THE SENATE
THIRTY-THIRD LEGISLATURE, 2026
STATE OF HAWAII

S.B. NO. 2401 S.D. 1

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

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

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

The purpose of this Act is to:

(1) Establish a statewide adaptation pathways planning framework under chapter 225M, Hawaii Revised Statutes, by creating regional shoreline mitigation districts that can work together to develop adaptation pathways plans; and

(2) Make conforming amendments to chapters 183C and 205A, Hawaii Revised Statutes.

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

"§225M- **Shoreline adaptation pathways planning.** (a) The office shall serve in a planning and coordination role to develop shoreline adaptation pathways plans for designated regional shoreline adaptation districts. The office shall:

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

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

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

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

(c) When designating a shoreline adaptation district and developing a shoreline adaptation pathways plan, the office

shall work with community stakeholders, shoreline property owners, and other stakeholders as may be appropriate within that regional shoreline adaptation district and surrounding community to collaboratively develop a shoreline adaptation pathways plan.

(d) The office shall coordinate with:

(1) The department of land and natural resources;

(2) The applicable county planning department;

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

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

in the development of each shoreline adaptation pathways plan.

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

(1) An analysis of the public trust resources that are at risk within the adaptation district, and their value to the surrounding and broader community and economy;

(2) An assessment of structural risks to shoreline properties within the regional shoreline mitigation district, and their value;

(3) A characterization of sediment transport and erosion conditions within the regional shoreline mitigation district;

(4) An analysis of potential short-term shoreline adaptation pathways appropriate to the regional shoreline mitigation district;

(5) An analysis of potential long-term shoreline adaptation pathways appropriate to the regional shoreline mitigation district;

(6) An analysis of the social, cultural, environmental, and economic impact for each potential short- and long-term shoreline adaptation pathway;

(7) An analysis of financing options for property owners;

(8) A proposed implementation schedule for short- and long-term shoreline adaptation pathways; and

(9) The identification of any federal authorizations, permits, or approvals required to implement the shoreline adaptation pathways plan, including

consultation with the United States Army Corps of Engineers, if projects may affect navigable waters, shorelines, or federally regulated waters.

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

(A) Special assessment districts;

(B) Community facilities districts;

(C) Tax increment financing;

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

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

(f) Any shoreline adaptation pathway identified or proposed in the shoreline adaptation pathways plan shall prioritize the preservation of public beach and shall provide for lateral public access along the shoreline.

(g) Any shoreline adaptation plan shall engage in culturally informed, community-engaged planning to determine the appropriate shoreline adaptation pathway when considering the impacts to public trust resources, impacts to private property,

and the social, cultural, environmental, and economic impacts of each potential shoreline adaptation pathway considered;

(h) The office shall coordinate its review of the shoreline adaptation pathways 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.

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

(1) Satisfies the requirements of subsections (e) through (h);

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

(3) Provides coordinated, regionally appropriate shoreline adaptation pathways to best preserve public trust

resources, public beaches, public access, and that may reduce risk, damage, or exposure from shoreline erosion, coastal flooding, or shoreline hazard conditions affecting shoreline properties.

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

(j) For the purposes of this section:

"Functionally connected sediment cell or littoral subcell" means a shoreline reach in which sediment transport processes operate as a unified system such 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 shoreline mitigation district" means a designated coastal area comprised primarily of shoreline and adjacent properties located within the same functionally connected sediment cell or littoral subcell, established for purposes of coordinated shoreline protection and adaptation planning and implementation.

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

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

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~~] fails 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~~] no later than twenty days [~~prior to~~] before 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~~] For the purposes of 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 conservation district use permit application involves shoreline adaptation pathways within a designated regional shoreline mitigation district pursuant to section 225M- , the applicant shall submit an adaptation pathways plan as part of the application. The department shall consider the plan as part of the record in its review. Nothing in this subsection shall limit the department's authority or discretion to approve, impose conditions on, or deny the application."

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~~] including 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~~] designated 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 shoreline adaptation pathways planning for the preservation of public beaches and public trust resources, which may include 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. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

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

SECTION 9. This Act shall take effect on January 1, 2065; provided that sections 5 and 6 shall take effect on July 1, 2026.

S.B. NO. 2401 S.D. 1

Report Title:
OPSD; Regional Shoreline Mitigation Districts; Coastal Erosion; 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 the Office. Requires OPSD to coordinate shoreline adaptation pathways planning with the Department of Land and Natural Resources, applicable county planning department, 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 1/1/2065. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.