

# OFFICE OF ENVIRONMENTAL QUALITY CONTROL

DAVID Y. IGE  
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SCOTT GLENN  
DIRECTOR

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Testimony of  
**SCOTT GLENN, Director**

before the  
**HOUSE COMMITTEE ON FINANCE**  
Friday, February 23, 2018  
2:00 PM  
State Capitol, Conference Room 308

in consideration of  
**HOUSE BILL 2106, HOUSE DRAFT 2**  
**RELATING TO ENVIRONMENTAL PROTECTION**

Chair Luke, Vice Chair Cullen, and Members of the House Committee on Finance,

House Bill 2106, House Draft 2 proposes to require 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, Hawai'i Revised Statutes (HRS), to include consideration of sea level rise based on the best available scientific data regarding sea level rise. **The OEQC supports the intent of this measure, but requests that it be deferred and provides the following comments.**

The Environmental Council is currently undertaking rulemaking on Chapter 343, HRS. Changes to the statute may result in the Council having to redo or start over its work to date.

Per Section 341-6, HRS, the Environmental Council ("Council") is a separate and distinct agency from the OEQC. Section 341-6, HRS and Section 343-6, HRS, authorize the Council to promulgate administrative rules for the implementation of Chapter 343, HRS. Moreover, Section 343-6, HRS, requires the Council to undertake additional steps for rulemaking over and above the requirements of Chapter 91, HRS.

Since July 2017, the Council has released four working drafts of rules changes to gain stakeholder and public feedback, most recently releasing Version 0.4 on February 20, 2018. In Version 0.4, the Council proposed 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.”

These revisions mean that all EAs and EISs will be required to analyze sea level rise to the extent it is relevant to the proposed action.

The next step for the Council is to meet and vote on working draft version 0.4 as the document to take to public hearing. Following approval of the draft by the Council, the Council will hold public hearings pursuant to Chapter 91 and Chapter 343, HRS. For more information on the Council’s rules update, including process, timeline, and working drafts, please visit:

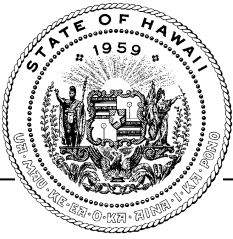
<http://health.hawaii.gov/oeqc/rules-update/>.

In addition, the Hawai’i Climate Change Mitigation and Adaptation Commission (“Climate Commission”) issued the *Sea Level Rise Vulnerability and 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, which it will do once the Council has completed rulemaking.

Should the Committee advance the bill, the OEQC requests that the Committee amend section 1 to read:

SECTION 1. The ~~[office of environmental quality control]~~ environmental council shall adopt and maintain rules pursuant to chapter 91 and chapter 343, Hawaii Revised Statutes, requiring all environmental assessments and environmental impact statements prepared pursuant to chapter 343, Hawaii Revised Statutes, whether in draft or final form, to include consideration of sea level rise based on the best available scientific data regarding sea level rise.

Thank you for the opportunity to testify on this measure.



# OFFICE OF PLANNING STATE OF HAWAII

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DAVID Y. IGE  
GOVERNOR

LEO R. ASUNCION  
DIRECTOR  
OFFICE OF PLANNING

Statement of  
**LEO R. ASUNCION**  
Director, Office of Planning  
before the  
**HOUSE COMMITTEE ON FINANCE**  
Friday, February 23, 2018  
2:00 PM  
State Capitol, Conference Room 308

in consideration of  
**HB 2106, HD2**  
**RELATING TO ENVIRONMENTAL PROTECTION.**

Chair Luke, Vice Chair Cullen, and Members of the House Committee on Finance.

The Office of Planning (OP) supports the intent of HB 2106, HD2 which requires the Office of Environmental Quality Control (OEQC) to adopt and maintain rules requiring environmental assessments and environmental impact statements prepared pursuant to Chapter 343, Hawaii Revised Statutes, to include consideration of sea level rise based on the best available scientific data regarding sea level rise.

OP appreciates the incorporation of our amendments to the measure in the previous Committee. Further, it is our understanding that updates and streamlining of Hawaii Administrative Rules (HAR) Chapter 11-200 are in progress and therefore defers to the Office of Environmental Quality Control for comment.

Thank you for the opportunity to comment on this measure.





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

**HOUSE COMMITTEE ON FINANCE**

Friday, February 23, 2018 2:00PM Conference Room 308

**In SUPPORT of HB 2106 HD2** Relating to environmental protection

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Aloha Chair Luke, Vice Chair Cullen 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 HD2**, 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:

- If greenhouse gas emissions stopped today, the sea level would still rise, so preparations must be made now, even as we mitigate climate change.

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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)

- 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-2**

Submitted on: 2/22/2018 2:57:23 AM

Testimony for FIN on 2/23/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jun Shin	Young Progressives Demanding Action - Hawaii	Support	No

Comments:

In strong support!

**HB-2106-HD-2**

Submitted on: 2/21/2018 12:55:01 PM

Testimony for FIN on 2/23/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cathy Goeggel	Animal Rights Hawai'i	Support	No

Comments:



**HB-2106-HD-2**

Submitted on: 2/22/2018 1:55:15 PM

Testimony for FIN on 2/23/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

**HB-2106-HD-2**

Submitted on: 2/22/2018 3:46:08 AM

Testimony for FIN on 2/23/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Reed Gach	Individual	Support	No

Comments:

**I urge you to support this Environmental Protection Bill.**

It vital that we maintain rules requiring all environmental assessments and environmental impact statements, to include consideration of sea level rise based on the best available scientific data regarding sea level rise. (HB2106 HD2)

**HB-2106-HD-2**

Submitted on: 2/22/2018 8:59:19 AM

Testimony for FIN on 2/23/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Thorne Abbott	Individual	Support	No

Comments:

Its is critical that sea level rise (SLR) be considered and its impact evaluated when contemplating development along the shoreline. Unfortunately, information relating to SLR is NOT required to be submitted to decision makers evaluating coastal development proposals. This is due, in part, to the lack of understanding of SLR when the rules and laws related to environmental review were first enacted. Please bring our rules and laws into conformance with current / modern scientific understanding. Mahalo!

**HB-2106-HD-2**

Submitted on: 2/22/2018 9:05:12 AM

Testimony for FIN on 2/23/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary Lacques	Individual	Support	No

Comments:

**HB-2106-HD-2**

Submitted on: 2/22/2018 10:42:52 AM

Testimony for FIN on 2/23/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments:

**HB-2106-HD-2**

Submitted on: 2/22/2018 11:11:01 AM

Testimony for FIN on 2/23/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Denise Boisvert	Individual	Support	No

Comments:

I support Bill 2106 and hope it will pass so I don't have to put a rowboat in my assigned parking space at my condo building.

**HB-2106-HD-2**

Submitted on: 2/22/2018 11:17:22 AM

Testimony for FIN on 2/23/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Merle Hayward	Individual	Support	No

Comments:

STRONGLY SUPPORT HD2

**HB-2106-HD-2**

Submitted on: 2/22/2018 11:24:25 AM

Testimony for FIN on 2/23/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kim Jorgensen	Individual	Support	No

Comments:

Bill 2106 is needed because development on the islands seems to be done without consideration of the future of sea level rise and all the ways it will affect the islands.



**HB-2106-HD-2**

Submitted on: 2/22/2018 12:02:19 PM

Testimony for FIN on 2/23/2018 2:00:00 PM

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

Comments:

**Support**

**HB-2106-HD-2**

Submitted on: 2/22/2018 1:25:56 PM

Testimony for FIN on 2/23/2018 2:00:00 PM

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

Comments:

**HB-2106-HD-2**

Submitted on: 2/22/2018 1:30:55 PM

Testimony for FIN on 2/23/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

**HB-2106-HD-2**

Submitted on: 2/22/2018 1:45:29 PM

Testimony for FIN on 2/23/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sarah Toole	Individual	Support	No

Comments:

I strongly support this measure.

Sarah Toole

1128 Ala Napunani St 96818

UH Manoa Political Science student

**LATE**

**HB-2106-HD-2**

Submitted on: 2/22/2018 4:39:45 PM

Testimony for FIN on 2/23/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Yvonne Yoro	Individual	Support	No

Comments:

**I am writing to testify in strong support of HB2106. I am deeply concerned with the effects that climate change continues to have on sea-level rise and being that our island is no stranger to sea-level rise, I plea that you look at the future effects of our island and ensure that our shores will remain.**

**LATE**

**HB-2106-HD-2**

Submitted on: 2/22/2018 5:16:15 PM

Testimony for FIN on 2/23/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sandra Fujita	Individual	Support	No

Comments:

**HB-2106-HD-2**

Submitted on: 2/22/2018 8:04:17 PM

Testimony for FIN on 2/23/2018 2:00:00 PM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cory Harden	Individual	Support	No

Comments:

**LATE**

**HB-2106-HD-2**

Submitted on: 2/22/2018 8:48:52 PM

Testimony for FIN on 2/23/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sherry Pollack	Individual	Support	No

Comments:



**LATE**

**HB-2106-HD-2**

Submitted on: 2/22/2018 11:16:16 PM

Testimony for FIN on 2/23/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Bambara	Individual	Support	No

Comments:

DEPARTMENT OF ENVIRONMENTAL SERVICES  
**CITY AND COUNTY OF HONOLULU**

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707  
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**LATE**

KIRK CALDWELL  
MAYOR



LORI M.K. KAHIKINA, P.E.  
DIRECTOR

TIMOTHY A. HOUGHTON  
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.  
DEPUTY DIRECTOR

IN REPLY REFER TO:  
WAS 18-38

February 21, 2018

The Honorable Sylvia Luke, Chair  
and Members of the Committee on Finance  
House of Representatives  
State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Luke and Members:

Subject: House Bill 2106 HD2, Relating to Environmental Protection

The City and County of Honolulu's Department of Environmental Services supports HB 2106, HD2, and its proposed provision requiring all environmental assessments and environmental impact statements include consideration on sea level rise, using the latest available scientific data. We believe that will provide the best planning for future projects.

Thank you for your consideration.

Sincerely,

Lori M.K. Kahikina, P.E.  
Director