
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 statewide
12 shoreline adaptation pathways planning framework under chapter
13 225M, Hawaii Revised Statutes, by creating regional shoreline
14 mitigation districts that can work together to develop
15 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, documented and
6 predicted erosion rates, and functionally connected
7 sediment cells or littoral subcells;

8 (2) Facilitate participation by community stakeholders,
9 shoreline property owners, and others as may be
10 appropriate; and

11 (3) Provide technical assistance and planning guidance for
12 the preparation of shoreline adaptation pathways
13 within a regional shoreline mitigation district.

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

18 (c) When designating a regional shoreline mitigation
19 district and developing a shoreline adaptation pathways plan,
20 the office shall work with community stakeholders, shoreline
21 property owners, and other stakeholders as may be appropriate



1 within that regional shoreline mitigation district and
2 surrounding community to collaboratively develop a shoreline
3 adaptation pathways plan.

4 (d) The office shall coordinate with:

5 (1) The department of land and natural resources;

6 (2) The applicable county planning department;

7 (3) Affected shoreline property owners within the regional
8 shoreline mitigation district; and

9 (4) Local businesses, community organizations, groups and
10 individuals in the proposed district and surrounding
11 community,

12 in the development of each shoreline adaptation pathways plan.

13 (e) Each shoreline adaptation pathways plan shall include
14 the elements and criteria required under this part, including
15 but not limited to:

16 (1) An analysis of the public trust resources that are at
17 risk within the regional shoreline mitigation district
18 and their value to the surrounding and broader
19 community and economy;



- 1 (2) An assessment of structural risks to shoreline
2 properties within the regional shoreline mitigation
3 district, and their value;
- 4 (3) A characterization of sediment transport and erosion
5 conditions within the regional shoreline mitigation
6 district;
- 7 (4) An analysis of potential short-term shoreline
8 adaptation pathways appropriate to the regional
9 shoreline mitigation district;
- 10 (5) An analysis of potential long-term shoreline
11 adaptation pathways appropriate to the regional
12 shoreline mitigation district;
- 13 (6) An analysis of the social, cultural, environmental,
14 and economic impact for each potential short- and
15 long-term shoreline adaptation pathway;
- 16 (7) A proposed implementation schedule for short- and
17 long-term shoreline adaptation pathways;
- 18 (8) The identification of any federal authorizations,
19 permits, or approvals required to implement the
20 shoreline adaptation pathways plan, including
21 consultation with the United States Army Corps of



1 Engineers, if projects may affect navigable waters,
2 shorelines, or federally regulated waters;

3 (9) Identification and coordination among the State,
4 counties, and affected shoreline property owners to
5 address ownership, maintenance, and other
6 jurisdictional issues necessary to implement shoreline
7 adaptation pathways within the regional shoreline
8 mitigation district; and

9 (10) Viable financing options for each shoreline adaptation
10 pathways plan, including:

11 (A) Special assessment districts;

12 (B) Community facilities districts;

13 (C) Tax increment financing;

14 (D) Issuance of bonds by the county at the request of
15 private property owners; and

16 (E) Any other available public or private financing
17 tool.

18 (f) Any shoreline adaptation pathway identified or
19 proposed in the shoreline adaptation pathways plan shall
20 prioritize the preservation of public beach and shoreline



1 properties and shall provide for lateral public access along the
2 shoreline.

3 (g) Any shoreline adaptation plan shall engage in
4 culturally informed, community-engaged planning to determine the
5 appropriate shoreline adaptation pathway when considering the
6 impacts to public trust resources; impacts to private property;
7 and the social, cultural, environmental, and economic impacts of
8 each potential shoreline adaptation pathway considered.

9 (h) The office shall coordinate its review of the
10 shoreline adaptation pathways plan with the department of land
11 and natural resources, applicable county agencies, and relevant
12 federal agencies, including the United States Army Corps of
13 Engineers, if federal authorization, permitting, technical
14 review, approval, or funding may be required.

15 (i) Upon finalization of a shoreline adaptation pathways
16 plan, the office may transmit the shoreline adaptation pathways
17 plan, together with any comments and recommendations, to the
18 board of land and natural resources for consideration and
19 adoption pursuant to this section. The board of land and
20 natural resources may adopt a shoreline adaptation pathways plan
21 upon a determination that the plan:



- 1 (1) Satisfies the requirements of subsections (e) through
- 2 (h);
- 3 (2) Is consistent with applicable state and county land
- 4 use policies; and
- 5 (3) Provides coordinated, regionally appropriate shoreline
- 6 adaptation pathways that best preserve public trust
- 7 resources, public beaches, and public access and may
- 8 reduce risk, damage, or exposure from shoreline
- 9 erosion, coastal flooding, or shoreline hazard
- 10 conditions affecting shoreline properties.

11 Approval of a shoreline adaptation pathways plan by the
12 board of land and natural resources shall constitute approval of
13 the plan for planning purposes only.

14 (j) As used in this section:

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

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



1 "Regional shoreline mitigation district" means a designated
2 coastal area composed primarily of shoreline and adjacent
3 properties located within the same functionally connected
4 sediment cell or littoral subcell, established for purposes of
5 coordinated shoreline protection and adaptation planning and
6 implementation.

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

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

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



1 "§183C-6 Permits and site plan approvals. (a) The
2 department shall regulate land use in the conservation district
3 by the issuance of permits.

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

18 (c) The department shall hold a public hearing in every
19 case involving the proposed use of land for commercial purposes,
20 at which hearing interested persons shall be afforded a
21 reasonable opportunity to be heard. Public notice of the time



1 and place of the hearing shall be given at least once statewide
2 and in the county in which the property is located. The notice
3 shall be given [~~not less~~] no later than twenty days [~~prior to~~]
4 before the date set for the hearing. The hearing shall be held
5 in the county in which the land is located and may be delegated
6 to an agent or representative of the board as may otherwise be
7 provided by law and in accordance with rules adopted by the
8 board. For the purposes of its public hearing or hearings, the
9 department shall have the power to summon witnesses, administer
10 oaths, and require the giving of testimony. As used in this
11 subsection, the term "commercial purposes" shall not include the
12 use of land for utility purposes.

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

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

20 (f) Where a conservation district use permit application
21 involves shoreline adaptation pathways within a designated



1 regional shoreline mitigation district pursuant to section
2 225M- , the applicant shall submit a shoreline adaptation
3 pathways plan to the board as part of the application. The
4 board may approve shoreline adaptation pathways consistent with
5 the shoreline adaptation pathways plan. Nothing in this
6 subsection shall limit the board's authority or discretion to
7 approve, impose conditions on, or deny the application.

8 (g) The board may authorize a permit for temporary
9 shoreline hardening structures where an imminently dangerous
10 shoreline condition affecting a structure has extended beyond
11 the period authorized under an emergency permit. The applicant
12 shall demonstrate a concerted effort to develop or implement a
13 long-term shoreline adaptation solution that will allow the
14 temporary erosion control measures to be removed.

15 As used in this subsection, "concerted effort" means a bona
16 fide planning effort to develop and implement a shoreline
17 adaptation pathways plan using shoreline adaptation pathways
18 within a regional shoreline mitigation district pursuant to
19 section 225M- ."

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



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



- 1 (iii) Providing and managing adequate public
2 access, consistent with conservation of
3 natural resources, to and along shorelines
4 with recreational value;
- 5 (iv) Providing an adequate supply of shoreline
6 parks and other recreational facilities
7 suitable for public recreation;
- 8 (v) Ensuring public recreational uses of county,
9 state, and federally owned or controlled
10 shoreline lands and waters having
11 recreational value consistent with public
12 safety standards and conservation of natural
13 resources;
- 14 (vi) Adopting water quality standards and
15 regulating point and nonpoint sources of
16 pollution to protect[7] and, where feasible,
17 restore the recreational value of coastal
18 waters;
- 19 (vii) Developing new shoreline recreational
20 opportunities[7] where appropriate, [~~such~~
21 ~~as~~] including artificial lagoons, artificial



- 1 beaches, and artificial reefs for surfing
2 and fishing; and
- 3 (viii) Encouraging reasonable dedication of
4 shoreline areas with recreational value for
5 public use as part of discretionary
6 approvals or permits by the land use
7 commission, board of land and natural
8 resources, and county authorities; and
9 crediting that dedication against the
10 requirements of section 46-6;
- 11 (2) Historic resources;
- 12 (A) Identify and analyze significant archaeological
13 resources;
- 14 (B) Maximize information retention through
15 preservation of remains and artifacts or salvage
16 operations; and
- 17 (C) Support state goals for protection, restoration,
18 interpretation, and display of historic
19 resources;
- 20 (3) Scenic and open space resources;



- 1 (A) Identify valued scenic resources in the coastal
2 zone management area;
- 3 (B) Ensure that new developments are compatible with
4 their visual environment by designing and
5 locating those developments to minimize the
6 alteration of natural landforms and existing
7 public views to and along the shoreline;
- 8 (C) Preserve, maintain, and, where desirable, improve
9 and restore shoreline open space and scenic
10 resources; and
- 11 (D) Encourage [~~these~~] developments that are not
12 coastal dependent to locate in inland areas;
- 13 (4) Coastal ecosystems;
- 14 (A) Exercise an overall conservation ethic[7] and
15 practice stewardship in the protection, use, and
16 development of marine and coastal resources;
- 17 (B) Improve the technical basis for natural resource
18 management;
- 19 (C) Preserve valuable coastal ecosystems of
20 significant biological or economic importance,
21 including reefs, beaches, and dunes;



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



- 1 (C) Direct the location and expansion of coastal
- 2 development to areas designated and used for
- 3 [~~that~~] development and permit reasonable long-
- 4 term growth at [~~these~~] designated areas, and
- 5 permit coastal development outside of designated
- 6 areas when:
 - 7 (i) Use of designated locations is not feasible;
 - 8 (ii) Adverse environmental effects and risks from
 - 9 coastal hazards are minimized; and
 - 10 (iii) The development is important to the State's
 - 11 economy;
- 12 (6) Coastal hazards;
 - 13 (A) Develop and communicate adequate information
 - 14 about the risks of coastal hazards;
 - 15 (B) Control development, including planning and
 - 16 zoning control, in areas subject to coastal
 - 17 hazards;
 - 18 (C) Ensure that developments comply with requirements
 - 19 of the National Flood Insurance Program; [~~and~~]
 - 20 (D) Prevent coastal flooding from inland projects;
 - 21 and



- 1 (E) Support and integrate shoreline adaptation
- 2 pathways planning for the preservation of public
- 3 beaches and public trust resources, which may
- 4 include the protection of shoreline properties,
- 5 into county special management area planning and
- 6 permitting processes, to the extent feasible and
- 7 consistent with this chapter;
- 8 (7) Managing development;
- 9 (A) Use, implement, and enforce existing law
- 10 effectively to the maximum extent possible in
- 11 managing present and future coastal zone
- 12 development;
- 13 (B) Facilitate timely processing of applications for
- 14 development permits and resolve overlapping or
- 15 conflicting permit requirements; and
- 16 (C) Communicate the potential short and long-term
- 17 impacts of proposed significant coastal
- 18 developments early in their life cycle and in
- 19 terms understandable to the public to facilitate
- 20 public participation in the planning and review
- 21 process;



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



1 interfere with existing recreational and
2 waterline activities; provided that counties may
3 approve temporary shoreline hardening structures
4 where an imminently dangerous shoreline condition
5 has extended beyond an emergency authorization
6 pursuant to section 183C-6(g);

7 (C) Minimize the construction of public shoreline
8 hardening structures, including seawalls and
9 revetments, at sites having sand beaches and at
10 sites where shoreline hardening structures
11 interfere with existing recreational and
12 waterline activities;

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

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

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



- 1 (10) Marine and coastal resources;
- 2 (A) Ensure that the use and development of marine and
- 3 coastal resources are ecologically and
- 4 environmentally sound and economically
- 5 beneficial;
- 6 (B) Coordinate the management of marine and coastal
- 7 resources and activities to improve effectiveness
- 8 and efficiency;
- 9 (C) Assert and articulate the interests of the State
- 10 as a partner with federal agencies in the sound
- 11 management of ocean resources within the United
- 12 States exclusive economic zone;
- 13 (D) Promote research, study, and understanding of
- 14 ocean and coastal processes, impacts of climate
- 15 change and sea level rise, marine life, and other
- 16 ocean resources to acquire and inventory
- 17 information necessary to understand how coastal
- 18 development activities relate to and impact ocean
- 19 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 5. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$ or so
6 much thereof as may be necessary for fiscal year 2026-2027 for
7 the purposes of this Act, including:

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

10 (2) Coordinating interagency review of shoreline
11 adaptation pathways plans with the department of land
12 and natural resources, county agencies, and relevant
13 federal agencies, including the United States Army
14 Corps of Engineers;

15 (3) Reviewing, evaluating, and approving shoreline
16 adaptation pathways plans; and

17 (4) Providing technical assistance, guidance, and
18 coordination to support the implementation of approved
19 shoreline adaptation pathways plans.



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

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

14 SECTION 7. If any provision of this Act, or the
15 application thereof to any person or circumstance, is held
16 invalid, the invalidity does not affect other provisions or
17 applications of the Act that can be given effect without the
18 invalid provision or application, and to this end the provisions
19 of this Act are severable.

20 SECTION 8. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 9. This Act shall take effect on July 1, 3000;
2 provided that sections 5 and 6 shall take effect on July 1,
3 2026.



Report Title:

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

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. Requires OPSD to coordinate shoreline adaptation pathways planning with the Department of Land and Natural Resources, applicable county and federal agencies, and the community. Requires OPSD to collaborate with community stakeholders and consider certain criteria when developing a shoreline adaptation pathways plan. Requires OPSD, upon finalization of a shoreline adaptation pathways plan to transmit the plan to the Board of Land and Natural Resources for approval. Authorizes BLNR to adopt a shoreline adaptation pathways plan after determining that the plan satisfies certain requirements. Establishes procedures for the review of state and county permits associated with regional shoreline mitigation districts. Establishes the support and integration of shoreline adaptation pathways planning as a policy under the Coastal Zone Management Program. Appropriates funds. Effective 7/1/3000.
(HD1)

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