

ACT 102

H.B. NO. 1137

A Bill for an Act Relating to Restoration of Beach Lands.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that the Intergovernmental Panel on Climate Change, the world's leading authority on climate science, in its Assessment Report 6 (2021) stated that it has high confidence that global sea level is committed to rise for centuries to millennia, regardless of whether humans slow carbon emissions into the atmosphere.

The legislature also finds that the state climate change mitigation and adaptation commission, created by Act 32, Session Laws of Hawaii 2017, stated in its 2022 report to the legislature that Hawaii is projected to likely experience between 3.9 and 5.9 feet of sea level rise by the year 2100. The legislature finds

that sea level rise poses a serious and imminent threat to Hawaii's coastal communities and residents and to Hawaii's natural resources, primarily beaches and coastal ecosystems. The legislature recognizes that the State has an affirmative duty to preserve beaches as a public trust resource for the people of Hawaii, and that beaches are culturally important and provide natural resilience to sea level rise and associated coastal flooding.

The purpose of this Act is to amend the definition of "beach restoration" to expand the types of activities the State recognizes as restorative and beneficial to beach lands in response to increasing threats of sea level rise and beach loss.

SECTION 2. Section 171-151, Hawaii Revised Statutes, is amended by amending the definition of "beach restoration" to read as follows:

~~"Beach restoration" means [the placement of sand, with or without stabilizing structures, on an eroded beach from an outside source such as offshore sand deposits, streams, channels or harbor mouths, or an upland sand quarry.] an activity undertaken to:~~

- (1) Maintain and improve beaches and dune systems through management of sand and native dune vegetation;
- (2) Place sand on an eroded beach from an approved outside or adjacent source, with or without stabilizing structures; or
- (3) Remove abandoned remnant materials from beaches and dunes that pose a risk to public health and coastal ecosystems; provided that emergency erosion protection structures constructed pursuant to permits issued by the department and that continue to provide the protection for which they were permitted shall not be deemed abandoned remnant materials."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved May 27, 2025.)