

# **ACT 16, SLH 2020 AMENDMENTS TO HRS CH. 205A COASTAL ZONE MANAGEMENT**

---



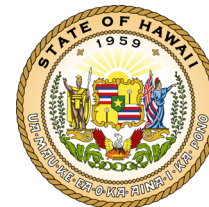
## **STATE OF HAWAII HAWAII COASTAL ZONE MANAGEMENT PROGRAM**

**JUSTINE NIHIPALI  
PLANNING PROGRAM MANAGER**

**BEFORE THE  
HONOLULU CITY COUNCIL**

**NOVEMBER 17, 2022**

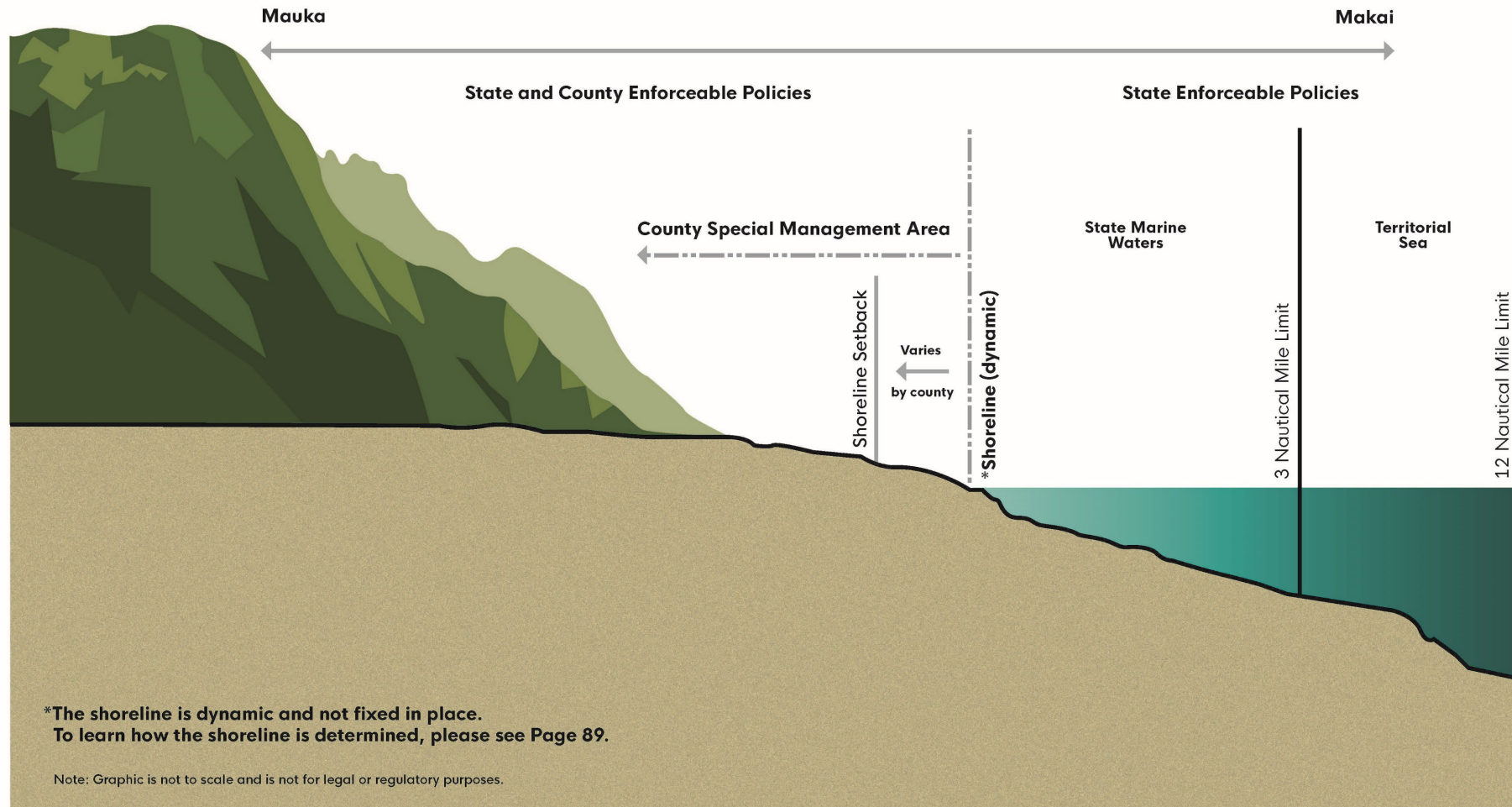
**MISC. COM. 507  
ZP**



**Hawaii CZM Program**  
Coastal Zone Management  
HAWAII STATE OFFICE OF PLANNING

# Coastal Zone: Mauka to Makai

## Hawai'i Coastal Zone Management





# Shoreline Setbacks



## New Structures

- Shoreline Setback

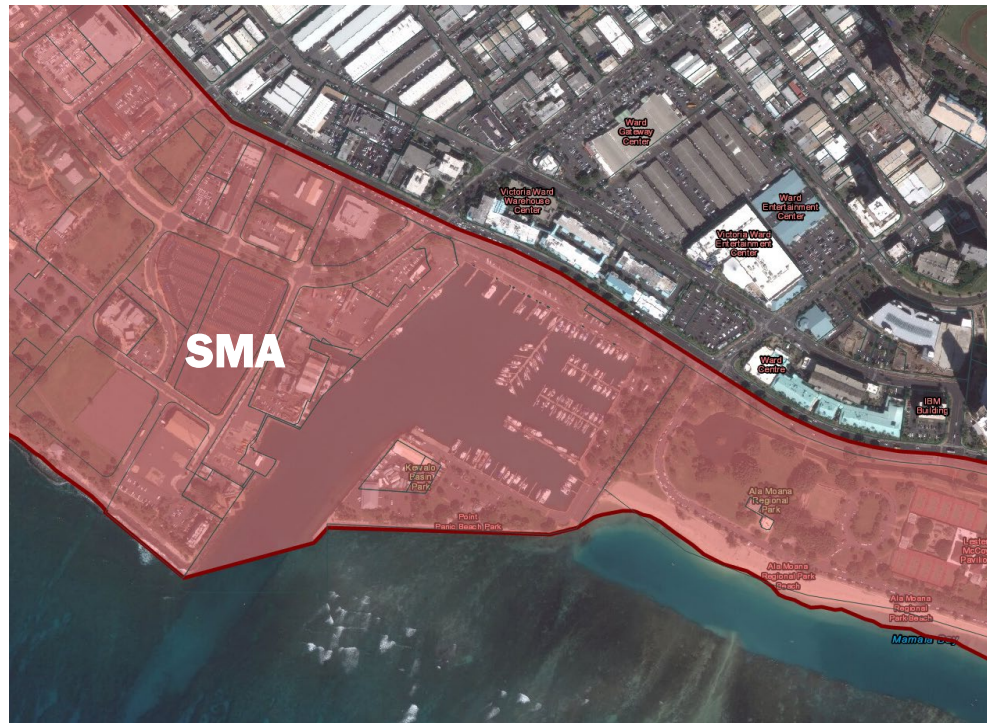
## Existing Structures

- Accommodation
- Protection
- Retreat



# The Special Management Area (SMA)

## The area extends inland from and along the shoreline



# Purpose of SMA Permitting (HRS § 205A-21)

- It is necessary to have special controls on developments within an area **along the shoreline** to
  - avoid permanent losses of valuable resources and the **foreclosure of management options**; and
  - ensure that adequate access, by dedication or other means, to public owned or used beaches, recreation areas, and natural reserves, is provided.
- The SMA permit was established with the enactment of Act 176, SLH 1975, which was called the **Shoreline Protection Act**

# **Act 16, SLH 2020 relating to HRS Ch.205A**

**Purpose: mitigates the impacts of coastal hazards on coastal development, and enhances beach protection**

- **Amends the list of “development” and “not development”**
- **Increases the minimum shoreline setback from 20 feet to 40 feet**
- **Adds sea level rise to the definition of coastal hazards, and a definition of beach to enhance beach protection**
- **Restricts or prohibits shoreline hardening structures at sites with beaches**



# Amendments to “Development” (§ 205A-22)

Except with a cumulative impact or significant environmental effect on a SMA, “Development” does not include the following:

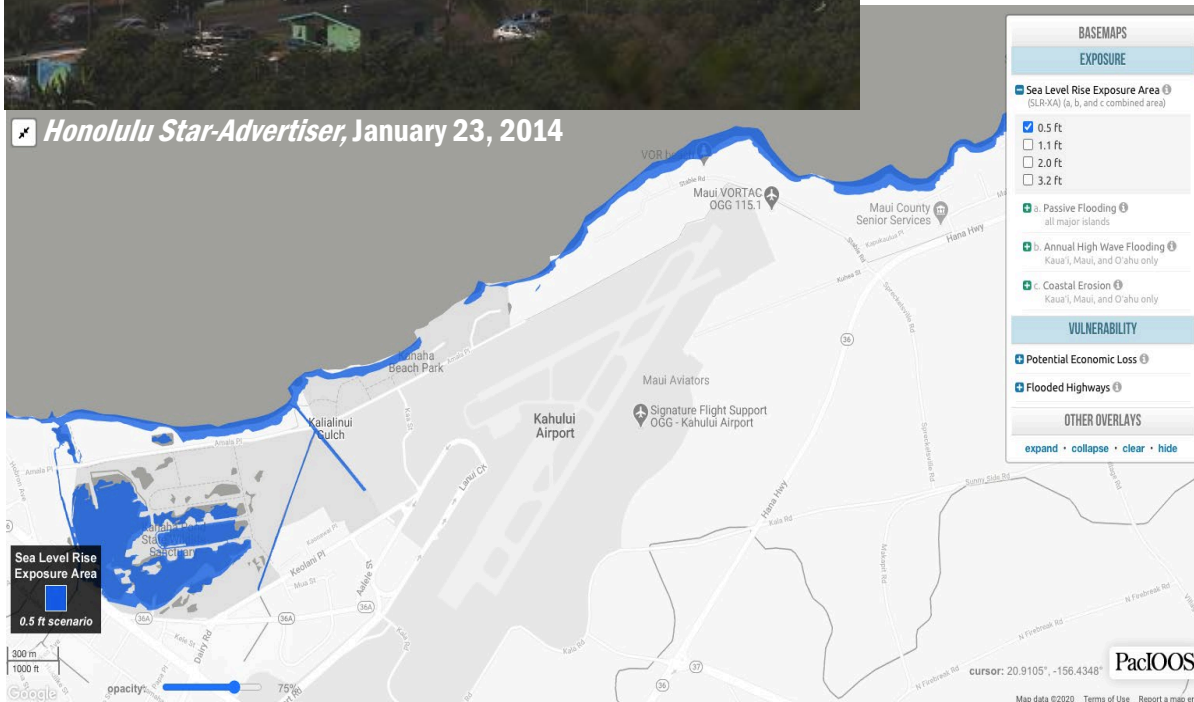
- **Demolition** of structures, except those located on any historic site as designated in national or state registers.
- **Nonstructural improvements** to existing structures, including single-family residences, commercial and noncommercial structures
- Construction or reconstruction of a single-family residence that is **not situated on a shoreline parcel** or a parcel that is impacted by waves, storm surges, high tides or shoreline erosion.

# Development of Single-Family Residences

(Act 16, SLH 2020)



Honolulu Star-Advertiser, January 23, 2014



- a) On a shoreline parcel
- b) On **a non-shoreline parcel**

OPSD recommends the sea level rise exposure areas (SLR-XA), 0.5-foot SLR scenario, identified from the State of Hawaii Sea Level Rise Viewer as a reference map to help identify whether a non-shoreline parcel is impacted by **waves, storm surges, high tide or shoreline erosion.**



# Minimum 40-foot Shoreline Setback

- No longer allows the reduction of the shoreline setback to less than 40 feet for any shoreline parcels.
- Requires a shoreline setback variance, **an exception to prohibition**, for a non-minor structure that is located within the shoreline area.
- A shoreline setback variance may be granted for use of an existing shallow shoreline lot.



# Definition of Beach

- Defined for the first time in Hawaii Statute Law

**“Beach” means a coastal landform primarily composed of sand, that is established and shaped by wave action and tidal processes.**

**Beach includes sand deposits in nearshore submerged areas, or sand dunes or upland beach deposits landward of the shoreline, that provide benefits**

- **for public use and recreation;**
- **for coastal ecosystems; and**
- **as a natural buffer against coastal hazards.**



## § 205A-2(c)(9) Beach Protection Policies

- (B) Prohibits construction of private shoreline hardening structures, including seawalls and revetments, at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities;**
- (C) Minimize construction of public shoreline hardening structures, including seawalls and revetments, at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities;**



# Seawalls/Revetments in Areas with Beaches

Pursuant to § 205A-46(a)(9), **shoreline hardening structures** in areas with beaches are **prohibited** from the private property owners, unless it is clearly in the interest of the general public.

## The interest of the general public

- public safety and/or public health;
- protection of public infrastructure in response to risk of coastal hazards; or
- beach protection/sand retention for public use and recreation or coastal ecosystems.



**Hawaii CZM Program**  
Coastal Zone Management  
HAWAII STATE OFFICE OF PLANNING

# 2022 Legislative Session

## Act 208, SLH 2022 Relating to Special Improvement Districts

***Purpose: Broaden the counties' authority to create special improvement districts by expanding the objective of these districts to include environmental protection and preservation, natural resource management, and natural hazard mitigation.***

## Act 223, SLH 2022 Relating to Development Rights

***Purpose: Expand the authority of the counties to regulate the transfer or development rights to help protect areas vulnerable to sea level rise, coastal erosion, storm surge, and flooding, thereby facilitating the potential movement of development away from at-risk areas to locations more appropriate for development.***

# Collaborative Resilience Initiatives

## Managing Shorelines in the Face of Coastal Erosion and Sea Level Rise

The goal of this Focus Area is to develop a statewide integrated shoreline management strategy to address the compounding impacts to Hawai'i's shorelines of coastal development, climate change and sea level rise, erosion, and other chronic coastal hazards.

### Focus Area I - Development & Coastal Hazards

Challenges such as beach erosion, sea level rise, sinkhole formation, and structure damage have already changed the character of Hawai'i's shorelines, and many management gaps related to coastal adaptation remain to be addressed. The Development & Coastal Hazards Focus Area encompasses the linkage of planning decisions relating to development in the coastal zone with planning for adaptation according to the best available science. Addressing coastal hazards requires collaboration and stewardship in the careful and appropriate use of the land to maintain the wide array of benefits derived from coastal lands and ocean assets, including the preservation and restoration of heritage traditions and resources for future generations. It is an ongoing process as ORMP partners continue to better understand and adapt to the dynamic environmental conditions of Hawai'i in the age of climate change.

Visit: [www.ormp.hawaii.gov](http://www.ormp.hawaii.gov)



#### Sea Level Rise Adaptation For State Facilities

OPSD in coordination with state agencies with facility management responsibilities, is charged with (1) identifying state facilities vulnerable to sea level rise and other natural hazards, (2) identifying adaptation options for vulnerable facilities and (3) submitting annual reports to the Governor, Legislature and State Climate Commission. (Act 178, SLH 2021)

[View](#)



#### Regional Shoreline Management Scoping Study

OPSD is exploring a more comprehensive approach to shoreline management in Hawai'i. This project, "Developing a Scoping Study for a Regional Shoreline Strategy for Hawai'i" will explore strategies for utilizing environmental characteristics and conditions to define "regions" for the purposes of rethinking shoreline management across the state, with the intention of facilitating larger-scale, nature-based, comprehensive management strategies.

Funding Source: **NA20NOS4190042\***

[In progress](#)



#### Hawai'i Shoreline Change Studies For Kaua'i, Maui, And O'ahu

OPSD, in collaboration with other federal, state, and county agencies, provided funding support to the University of Hawai'i Coastal Geology Group in the tracking, mapping, and providing shoreline change data to inform shoreline setback regulations to facilitate appropriate siting for new development.

Funding Source: **NA17NOS4190171\***

[View](#)



**Hawaii CZM Program**  
Coastal Zone Management  
HAWAII STATE OFFICE OF PLANNING



**State of Hawaii**  
**Office of Planning & Sustainable Development**  
**P.O. Box 2359**  
**Honolulu, Hawaii 96804**

<http://planning.hawaii.gov/czm>

**(808) 587-2846**