

JAN 24 2024

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
2 Intergovernmental Panel on Climate Change, the world's leading
3 authority on climate science, in its *Summary for Policymakers in*
4 *Climate Change 2023: Synthesis Report*, stated that with high
5 confidence that "[s]ea level rise is unavoidable for centuries
6 to millennia due to continuing deep ocean warming and ice sheet
7 melt, and sea levels will remain elevated for thousands of
8 years," regardless of whether humans slow carbon emissions into
9 the atmosphere.

10 The legislature further finds that the Hawaii climate
11 change mitigation and adaptation commission (commission),
12 created by Act 32, Session Laws of Hawaii 2017 (Act 32), stated
13 in its 2022 report to the legislature that Hawaii is projected
14 to likely experience between 3.9 and 5.9 feet of sea level rise
15 by the year 2100.

16 As reflected in Act 32, the legislature recognizes that not
17 only is climate change real, but it is also the overriding



1 challenge of the twenty-first century and one of the priority
2 issues of the legislature. Climate change poses immediate and
3 long-term threats to the State's economy, sustainability,
4 security, and its residents' way of life. Act 32 also directed
5 the commission to, as a first step, focus on and develop sea
6 level rise vulnerability and adaptation reports.

7 The legislature also finds that the sea level rise
8 vulnerability and adaptation report approved by the commission
9 identifies areas that are susceptible to sea level rise impacts
10 based on a 3.2-foot increase in sea level projected to occur by
11 mid-century or earlier. These areas are designated as the sea
12 level rise exposure area projection, which the commission
13 recommends be adopted as a sea level rise exposure area overlay
14 to guide state and county adaptation strategies and standards
15 for development.

16 The legislature finds that the methodology of sea level
17 rise modeling used for the sea level rise exposure area and the
18 Hawaii Sea Level Rise Viewer, which have gone through the peer
19 review and publication in the Nature Portfolio's Scientific
20 Reports, are sufficiently validated to be appropriately used in
21 land management decisions as the best available information.



1 The legislature further finds that sea level rise poses a
2 serious and imminent threat to Hawaii's coastal communities and
3 residents and to the State's natural resources, primarily
4 beaches, and coastal ecosystems. The legislature further
5 recognizes that the State has an affirmative duty to preserve
6 coastal resources, including beaches, as a public trust resource
7 for the people of Hawaii, and that healthy coastal ecosystems
8 and beaches are both culturally important and provide natural
9 resilience to sea level rise and associated coastal flooding.

10 The legislature also finds that, in 2023, the city and
11 county of Honolulu addressed the increasing threat of sea level
12 rise and its impact on development by amending its special
13 management area ordinance to limit coastal development in the
14 sea level rise exposure area.

15 Accordingly, the purpose of this Act is to increase the
16 resilience of Hawaii's coastal communities to sea level rise by
17 minimizing, where reasonable, risk to development from sea level
18 rise and other coastal hazards.

19 SECTION 2. Section 205A-26, Hawaii Revised Statutes, is
20 amended to read as follows:



1 **"§205A-26 Special management area guidelines.** In
2 implementing this part, the authority shall adopt the following
3 guidelines for the review of developments proposed in the
4 special management area:

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

8 (A) Adequate access, by dedication or other means, to
9 publicly owned or used beaches, recreation areas,
10 and natural reserves is provided to the extent
11 consistent with sound conservation principles;

12 (B) Adequate and properly located public recreation
13 areas and wildlife preserves are reserved;

14 (C) Provisions are made for solid and liquid waste
15 treatment, disposition, and management that will
16 minimize adverse effects upon special management
17 area resources; and

18 (D) Alterations to existing land forms and
19 vegetation, except crops, and construction of
20 structures shall cause minimum adverse effect to
21 water resources, beaches, coastal dunes, and



1 scenic and recreational amenities and minimize
2 impacts from floods, wind damage, storm surge,
3 landslides, erosion, sea level rise, siltation,
4 or failure in the event of earthquake.

5 (2) No development shall be approved unless the authority
6 has first found:

7 (A) That the development will not have any
8 significant adverse environmental or ecological
9 effect, except as any adverse effect is minimized
10 to the extent practicable and clearly outweighed
11 by public health, safety, or compelling public
12 interests. Those adverse effects shall include
13 but not be limited to the potential cumulative
14 impact of individual developments, each of which
15 taken by itself might not have a significant
16 adverse effect, and the elimination of planning
17 options;

18 (B) That the development is consistent with the
19 objectives, policies, and special management area
20 guidelines of this chapter and any guidelines
21 enacted by the legislature; and



1 (C) That the development is consistent with the
2 county general plan, community plan, and zoning;
3 provided that a finding of consistency shall not
4 preclude concurrent processing where a general
5 plan, community plan, or zoning amendment may
6 also be required.

7 (3) The authority shall seek to minimize, where
8 reasonable:

9 (A) Dredging, filling or otherwise altering any bay,
10 estuary, salt marsh, river mouth, slough or
11 lagoon;

12 (B) Any development that would reduce the size of any
13 beach or other area usable for public recreation;

14 (C) Any development that would reduce or impose
15 restrictions upon public access to tidal and
16 submerged lands, beaches, portions of rivers and
17 streams within the special management areas and
18 the mean high tide line where there is no beach;

19 (D) Any development that would substantially
20 interfere with or detract from the line of sight



1 toward the sea from the state highway nearest the
2 coast; [~~and~~]

3 (E) Any development that would adversely affect water
4 quality, existing areas of open water free of
5 visible structures, existing and potential
6 fisheries and fishing grounds, wildlife habitats,
7 or potential or existing agricultural uses of
8 land[~~-~~]; and

9 (F) Any risk to development from sea level rise and
10 other coastal hazards, which may be accomplished
11 by siting habitable structures outside of the sea
12 level rise exposure area or adapting habitable
13 structures within the sea level rise exposure
14 area to accommodate sea level rise; provided that
15 the sea level rise exposure area shall be
16 designated by the Hawaii climate change
17 mitigation and adaptation commission or its
18 successor."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

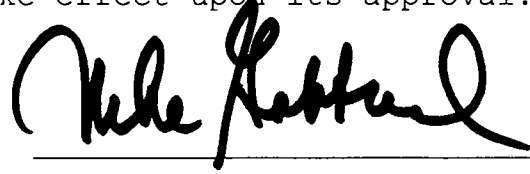


S.B. NO. 3300

1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:





S.B. NO. 3300

Report Title:

Coastal Zone Management; Special Management Areas; Sea Level Rise Exposure Areas; Development Guidelines

Description:

Requires county planning commissions, county councils, and designated authorities on coastal zone management to seek to minimize, where reasonable, any risk to development from sea level rise and other coastal hazards.

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

