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# 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 Hawaii's beaches and  
2 shorelines are some of the State's most critical public assets.  
3 Public beaches often define their surrounding communities and  
4 are invaluable assets at the center of Hawaii's economy and way  
5 of life for local residents. However, accelerating shoreline  
6 erosion, wave impacts, and coastal hazards are threatening  
7 public beaches, shoreline properties, and infrastructure across  
8 the State. Given these impacts, effective shoreline planning  
9 for the short- and long-term will require collaboration among  
10 communities and regional shoreline property owners and  
11 interagency coordination.

12           The legislature further finds that the office of planning  
13 and sustainable development serves a statewide planning and  
14 coordination role and is well-positioned to facilitate  
15 interagency coordination and regional shoreline planning  
16 efforts.



1           The legislature also finds that a statewide framework is  
2 needed to support the development and adoption of short- and  
3 long-term shoreline management plans and the use of collective  
4 financing mechanisms for regional shoreline management property  
5 acquisition and projects. Adaptation pathways planning to  
6 address sea level rise and preserve the State's beaches provides  
7 a mechanism to propose both short- and long-term solutions,  
8 including beach management and erosion mitigation; retreat from  
9 the coastline; and time for planning and implementation of these  
10 solutions.

11           The purpose of this Act is to establish a shoreline  
12 adaptation pathways planning framework under chapter 225M,  
13 Hawaii Revised Statutes, by creating regional shoreline  
14 mitigation districts in which communities can work together to  
15 develop shoreline adaptation pathways plans.

16           SECTION 2. Chapter 225M, Hawaii Revised Statutes, is  
17 amended by adding a new section to be appropriately designated  
18 and to read as follows:

19           "§225M-       Shoreline adaptation pathways planning. (a)

20           The office shall serve in a planning and coordination role to



1 develop shoreline adaptation pathways plans for designated  
2 regional shoreline mitigation districts. The office shall:

3       (1) Identify potential regional shoreline mitigation  
4       districts on a regional scale, including but not  
5       limited to ahupuaa, coastal processes, and documented  
6       and predicted erosion rates, and functionally  
7       connected sediment cells or littoral subcells;

8       (2) Assist state and county permitting and regulatory  
9       agencies by facilitating engagement and participation  
10       by community stakeholders; shoreline property owners;  
11       state, county, and federal agencies; and others as may  
12       be appropriate in the planning process; and

13       (3) Provide technical assistance and planning guidance in  
14       the preparation of shoreline adaptation pathways plans  
15       specific to each designated regional shoreline  
16       mitigation district.

17       (b) The designation of a regional shoreline mitigation  
18 district shall be for planning purposes only and shall not  
19 constitute approval of any specific shoreline adaptation pathway  
20 or project.



1        (c) When designating a regional shoreline mitigation  
2 district and developing a shoreline adaptation pathways plan,  
3 the office shall engage and work collaboratively with:

- 4        (1) The department of land and natural resources;
- 5        (2) The applicable county planning department;
- 6        (3) Affected shoreline property owners within the regional  
7        shoreline mitigation district; and
- 8        (4) Local businesses, community organizations, groups and  
9        individuals in the surrounding community.

10       (d) Each shoreline adaptation pathways plan shall include  
11 the elements and criteria required under this part, including  
12 but not limited to:

- 13       (1) An assessment of the public trust resources that are  
14       at risk within the regional shoreline mitigation  
15       district, and their value to the surrounding and  
16       broader community and economy;
- 17       (2) An assessment of shoreline structures that are at risk  
18       within the regional shoreline mitigation district, and  
19       their value to the shoreline property owners;



- 1        (3) An analysis of potential shoreline adaptation pathways  
2            appropriate to the regional shoreline mitigation  
3            district;
- 4        (4) An analysis of the social, cultural, environmental,  
5            and economic impacts for shoreline adaptation pathways  
6            plans;
- 7        (5) The identification of any federal authorizations,  
8            permits, or approvals required to implement the  
9            shoreline adaptation pathways plan, including  
10           consultation with the United States Army Corps of  
11           Engineers, if appropriate;
- 12        (6) Identification and coordination among the State,  
13            counties, and affected shoreline property owners to  
14            address ownership, maintenance, and other  
15            jurisdictional issues necessary to implement shoreline  
16            adaptation pathways within the regional shoreline  
17            mitigation district; and
- 18        (7) Viable financing tools for shoreline adaptation  
19            pathways plans, including:
  - 20            (A) Private financing;
  - 21            (B) Special assessment districts;



1           (C) Community facilities districts;

2           (D) Tax increment financing;

3           (E) Issuance of bonds; and

4           (F) Any other available financing tool.

5           (e) Any shoreline adaptation pathways plan shall  
6 prioritize the preservation of the public trust resources at  
7 risk within the regional shoreline mitigation district,  
8 including public beaches and dunes; shall protect and maintain  
9 lateral public beach access along the shoreline; and may include  
10 the protection of shoreline properties.

11           (f) Any shoreline adaptation pathways plan shall engage in  
12 culturally informed, community-engaged planning to determine the  
13 appropriate shoreline adaptation pathway when considering the  
14 impacts to public trust resources; impacts to private property;  
15 the social, cultural, environmental, and economic impacts of  
16 each potential shoreline adaptation pathway considered; and a  
17 comparison of potential alternative options.

18           (g) Upon finalization of a shoreline adaptation pathways  
19 plan, the office may transmit the shoreline adaptation pathways  
20 plan, together with any comments and recommendations, to the  
21 board of land and natural resources for consideration and



1 adoption pursuant to this section. The board of land and natural  
2 resources may adopt a shoreline adaptation pathways plan upon a  
3 determination that the plan:

- 4 (1) Satisfies the requirements of this section;
- 5 (2) Is consistent with applicable state and county land  
6 use policies; and
- 7 (3) Provides coordinated, regionally appropriate shoreline  
8 adaptation pathways to best preserve public trust  
9 resources, public beaches, public access, and that may  
10 secondarily also reduce the risk of loss of structures  
11 along shoreline properties.

12 (h) For the purposes of this section:

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

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

20 "Regional shoreline mitigation district" means a designated  
21 coastal area comprising one or more functionally connected



1 sediment cells or littoral subcells and adjacent shoreline and  
2 nearby properties, established for purposes of coordinated  
3 shoreline protection and adaptation planning and implementation.

4 "Shoreline adaptation pathway" means a structural,  
5 non-structural, nature-based, hybrid, temporary, or permanent  
6 measure, including beach and dune restoration, armoring,  
7 elevating and floodproofing infrastructure, property  
8 acquisition, relocation, or retreat, needed to preserve public  
9 beaches, lower the risk of flooding and loss due to shoreline  
10 erosion, coastal flooding or shoreline hazard conditions over  
11 time.

12 "Shoreline adaptation pathways plan" means a coordinated  
13 regional shoreline management plan outlining the shoreline  
14 adaptation pathways appropriate for a specific regional  
15 shoreline mitigation district."

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

18 **"§183C-6 Permits and site plan approvals.** (a) The  
19 department shall regulate land use in the conservation district  
20 by the issuance of permits.



1 (b) The department shall render a decision on a completed  
2 application for a permit within one hundred eighty days of its  
3 acceptance by the department. If within one hundred eighty days  
4 after acceptance of a completed application for a permit, the  
5 department [~~shall fail~~] fails to give notice, hold a hearing,  
6 and render a decision, the owner may automatically put the  
7 owner's land to the use or uses requested in the owner's  
8 application. When an environmental impact statement is required  
9 pursuant to chapter 343, or when a contested case hearing is  
10 requested pursuant to chapter 91, the one hundred eighty days  
11 shall be extended an additional ninety days beyond the time  
12 necessary to complete the requirements of chapter 343 or chapter  
13 91. Any request for additional extensions by the applicant  
14 shall be subject to the approval of the board.

15 (c) The department shall hold a public hearing in every  
16 case involving the proposed use of land for commercial purposes,  
17 at which hearing interested persons shall be afforded a  
18 reasonable opportunity to be heard. Public notice of the time  
19 and place of the hearing shall be given at least once statewide  
20 and in the county in which the property is located. The notice  
21 shall be given [~~not less~~] no later than twenty days [~~prior to~~]



1 before the date set for the hearing. The hearing shall be held  
2 in the county in which the land is located and may be delegated  
3 to an agent or representative of the board as may otherwise be  
4 provided by law and in accordance with rules adopted by the  
5 board. For the purposes of its public hearing or hearings, the  
6 department shall have the power to summon witnesses, administer  
7 oaths, and require the giving of testimony. [~~As used in~~] For  
8 the purposes of this subsection, the term "commercial purposes"  
9 shall not include the use of land for utility purposes.

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

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

17 (f) Where a conservation district use permit application  
18 involves a shoreline adaptation pathway within a designated  
19 regional shoreline mitigation district pursuant to section  
20 225M- , the applicant may submit a shoreline adaptation  
21 pathways plan to the board as part of the application. The



1 board may approve any shoreline adaptation pathway consistent  
2 with the shoreline adaptation pathways plan. Nothing in this  
3 subsection shall limit the board's authority or discretion to  
4 approve, impose conditions on, or deny the application.

5 (g) The board may authorize a permit for up to five years  
6 with options for renewal for temporary emergency erosion control  
7 measures or shoreline stabilization structures where an  
8 inhabited dwelling, essential cultural or natural resource, or  
9 other major structure or public facility is in danger of  
10 destruction or severe damage due to natural hazards. The  
11 applicant shall demonstrate a concerted effort to develop or  
12 implement a long-term shoreline adaptation solution that  
13 prioritizes preservation of public trust resources and that will  
14 allow the temporary emergency erosion control measures or  
15 shoreline stabilization structures to be removed.

16 For the purposes of this subsection, "concerted effort"  
17 means a bona fide planning effort to develop or implement a mid-  
18 to long-term management solution or a shoreline adaption  
19 pathways plan pursuant to section 225M- ."

20 SECTION 4. If any provision of this Act, or the  
21 application thereof to any person or circumstance, is held



1 invalid, the invalidity does not affect other provisions or  
2 applications of the Act that can be given effect without the  
3 invalid provision or application, and to this end the provisions  
4 of this Act are severable.

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

7 SECTION 6. This Act shall take effect on July 1, 2026.



**S.B. NO.** 2401  
S.D. 1  
H.D. 2  
C.D. 1

**Report Title:**

OPSD; Regional Shoreline Mitigation Districts; Coastal Erosion;  
Shoreline Adaptation Pathways Planning; Permits

**Description:**

Requires the Office of Planning and Sustainable Development to plan and serve in a coordinating role to develop shoreline adaptation pathways plans for regional shoreline mitigation districts designated by OPSD. Establishes procedures for the review of state and county permits associated with regional shoreline mitigation districts. (CD1)

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