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S.B. NO. 2401

A BILL FOR AN ACT

RELATING TO REGIONAL SHORELINE MITIGATION DISTRICTS.

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

1 SECTION 1. The legislature finds that accelerating coastal
2 erosion, wave run-up, and chronic loss of shoreline lands
3 threaten thousands of shoreline properties throughout the State.
4 Many property owners experience repeated damage from ocean
5 forces that exceed the capacity of individual parcel-level
6 responses. Because erosion processes operate on a regional
7 scale, effective mitigation requires property owners along a
8 shared stretch of shoreline, where erosion on one property can
9 affect neighboring properties, to work together under a
10 coordinated regional plan.

11 The legislature further finds that the office of planning
12 and sustainable development currently coordinates planning
13 between state, county, and federal agencies and addresses and
14 coordinates sea level rise adaptation strategies for state
15 facilities. Therefore, the office of planning and sustainable
16 development is well-equipped to undertake regional coastal
17 erosion planning for shoreline properties.



1 Regional coordination will enable property owners to
2 collectively plan, design, fund, and implement projects, which
3 may include both emergency erosion mitigation structures and
4 long-term engineered solutions such as groins, beach
5 nourishment, dune restoration, or other measures suited to the
6 sediment dynamics of the region.

7 The legislature additionally finds that a statewide
8 framework is necessary to:

- 9 (1) Authorize the creation of regional shoreline
10 mitigation plans for shoreline properties;
- 11 (2) Provide a clear planning and approval process for
12 regional mitigation plans;
- 13 (3) Ensure coordination among the office of planning and
14 sustainable development, department of land and
15 natural resources, and county planning departments;
16 and
- 17 (4) Facilitate property owners' collective financing of
18 regional projects using assessment districts,
19 community facilities districts, tax increment
20 financing, bonds, and other financing tools.

21 Accordingly, the purpose of this Act is to:



(1) Establish a process, led by the office of planning and sustainable development, for the creation of regional shoreline mitigation districts to facilitate regional coordination by shoreline property owners to address coastal erosion;

(2) Require the preparation of a regional coastal erosion and sediment management plan for each regional shoreline mitigation district;

(3) Establish procedures for the review of state and county permits associated with regional shoreline mitigation districts;

(4) Establish as a policy under the coastal zone management program the support and integration of regional coastline erosion and sediment management planning; and

(2) Make appropriations and establish one temporary full-time equivalent (1.0 FTE) position to implement regional shoreline mitigation districts.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:



1 "CHAPTER

2 REGIONAL SHORELINE MITIGATION DISTRICTS

3 § -1 Definitions. For the purposes of this chapter:

4 "Emergency erosion mitigation structure" means a physical
5 barrier, geotextile system, or other engineered measure
6 constructed to prevent or reduce coastal erosion damage to an
7 existing private structure or use. "Emergency erosion
8 mitigation structure" includes sandbags, geotextile tubes,
9 gabions, riprap, or similar systems, whether temporary or
10 semi-permanent.

11 "Functionally connected sediment cell or littoral subcell"
12 means a shoreline reach in which sediment transport processes
13 operate as a unified system in such a manner that erosion or
14 shoreline modification within one portion measurably influences
15 conditions elsewhere within the reach.

16 "Office" means the office of planning and sustainable
17 development.

18 "Regional coastal erosion and sediment management plan" or
19 "regional plan" means a plan prepared under this chapter for the
20 coordinated mitigation of coastal erosion, sediment transport
21 impacts, and shoreline hazards affecting shoreline properties.



1 "Regional shoreline mitigation district" means a designated
2 coastal area, comprised primarily of shoreline properties
3 located within the same functionally connected sediment cell or
4 littoral subcell, established under this chapter to plan,
5 finance, and implement regional coastal erosion and sediment
6 management projects.

7 § -2 **Office; lead agency.** The office shall serve as the
8 lead agency for regional shoreline mitigation districts and
9 regional coastal erosion and sediment management plans. The
10 office shall:

- 11 (1) Identify potential regional shoreline mitigation
12 districts based primarily on clusters of shoreline
13 parcels;
- 14 (2) Coordinate interagency review among the department of
15 land and natural resources, county planning
16 departments, and relevant federal agencies, including
17 the United States Army Corps of Engineers if federal
18 authorization, permitting, technical review, approval,
19 or funding may be required;
- 20 (3) Facilitate participation by shoreline property owners;
21 and



(4) Receive, coordinate review of, evaluate, and approve regional coastal erosion and sediment management plans prepared and funded by property owners within a regional shoreline mitigation district.

§ -3 Establishment of regional shoreline mitigation districts. (a) A regional shoreline mitigation district may be recognized and approved by the office upon a petition by:

(1) A majority of shoreline property owners within the proposed region; or

(2) A county, in coordination with shoreline property owners.

(b) District boundaries shall be based on functionally connected sediment cell or littoral subcell, and shall include a substantial proportion of shoreline parcels affected by shared coastal erosion conditions.

§ -4 Regional coastal erosion and sediment management plans. (a) Each regional shoreline mitigation district shall have a regional coastal erosion and sediment management plan that shall be:

(1) Prepared by shoreline property owners within the district; and



(2) Submitted to the office for review and approval.

(b) A regional coastal erosion and sediment management plan shall include:

(1) A characterization of sediment transport and erosion conditions within the regional shoreline mitigation district;

(2) An assessment of structural risks to shoreline properties within the regional shoreline mitigation district;

(3) An analysis of allowable emergency erosion mitigation structures and criteria for their use;

(4) A list of long-term erosion mitigation solutions appropriate to the regional shoreline mitigation district, which may include dune enhancement, beach nourishment, living shoreline projects, or structural measures such as rock groins;

(5) An analysis of financing options for property owners;

(6) A proposed implementation schedule for emergency and long-term erosion mitigation structures; and

(7) The identification of any federal authorizations, permits, or approvals required to implement the



1 regional coastal erosion and sediment management plan,
2 including consultation with the United States Army
3 Corps of Engineers if projects may affect navigable
4 waters, shorelines, or federally regulated waters.

5 (c) A regional coastal erosion and sediment management
6 plan prepared for a regional shoreline mitigation district shall
7 be submitted to the office for review. The office shall
8 coordinate its review of the regional coastal erosion and
9 sediment management plan with the department of land and natural
10 resources, applicable county agencies, and relevant federal
11 agencies, including the United States Army Corps of Engineers,
12 if federal authorization, permitting, technical review,
13 approval, or funding may be required.

14 (d) The office may approve a regional coastal erosion and
15 sediment management plan upon a determination that the plan:

- 16 (1) Satisfies the requirements of subsection (b);
17 (2) Is consistent with applicable state and county land
18 use policies; and
19 (3) Provides a coordinated, regionally appropriate
20 approach to addressing coastal erosion and sediment
21 management affecting shoreline properties.



1 Upon approval of a regional coastal erosion and sediment
2 management plan pursuant to this subsection, the approved plan
3 shall establish the governing standards, criteria, and
4 authorized measures for shoreline erosion mitigation within the
5 regional shoreline mitigation district.

6 (e) If an environmental review pursuant to chapter 343
7 shall be required for a regional coastal erosion and sediment
8 management plan prepared under this section, the environmental
9 review may be conducted on a programmatic basis. The office
10 shall serve as the accepting authority for any programmatic
11 environmental assessment or environmental impact statement
12 prepared for a regional coastal erosion and sediment management
13 plan.

14 (f) If a final environmental assessment with a finding of
15 no significant impact or an environmental impact statement is
16 accepted pursuant to subsection (e), subsequent actions,
17 projects, and permits that are consistent with the approved
18 regional coastal erosion and sediment management plan and that
19 fall within the scope of the environmental review shall be
20 deemed to have satisfied the requirements of chapter 343, and no
21 additional environmental assessment or environmental impact



1 statement shall be required for those actions, projects, or
2 permits unless the approving agency determines that the proposed
3 action falls outside of the environmental review conducted under
4 chapter 343.

5 **§ -5 Financing mechanisms.** To implement a regional
6 coastal erosion and sediment management plan, the following
7 financing tools may be considered for the benefit of shoreline
8 property owners:

- 9 (1) Special assessment districts;
10 (2) Community facilities districts;
11 (3) Tax increment financing;
12 (4) The issuance of bonds by the county at the request of
13 private property owners; and
14 (5) Any other available public or private financing tool.

15 **§ -6 Effect of approved regional coastal erosion and**
16 **sediment management plan on permit decisions.** (a) County
17 agencies and the board of land and natural resources shall
18 review any permit and approval applications required to
19 implement shoreline erosion mitigation actions within a regional
20 shoreline mitigation district for consistency with the



1 applicable approved regional coastal erosion and sediment
2 management plan.

3 (b) Where a proposed permit or approval application is
4 consistent with an approved regional coastal erosion and
5 sediment management plan and an application has been deemed
6 complete, the county and state permit applications shall be
7 limited in review and disposition to:

8 (1) Verifying that all required application materials have
9 been submitted;

10 (2) Verifying consistency with the approved regional
11 coastal erosion and sediment management plan; and

12 (3) Imposing conditions reasonably necessary to implement
13 the approved regional coastal erosion and sediment
14 management plan and to address site-specific impacts.

15 Review of permits implementing an approved regional coastal
16 erosion and sediment management plan shall not reconsider issues
17 resolved during regional coastal erosion and sediment management
18 plan approval, including the appropriateness, location, or type
19 of erosion mitigation measures authorized by the regional
20 coastal erosion and sediment management plan.



1 (c) Nothing in this section shall be construed to limit
2 the authority of the board of land and natural resources or a
3 county agency to impose conditions or deny a permit or approval
4 where necessary to protect public trust resources, natural
5 shoreline processes, or public access based on site-specific
6 impacts not previously evaluated during regional coastal erosion
7 and sediment management plan approval."

8 SECTION 3. Section 183C-6, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§183C-6 Permits and site plan approvals.** (a) The
11 department shall regulate land use in the conservation district
12 by the issuance of permits.

13 (b) The department shall render a decision on a completed
14 application for a permit within one hundred eighty days of its
15 acceptance by the department. If within one hundred eighty days
16 after acceptance of a completed application for a permit, the
17 department shall fail to give notice, hold a hearing, and render
18 a decision, the owner may automatically put the owner's land to
19 the use or uses requested in the owner's application. When an
20 environmental impact statement is required pursuant to chapter
21 343, or when a contested case hearing is requested pursuant to



1 chapter 91, the one hundred eighty days shall be extended an
2 additional ninety days beyond the time necessary to complete the
3 requirements of chapter 343 or chapter 91. Any request for
4 additional extensions by the applicant shall be subject to the
5 approval of the board.

6 (c) The department shall hold a public hearing in every
7 case involving the proposed use of land for commercial purposes,
8 at which hearing interested persons shall be afforded a
9 reasonable opportunity to be heard. Public notice of the time
10 and place of the hearing shall be given at least once statewide
11 and in the county in which the property is located. The notice
12 shall be given not less than twenty days prior to the date set
13 for the hearing. The hearing shall be held in the county in
14 which the land is located and may be delegated to an agent or
15 representative of the board as may otherwise be provided by law
16 and in accordance with rules adopted by the board. For the
17 purposes of its public hearing or hearings, the department shall
18 have the power to summon witnesses, administer oaths, and
19 require the giving of testimony. As used in this subsection,
20 the term "commercial purposes" shall not include the use of land
21 for utility purposes.



1 (d) The department shall regulate the construction,
2 reconstruction, demolition, or alteration of any structure,
3 building, or facility by the issuance of site plan approvals.

4 (e) Any permit for the reconstruction, restoration,
5 repair, or use of any Hawaiian fishpond exempted from the
6 requirements of chapter 343 under section 183B-2 shall provide
7 for compliance with the conditions of section 183B-2.

8 (f) Where a proposed permit or approval application is
9 consistent with an approved regional coastal erosion and
10 sediment management plan and an application has been deemed
11 complete, review and disposition of the proposed permit or site
12 plan approval application shall be limited to:

13 (1) Verifying that all required application materials have
14 been submitted;

15 (2) Verifying consistency with the approved regional
16 coastal erosion and sediment management plan; and

17 (3) Imposing conditions reasonably necessary to implement
18 the approved regional coastal erosion and sediment
19 management plan and to address site-specific impacts.

20 Review of permit or site plan approval applications that
21 implement an approved regional coastal erosion and sediment



1 management plan shall not reconsider issues resolved during
2 regional coastal erosion and sediment management plan approval,
3 including the appropriateness, location, or type of erosion
4 mitigation measures authorized by the regional coastal erosion
5 and sediment management plan.

6 (g) Nothing in this section shall be construed to limit
7 the authority of the department to impose conditions or deny a
8 permit where necessary to protect public trust resources,
9 natural shoreline processes, or public access based on
10 site-specific impacts not previously evaluated during the
11 regional coastal erosion and sediment management plan approval.

12 The department shall consult with the office of planning and
13 sustainable development and the applicable county regarding
14 implementation of an approved regional coastal erosion and
15 sediment management plan when evaluating a permit application
16 under this chapter."

17 SECTION 4. Section 205A-2, Hawaii Revised Statutes, is
18 amended by amending subsection (c) to read as follows:

19 "(c) Policies.

20 (1) Recreational resources;



- 1 (A) Improve coordination and funding of coastal
2 recreational planning and management; and
3 (B) Provide adequate, accessible, and diverse
4 recreational opportunities in the coastal zone
5 management area by:
- 6 (i) Protecting coastal resources uniquely suited
7 for recreational activities that cannot be
8 provided in other areas;
- 9 (ii) Requiring restoration of coastal resources
10 that have significant recreational and
11 ecosystem value, including but not limited
12 to coral reefs, surfing sites, fishponds,
13 sand beaches, and coastal dunes, when these
14 resources will be unavoidably damaged by
15 development; or requiring monetary
16 compensation to the State for recreation
17 when restoration is not feasible or
18 desirable;
- 19 (iii) Providing and managing adequate public
20 access, consistent with conservation of



1 natural resources, to and along shorelines
2 with recreational value;

3 (iv) Providing an adequate supply of shoreline
4 parks and other recreational facilities
5 suitable for public recreation;

6 (v) Ensuring public recreational uses of county,
7 state, and federally owned or controlled
8 shoreline lands and waters having
9 recreational value consistent with public
10 safety standards and conservation of natural
11 resources;

12 (vi) Adopting water quality standards and
13 regulating point and nonpoint sources of
14 pollution to protect, and where feasible,
15 restore the recreational value of coastal
16 waters;

17 (vii) Developing new shoreline recreational
18 opportunities, where appropriate, such as
19 artificial lagoons, artificial beaches, and
20 artificial reefs for surfing and fishing;
21 and



(viii) Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commission, board of land and natural resources, and county authorities; and crediting that dedication against the requirements of section 46-6;

(2) Historic resources;

(A) Identify and analyze significant archaeological resources;

(B) Maximize information retention through preservation of remains and artifacts or salvage operations; and

(C) Support state goals for protection, restoration, interpretation, and display of historic resources;

(3) Scenic and open space resources;

(A) Identify valued scenic resources in the coastal zone management area;



(B) Ensure that new developments are compatible with their visual environment by designing and locating those developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;

(C) Preserve, maintain, and, where desirable, improve and restore shoreline open space and scenic resources; and

(D) Encourage those developments that are not coastal dependent to locate in inland areas;

(4) Coastal ecosystems;

(A) Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;

(B) Improve the technical basis for natural resource management;

(C) Preserve valuable coastal ecosystems of significant biological or economic importance, including reefs, beaches, and dunes;

(D) Minimize disruption or degradation of coastal water ecosystems by effective regulation of



- 1 stream diversions, channelization, and similar
2 land and water uses, recognizing competing water
3 needs; and
- 4 (E) Promote water quantity and quality planning and
5 management practices that reflect the tolerance
6 of fresh water and marine ecosystems and maintain
7 and enhance water quality through the development
8 and implementation of point and nonpoint source
9 water pollution control measures;
- 10 (5) Economic uses;
- 11 (A) Concentrate coastal dependent development in
12 appropriate areas;
- 13 (B) Ensure that coastal dependent development and
14 coastal related development are located,
15 designed, and constructed to minimize exposure to
16 coastal hazards and adverse social, visual, and
17 environmental impacts in the coastal zone
18 management area; and
- 19 (C) Direct the location and expansion of coastal
20 development to areas designated and used for that
21 development and permit reasonable long-term



1 growth at those areas, and permit coastal
2 development outside of designated areas when:

- 3 (i) Use of designated locations is not feasible;
4 (ii) Adverse environmental effects and risks from
5 coastal hazards are minimized; and
6 (iii) The development is important to the State's
7 economy;

8 (6) Coastal hazards;

9 (A) Develop and communicate adequate information
10 about the risks of coastal hazards;

11 (B) Control development, including planning and
12 zoning control, in areas subject to coastal
13 hazards;

14 (C) Ensure that developments comply with requirements
15 of the National Flood Insurance Program; ~~and~~

16 (D) Prevent coastal flooding from inland projects;
17 and

18 (E) Support and integrate regional coastal erosion
19 and sediment management planning for the
20 protection of shoreline properties into county
21 special management area planning and permitting



- 1 processes, to the extent feasible and consistent
2 with this chapter;
- 3 (7) Managing development;
- 4 (A) Use, implement, and enforce existing law
5 effectively to the maximum extent possible in
6 managing present and future coastal zone
7 development;
- 8 (B) Facilitate timely processing of applications for
9 development permits and resolve overlapping or
10 conflicting permit requirements; and
- 11 (C) Communicate the potential short and long-term
12 impacts of proposed significant coastal
13 developments early in their life cycle and in
14 terms understandable to the public to facilitate
15 public participation in the planning and review
16 process;
- 17 (8) Public participation;
- 18 (A) Promote public involvement in coastal zone
19 management processes;
- 20 (B) Disseminate information on coastal management
21 issues by means of educational materials,



- 1 published reports, staff contact, and public
- 2 workshops for persons and organizations concerned
- 3 with coastal issues, developments, and government
- 4 activities; and
- 5 (C) Organize workshops, policy dialogues, and
- 6 site-specific mediations to respond to coastal
- 7 issues and conflicts;
- 8 (9) Beach protection;
- 9 (A) Locate new structures inland from the shoreline
- 10 setback to conserve open space, minimize
- 11 interference with natural shoreline processes,
- 12 and minimize loss of improvements due to erosion;
- 13 (B) Prohibit construction of private shoreline
- 14 hardening structures, including seawalls and
- 15 revetments, at sites having sand beaches and at
- 16 sites where shoreline hardening structures
- 17 interfere with existing recreational and
- 18 waterline activities;
- 19 (C) Minimize the construction of public shoreline
- 20 hardening structures, including seawalls and
- 21 revetments, at sites having sand beaches and at



- 1 sites where shoreline hardening structures
2 interfere with existing recreational and
3 waterline activities;
- 4 (D) Minimize grading of and damage to coastal dunes;
- 5 (E) Prohibit private property owners from creating a
6 public nuisance by inducing or cultivating the
7 private property owner's vegetation in a beach
8 transit corridor; and
- 9 (F) Prohibit private property owners from creating a
10 public nuisance by allowing the private property
11 owner's unmaintained vegetation to interfere or
12 encroach upon a beach transit corridor; and
- 13 (10) Marine and coastal resources;
- 14 (A) Ensure that the use and development of marine and
15 coastal resources are ecologically and
16 environmentally sound and economically
17 beneficial;
- 18 (B) Coordinate the management of marine and coastal
19 resources and activities to improve effectiveness
20 and efficiency;



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

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

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

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2026-2027 for the purposes of this Act, including:

(1) Facilitating the identification and establishment of regional shoreline mitigation districts;



(2) Coordinating interagency review of regional coastal erosion and sediment management plans with the department of land and natural resources, county agencies, and relevant federal agencies, including the United States Army Corps of Engineers;

(3) Reviewing, evaluating, and approving regional coastal erosion and sediment management plans; and

(4) Providing technical assistance, guidance, and coordination to support the implementation of approved regional coastal erosion and sediment management plans.

The sum appropriated shall be expended by the office of planning and sustainable development for the purposes of this Act.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2026-2027 to hire one full-time equivalent (1.0 FTE) temporary planning analyst to carry out the purposes of this Act; provided that this position shall be exempt from chapter 76, Hawaii Revised Statutes.



1 The sum appropriated shall be expended by the office of
2 planning and sustainable development for the purposes of this
3 Act.

4 SECTION 7. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 8. This Act shall take effect on January 1, 2027;
7 provided that sections 5 and 6 shall take effect on July 1,
8 2026.

9

INTRODUCED BY: *Tracey A. Sprague*



S.B. NO. 2401

Report Title:

OPSD; Regional Shoreline Mitigation Districts; Coastal Erosion; Plans; Permits; Appropriations

Description:

Authorizes the Office of Planning and Sustainable Development to approve the establishment of regional shoreline mitigation districts to facilitate regional coordination by shoreline property owners to address coastal erosion. Requires the preparation of a regional coastal erosion and sediment management plan for each regional shoreline mitigation district. Establishes procedures for the review of state and county permits associated with regional shoreline mitigation districts. Establishes the support and integration of regional coastline erosion and sediment management planning as a policy under the coastal zone management program. Appropriates moneys and establishes 1.0 FTE temporary position.

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

