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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 community-engaged planning to determine the appropriate  
13 shoreline adaptation pathway when considering the impacts to  
14 public trust resources; impacts to private property; the social,  
15 cultural, environmental, and economic impacts of each potential  
16 shoreline adaptation pathway considered; and a comparison of  
17 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



1 board of land and natural resources for consideration; provided  
2 that the plan:

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

11 (h) For the purposes of this section:  
12 "Functionally connected sediment cell or littoral subcell"  
13 means a shoreline reach in which sediment transport processes  
14 operate as a unified system such that erosion or shoreline  
15 modification within one portion measurably influences conditions  
16 elsewhere within the reach.

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

19 "Regional shoreline mitigation district" means a designated  
20 coastal area comprising one or more functionally connected  
21 sediment cells or littoral subcells and adjacent shoreline and



1 nearby properties, established for purposes of coordinated  
2 shoreline protection and adaptation planning and implementation.

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

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

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

17 **"§183C-6 Permits and site plan approvals.** (a) The  
18 department shall regulate land use in the conservation district  
19 by the issuance of permits.

20 (b) The department shall render a decision on a completed  
21 application for a permit within one hundred eighty days of its



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

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



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

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

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

15 (f) An applicant may submit to the board a shoreline  
16 adaptation pathways plan that meets the requirements of 225M- .  
17 The board, upon approval of the plan, may approve an application  
18 for a conservation district use permit for a shoreline  
19 adaptation pathway that is consistent with the shoreline  
20 adaptation pathways plan and prioritizes the preservation of  
21 public trust resources. Nothing in this section shall limit the



1 authority or discretion of the board to impose conditions on or  
2 deny the application.

3 (g) The board may authorize a permit for temporary erosion  
4 control measures where an immediately dangerous shoreline  
5 condition affecting a structure has extended beyond the period  
6 authorized under an emergency permit. The applicant shall  
7 demonstrate a concerted effort to develop and implement a long-  
8 term shoreline adaptation pathways plan that prioritizes the  
9 preservation of public trust resources and that will allow the  
10 temporary erosion control measures to be removed. The applicant  
11 shall demonstrate the capacity to provide for the removal of the  
12 temporary erosion control measures.

13 For the purposes of this subsection, "concerted effort"  
14 means a bona fide effort to develop and implement a shoreline  
15 adaption pathways plan within a regional shoreline mitigation  
16 district pursuant to section 225M- ."

17 SECTION 4. If any provision of this Act, or the  
18 application thereof to any person or circumstance, is held  
19 invalid, the invalidity does not affect other provisions or  
20 applications of the Act that can be given effect without the



1 invalid provision or application, and to this end the provisions  
2 of this Act are severable.

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

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



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

**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. (CD2)

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