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# A BILL FOR AN ACT

RELATING TO COASTAL ZONE MANAGEMENT.

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

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

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

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



1 "Development" does not include the following:

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

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

10 (3) Routine maintenance dredging of existing streams,  
11 channels, and drainage ways;

12 (4) Repair and maintenance of underground utility lines,  
13 including but not limited to water, sewer, power, and  
14 telephone and minor appurtenant structures such as pad  
15 mounted transformers and sewer pump stations;

16 (5) Zoning variances, except for height, density, parking,  
17 and shoreline setback;

18 (6) Repair, maintenance, or interior alterations to  
19 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) Subdivision of land into lots greater than twenty
- 14               acres in size;
- 15          (12) Subdivision of a parcel of land into four or fewer
- 16               parcels when no associated construction activities are
- 17               proposed; provided that any land that is so subdivided
- 18               shall not thereafter qualify for this exception with
- 19               respect to any subsequent subdivision of any of the
- 20               resulting parcels;



- 1 (13) Installation of underground utility lines and  
2 appurtenant aboveground fixtures less than four feet  
3 in height along existing corridors;
- 4 (14) Structural and nonstructural improvements to existing  
5 single-family residences, where otherwise permissible;
- 6 (15) Nonstructural improvements to existing commercial or  
7 noncommercial structures; [~~and~~]
- 8 (16) Construction, installation, maintenance, repair, and  
9 replacement of emergency management warning or signal  
10 devices and sirens;
- 11 (17) Installation, maintenance, repair, and replacement of  
12 pedestrian and bicycle facilities, including  
13 sidewalks, paths, bikeways, crosswalks, stairs, ramps,  
14 signs, signals, and associated improvements;
- 15 (18) Trash removal that will result in incidental ground  
16 disturbance and vegetation removal;
- 17 (19) Invasive vegetation control with subsurface stump  
18 removal, excluding the use of pesticides;
- 19 (20) Installation of fencing for invasive species control  
20 or preservation of native habitat, including  
21 associated improvements and incidental structures;



- 1       (21) Installation, maintenance, repair, and replacement of  
2       existing lighting, fixtures, and equipment to  
3       establish compliance with current standards at  
4       existing public facilities; and  
5       (22) Hawaiian traditional and customary practices,  
6       including work conducted by traditional means near,  
7       in, or related to loko ia, traditional Hawaiian  
8       fishponds;

9 provided that whenever the authority finds that any excluded  
10 use, activity, or operation may have a cumulative impact, or a  
11 significant environmental or ecological effect on a special  
12 management area, that use, activity, or operation shall be  
13 defined as "development" for the purpose of this part."

14       SECTION 2. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16       SECTION 3. This Act shall take effect on July 1, 2050.

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**Report Title:**

Coastal Zone Management; Development

**Description:**

Amends the definition of "development" to create additional exceptions, including pedestrian or bicycle facilities, trash removal, invasive vegetation control, installation of fencing for invasive species control or native habitat preservation, lighting fixtures at existing public facilities, and Hawaiian traditional and customary practices. Effective 7/1/2050. (SD1)

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

