

# OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE  
GOVERNOR

LEO R. ASUNCION  
DIRECTOR  
OFFICE OF PLANNING

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

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

Statement of  
**LEO R. ASUNCION**  
Director, Office of Planning  
before the  
**HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS**  
Tuesday, February 13, 2018  
10:40 AM  
State Capitol, Conference Room 312

in consideration of  
**HB 2106, HD1**  
**RELATING TO ENVIRONMENTAL PROTECTION.**

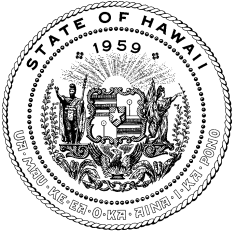
Chair Ing, Vice Chair DeCoite, and Members of the House Committee on Ocean, Marine, and Hawaiian Affairs.

The Office of Planning (OP) supports the intent of HB 2106, HD1 which requires the Office of Environmental Quality Control (OEQC) to adopt and maintain rules requiring all environmental assessments (EAs) and environmental impact statements (EISs) prepared pursuant to chapter 343, Hawaii Revised Statute (HRS), to include consideration of sea level rise based on the most recent scientific data available regarding sea level rise.

OP suggests that the proposed measure clarify the entity responsible for making the determination for the parameters to define "most recent scientific data regarding sea level rise," or amend "most recent" (p1, line 6) to "best available".

It is our understanding that OEQC is in the process of updating and streamlining Hawaii Administrative Rules (HAR) Chapter 11-200. Therefore, OP defers to the appropriate agency for comment.

Thank you for the opportunity to comment on this measure.



# OFFICE OF ENVIRONMENTAL QUALITY CONTROL

DEPARTMENT OF HEALTH | 235 South Beretania Street, Suite 702, Honolulu, HI 96813 | oeqchawaii@doh.hawaii.gov

DAVID Y. IGE  
GOVERNOR

SCOTT GLENN  
DIRECTOR

(808) 586-4185

Testimony of  
**SCOTT GLENN, Director**

before the  
**HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES, AND HAWAIIAN AFFAIRS**

Tuesday, February 13, 2018

10:40 AM

State Capitol, Conference Room 312

in consideration of  
**HOUSE BILL 2106 HOUSE DRAFT 1**  
**RELATING TO ENVIRONMENTAL PROTECTION**

Chair Ing, Vice Chair DeCoite, and Members of the House Committee on Ocean, Marine Resources, and Hawaiian Affairs,

The Office of Environmental Quality Control (OEQC) administers Chapter 343, Environmental Impact Statements (EIS), Hawai'i Revised Statutes (HRS). The purpose of the EIS law is to "establish a system of environmental review which ensures that environmental concerns are given appropriate consideration in decision making along with economic and technical considerations" (HRS § 343-1). Additionally, the OEQC serves "the Governor in an advisory capacity on all matters relating to environmental quality control," as directed in HRS § 341-3.

House Bill 2106 House Draft 1 proposes to require the OEQC to adopt and maintain rules requiring all environmental assessments (EAs) and EISs prepared pursuant to Chapter 343, HRS, to include consideration of sea level rise based on the most recent scientific data available regarding sea level rise.

The Environmental Council ("Council") promulgates administrative rules for the implementation of Chapter 343, HRS. The Council is currently undergoing rulemaking to update Hawai'i Administrative Rules (HAR) Chapter 11-200, Environmental Impact Statements. Since July 2017, the Council has released three working drafts of rules changes to gain stakeholder and public feedback. The Council is currently preparing a fourth draft.

After the Council released its third working draft in October 2017, the Hawai'i Climate Change Mitigation & Adaptation Commission ("Climate Commission") accepted the *Sea Level Rise Vulnerability & Adaptation Report* in December 2017. The report recommends that the OEQC issue specific guidance on addressing sea level rise in EAs and EISs modeled on federal guidance. The OEQC committed to the Climate Commission to prepare the requested guidance.

The Council is currently preparing language to incorporate climate change, including sea level rise, into its next draft version of the administrative rules. For the next draft, the Council is contemplating making the following revisions to the significance criteria:

“In determining whether an action may have a significant effect on the environment, the agency shall consider every phase of a proposed action, the expected [~~consequences~~] impacts, both primary and secondary, and the cumulative as well as the short-term and long-term effects of the action. In most instances, an action shall be determined to have a significant effect on the environment if it is likely to

...

“~~[Affects]~~ Have a substantial adverse effect on or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, sea level rise exposure area, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters

....

“~~[Requires]~~ Require substantial energy consumption or emit substantial greenhouse gases.”

Following the release of its next working draft, the Council will hold a public meeting, subject to Chapter 92, HRS, in March to vote on whether to request the Governor to approve the Council to conduct public hearings for rulemaking pursuant to Chapter 91, HRS.

While the Council is undertaking rulemaking, we respectfully request that the Legislature defer making amendments to Chapter 343, HRS. Changes to the statute may result in the Council having to redo or start over its work to date.

Thank you for the opportunity to testify on this measure.



SIERRA CLUB OF HAWAII  
MĀLAMA I KA HONUA. *Cherish the Earth.*

**HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS**

Tuesday, February 13, 2018 10:40AM Conference Room 312

**In SUPPORT of HB 2106 HD1** Relating to environmental protection

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Aloha Chair Ing, Vice Chair DeCoite and members of the Committee,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i, a member of the Common Good Coalition, **strongly urges this Committee to adopt HB 2106 HD1**, to require the environmental review process for all projects to consider the effects of sea level rise.

The preservation of Hawai'i's shorelines is not only critical to protect the countless flora and fauna living there, but also to protect our island way of life. Most people rely on coastal resources for food subsistence, homes and businesses, traditional practices, rejuvenation, and recreation. In part because of their importance in our lives, coastal areas are also built up. Considerable investment continues to be made in structures and infrastructure near the shoreline. This is a problem because the science is clear that one of the impacts of warming global temperatures is sea level rise.

The negative impacts to low-lying coastal areas include loss of sand on beaches, degraded critical habitat, economic harm, and displacement of residents. Based on the magnitude and rate of sea level rise, we as a community must act now to not only mitigate the long-term effects of climate change, but also to adapt to the impacts we will continue to see through the rest of this century and beyond.

The new Hawai'i Climate Change Mitigation and Adaptation Commission just released the "Sea Level Rise Vulnerability and Adaptation Report"<sup>1</sup> to the public. This comprehensive report assesses Hawai'i's vulnerability to sea level rise and offers several critical recommendations for helping our islands prepare and adapt to our warmer future.

The Sea Level Rise Vulnerability Report said:

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<sup>1</sup> [https://climateadaptation.hawaii.gov/wp-content/uploads/2018/01/SLR-Report\\_-\\_January-2018.pdf](https://climateadaptation.hawaii.gov/wp-content/uploads/2018/01/SLR-Report_-_January-2018.pdf)

- If greenhouse gas emissions stopped today, the sea level would still rise, so preparations must be made now, even as we mitigate climate change.
- At a minimum, failure to plan for a 3-foot sea level rise will:
  - Cost the people of Hawai'i \$19 billion dollars
  - Displace 20,000 residents,
  - Impact 35 miles of road,
  - Inundate 2,000 sewage disposal systems,
  - Affect 550 cultural sites, and
  - Compromise 6,500 structures - like hotels, shopping malls, and small businesses
- Recommendation 2.9 "Develop guidance on integrating sea level rise and climate change in the environmental review process and incorporating environmental justice considerations"

This bill implements recommendation 2.9. The purpose of Chapter 343 is to engage a public discussion on the effects human activities have the quality of our environment. In establishing this statute, the legislature wrote:

The legislature finds that the quality of humanity's environment is critical to humanity's well being, that **humanity's activities have broad and profound effects upon the interrelations of all components of the environment**, and that an environmental review process will **integrate the review of environmental concerns with existing planning processes** of the State and counties and **alert decision makers to significant environmental effects** which may result from the implementation of certain actions. The legislature further finds that the process of reviewing environmental effects is desirable because **environmental consciousness is enhanced**, cooperation and coordination are encouraged, and public participation during the review process benefits all parties involved and society as a whole.

It is the purpose of this chapter to establish a system of environmental review which will **ensure that environmental concerns are given appropriate consideration in decision making along with economic and technical considerations.**

This bill takes an important step forward in the overall effort to fulfill the purpose of Chapter 343 and help the people of Hawai'i adapt to the reality of higher seas. Requiring projects to consider the effects of sea level rise means we reduce the risk of damage to these proposals once built, and we better protect our beloved beaches so that our future generations can rely on them in the same way we do.

Thank you for the opportunity to provide testimony on this important measure.

**HB-2106-HD-1**

Submitted on: 2/12/2018 8:25:11 AM

Testimony for OMH on 2/13/2018 10:40:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments:

**HB-2106-HD-1**

Submitted on: 2/12/2018 9:22:22 AM

Testimony for OMH on 2/13/2018 10:40:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary Whispering Wind	Patients Without Time	Support	No

Comments:

I SUPPORT HB2106,

Please protect our environment. Organic natural agriculture, without toxic contamination of our food and environment is necessary to protect the health, safety, and economic future of Hawaii's citizens.

Mahalo for your concerned consideration,

Mary Whispering Wind  
PWT Maui, volunteer

**HB-2106-HD-1**

Submitted on: 2/11/2018 3:36:42 PM

Testimony for OMH on 2/13/2018 10:40:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Rudolph		Support	No

Comments:

**Support**



**HB-2106-HD-1**

Submitted on: 2/11/2018 3:41:46 PM

Testimony for OMH on 2/13/2018 10:40:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carlton York		Support	No

Comments:

Passing thsi measure feels like Common Sense , Strong Support !

**HB-2106-HD-1**

Submitted on: 2/11/2018 7:31:57 PM

Testimony for OMH on 2/13/2018 10:40:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
ryan christopher		Support	No

Comments:

We know the science behind sea level rise is factual. We are on the front lines of this world wide issue. We need to consider it in our planning for the future.

**HB-2106-HD-1**

Submitted on: 2/12/2018 10:17:49 AM

Testimony for OMH on 2/13/2018 10:40:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tulsi Greenlee		Support	No

Comments:

**LATE**

**HB-2106-HD-1**

Submitted on: 2/12/2018 4:19:15 PM

Testimony for OMH on 2/13/2018 10:40:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Benton Kealii Pang, Ph.D.	Hawaiian Civic Club of Honolulu	Support	No

Comments:

**HB-2106-HD-1**

Submitted on: 2/12/2018 5:12:15 PM

Testimony for OMH on 2/13/2018 10:40:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Doug Fetterly	Individual	Support	No

Comments:

Sea level rise is real. Passing this bill is a yes vote for the community and our beaches. If anyone votes against it, they are putting the selfish interests of a few folk ahead of the public. Please pass this bill. It's time.

**LATE**

**HB-2106-HD-1**

Submitted on: 2/12/2018 6:30:04 PM

Testimony for OMH on 2/13/2018 10:40:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lois Crozer	Individual	Support	No

Comments:

**LATE**

**HB-2106-HD-1**

Submitted on: 2/12/2018 8:04:34 PM

Testimony for OMH on 2/13/2018 10:40:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nancy Davlantes	Individual	Support	No

Comments: