
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 and designate regional shoreline mitigation
4 districts comprised primarily of contiguous shoreline
5 and shoreline-adjacent properties based on criteria
6 that include but are not limited to traditional
7 ahupuaa designation, interrelated coastal processes;
8 documented and predicted erosion rates, and functional
9 connection of sediment cells or littoral subcells, for
10 the purposes of implementing coordinated shoreline
11 protection and adaptation planning;
- 12 (2) Assist state and county permitting and regulatory
13 agencies by facilitating participation by community
14 stakeholders; shoreline property owners; state,
15 county, and federal agencies; and others as may be
16 appropriate in the planning process; and
- 17 (3) Provide technical assistance and planning guidance in
18 the preparation of shoreline adaptation pathways plans
19 specific to each designated regional shoreline
20 mitigation district, which may include structural or
21 non-structural, nature-based, hybrid, temporary, or



1 permanent measures including beach and dune
2 restoration, armoring, elevating and floodproofing
3 infrastructure, relocation, or retreat, to prioritize
4 the preservation of public beaches.

5 (b) Any shoreline adaptation pathway identified or
6 proposed in the shoreline adaptation pathways plan shall
7 prioritize the preservation of public beaches and dunes and
8 shall provide, protect, and maintain lateral public beach access
9 along the shoreline."

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

12 **"§183C-6 Permits and site plan approvals.** (a) The
13 department shall regulate land use in the conservation district
14 by the issuance of permits.

15 (b) The department shall render a decision on a completed
16 application for a permit within one hundred eighty days of its
17 acceptance by the department. If within one hundred eighty days
18 after acceptance of a completed application for a permit, the
19 department [~~shall fail~~] fails to give notice, hold a hearing,
20 and render a decision, the owner may automatically put the
21 owner's land to the use or uses requested in the owner's



1 application. When an environmental impact statement is required
2 pursuant to chapter 343, or when a contested case hearing is
3 requested pursuant to chapter 91, the one hundred eighty days
4 shall be extended an additional ninety days beyond the time
5 necessary to complete the requirements of chapter 343 or chapter
6 91. Any request for additional extensions by the applicant
7 shall be subject to the approval of the board.

8 (c) The department shall hold a public hearing in every
9 case involving the proposed use of land for commercial purposes,
10 at which hearing interested persons shall be afforded a
11 reasonable opportunity to be heard. Public notice of the time
12 and place of the hearing shall be given at least once statewide
13 and in the county in which the property is located. The notice
14 shall be given [~~not less~~] no later than twenty days [~~prior to~~]
15 before the date set for the hearing. The hearing shall be held
16 in the county in which the land is located and may be delegated
17 to an agent or representative of the board as may otherwise be
18 provided by law and in accordance with rules adopted by the
19 board. For the purposes of its public hearing or hearings, the
20 department shall have the power to summon witnesses, administer
21 oaths, and require the giving of testimony. As used in this



1 subsection, the term "commercial purposes" shall not include the
2 use of land for utility purposes.

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

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

10 (f) Where a conservation district use permit application
11 involves shoreline adaptation pathways within a designated
12 regional shoreline mitigation district pursuant to section
13 225M- , the applicant shall submit a shoreline adaptation
14 pathways plan to the board as part of the application. The
15 board may approve shoreline adaptation pathways consistent with
16 the shoreline adaptation pathways plan. Nothing in this
17 subsection shall limit the board's authority or discretion to
18 approve, impose conditions on, or deny the application.

19 (g) The board may authorize a permit for temporary
20 shoreline hardening structures where an imminently dangerous
21 shoreline condition affecting a structure has extended beyond



1 the period authorized under an emergency permit. The applicant
2 shall demonstrate a concerted effort to develop or implement a
3 long-term shoreline adaptation solution that will allow the
4 temporary erosion control measures to be removed.

5 As used in this subsection, "concerted effort" means a bona
6 fide planning effort to develop and implement a shoreline
7 adaptation pathways plan using shoreline adaptation pathways
8 within a regional shoreline mitigation district pursuant to
9 section 225M- ."

10 SECTION 4. If any provision of this Act, or the
11 application thereof to any person or circumstance, is held
12 invalid, the invalidity does not affect other provisions or
13 applications of the Act that can be given effect without the
14 invalid provision or application, and to this end the provisions
15 of this Act are severable.

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

18 SECTION 6. This Act shall take effect on July 1, 3000.



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. Effective 7/1/3000. (HD2)

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