



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
DIRECTOR

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

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

Statement of
MARY ALICE EVANS, Director

before the
**SENATE COMMITTEE ON WATER, LAND, CULTURE, AND THE ARTS AND
SENATE COMMITTEE ON ENERGY AND INTERGOVERNMENTAL AFFAIRS**

Tuesday, February 17, 2026, 3:03 PM
State Capitol, Conference Room 224

in consideration of
**SB 3033
RELATING TO COASTAL ZONE MANAGEMENT.**

Chairs Lee and Wakai, Vice Chairs Inouye and Chang, and Members of the Senate Committee on Water, Land, Culture, and the Arts and Senate Committee on Energy and Intergovernmental Affairs,

The Office of Planning and Sustainable Development (OPSD) offers the following **comments with concerns** on SB 3033 which proposes to establish a public petition process allowing individuals to request to the Public Advisory Board for review of the integrity of beach structures and requires OPSD to request the applicable county agency to order owners of beach structures determined to be imminently threatened to resolve, mitigate, and plan for the harmful effects of those structures.

The OPSD is the lead agency of the Hawai'i Coastal Zone Management Program (HICZMP), codified in Chapter 205A, HRS. **OPSD has concerns** on SB 3033 as follows:

1. The referenced Public Advisory Body (**Marine and Coastal Zone Advocacy Council**, aka MACZAC) is a volunteer group that meets quarterly and does not possess the technical expertise required to assess the integrity of imminently threatened beach structures or process petitions for the State and County government.
2. SB 3033 proposes adding a role of regulatory agency to the lead agency, OPSD, by requiring OPSD to determine whether a beach structure is imminently threatened and order county agencies to initiate enforcement actions related to such structures. OPSD notes that this responsibility differs from its planning and coordination role.

Thank you for the opportunity to testify on this measure.

HAWAI'I OCEAN LEGISLATIVE TASK FORCE



February 17, 2026

Hawai'i State Legislature
Senate Committee on Water, Land, Culture and the Arts
Senate Committee on Energy and Intergovernmental Affairs

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

Aloha Chairs Lee and Wakai, Vice Chairs Inouye and Chang, and esteemed members of the committees,

The Ocean Legislative Task Force—a coalition of more than 150 individuals across over 20 organizations statewide—**supports** SB 3033, 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 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

SB-3033

Submitted on: 2/16/2026 9:32:49 PM

Testimony for WLA on 2/17/2026 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Councilmember Tamara Paltin	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair and members,

I am writing in support of SB3033. There currently is no process to trigger evaluation of shoreline structures before they fail. Often community members who frequently utilize shoreline areas are the first to observe risks before formal agency action occurs.

SB3033 would create a community driven petition process allowing resident to request state evaluation of imminently threatened shoreline structures which I fear we will be seeing happen more often in the coming decade. It strengthens coordination between state and county agencies to intervene before collapse occurs, thus reducing public safety risks, environmental harm and costly reactive response.

I urge you to take action on SB3033 before we start to see buildings collapse, the shoreline areas need to be addressed whether you call it shoreline erosion, sea level rise, king tides or storm surge, the effects in the coming years will be getting worse and the time to act is now.

Mahalo for your service to our communities and the opportunity to provide testimony.

Tamara Paltin - Councilmember West Maui

SB-3033

Submitted on: 2/14/2026 9:16:12 AM

Testimony for WLA on 2/17/2026 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Testifying for Hawaii Reef and Ocean Coalition	Support	Written Testimony Only

Comments:

Hawaii Reef and Ocean Coalition **SUPPORTS** this bill's proposal to develop a process for protecting the public and the environment through reporting of threatened structures. In particular, Hawaii Reef and Ocean Coalition sees a need to prevent pollution in the future from cesspools and septic systems that may be damaged by rising sea levels and erosion.

LATE



February 16, 2026

Senate Committee on Water, Land, Culture and the Arts
Senate Committee on Energy and Intergovernmental Affairs
Hawaii State Legislature
Via Electronic Transmission

Re: Testimony in SUPPORT of SB3033, Relating to Coastal Zone Management
Hearing: Tuesday, February 17, 2026, 3:03 PM CR 224 & Via Videoconference

To: The Honorable Chair Lee, Chair Wakai, Vice Chair Inouye, Vice Chair Chang, and
Members of the Committees

Surfrider Foundation Hawaii 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 the 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. As an entirely coastal state, Hawaii is on the front lines of climate change and sea level rise (SLR) impacts, with communities and infrastructure increasingly threatened by SLR-driven coastal hazards such as , coastal erosion, annual high waves, groundwater inundation, and passive flooding. Across the islands, accelerating beach loss driven by dense coastal development, shoreline hardening, and rising seas is narrowing public beaches and undermining public trust resources. Through Surfrider's on-the-ground work in chronic erosion hotspots, we are regularly encountering shoreline structures that are exposed, structurally compromised, and vulnerable to collapse, highlighting a clear statewide gap in our regulatory framework to address imminently threatened buildings before catastrophic failure occurs.

When shoreline structures collapse, the consequences can be severe and long-lasting. Structural failure can result in serious bodily injury to occupants, beach users, or emergency responders if walls, decks, or foundations give way. Collapse can rupture or expose wastewater systems, allowing untreated sewage to discharge onto public beaches or into the natural dune ecology and into nearshore waters. Electrical panels, wiring, and other utility infrastructure may become exposed, creating additional hazards. Concrete slabs, rebar, treated lumber, and other

structural debris are often scattered across the beach and into the surf zone, obstructing lateral access and creating ongoing safety risks. In the nearshore environment, this debris and discharge can smother coral reefs and benthic habitat, degrade water quality, and disrupt natural sediment transport and shoreline processes.

Although property owners are legally responsible for hazardous conditions created by their structures, emergency response and debris removal are often initially borne by State or County agencies, and recovery of those costs can be delayed or incomplete. These failures damage public trust resources and impose avoidable fiscal burdens on the public. As sea levels continue to rise and dense coastal development and shoreline hardening intensify erosion pressures along our shorelines, the risk and frequency of these collapses will continue to increase.

Despite these escalating risks, there is currently no clear statutory trigger requiring coordinated review when a shoreline structure becomes imminently threatened but has not yet failed. Responsibility for shoreline regulation and unsafe structures is divided between State and County agencies, yet existing enforcement and emergency authorities are largely reactive and typically invoked only after substantial damage has occurred or collapse is imminent. There is no structured process within Hawai'i's coastal zone management framework to formally assess risk and coordinate action during the critical window when erosion has undermined a structure but before catastrophic failure.

The need for this bill is enormous- There is currently a lack of clear triggers to guide agencies to assess and intervene before beach structures collapse. Additionally, State and County agencies (expressly outline which agencies) do not have the capacity to monitor (outline the entire mileage of Hawai'i coastline). The public is often the first to see the risk- beach users and neighbors are the eyes and ears on the ground and agencies have limited time or geographic reach.

SB3033 creates a clear pathway for widespread monitoring by engaging the public through a petition process that leads to State agency review through the Office of Planning and Sustainable Development and sets defined timelines for coordination with County planning and permitting departments to assess and address the situation. If a structure is determined to be imminently threatened, the bill directs the lead agency to request that the appropriate county agency require the owner to take necessary corrective action, which may include removal of hazardous portions of the structure, securing or remediating exposed wastewater or infrastructure, implementing temporary safety measures, or providing a long-term plan to prevent further danger.

Importantly, the bill includes clear guardrails: a public petition triggers agency review only, and counties retain their existing authority to determine and order appropriate mitigation under current law. SB3033 does not create new enforcement powers; it creates a structured, proactive framework to ensure that imminent risks are addressed before collapse occurs.

This measure is a commonsense improvement to the Coastal Zone Management law that will help prevent avoidable harm to our beaches, nearshore ecosystems, and communities. SB3033

recognizes the value of community observation by establishing a clear petition process and timelines for agency review, assessment, and follow-up action prior to structural failure. The bill fills a gap in current practice and builds on existing agency authorities while preserving jurisdictional roles.

Thank you for the opportunity to submit testimony in strong support of SB3033 on behalf of the Surfrider Foundation's three Hawai'i chapters and members statewide

Sincerely,

Hanna Lilley
Hawai'i Regional Manager
Surfrider Foundation

Testimony in Strong Support of SB3033

Submitted by:
Mark Henry Deakos
Chief Scientist
Hawai'i Association for Marine Education and Research (HAMER)

LATE

RE: SB3033 – Relating to Coastal Zone Management

Chair, Vice Chair, and Members of the Committee:

Mahalo for the opportunity to testify in strong support of SB3033.

Article XI, Sections 1 and 7 of the Hawai'i Constitution impose an affirmative, constitutional obligation on the State to conserve and protect Hawai'i's natural resources — including coastal lands and beaches — for present and future generations. Hawai'i's public trust doctrine further establishes that beaches and submerged lands are held in trust for the people.

This duty is not discretionary. It is mandatory.

Yet despite nearly fifty years of Coastal Zone Management law, our beaches continue to disappear. On West Maui alone, more than four miles of beach have been lost over the past several decades due to chronic erosion and shoreline hardening (Fletcher et al., 2012, U.S. Geological Survey Open-File Report 2011-1051). As beaches narrow or vanish, lateral public access is lost. In many areas, perpendicular access corridors are constrained. The cumulative result is an incremental loss of constitutionally protected public trust lands.

Hawai'i law recognizes that when the high wash of the wave migrates inland, that land becomes public. The Attorney General has clarified that this dynamic shoreline boundary shift does not constitute a regulatory taking. However, regulatory practice has not consistently kept pace with this legal principle.

In particular, the inconsistent requirement for updated certified shoreline surveys in the issuance of shoreline armoring and emergency permits has created uncertainty regarding where public lands end and private lands begin. Without a current certified shoreline, it is difficult for the State to enforce encroachment removal or evaluate whether an easement is appropriate. As a result,

structures have been allowed to persist in areas that may already be public trust lands.

The scientific literature is clear: shoreline armoring interrupts natural sand transport and causes “passive erosion,” resulting in beach narrowing and eventual beach loss in front of fixed structures (Romine & Fletcher, 2013, *Coastal Management* 41:555–573). This is not speculative — it is documented in peer-reviewed research specific to Hawai‘i.

In recent years, Maui has repeatedly experienced undermined foundations, exposed wastewater infrastructure, sinkholes, and partial structural collapses during large wave events. These conditions present direct threats to public health and safety. When agencies fail to act proactively, the State risks not only environmental degradation but potential exposure to legal challenges for failure to uphold constitutional public trust duties.

SB3033 provides a structured, transparent mechanism to ensure that imminently threatened structures are reviewed before catastrophic collapse occurs. It establishes timelines for agency response and enables mitigation, removal, or long-term planning when necessary.

Importantly, the bill preserves due process. It does not mandate automatic demolition. It requires review. It creates accountability. And it reinforces the State’s constitutional obligation to protect public trust lands.

As sea level rise accelerates and coastal hazards intensify, failure to act proactively increases both public safety risk and legal vulnerability. SB3033 strengthens Hawai‘i’s ability to fulfill its constitutional mandate.

For these reasons, HAMER respectfully urges the Committees to pass SB3033.

Mahalo for your leadership.

References:

Fletcher, C.H., Romine, B.M., Genz, A.S., et al. (2012). National Assessment of Shoreline Change: Historical Shoreline Change in the Hawaiian Islands. U.S. Geological Survey Open-File Report 2011–1051.

Romine, B.M., & Fletcher, C.H. (2013). Armoring on erosion-prone coasts: Impacts of hard stabilization on beaches in Hawai‘i. *Coastal Management*, 41(6), 555–573.

LATE

SB-3033

Submitted on: 2/16/2026 9:03:31 PM

Testimony for WLA on 2/17/2026 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Kai Paisley	Individual	Support	Written Testimony Only

Comments:

Aloha,

I strongly support this bill because it is an important, and necessary step for legislation to get in front of the issue. As a member of the Surfrider Foundation Oahu Chapter, and ocean user I have seen the damage that falling structures have caused, especially on the North Shore, and respectfully encourage the legislature to take proactive and preventative measures to the protection of our beaches and coastlines. These impacts threaten public safety, beach access, and the long-term health of our community.

Mahalo nui loa,

Jessica Kai Paisley.

LATE

SB-3033

Submitted on: 2/16/2026 3:02:30 PM
Testimony for WLA on 2/17/2026 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Denise E Antolini	Individual	Support	Remotely Via Zoom

Comments:

Aloha WLA Chair Lee, Vice Chair Inouye, and EIG Chair Wakai, Vice Chair Chang, and WLA/EIG Members,

I write in **STRONG SUPPORT** of SB3033, which creates a new 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 as an additional tool for protection of public safety and our coastal resources.

Mahalo,

Denise Antolini

Pūpūkea resident

Member, Protect Paumalū

LATE

SB-3033

Submitted on: 2/16/2026 9:29:57 PM

Testimony for WLA on 2/17/2026 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
jeanne schAAF	Individual	Support	Written Testimony Only

Comments:

I am writing to voice my support for SB 3033 which would establish a community-driven petition process allowing residents to request state evaluation of imminently threatened shoreline structures. It strengthens coordination between state and county agencies to intervene before collapse occurs, reducing public safety risks, environmental harm, and costly reactive response.

LATE

SB-3033

Submitted on: 2/17/2026 9:28:42 AM

Testimony for WLA on 2/17/2026 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Patricia Gotschalk	Individual	Support	Written Testimony Only

Comments:

Aloha - I am a long time resident and taxpayer in Hawai'i and live on Maui. I strongly support this bill because I have seen first hand the impact of sea level rise on structures on Maui. There is no time to waste and evaluation strategies are clearly necessary. It goes without saying that the collapse of shoreline structures results in serious risks to public safety and to the environment. I am a member of the Maui Canoe Club and the impact of debris on the shoreline substantially impacts my ability to paddle and enjoy the ocean. There needs to be a statewide response and evaluation of imminently threatened shoreline structures allowing governmental agencies to intervene before collapse occurs, reducing public safety risks, environmental harm, and costly reactive response.

Mahalo for your consideration of my testimony.

LATE

SB-3033

Submitted on: 2/17/2026 10:33:59 AM

Testimony for WLA on 2/17/2026 3:03:00 PM

Submitted By	Organization	Testifier Position	Testify
Dr Marion Ceruti	Individual	Oppose	Written Testimony Only

Comments:

As a resident of threatened coastal property, I strongly oppose SB3033. This bill purports to "establish a process for the public, state and county agencies, and owners of beach structures to identify, assess, and mitigate risk in advance of the collapse of structures that may endanger public health, safety, and welfare, and damage public beaches." Note, however, how the OWNERS of beach structures are listed last, as though the opinions of everyone else should override those who are affected the most by coastal erosion.

At best, this bill is not necessary, because a process already exists to accomplish the same thing. Anyone can petition any level of government to bring government officials' attention to shoreline problems. At worst, it represents yet another means to strip property owners of their coastal land under the guise of "public health, safety, and welfare."

This bill appears to set up another way to violate the U.S. Constitution's 4th amendment prohibition of taking property without due process and without compensation. Better solutions than SB3033 have been proposed for shoreline protection, solutions that property owners can support. Government officials have known about them for years but have not acted to implement these proven solutions.

Please, kokua, vote NO on SB3033 and avoid the need for the state to defend yet another unconstitutional bill.