

JAN 21 2026

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# A BILL FOR AN ACT

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RELATING TO EMERGENCY EROSION MITIGATION.

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

1       SECTION 1. The legislature finds that Hawaii's coastal  
2 communities are experiencing increasing instances of rapid  
3 shoreline erosion that threaten existing homes, public safety,  
4 coastal access, and essential public infrastructure. While  
5 Act 16, Session Laws of Hawaii 2020, strengthened the State's  
6 policy of preserving natural shoreline processes and generally  
7 prohibiting private shoreline hardening structures, the  
8 legislature recognizes that some flexibility is necessary to  
9 address situations where erosion poses an imminent threat to  
10 life, property, or public safety.

11       The legislature further finds that chapter 205A, Hawaii  
12 Revised Statutes, currently restricts private shoreline  
13 hardening through an express prohibition, which may limit the  
14 ability of state and county authorities to authorize narrowly  
15 tailored erosion control measures in emergency circumstances.  
16 The legislature believes that amending this framework to require  
17 the minimization, rather than the absolute prohibition, of



1 shoreline hardening will allow the use of carefully reviewed and  
2 appropriately conditioned emergency measures where necessary,  
3 while preserving the State's strong policy preference against  
4 unnecessary or excessive shoreline armoring.

5 The legislature recognizes that an emergency land use  
6 permitting process exists under the jurisdiction of the  
7 department of land and natural resources for lands within the  
8 conservation district. However, the existing statutory  
9 framework does not establish a defined duration for emergency  
10 permits or clarify their role as temporary measures intended to  
11 stabilize conditions while longer-term solutions are evaluated  
12 and pursued through applicable land use and shoreline management  
13 processes, including those under chapter 205A, Hawaii Revised  
14 Statutes. This lack of clarity has resulted in uncertainty for  
15 applicants, regulators, and affected communities.

16 Accordingly, the purpose of this Act is to:

- 17 (1) Amend section 205A-2, Hawaii Revised Statutes, to  
18 replace the absolute prohibition on private shoreline  
19 hardening with a policy requiring the minimization of  
20 these structures, thereby allowing limited, carefully



1           conditioned shoreline protection measures where  
2           necessary to address imminent erosion threats; and  
3       (2) Amend chapter 183C, Hawaii Revised Statutes, by  
4           establishing a clear, time-limited statutory framework  
5           for emergency permits within the conservation  
6           district, including defined standards for permit  
7           duration and extension.

8       These amendments are intended to provide a balanced,  
9 responsible, and clearly regulated approach that allows  
10 emergency and, where appropriate, longer-term shoreline  
11 protection measures, while maintaining Hawaii's long-standing  
12 commitment to preserving natural shoreline processes and public  
13 coastal resources.

14       SECTION 2. Chapter 183C, Hawaii Revised Statutes, is  
15 amended by adding a new section to be appropriately designated  
16 and to read as follows:

17       "~~S183C-~~     **Emergency permits.**   (a) An emergency permit  
18 issued pursuant to this chapter shall be valid for a period of  
19 up to five years from the date of issuance. The chairperson, or  
20 the deputy director when acting in the chairperson's absence,  
21 may authorize one or more extensions of an emergency permit



1 beyond the initial approved period only upon a determination,  
2 supported by written findings, that:

3       (1) Emergency conditions or public safety concerns persist  
4       notwithstanding the measures authorized under the  
5       permit; and

6       (2) Continued authorization of the emergency use remains  
7       necessary to prevent imminent harm while longer-term  
8       solutions consistent with the conservation district  
9       are pursued.

10       (b) A permittee seeking an extension shall submit a  
11 written request no later than ninety days prior to the  
12 expiration of the initial permit period, including documentation  
13 demonstrating the continuing emergency condition and the steps  
14 taken or planned to address the underlying cause of the  
15 emergency."

16       SECTION 3. Section 205A-2, Hawaii Revised Statutes, is  
17 amended by amending subsection (c) to read as follows:

18       "(c) Policies.

19       (1) Recreational resources;

20               (A) Improve coordination and funding of coastal  
21               recreational planning and management; and



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



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

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

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

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

(viii) Encouraging reasonable dedication of shoreline areas with recreational value for



1 public use as part of discretionary  
2 approvals or permits by the land use  
3 commission, board of land and natural  
4 resources, and county authorities; and  
5 crediting that dedication against the  
6 requirements of section 46-6;

7 (2) Historic resources;

8 (A) Identify and analyze significant archaeological  
9 resources;

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

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

16 (3) Scenic and open space resources;

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

19 (B) Ensure that new developments are compatible with  
20 their visual environment by designing and  
21 locating those developments to minimize the



1 alteration of natural landforms and existing  
2 public views to and along the shoreline;

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

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

8 (4) Coastal ecosystems;

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

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

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

17 (D) Minimize disruption or degradation of coastal  
18 water ecosystems by effective regulation of  
19 stream diversions, channelization, and similar  
20 land and water uses, recognizing competing water  
21 needs; and



(E) Promote water quantity and quality planning and management practices that reflect the tolerance of fresh water and marine ecosystems and maintain and enhance water quality through the development and implementation of point and nonpoint source water pollution control measures;

(5) Economic uses;

(A) Concentrate coastal dependent development in appropriate areas;

(B) Ensure that coastal dependent development and coastal related development are located, designed, and constructed to minimize exposure to coastal hazards and adverse social, visual, and environmental impacts in the coastal zone management area; and

(C) Direct the location and expansion of coastal development to areas designated and used for that development and permit reasonable long-term growth at those areas, and permit coastal development outside of designated areas when:

(i) Use of designated locations is not feasible;



- 1                   (ii) Adverse environmental effects and risks from  
2                   coastal hazards are minimized; and  
3                   (iii) The development is important to the State's  
4                   economy;

5       (6) Coastal hazards;

6           (A) Develop and communicate adequate information  
7           about the risks of coastal hazards;

8           (B) Control development, including planning and  
9           zoning control, in areas subject to coastal  
10          hazards;

11          (C) Ensure that developments comply with requirements  
12          of the National Flood Insurance Program; and

13          (D) Prevent coastal flooding from inland projects;

14       (7) Managing development;

15           (A) Use, implement, and enforce existing law  
16           effectively to the maximum extent possible in  
17           managing present and future coastal zone  
18           development;

19           (B) Facilitate timely processing of applications for  
20           development permits and resolve overlapping or  
21           conflicting permit requirements; and



(C) Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life cycle and in terms understandable to the public to facilitate public participation in the planning and review process;

(8) Public participation;

(A) Promote public involvement in coastal zone management processes;

(B) Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal issues, developments, and government activities; and

(C) Organize workshops, policy dialogues, and site-specific mediations to respond to coastal issues and conflicts;

(9) Beach protection;

(A) Locate new structures inland from the shoreline setback to conserve open space, minimize



- 1 interference with natural shoreline processes,
- 2 and minimize loss of improvements due to erosion;
- 3 (B) [~~Prohibit~~] Minimize the construction of private
- 4 shoreline hardening structures, including
- 5 seawalls and revetments, at sites having sand
- 6 beaches and at sites where shoreline hardening
- 7 structures interfere with existing recreational
- 8 and waterline activities;
- 9 (C) Minimize the construction of public shoreline
- 10 hardening structures, including seawalls and
- 11 revetments, at sites having sand beaches and at
- 12 sites where shoreline hardening structures
- 13 interfere with existing recreational and
- 14 waterline activities;
- 15 (D) Minimize grading of and damage to coastal dunes;
- 16 (E) Prohibit private property owners from creating a
- 17 public nuisance by inducing or cultivating the
- 18 private property owner's vegetation in a beach
- 19 transit corridor; and
- 20 (F) Prohibit private property owners from creating a
- 21 public nuisance by allowing the private property



1 owner's unmaintained vegetation to interfere or  
2 encroach upon a beach transit corridor; and  
3 (10) Marine and coastal resources;  
4 (A) Ensure that the use and development of marine and  
5 coastal resources are ecologically and  
6 environmentally sound and economically  
7 beneficial;  
8 (B) Coordinate the management of marine and coastal  
9 resources and activities to improve effectiveness  
10 and efficiency;  
11 (C) Assert and articulate the interests of the State  
12 as a partner with federal agencies in the sound  
13 management of ocean resources within the United  
14 States exclusive economic zone;  
15 (D) Promote research, study, and understanding of  
16 ocean and coastal processes, impacts of climate  
17 change and sea level rise, marine life, and other  
18 ocean resources to acquire and inventory  
19 information necessary to understand how coastal  
20 development activities relate to and impact ocean  
21 and coastal resources; and



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

4 SECTION 4. This Act does not affect rights and duties that  
5 matured, penalties that were incurred, and proceedings that were  
6 begun before its effective date.

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

9 SECTION 6. This Act shall take effect on January 1, 2027.

10  
INTRODUCED BY:

*Sasani R. Inouye*



# S.B. NO. 2402

**Report Title:**

Coastal Zone Management; Erosion Mitigation; Shorelines; Permits

**Description:**

Replaces the current statutory prohibition on private shoreline hardening with a policy directing the minimization of these structures. Establishes a clear, time-limited statutory framework for emergency permits within the conservation district, including defined standards for permit duration and extension.

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