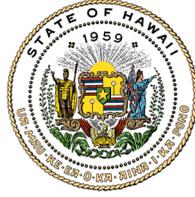


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
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MANAGEMENT
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CONSERVATION AND RESOURCES
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson

Before the Senate Committee on
JUDICIARY

Wednesday, March 04, 2026
9:40 AM
State Capitol, Conference Room 016

In consideration of
SENATE BILL 3033, SENATE DRAFT 1
RELATING TO COASTAL ZONE MANAGEMENT

Senate Bill 3033, Senate Draft 1 would allow members of the public to petition the Department of Land and Natural Resources (Department) to review beach structures that appear to be at risk of collapse. If the Department determines that a structure is “imminently threatened,” the Department would be required to recommend that the appropriate county agency order the property owner to take corrective action. The Department shares the Legislature’s concern about the impacts of coastal erosion, sea level rise, and increasing storm events. These are real and growing challenges for our communities and shorelines. **However, the Department respectfully opposes this bill.**

Senate Bill 3033, Senate Draft 1 would require the Department to decide whether private structures are at risk of collapse within two years. The Department does not oversee building construction standards or evaluate the structural safety of buildings. Those responsibilities belong to the county building departments, which have the engineers, inspectors, and authority to make such determinations. Evaluating whether a structure is likely to fail requires specialized building and engineering expertise beyond the Department’s scope.

Senate Bill 3033, Senate Draft 1 also expands the Department’s role beyond its existing responsibilities. The definition of “beach structure” in the bill includes buildings, foundations, walls, seawalls, decks, cesspools or septic systems, plumbing, and electrical systems if any part is within a public beach area. Oversight of these types of private structures and systems is generally handled at the county level. While the Department manages public lands and shoreline matters, it does not regulate private building safety or direct county enforcement actions.

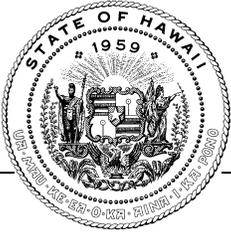
This measure would require the Department to recommend that a county agency order a property owner to remove or demolish structures, secure exposed infrastructure, take temporary safety measures, or prepare long-term plans. However, the Department does not have authority over the counties and cannot require them to act. This could create confusion about agency roles and responsibilities and lead to inconsistent or conflicting actions.

Senate Bill 3033, Senate Draft 1 also raises concerns about potential liability. If the Department determines that a structure is not imminently threatened and it later collapses, or if a property owner disputes the Department's determination, the State could face legal challenges. Predicting structural failure years in advance is inherently uncertain, especially when it involves private buildings and evolving coastal conditions.

The Department understands the importance of addressing unsafe shoreline structures and protecting public safety. However, this measure places new responsibilities on the Department that are outside its expertise and authority.

For these reasons, the Department respectfully opposes Senate Bill 3033, Senate Draft 1. We remain committed to working with the Legislature and county partners on solutions that clearly define agency roles and align responsibilities with appropriate expertise and authority.

Mahalo for the opportunity to comment on this measure.



STATE OF HAWAII OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT

235 South Beretania Street, 6th Floor, Honolulu, Hawaii'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii'i 96804

Telephone: (808) 587-2846
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Statement of
MARY ALICE EVANS, Director

before the
SENATE COMMITTEE ON JUDICIARY
Wednesday, March 4, 2026, 9:40 AM
State Capitol, Conference Room 016

in consideration of
SB 3033, SD1
RELATING TO COASTAL ZONE MANAGEMENT.

Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary, the Office of Planning and Sustainable Development (OPSD) **offers the following comments with concerns and amendments** on SB 3033, SD1 which proposes to allow public petition to the Department of Land and Natural Resources (DLNR) to review the integrity of beach structures. It requires DLNR to recommend the applicable county agency to order the owner of any beach structure determined to be imminently threatened to resolve, mitigate, and plan for the harmful effects of the beach structure.

OPSD is the lead agency of the Hawai'i Coastal Zone Management Program (CZM), codified in Chapter 205A, HRS. SB 3033, SD1 proposes to amend Chapter 205A, HRS, however it assigns primary review and implementation responsibilities to the Department of Land and Natural Resources.

Therefore, OPSD recommends that the **measure be amended** to:

1. Clarify coordination between OPSD and DLNR to ensure alignment with the lead agency structure established under Chapter 205A, HRS
2. Conform the provisions to DLNR's existing authorities where applicable (e.g. under Chapter 183C, HRS, relating to the Conservation District)

Thank you for the opportunity to testify on this measure.

STARN · O'TOOLE · MARCUS & FISHER

A LAW CORPORATION

March 4, 2026

Senator Karl Rhoads, Chair,
Senator Mike Gabbard, Vice Chair,
and Members of the Committee on Judiciary

Hearing: Senate Committee on Judiciary
Date: Wednesday, March 4, 2026
Time: 9:40 a.m.
Place: Conference Room 016 & Videoconference
State Capitol
415 South Beretania Street

Testimony in Opposition of SB 3033 SD 1
Relating to Coastal Zone Management

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

I represent the Shoreline Preservation Coalition (“SPC”), who offers this testimony in **opposition** of SB 3033 SD1, which would allow members of the general public to report “imminently threatened beach structures” to the Department of Land and Natural Resources (“DLNR”), who would then recommend county agency actions. SPC’s members consist of homeowners along the shoreline in Hawaii.

The counties already have the power to condemn and require the removal of structures that are health and safety risks. Members of the general public can, and often do, contact those county agencies to alert them to health and safety risks, and many have user-friendly forms that directly facilitate reports of derelict and/or shoreline structures. Likewise, DLNR has the ability to order the removal of structures from the beach. SB 3033 SD1 creates additional procedures where they are unnecessary.

Further, if “imminently threatened” means “likely to be undermined, be destabilized, or collapse onto the beach within two years due to past, ongoing, or projected coastal hazards,” then owners should have the option to remediate or renovate “beach structures.” Two years is a long time, and because “beach structures” include seawalls, SB 3033 SD1 effectively takes the position that all seawalls should be removed. The majority of residents support building seawalls to protect private property, and there is even greater support for seawalls used to protect public property and infrastructure:

Support for building sea walls to protect private property

Q: To what extent do you support or oppose the following actions and policies to address sea level rise? Build sea walls to protect private property.

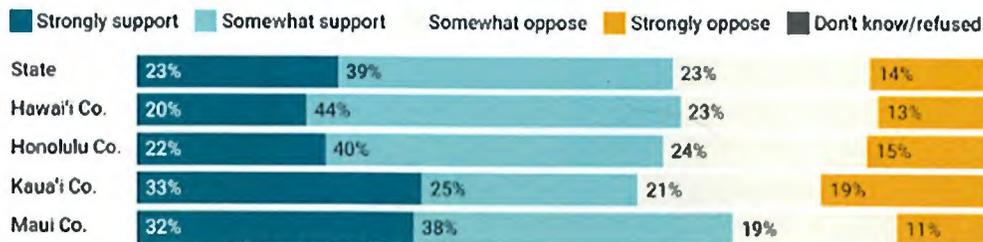


Chart: University of Hawai'i and Pacific RISA • Source: UHERO • Created with Datawrapper

Support for building sea walls to protect public infrastructure

Q: To what extent do you support or oppose the following actions and policies to address sea level rise? Build sea walls to protect public property and infrastructure.

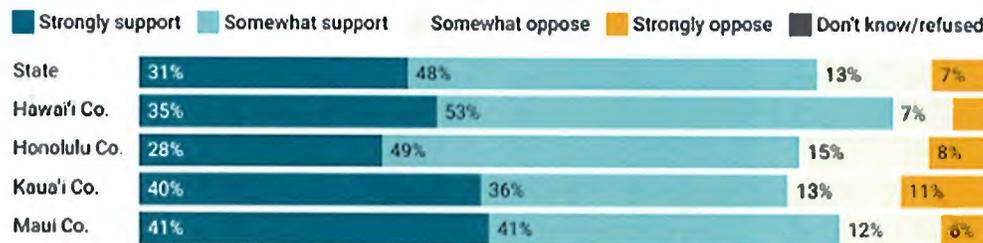


Chart: University of Hawai'i and Pacific RISA • Source: UHERO • Created with Datawrapper

Public Views on Sea Level Rise in Hawai'i: Results from a Statewide Survey, UHERO at § 3.2 (pp. 12-13) (Feb. 16, 2026).

There are also a few technical concerns with SB 3033 SD1:

1. As written, SB 3033 SD1 would require DLNR to recommend county agencies take certain actions on structures “within the boundaries of a public beach.” Public beaches are usually the areas below the upper reaches of the highest wash of the waves, but the counties generally only have authority above the upper reaches of the highest wash of the waves. DLNR usually has jurisdiction over public beaches, which are often in the conservation district.
2. The definition of “imminently threatened” in SB 3033 SD1 is different from the existing definition in Hawaii Administrative Rules, Section 13-5-2, which DLNR currently uses to regulate beaches. DLNR will need to apply a completely different standard for the required recommendations to counties than it usually applies, which can lead to mistakes in recommendations at worst, and, at best,

recommendations that are in misalignment with DLNR's own policies and procedures.

3. SB 3033 SD1 requires DLNR to recommend the counties **order owners** of these imminently threatened beach structures to implement temporary safety measures where immediate removal is not feasible. Temporary safety measures require permits approved by DLNR (if on a public beach) and the respective county agency (if on private property). It would make more sense for DLNR to (a) affirmatively **allow** certain temporary safety measures that require DLNR approval and/or (b) recommend the county agency affirmatively **allow** certain temporary safety measures that require county approval. Otherwise, owners will need to apply for permits, which are not guaranteed, to take action(s) the county is ordering, which often have a compliance timeframe that may or may not be met given lengthy permit approval processes.

The same concern exists for removal or demolition of structures and actions involving wastewater and other infrastructure, which also often require permits.

For these reasons, SPC respectfully opposes SB 3033 SD 1.

Sincerely,

A handwritten signature in black ink that reads "Bernie Bays". The signature is written in a cursive style with a horizontal line underneath the name.

Bernie Bays



Cade Watanabe, Financial Secretary-Treasurer

Gemma G. Weinstein, President

Eric W. Gill, Senior Vice-President

March 2, 2026

Senate Committee on Judiciary
Sen. Karl Rhoads, Chair
Sen. Mike Gabbard, Vice Chair

Testimony in Support of SB3033

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee,

UNITE HERE Local 5 represents 10,000 working people in the hotel, food service and health care industries across Hawaii. We stand in support of SB 3033. As we increasingly feel the impacts of climate change in our state, we will need to mitigate the problems that it causes. This bill allows the public a process to address structural problems they identify. This is important for workers, especially those working at properties that may be impacted now or in the future. While we hope that property owners address the issues they find quickly and appropriately, this is unfortunately not always what happens. The bill would enhance public safety by increasing the power of the public to address some of the safety concerns they come across.

Thank you.

HAWAI'I OCEAN LEGISLATIVE TASK FORCE



March 4, 2026

Hawai'i State Legislature
Senate Committee on Judiciary

Re: Testimony in **SUPPORT** for SB 3033 SD1, Relating to Coastal Zone Management

Aloha Chair Rhoads, Vice Chair Gabbard, and esteemed members of the committee,

The Ocean Legislative Task Force—a coalition of more than 150 individuals across over 20 organizations statewide—**supports** SB 3033 SD1, relating to coastal zone management. This measure allows the public to petition a Public Advisory Board to review beach structures and requires the Office of Planning and Sustainable Development to work with counties to ensure owners of imminently threatened beach structures mitigate harmful impacts and plan for their resolution.

Hawai'i's shorelines are dynamic and increasingly vulnerable to erosion, sea level rise, and intensifying coastal hazards. As these pressures grow, it is essential that the State has clear processes in place to evaluate structures that may pose risks to public safety, coastal ecosystems, and shoreline access. Providing a transparent pathway for public engagement and establishing coordinated state and county action helps ensure that these situations are addressed proactively and thoughtfully.

This measure strengthens coastal zone management by promoting accountability, improving coordination among agencies, and supporting long-term planning for vulnerable shoreline infrastructure. By addressing threatened beach structures before they cause further environmental degradation or public harm, SB 3033 SD1 helps protect Hawai'i's beaches, natural resources, and coastal communities for future generations.

Mahalo for the opportunity to provide testimony in support of this important measure.

The Hawai'i Ocean Legislative Task Force advocates for measures that advance cesspool conversion and wastewater management, protect Hawai'i's coral reefs and reef fish, ensure transparent and sustainable implementation of the Green Fee program and long-term environmental staffing, and support other measures that strengthen Hawai'i's coastal and marine ecosystems.

LATE



March 3, 2026

Senate Committee on Judiciary
Hawai'i State Legislature
Via Electronic Transmission

Re: Testimony in SUPPORT of SB3033 SD1, Relating to Coastal Zone Management
Hearing: Wednesday, March 4, 2026, 9:40 AM CR 016 & Via Videoconference

To: The Honorable Chair Rhoads, Vice Chair Gabbard, and Members of the Committee

Surfrider Foundation Hawai'i Region strongly supports Senate Bill 3033, which creates a proactive, public-triggered process for identifying, reviewing, and addressing imminently threatened beach structures before they collapse and create hazards to public safety, public trust resources, and coastal processes.

Surfrider Foundation is a grassroots environmental organization dedicated to protecting our ocean, waves, and beaches for all people. Through our Coast & Climate initiative, our chapters on Maui, Kaua'i, and O'ahu work directly on coastal erosion, shoreline armoring, and loss of public beach access. We regularly encounter shoreline structures that are visibly undermined by erosion and increasingly vulnerable as sea levels rise.

We recognize that concerns have been raised regarding the appropriate State role in this process. In light of those considerations, we would support clarifying that the petition process is directed to the appropriate county agency, which would conduct review under its existing authority. The bill can facilitate county review, public coordination, and structured reporting. Under this suggested approach, upon receipt of a documented petition, the county would acknowledge the filing, conduct a review under its existing authority, and issue a written determination explaining whether hazard conditions are present and whether further action is warranted.

Across Hawai'i, coastal erosion and sea level rise are increasingly destabilizing shoreline structures. When structures fail, debris, exposed utilities, and ruptured wastewater systems can obstruct public beaches, degrade nearshore ecosystems, and create serious safety hazards that often require costly public response.

We have seen how these situations unfold. On O'ahu's North Shore in the fall of 2024, multiple

homes were severely undermined by coastal erosion. One structure collapsed onto the beach, and another was ordered demolished by the Honolulu Department of Planning and Permitting (DPP) before collapse once its foundation became critically destabilized. This scenario demonstrates that counties can act under existing authority when risks become clear and extreme. However, there is currently no consistent public-triggered pathway for early review and documentation before destabilization becomes an emergency situation.

Thank you for the opportunity to testify in support of SB3033 on behalf of Surfrider Foundation's Hawai'i chapters and members statewide.

Sincerely,

Hanna Lilley
Hawai'i Regional Manager
Surfrider Foundation

SB-3033-SD-1

Submitted on: 2/25/2026 1:55:28 PM

Testimony for JDC on 3/4/2026 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Douglas Perrine	Individual	Support	Written Testimony Only

Comments:

Seems common sense. I support SB3033.

SB-3033-SD-1

Submitted on: 3/2/2026 7:53:14 PM

Testimony for JDC on 3/4/2026 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Charley John Chartoff	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB3033 because it sets a concerning precedent for government acquisition of private shoreline property and may undermine property rights and investment security for local residents

SB-3033-SD-1

Submitted on: 3/1/2026 9:16:41 PM

Testimony for JDC on 3/4/2026 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Denise E Antolini	Individual	Support	Written Testimony Only

Comments:

Aloha JDC Chair Rhoads, Vice Chair Gabbard, and Members,

I write in **STRONG SUPPORT** of SB3033 SD1, which creates a clear process for the public to assist state and county agencies to mitigate the risks to public beaches by calling agency attention to imminently threatened shoreline structures.

As a resident of the North Shore of O‘ahu for 35 years, I have observed and engaged in monitoring the severe erosion along the Kammies "hot spot" near Sunset Beach/Paumalū.

As you may recall, this is the beach where in recent years, **TWO** houses have fallen into the ocean due to acute erosion of the sand dune, and a nearby **THIRD** house was ordered **DEMOLISHED** (along with the first collapsed house) by the City and County of Honolulu due to the undermining of the foundation, severely threatening the structure.

In the case of the two more recent houses, owned by Joshua VanEmmerik, community members who are most familiar with the beach on a daily basis were the first to sound the alert to the state and county agencies about the threat of failure.

Once the alarm was sounded by the public, the State Department of Land and Natural Resources (DLNR) Office of Conservation and Coastal Lands (OCCL) and the City and County of Honolulu Department of Planning and Permitting (DPP) did take appropriate swift and strong action to assess the risk, order demolition, and then the State Attorney General followed up by filing a lawsuit against Mr. Van Emmerik to force him to clean up the debris and his illegal burrito system (that case is still pending). The state-county-community collaboration was excellent, even if the landowner has still not cleaned up all the debris from the two collapsed structures.

The point here is that the **PUBLIC** is an invaluable watchdog of these kinds of threats to our beaches. Homeowners often obfuscate, try to flip homes at risk to unaware buyers, deny the reality of the threat, or if they do not live here are (sometimes intentionally) unaware of the rapid changes in coastal conditions that can threaten a beachfront house overnight.

I am aware of several houses along the "Kammies" stretch that are at risk of collapse in the near future and a public petition process that transparently allows assessment and agency action would be very valuable.

Although the bill may need a few tweaks along the way, please support SB3033 SD1 as an additional tool for protection of public safety and our coastal resources.

Mahalo,

Denise Antolini

Pūpūkea resident

Member, Protect Paumalū

Senator Donovan M. Dela Cruz, Chair,
Senator Sharon Y. Moriwaki, Vice Chair,
and Members of the Committee on Ways and Means

Hearing: Senate Committee on Ways and Means

Date: Wednesday, March 4, 2026

Time: 9:40 a.m.

Place: Conference Room 211

State Capitol

415 South Beretania Street

Testimony in Opposition to SB 3033
Relating to Shoreline Structure Petitions

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee on Ways and Means:

My name is Eric Freeman, and I am a homeowner at 59-181 D Ke Nui Road in Haleiwa on the North Shore of Oahu. I am submitting this testimony in strong opposition to SB 3033.

As someone who lives on the shoreline and is already dealing with the very real and serious consequences of coastal erosion, this bill deeply concerns me. SB 3033 would allow any member of the public — regardless of whether they have any connection to or knowledge of a particular property — to file a petition with DLNR questioning the integrity of a shoreline structure. That petition could then trigger county-level action, potentially leading to the forced removal of structures that homeowners have put in place to protect their own property from being lost to the ocean.

I understand the importance of protecting Hawaii's shorelines, and I share that goal. But this bill gets the balance wrong in a way that could cause serious harm to homeowners like me.

First, opening the petition process to any member of the public creates the potential for harassment and bad-faith complaints. A neighbor with a grievance, or even someone with no connection to the area at all, could initiate a process that puts a homeowner's property — and their home — at risk. There are no guardrails requiring the person filing to have standing or demonstrated expertise.

Second, shoreline structures are often not simple or one-dimensional. What might look problematic to a passerby may be a carefully considered erosion control measure that took years of engineering and permitting effort. Decisions about the integrity and appropriateness of these structures should be made by qualified professionals with site-specific knowledge, not triggered by an open public petition process.

Third, for homeowners already navigating an incredibly complex and stressful regulatory environment — including ongoing enforcement actions by the DLNR and OCCL — this bill adds yet another layer of unpredictability and vulnerability. We are trying to work within the system to find legitimate solutions. Bills like this make that harder, not easier.

I respectfully urge the Committee to oppose SB 3033. Rather than creating new avenues for conflict, I hope the legislature will focus its energy on collaborative, science-based approaches like those proposed in SB 2401 SD1, which would actually help shoreline communities find workable long-term solutions.

Mahalo for your time and for the opportunity to testify.

Respectfully,
Eric Freeman

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Haleiwa, HI 96712
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949 648-4340