk
15 of immediate damage from shoreline erosion;
- 16 (3) Other structures or activities; provided that no
17 person or agency has requested a public hearing within
18 twenty-five calendar days after public notice of the
19 application; or
- 20 (4) Maintenance, repair, reconstruction, and minor
21 additions or alterations of legal boating, maritime,



1 or watersports recreational facilities, which result
2 in little or no interference with natural shoreline
3 processes."

4 SECTION 10. Section 205A-46, Hawaii Revised Statutes, is
5 amended as follows:

6 1. By amending subsection (a) to read:

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

- 11 (1) Cultivation of crops;
- 12 (2) Aquaculture;
- 13 (3) Landscaping; provided that the authority finds that
14 the proposed structure or activity will not adversely
15 affect beach processes and will not artificially fix
16 the shoreline;
- 17 (4) Drainage;
- 18 (5) Boating, maritime, or watersports recreational
19 facilities;
- 20 (6) Facilities or improvements by public agencies or
21 public utilities regulated under chapter 269;



- 1 (7) Private facilities or improvements that are clearly in
2 the public interest;
- 3 (8) Private facilities or improvements [~~which~~] that will
4 neither adversely affect beach processes nor
5 artificially fix the shoreline[+] during the expected
6 lifespan of the facilities or improvements; provided
7 that the authority also finds that hardship will
8 result to the applicant if the facilities or
9 improvements are not allowed within the shoreline
10 area;
- 11 (9) Private facilities or improvements that may
12 artificially fix the shoreline; provided that [~~the~~]:
- 13 (A) The facilities or improvements will not adversely
14 affect the beach, beach processes, or public
15 beach access, or interfere with existing
16 recreational and waterline activities, unless it
17 is clearly in the public interest such as in the
18 case of imminent threat of failure of a critical
19 public infrastructure; and
- 20 (B) The authority also finds that shoreline erosion
21 is likely to cause [~~hardship~~] risk of imminent



1 property damage to the applicant if the
2 facilities or improvements are not allowed within
3 the shoreline area, and the authority imposes
4 conditions to prohibit any structure seaward of
5 the existing shoreline unless it is clearly in
6 the public interest; or

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

14 2. By amending subsection (c) to read:

15 "(c) No variance shall be granted unless appropriate
16 conditions are imposed:

17 (1) To maintain safe lateral access to and along the
18 shoreline or adequately compensate for its loss;

19 (2) To minimize risk of adverse impacts on beach
20 processes;



H.B. NO. 2194

- 1 (3) To minimize risk of structures failing and becoming
- 2 loose rocks or rubble on public property; [~~and~~]
- 3 (4) To minimize adverse impacts on public views to, from,
- 4 and along the shoreline[-]; and
- 5 (5) To minimize adverse impacts on coastal ecosystems and
- 6 marine resources."

7 SECTION 11. Statutory material to be repealed is bracketed
 8 and stricken. New statutory material is underscored.

9 SECTION 12. This Act shall take effect upon its approval.

10

INTRODUCED BY: *David Carnas*

Antall

Nicole E. Lowe

Tia Wilgus

Ryan

JAN 21 2020



H.B. NO. 2194

Report Title:

Coastal Zone Management; Coastal Hazards; Special Management Areas; Shoreline Areas; Variances

Description:

Defines "coastal hazards" and "beaches" and includes specific references to "coastal dunes" to clarify CZM policies in chapter 205A, HRS, including special management areas, shoreline setbacks, and variances.

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

