
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, regional shoreline property owners, and interagency
11 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:

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

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

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



1 "§225M- Shoreline adaptation pathways planning. (a)

2 The office shall serve in a planning and coordination role to
3 develop shoreline adaptation pathways plans for designated
4 regional shoreline adaptation districts. The office shall:

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

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

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

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

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



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

5 (d) The office shall coordinate with:

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

7 (2) The applicable county planning department;

8 (3) Affected shoreline property owners within the

9 shoreline mitigation district; and

10 (4) Local businesses, community organizations, groups and

11 individuals in the proposed district and surrounding

12 community,

13 in the development of each shoreline adaptation pathways plan.

14 (e) Each shoreline adaptation pathways plan shall include

15 the elements and criteria required under this part, including

16 but not limited to:

17 (1) An analysis of the public trust resources that are at

18 risk within the adaptation district, and their value

19 to the surrounding and broader 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) An analysis of financing options for property owners;
- 17 (8) A proposed implementation schedule for short- and
- 18 long-term shoreline adaptation pathways; and
- 19 (9) The identification of any federal authorizations,
- 20 permits, or approvals required to implement the
- 21 shoreline adaptation pathways plan, including



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

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

6 (A) Special assessment districts;

7 (B) Community facilities districts;

8 (C) Tax increment financing;

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

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

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

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



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

3 (h) The office shall coordinate its review of the
4 shoreline adaptation pathways plan with the department of land
5 and natural resources, applicable county agencies, and relevant
6 federal agencies, including the United States Army Corps of
7 Engineers, if federal authorization, permitting, technical
8 review, approval, or funding may be required.

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

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

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

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



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

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

8 (j) For the purposes of this section:

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

14 "Office" means the office of planning and sustainable
15 development.

16 "Regional shoreline mitigation district" means a designated
17 coastal area comprised primarily of shoreline and adjacent
18 properties located within the same functionally connected
19 sediment cell or littoral subcell, established for purposes of
20 coordinated shoreline protection and adaptation planning and
21 implementation.



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

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

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

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

17 (b) The department shall render a decision on a completed
18 application for a permit within one hundred eighty days of its
19 acceptance by the department. If within one hundred eighty days
20 after acceptance of a completed application for a permit, the
21 department [~~shall fail~~] fails to give notice, hold a hearing,

1 and render a decision, the owner may automatically put the
2 owner's land to the use or uses requested in the owner's
3 application. When an environmental impact statement is required
4 pursuant to chapter 343, or when a contested case hearing is
5 requested pursuant to chapter 91, the one hundred eighty days
6 shall be extended an additional ninety days beyond the time
7 necessary to complete the requirements of chapter 343 or chapter
8 91. Any request for additional extensions by the applicant
9 shall be subject to the approval of the board.

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



1 department shall have the power to summon witnesses, administer
2 oaths, and require the giving of testimony. [~~As used in~~] For
3 the purposes of this subsection, the term "commercial purposes"
4 shall not include the use of land for utility purposes.

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

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

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

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;
- 3 (C) Minimize the construction of public shoreline
- 4 hardening structures, including seawalls and
- 5 revetments, at sites having sand beaches and at
- 6 sites where shoreline hardening structures
- 7 interfere with existing recreational and
- 8 waterline activities;
- 9 (D) Minimize grading of and damage to coastal dunes;
- 10 (E) Prohibit private property owners from creating a
- 11 public nuisance by inducing or cultivating the
- 12 private property owner's vegetation in a beach
- 13 transit corridor; and
- 14 (F) Prohibit private property owners from creating a
- 15 public nuisance by allowing the private property
- 16 owner's unmaintained vegetation to interfere or
- 17 encroach upon a beach transit corridor; and
- 18 (10) Marine and coastal resources;
- 19 (A) Ensure that the use and development of marine and
- 20 coastal resources are ecologically and



1 environmentally sound and economically
2 beneficial;

3 (B) Coordinate the management of marine and coastal
4 resources and activities to improve effectiveness
5 and efficiency;

6 (C) Assert and articulate the interests of the State
7 as a partner with federal agencies in the sound
8 management of ocean resources within the United
9 States exclusive economic zone;

10 (D) Promote research, study, and understanding of
11 ocean and coastal processes, impacts of climate
12 change and sea level rise, marine life, and other
13 ocean resources to acquire and inventory
14 information necessary to understand how coastal
15 development activities relate to and impact ocean
16 and coastal resources; and

17 (E) Encourage research and development of new,
18 innovative technologies for exploring, using, or
19 protecting marine and coastal resources."

20 SECTION 5. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2026-2027 for
2 the purposes of this Act, including:

3 (1) Facilitating the identification and establishment of
4 regional shoreline mitigation districts;

5 (2) Coordinating interagency review of regional coastal
6 erosion and sediment management plans with the
7 department of land and natural resources, county
8 agencies, and relevant federal agencies, including the
9 United States Army Corps of Engineers;

10 (3) Reviewing, evaluating, and approving regional coastal
11 erosion and sediment management plans; and

12 (4) Providing technical assistance, guidance, and
13 coordination to support the implementation of approved
14 regional coastal erosion and sediment management
15 plans.

16 The sum appropriated shall be expended by the office of
17 planning and sustainable development for the purposes of this
18 Act.

19 SECTION 6. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so
21 much thereof as may be necessary for fiscal year 2026-2027 to



1 hire one full-time equivalent (1.0 FTE) temporary planning
2 analyst to carry out the purposes of this Act; provided that
3 this position shall be exempt from chapter 76, Hawaii Revised
4 Statutes.

5 The sum appropriated shall be expended by the office of
6 planning and sustainable development for the purposes of this
7 Act.

8 SECTION 7. If any provision of this Act, or the
9 application thereof to any person or circumstance, is held
10 invalid, the invalidity does not affect other provisions or
11 applications of the Act that can be given effect without the
12 invalid provision or application, and to this end the provisions
13 of this Act are severable.

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

16 SECTION 9. This Act shall take effect on January 1, 2065;
17 provided that sections 5 and 6 shall take effect on July 1,
18 2026.



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)

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