



GOV. MSG. NO. 1403

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

July 09, 2012

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

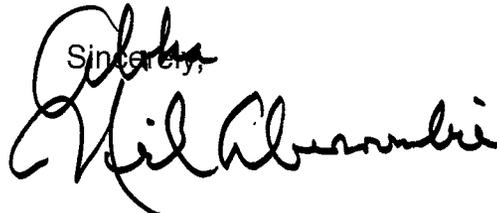
The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 09, 2012, the following bill was signed into law:

SB2745 SD1 HD2 CD1

RELATING TO ENVIRONMENT.  
**Act 286 (12)**

Sincerely,  


NEIL ABERCROMBIE  
Governor, State of Hawaii

Approved by the Governor.

on       JUL 9 2012      

THE SENATE  
TWENTY-SIXTH LEGISLATURE, 2012  
STATE OF HAWAII

ACT 286

S.B. NO. 2745  
S.D. 1  
H.D. 2  
C.D. 1

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# A BILL FOR AN ACT

RELATING TO ENVIRONMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that according to the  
2   *Hawaii Climate Change Action Plan*, published in November 1998 by  
3   the State of Hawaii department of business, economic  
4   development, and tourism's energy, resources, and technology  
5   division and the department of health's clean air branch, major  
6   climate change effects expected for Hawaii include warmer  
7   temperatures; increases in heat-related deaths and illnesses;  
8   sea-level rise with resultant flooding, beach erosion, and  
9   damage to coastal property; increased vulnerability to storm  
10   damage; increasing variability of the effects on water  
11   resources; undetermined effects on agriculture and forestry; and  
12   stresses on ecosystems.

13           The 1998 report is consistent with current climate science.  
14   According to recent findings by researchers at the University of  
15   Hawaii, global warming is evident in Hawaii: air temperature  
16   has risen; rain intensity has increased while total rainfall has  
17   decreased; stream flows have decreased; sea level and sea  
18   surface temperatures have increased; and the ocean is becoming



1 more acidic. Because these trends are likely to continue, (1)  
2 scientists anticipate growing impacts to Hawaii's water  
3 resources, forests, coastal communities, and marine ecology; (2)  
4 it is timely to consider adaptation and mitigation strategies;  
5 (3) there is significant need for sustained and enhanced climate  
6 monitoring and assessment activities; and (4) there is a  
7 compelling requirement for focused research to produce models of  
8 future climate changes and impacts.

9 Hawaii's existing climate change policy focuses primarily  
10 on mitigation or the reduction of greenhouse gases. Act 234,  
11 Session Laws of Hawaii 2007, established the State's policy  
12 framework and requirements to address Hawaii's greenhouse gas  
13 emissions, recognizing the potential adverse effects of global  
14 climate change to Hawaii's economy, public health, natural  
15 resources, and environment. The focus and general purpose of  
16 Act 234 was to achieve by January 1, 2020, cost-effective  
17 greenhouse gas emission reductions at or below Hawaii's  
18 greenhouse gas emission estimates of 1990. Subsequently, the  
19 legislature passed Act 73, Session Laws of Hawaii 2010. Act 73  
20 established the environmental response, energy, and food  
21 security tax, also known as the barrel tax, which also addresses  
22 issues relating to the effects of climate change. One purpose



1 of Act 73 was to help ensure Hawaii's energy and food self-  
2 sufficiency and to "[h]elp Hawaii's natural resources and  
3 population adapt and be resilient to the inevitable challenges  
4 brought on by climate change caused by carbon dioxide and other  
5 greenhouse gas emissions from burning fossil fuels."

6       However, even if greenhouse gas emissions are reduced to  
7 1990 levels, Hawaii will still be significantly impacted by  
8 global climate change well into the future. Therefore, this Act  
9 focuses on preparing for and adapting to the expected impacts of  
10 climate change.

11       The purpose of this Act is to encourage collaboration and  
12 cooperation among county, state, and federal agencies, policy  
13 makers, businesses, and other community partners to plan for the  
14 impacts of climate change and avoid, minimize, or mitigate loss  
15 of life, land, and property of future generations.

16       In the course of implementing the legislatively mandated  
17 ocean resources management plan, the multi-stakeholder ocean  
18 resources management plan policy group and working group  
19 recognized a need for policy guidance to frame and effectuate a  
20 coordinated effort to adapt to the expected impacts of climate  
21 change. The ocean resources management plan working group  
22 partnered with the center for island climate adaptation and



1 policy at the University of Hawaii to develop *A Framework for*  
2 *Climate Change Adaptation in Hawaii*, dated November 2009. The  
3 desired outcome of the process outlined in the *Framework* is for  
4 Hawaii to adapt successfully to the impacts of climate change.

5 In August 2011, the ocean resources management plan policy  
6 group and working group along with other stakeholders from  
7 academia, business, and native Hawaiian communities, met for a  
8 two-day intensive workshop to implement the first steps of the  
9 *Framework*, including the development of an effective measure of  
10 Hawaii's adaptation to the impacts of climate change. The  
11 results of the workshop and input from the broader community are  
12 the foundation of this Act.

13 This Act amends the Hawaii State Planning Act, chapter 226,  
14 Hawaii Revised Statutes, by adding climate change adaptation  
15 priority guidelines to part III. Priority guidelines focus  
16 state and county resources on major areas of statewide concern  
17 that merit priority attention to improve the quality of life for  
18 Hawaii's present and future population through the pursuit of  
19 desirable courses of action. The priority guidelines will serve  
20 as a guiding policy for adapting to the expected impacts of  
21 climate change through the existing implementation provisions of  
22 the Hawaii State Planning Act, which include guiding all major



1 state and county activities, programs, budgetary, land use, and  
2 other decision making processes, and county general plans and  
3 development plans, pursuant to part II of the Hawaii State  
4 Planning Act.

5 SECTION 2. Chapter 226, Hawaii Revised Statutes, is  
6 amended by adding to part III a new section to be appropriately  
7 designated and to read as follows:

8 "§226- Climate change adaptation priority guidelines.

9 Priority guidelines to prepare the State to address the impacts  
10 of climate change, including impacts to the areas of  
11 agriculture; conservation lands; coastal and nearshore marine  
12 areas; natural and cultural resources; education; energy; higher  
13 education; health; historic preservation; water resources; the  
14 built environment, such as housing, recreation, transportation;  
15 and the economy shall:

16 (1) Ensure that Hawaii's people are educated, informed,  
17 and aware of the impacts climate change may have on  
18 their communities;

19 (2) Encourage community stewardship groups and local  
20 stakeholders to participate in planning and  
21 implementation of climate change policies;



- 1        (3) Invest in continued monitoring and research of  
2        Hawaii's climate and the impacts of climate change on  
3        the State;
- 4        (4) Consider native Hawaiian traditional knowledge and  
5        practices in planning for the impacts of climate  
6        change;
- 7        (5) Encourage the preservation and restoration of natural  
8        landscape features, such as coral reefs, beaches and  
9        dunes, forests, streams, floodplains, and wetlands,  
10       that have the inherent capacity to avoid, minimize, or  
11       mitigate the impacts of climate change;
- 12       (6) Explore adaptation strategies that moderate harm or  
13       exploit beneficial opportunities in response to actual  
14       or expected climate change impacts to the natural and  
15       built environments;
- 16       (7) Promote sector resilience in areas such as water,  
17       roads, airports, and public health, by encouraging the  
18       identification of climate change threats, assessment  
19       of potential consequences, and evaluation of  
20       adaptation options;
- 21       (8) Foster cross-jurisdictional collaboration between  
22       county, state, and federal agencies and partnerships



- 1           between government and private entities and other non-
- 2           governmental entities, including nonprofit entities;
- 3           (9) Use management and implementation approaches that
- 4           encourage the continual collection, evaluation, and
- 5           integration of new information and strategies into new
- 6           and existing practices, policies, and plans; and
- 7           (10) Encourage planning and management of the natural and
- 8           built environments that effectively integrate climate
- 9           change policy."

10           SECTION 3. Section 226-102, Hawaii Revised Statutes, is  
 11 amended to read as follows:

12           "**§226-102 Overall direction.** The State shall strive to  
 13 improve the quality of life for Hawaii's present and future  
 14 population through the pursuit of desirable courses of action in  
 15 [~~six~~] seven major areas of statewide concern which merit  
 16 priority attention: economic development, population growth and  
 17 land resource management, affordable housing, crime and criminal  
 18 justice, quality education, [~~and~~] principles of  
 19 sustainability[-], and climate change adaptation."

20           SECTION 4. Statutory material to be repealed is bracketed  
 21 and stricken. New statutory material is underscored.

22           SECTION 5. This Act shall take effect upon its approval.

S.B. NO.

2745  
S.D. 1  
H.D. 2  
C.D. 1

APPROVED this 9 day of JUL, 2012

A handwritten signature in black ink, reading "Neil Abernethy". The signature is written in a cursive style with a large initial "N".

GOVERNOR OF THE STATE OF HAWAII