

JAN 18 2019

A BILL FOR AN ACT

RELATING TO COASTAL EROSION PROACTIVE ADAPTATION PLAN.

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

1 SECTION 1. The legislature finds that the current reactive
2 shoreline regulatory process has become a substantial time and
3 cost burden and obstacle to the State, counties, and private
4 land owners. Experiential observations over the past decade
5 demonstrate that Hawaii's current reactive shoreline permit
6 system has often become an obstacle to protecting, preserving,
7 and restoring the State's shorelines and coastal ecosystems. As
8 both a time and cost obstacle, this reactive permit system often
9 significantly contributes to exacerbating shoreline erosion and
10 coastal ecosystem degradation. The reactive permit process
11 includes the environmental assessment planning process, as
12 detailed in chapter 343, Hawaii Revised Statutes, completion of
13 which is required prior to completing federal, state, and county
14 permit applications. A coastal erosion proactive adaptation
15 plan can overcome the negative impacts from Hawaii's reactive
16 shoreline planning process and reactive shoreline permit system.



1 The legislature further finds that developing a framework
2 for a Hawaii next generation coastal zone managers program will
3 have two important outcomes. First, a sustainable jobs program
4 for the islands' next generation of place-based coastal zone
5 managers, based on experiential learning and environmental
6 literacy, in all fields of coastal zone management, such as
7 coastal geology, cultural resources, archaeology, ocean
8 engineering, ecosystem services, water science, marine biology,
9 watershed management, environmental planning, and marine
10 education. Second, Hawaii will have a competent cadre of place-
11 based experts with the knowledge, skills, and abilities to
12 adequately understand and manage our growing coastal zone
13 problems.

14 The legislature further finds that a coastal erosion
15 proactive adaptation plan can fulfill identified state
16 priorities. This initiative offers the State a programmatic
17 framework to substantially achieve three of the Hawaii climate
18 change mitigation and adaptation commission's 2017
19 recommendations, which are programmatic in nature:



- 1 (1) Recommendation #7: Develop significant and sustainable
2 funding sources and incentives to support adaptation
3 to sea level rise;
- 4 (2) Recommendation #8: Support research, assessment, and
5 monitoring of coastal hazards and impacts to sea level
6 rise; and
- 7 (3) Recommendation #9: Establish collaborative governance
8 processes through the Hawaii climate change mitigation
9 and adaptation commission that support a learning
10 approach to sea level rise adaptation.

11 Additionally, this funding program proposal also addresses the
12 first two management priorities from the statewide ocean
13 resources management plan 2013, which is managed by the office
14 of planning; mandated by chapter 205A, Hawaii Revised Statutes,
15 relating to coastal zone management; and supported by the many
16 state agencies that are signatories to the plan. These are:

- 17 (1) Management Priority #1: Appropriate Coastal
18 Management; and
- 19 (2) Management Priority #2: Management of Coastal Hazards.

20 The purpose of this Act is to establish a coastal erosion
21 proactive adaptation plan task force, with the assistance of an



1 advisory group and a consultation team, to develop a coastal
2 erosion proactive adaptation plan to better mitigate impacts to
3 the State's coastal zone caused by sea level rise and erosion.

4 SECTION 2. (a) There is established within the office of
5 planning a coastal erosion proactive adaptation plan task force,
6 to be supplemented by a plan advisory group composed of subject
7 matter experts and sector representatives selected by the task
8 force, which shall develop a coastal erosion proactive
9 adaptation plan with recommendations and a set of clearly
10 defined deliverables for streamlined and proactive shoreline
11 permitting procedures to better mitigate impacts to the State's
12 coastal zone caused by sea level rise and acute episodic
13 erosion. The coastal erosion proactive adaptation plan shall be
14 the product of documented data collection, research, and
15 community input.

16 (b) The task force shall consist of the following members:

- 17 (1) The director of the office of planning, or the
18 director's designee, who shall serve as the chair;
- 19 (2) Two members of the office of planning staff to be
20 selected by the director of the office of planning and
21 designated as the secretariat resource persons;



- 1 provided that one of the two persons shall manage the
2 budget and project plan;
- 3 (3) The chairperson of the board of land and natural
4 resources or the chairperson's designee;
- 5 (4) One member to be appointed by the director of the
6 office of environmental quality control as the
7 office's representative;
- 8 (5) Four members representing the planning departments
9 from each county, to be appointed by the mayor of the
10 county in which the agency is located; and
- 11 (6) At least two members representing the University of
12 Hawaii system and two members representing the
13 University of Hawaii sea grant college programs, to be
14 selected by the president of the University of Hawaii.
- 15 (c) Task force members shall recommend subject matter
16 experts and sector representatives to voluntarily serve on the
17 advisory group. The advisory group shall be composed of
18 interested persons from sectors underrepresented by the task
19 force, including members from the public, private, academic, and
20 nonprofit sectors and other relevant organizations, as well as
21 community and next generation representatives. The advisory



1 group shall serve only in an expert and advisory capacity and
2 not in an oversight capacity. The advisory group shall have the
3 opportunity to have significant input to all aspects of the
4 tasks and deliverables that are part of the coastal erosion
5 proactive adaptation plan.

6 (d) The task force, with the advisory group, shall develop
7 a scope of work in order to engage and manage a team of
8 consultants, with appropriate expertise, to complete the
9 deliverables specified in subsection (h) as the content for
10 coastal erosion proactive adaptation plan.

11 (e) The task force shall meet quarterly with members of
12 the advisory group at a place and time to be determined by the
13 chair of the task force.

14 (f) The task force shall include in the coastal erosion
15 proactive adaptation plan a detailed terms of reference for a
16 proactive planning process to preserve the State's remaining
17 coastal ecosystems while simultaneously protecting existing
18 threatened development from coastal erosion and to overcome the
19 following challenges:

20 (1) Hawaii's reactive, multi-jurisdictional regulatory
21 permit system;



1 (2) Hawaii's reactive environmental assessment process;
2 and

3 (3) Hawaii's lack of local, place-based experts to
4 adequately manage the State's coastal ecosystems.

5 (g) In carrying out its tasks, the task force shall study
6 other states' similar proactive coastal planning systems that
7 are currently in place in order to understand, document, and
8 recommend options for a state-level, proactive, shoreline-
9 planning regulatory process and program that will cut both the
10 time and cost of coastal permits by approximately seventy-five
11 per cent in order to protect at-risk and threatened shoreline
12 development that was built thirty to fifty years ago. The new
13 proactive planning process and anticipated e-Permit system shall
14 comply with all environmental rules and best management
15 practices now in place at the federal, state, and county levels
16 in order to protect, preserve, and where possible, restore the
17 State's shorelines and at-risk coastal ecosystems.

18 (h) In developing the coastal erosion proactive adaptation
19 plan, the task force shall include the following deliverables:

20 (1) A database of advisory group members and meeting
21 agendas with attendees and products presented listed,



- 1 to include presentations and minutes from meetings
2 which summarize findings, recommendations, and actions
3 identified;
- 4 (2) The terms of reference for the implementation of a
5 future program, which shall be named the Hawaii next
6 generation coastal zone managers program;
- 7 (3) A shoreline adaptation e-Permit system strategic
8 implementation plan, which includes an investigation
9 of the applicability for adaptation in Hawaii of the
10 state of Washington's joint aquatic resources permit
11 application streamlined permit process;
- 12 (4) A draft multi-year education and outreach campaign
13 strategy and database of stakeholders;
- 14 (5) A database of focus group and community meeting
15 attendees and constituents, with meeting findings and
16 recommendations reports for continued strategic
17 engagement;
- 18 (6) A recommendations report for future funding for
19 program implementation, which shall be based on
20 findings and outcomes from deliverables one through
21 five, and shall include draft funding recommendations,



1 and further legislation required to implement key
2 components of the proposed Hawaii next generation
3 coastal zone managers program;

4 (7) Procurement and tracking of travel funds to meet
5 project requirements; provided that travel funds shall
6 be allotted for both initial and follow-up focus group
7 and community meetings throughout the State; and

8 (8) Records of procurement of funds and expenditures of
9 local stipends related to community meetings, database
10 of attendees, photo documentation, and meeting
11 feedback form with collected comments. Stipends shall
12 be provided to designated local community liaison
13 personnel and local community leaders who are assigned
14 to manage, set up, advertise, and communicate about
15 community meetings; provided that at least two student
16 or faculty representatives per community high school
17 shall be invited to attend each of the community
18 meetings; provided further that stipends shall not
19 exceed \$1,500 per individual and shall be provided to
20 not more than one individual per focus group meeting
21 or community meeting.



1 (i) The task force shall develop the deliverables listed
2 in subsection (h) based on a scope of work with tasks to include
3 the following:

4 (1) Creation of a project advisory group;

5 (2) Convening of statewide focus group meetings and
6 community meetings;

7 (3) Development of an education and outreach strategy to
8 undertake two key initiatives:

9 (A) Development of a list of terms of reference for a
10 statewide, proactive planning public-private
11 partnership, to be named the Hawaii next
12 generation coastal zone managers program; and

13 (B) Development of the framework for a shoreline
14 adaptation e-Permit system; and

15 (4) Drafting and submission to the legislature of a
16 recommendations report for future funding for program
17 implementation.

18 (j) The task force shall submit the coastal erosion
19 proactive adaptation plan, which shall include the deliverables
20 identified in subsection (h), findings, recommendations, and any



1 proposed legislation to the legislature no later than November
2 15, 2020.

3 (k) The task force shall be dissolved on June 30, 2021.

4 SECTION 3. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$750,000 or so much
6 thereof as may be necessary for fiscal year 2019-2020 to support
7 the tasks, activities, and coastal erosion proactive adaptation
8 plan development of the task force established pursuant to this
9 Act.

10 The sum appropriated shall be expended by the office of
11 planning for the purposes of this Act.

12 SECTION 4. This Act shall take effect on July 1, 2019.

13

INTRODUCED BY: Rosalyn H. Baker
[Signature]
[Signature]

S.B. NO. 828

Report Title:

Coastal Erosion; Shoreline; Permits; Next Generation Coastal Zone Managers Program; Task Force; Advisory Group; Appropriation

Description:

Establishes a Coastal Erosion Proactive Adaptation Plan Task Force, to be assisted by an Advisory Group, to develop a Coastal Erosion Proactive Adaptation Plan for streamlined and proactive shoreline permitting procedures that better mitigate impacts to Hawaii's coastal zone and lower the costs to public and private permit applicants.

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