THE SENATE
THIRTY-THIRD LEGISLATURE, 2026
STATE OF HAWAII

JAN 21 2026

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:

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

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

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

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

(1) Authorize the creation of regional shoreline mitigation plans for shoreline properties;

(2) Provide a clear planning and approval process for regional mitigation plans;

(3) Ensure coordination among the office of planning and sustainable development, department of land and natural resources, and county planning departments; and

(4) Facilitate property owners' collective financing of regional projects using assessment districts, community facilities districts, tax increment financing, bonds, and other financing tools.

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:

"CHAPTER

REGIONAL SHORELINE MITIGATION DISTRICTS

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

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

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

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

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

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

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

(1) Identify potential regional shoreline mitigation districts based primarily on clusters of shoreline parcels;

(2) Coordinate interagency review among the department of land and natural resources, county planning departments, and relevant federal agencies, including the United States Army Corps of Engineers if federal authorization, permitting, technical review, approval, or funding may be required;

(3) Facilitate participation by shoreline property owners; 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

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

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

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

(1) Satisfies the requirements of subsection (b);

(2) Is consistent with applicable state and county land use policies; and

(3) Provides a coordinated, regionally appropriate approach to addressing coastal erosion and sediment management affecting shoreline properties.

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

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

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

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

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

(1) Special assessment districts;

(2) Community facilities districts;

(3) Tax increment financing;

(4) The issuance of bonds by the county at the request of private property owners; and

(5) Any other available public or private financing tool.

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

applicable approved regional coastal erosion and sediment management plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) Nothing in this section shall be construed to limit the authority of the department to impose conditions or deny a permit where necessary to protect public trust resources, natural shoreline processes, or public access based on site-specific impacts not previously evaluated during the regional coastal erosion and sediment management plan approval. The department shall consult with the office of planning and sustainable development and the applicable county regarding implementation of an approved regional coastal erosion and sediment management plan when evaluating a permit application under this chapter."

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

"(c) Policies.

(1) Recreational resources;

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

(B) Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:

(i) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;

(ii) Requiring restoration of coastal resources that have significant recreational and ecosystem value, including but not limited to coral reefs, surfing sites, fishponds, sand beaches, and coastal dunes, when these resources will be unavoidably damaged by development; or requiring monetary compensation to the State for recreation when restoration is not feasible or desirable;

(iii) Providing and managing adequate public access, consistent with conservation of

natural resources, to and along shorelines 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 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

stream diversions, channelization, and similar land and water uses, recognizing competing water 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;

(ii) Adverse environmental effects and risks from coastal hazards are minimized; and

(iii) The development is important to the State's economy;

(6) Coastal hazards;

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

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

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

(D) Prevent coastal flooding from inland projects; and

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

processes, to the extent feasible and consistent with this chapter;

(7) Managing development;

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

(B) Facilitate timely processing of applications for development permits and resolve overlapping or 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 interference with natural shoreline processes, and minimize loss of improvements due to erosion;

(B) Prohibit 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 the 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;

(D) Minimize grading of and damage to coastal dunes;

(E) Prohibit private property owners from creating a public nuisance by inducing or cultivating the private property owner's vegetation in a beach transit corridor; and

(F) Prohibit private property owners from creating a public nuisance by allowing the private property owner's unmaintained vegetation to interfere or encroach upon a beach transit corridor; and

(10) Marine and coastal resources;

(A) Ensure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;

(B) Coordinate the management of marine and coastal resources and activities to improve effectiveness 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.

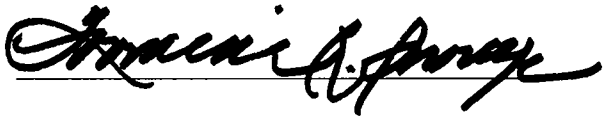
The sum appropriated shall be expended by the office of planning and sustainable development for the purposes of this Act.

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.

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

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

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

INTRODUCED BY: 

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.