
A BILL FOR AN ACT

RELATING TO CLIMATE CHANGE.

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

1 **PART I**

2 SECTION 1. As reflected in the findings of Act 32, Session
3 Laws of Hawaii 2017 (Act 32), the legislature recognizes that
4 climate change is not only real, but it is also the overriding
5 challenge of the twenty-first century and one of the priority
6 issues of the senate. Climate change poses immediate and long-
7 term threats to the State's economy, sustainability, security,
8 and way of life.

9 Act 32 established the Hawaii climate change mitigation and
10 adaptation commission and directed the commission, as a first
11 step, to focus on and develop sea level rise vulnerability and
12 adaptation reports that are required to include:

- 13 (1) Identification of the major areas of sea level rise
14 impacts affecting the State and counties through 2050;
- 15 (2) Identification of expected impacts of sea level rise
16 based on the latest scientific research for each area
17 through 2050;



- 1 (3) Identification of the economic ramifications of sea
- 2 level rise;
- 3 (4) Identification of applicable federal laws, policies,
- 4 or programs that impact affected areas; and
- 5 (5) Recommendations for planning, management, and
- 6 adaptation for hazards associated with increasing sea
- 7 level rise.

8 The Hawaii climate change mitigation and adaptation
9 commission submitted a Hawaii sea level rise vulnerability and
10 adaptation report in December 2017. The report identifies, with
11 maps at tax map key detail, areas that are susceptible to sea
12 level rise impacts based on a 3.2-foot increase in sea level
13 projected to occur by mid-century or earlier. These areas are
14 designated as the sea level rise exposure area projection, which
15 the commission recommends be adopted as a sea level rise
16 exposure area overlay to guide state and county adaptation
17 strategies and standards for development. The Hawaii sea level
18 rise vulnerability and adaptation report also made a number of
19 recommendations to state and county agencies based on emerging
20 good practices to strengthen Hawaii's overall readiness to face
21 sea level rise and climate change.



1 The purpose of this Act is to implement the recommendations
2 of the Hawaii sea level rise vulnerability and adaptation
3 report.

4 **PART II**

5 SECTION 2. The purpose of this part is to require all
6 state departments and agencies to implement the recommendations
7 of the Hawaii sea level vulnerability and adaptation report.

8 SECTION 3. Chapter 27, Hawaii Revised Statutes, is amended
9 by adding a new part to be appropriately designated and to read
10 as follows:

11 **"PART . SEA LEVEL RISE ADAPTATION**

12 **§27- Responsibilities.** (a) Each department and agency
13 of the State shall:

- 14 (1) Review its existing policies, regulatory processes,
15 and administrative rules to assess whether the
16 department or agency's regulatory framework supports
17 the smart redevelopment of urban areas as part of sea
18 level rise adaptation planning; provided that the
19 first review shall be completed no later than July 1,
20 2019, and subsequent reviews shall be conducted at
21 least once every five years;



- 1 (2) Update capital improvement planning to:
 - 2 (A) Incorporate sea level rise projections; and
 - 3 (B) Prioritize infrastructure improvements for urban
 - 4 areas identified as priority redevelopment areas
 - 5 by the committee on sea level rise and managed
 - 6 retreat established pursuant to section
 - 7 225M-A(d);

- 8 (3) Adopt a review and approval process to ensure that new
- 9 developments and capital improvement projects with an
- 10 expected life span of thirty years or more incorporate
- 11 sea level rise in the development or project's design
- 12 and siting. The State shall require:
 - 13 (A) New developments and capital improvement projects
 - 14 to include an in-depth analysis of sea level rise
 - 15 impacts based on elevation, tolerance for risk,
 - 16 and lifetime of the structure; and
 - 17 (B) Redevelopments within existing footprints to be
 - 18 dependent on established, resilient building
 - 19 design guidelines, or otherwise be subject to
 - 20 relocation to a more suitable area;



- 1 (4) Develop design standards for existing and proposed
2 land uses that limit urban growth and increase flood
3 resiliency within sea level rise exposure areas;
- 4 (5) Develop guidance for developers to assist with the
5 integration of sea level rise in project design and
6 encourage the use of best management practices for
7 incorporating green and sustainable approaches in all
8 stages of project development;
- 9 (6) If applicable, consider adopting rules or policies
10 that encourage property owners at risk due to coastal
11 flooding to purchase flood insurance;
- 12 (7) Incorporate projected sea level rise into hazard
13 mitigation plans;
- 14 (8) Adopt a statewide program that supports county
15 participation in the building code effectiveness
16 grading schedule program, administered by the
17 International Organization for Standardization;
- 18 (9) Develop a pre-disaster recovery framework that
19 incorporates opportunities to adapt to sea level rise
20 through disaster recovery;



- 1 (10) Prioritize the preservation of coral reefs when taking
2 actions that may affect the health of the coral reefs
3 of the State; and
- 4 (11) Conduct an in-depth assessment of critical
5 infrastructure that are at risk due to climate change
6 and sea level rise, including critical infrastructure
7 within sea level rise exposure areas. The assessment
8 shall examine the vulnerability and evaluation of
9 adaptation strategies for the infrastructure. The
10 assessment shall consider the current condition of the
11 infrastructure and the remaining years of useful life.
12 The State shall use the assessment to prioritize
13 investment to protect, retrofit, or relocate the
14 infrastructure. The first assessment shall be
15 completed no later than July 1, 2018, and subsequent
16 assessments shall be conducted at least once every
17 five years.
- 18 (b) Except for paragraph (a)(1), the governor may delegate
19 the duties required by subsection (a) to one or more specific
20 executive departments or agencies.



1 (c) For purposes of this section, "sea level rise exposure
2 area" means a sea level rise exposure area identified and
3 officially designated by the Hawaii climate change mitigation
4 and adaptation commission or its successor.

5 **§27- Report.** The office of the governor shall report
6 to the legislature on its progress regarding the implementation
7 of this part. The governor shall submit a report of its
8 findings and recommendations, including any proposed
9 legislation, to the legislature no later than twenty days prior
10 to the convening of each regular session."

11 SECTION 4. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so
13 much thereof as may be necessary for fiscal year 2018-2019 for
14 the purposes of implementing this Act.

15 The sum appropriated shall be allotted by the department of
16 accounting and general services to the respective state agencies
17 for expenditure as may be necessary to fulfill the purposes of
18 this Act.

19



1 **PART III**

2 SECTION 5. The purpose of this part is to require the
3 counties to implement recommendations of the Hawaii sea level
4 vulnerability and adaptation report.

5 SECTION 6. Chapter 46, Hawaii Revised Statutes, is amended
6 by adding a new part to be appropriately designated and to read
7 as follows:

8 **"PART . SEA LEVEL RISE ADAPTATION**

9 **§46-A Responsibilities.** (a) Each county shall:

10 (1) Review its existing policies, regulatory processes,
11 and administrative rules to assess whether the
12 county's regulatory framework supports the smart
13 redevelopment of urban areas as part of sea level rise
14 adaptation planning; provided that the first review
15 shall be completed no later than July 1, 2019, and
16 subsequent reviews shall be conducted at least once
17 every five years;

18 (2) In consultation with the State, conduct a
19 comprehensive regional market assessment for each
20 urban area identified as a priority redevelopment area
21 by the committee on sea level rise and managed retreat



1 established pursuant to section 225M-A(d). The
2 assessment shall:

- 3 (A) Provide defensible estimates of current market
4 conditions and opportunities for supportable
5 future growth across various economic sectors;
- 6 (B) Identify specific opportunities for future growth
7 across various economic sectors;
- 8 (C) Consider the depth of the market for potential
9 uses by analyzing workforce, demographic, and
10 economic data sets; and
- 11 (D) Include quantitative and qualitative information
12 that presents a comprehensive assessment of the
13 market and defines supportable residential,
14 commercial, and industrial development potential;
- 15 (3) In consultation with the State, and based on the
16 comprehensive regional market assessments required by
17 paragraph (2), develop detailed redevelopment
18 strategies for each urban area identified as a
19 priority redevelopment area by the committee on sea
20 level rise and managed retreat established pursuant to
21 section 225M-A(d). The strategy shall include:



- 1 (A) Site-level assessments recommending the highest
- 2 and best use for the priority redevelopment site;
- 3 and
- 4 (B) Detailed redevelopment strategies to support
- 5 successful redevelopment of priorities areas,
- 6 including specific recommendations that tailor to
- 7 the unique local conditions of each redevelopment
- 8 area;
- 9 (4) Update capital improvement planning to:
 - 10 (A) Incorporate sea level rise; and
 - 11 (B) Prioritize infrastructure improvements for urban
 - 12 areas identified as priority redevelopment areas
 - 13 by the committee on sea level rise and managed
 - 14 retreat established pursuant to section
 - 15 225M-A(d);
- 16 (5) Adopt a review and approval process to ensure that new
- 17 developments and capital improvement projects with an
- 18 expected life span of thirty years or more incorporate
- 19 sea level rise in the development or project's design
- 20 and siting. The counties shall require:



- 1 (A) New developments and capital improvement projects
2 to include an in-depth analysis of sea level rise
3 impacts based on elevation, tolerance for risk,
4 and lifetime of the structure; and
- 5 (B) Redevelopments within existing footprints to be
6 dependent on established, resilient building
7 design guidelines, or otherwise be subject to
8 relocation to a more suitable area;
- 9 (6) Develop design standards for existing and proposed
10 land uses that limit urban growth and increase flood
11 resiliency within sea level rise exposure areas;
- 12 (7) Develop guidance for developers to assist with the
13 integration of sea level rise in project design and
14 encourage the use of best management practices for
15 incorporating green and sustainable approaches in all
16 stages of project development;
- 17 (8) Take into consideration future sea level rise when
18 adopting or revising flood standards and flood maps;
- 19 (9) Consider adopting ordinances that require structures
20 built in coastal A zones be constructed in compliance
21 with V zone construction standards. For purposes of



1 this paragraph, "coastal A zone" and "V zone" shall
2 refer to areas designated as a coastal A zone or zone
3 V, respectively, by the National Flood Insurance
4 Program;

5 (10) Participate in the National Flood Insurance Program's
6 Community Rating System;

7 (11) Consider adopting ordinances or policies that
8 encourage property owners at risk due to coastal
9 flooding to purchase flood insurance;

10 (12) Incorporate projected sea level rise into hazard
11 mitigation plans;

12 (13) Develop a pre-disaster recovery framework that
13 incorporates opportunities to adapt to sea level rise
14 through disaster recovery;

15 (14) Prioritize the preservation of coral reefs when taking
16 actions that may affect the health of the coral reefs
17 of the respective county;

18 (15) Conduct an in-depth assessment of critical
19 infrastructure that are at risk to climate change and
20 sea level rise, including critical infrastructure
21 within sea level rise exposure areas. The assessment



1 shall examine the vulnerability and evaluation of
2 adaptation strategies for the infrastructure. The
3 assessment shall consider the current condition of the
4 infrastructure and the remaining years of useful life.
5 The counties shall use the data to prioritize
6 investment to protect, retrofit, or relocate the
7 infrastructure; and

8 (16) Consider ordinances that create transfer of
9 development rights and purchase of development rights
10 programs; provided that the programs are created to
11 facilitate the managed retreat from sea level rise
12 exposure areas and preserve beaches from the effects
13 of sea level rise.

14 (b) For purposes of this section, "sea level rise exposure
15 area" means a sea level rise exposure area identified and
16 officially designated by the Hawaii climate change mitigation
17 and adaptation commission or its successor.

18 **§46-B Report.** Each county shall report to the legislature
19 regarding its progress on the implementation of this part. The
20 county shall submit the report of its findings and
21 recommendations, including any proposed legislation, to the



1 legislature no later than twenty days prior to the convening of
2 each regular session."

3 SECTION 7. There is appropriated out of the general
4 revenues of the State of Hawaii the following sums or so much
5 thereof as may be necessary for fiscal year 2018-2019 to assist
6 the counties in implementing this part:

7	County of Hawaii	\$
8	County of Kauai	\$
9	County of Maui	\$
10	County of Honolulu	\$ <u> </u>
11	Total	\$

12 The sums appropriated shall constitute the State's share of
13 the cost of the mandated program under article VIII, section 5
14 of the Hawaii State Constitution.

15 **PART IV**

16 SECTION 8. The purpose of this part is to implement
17 provisions of the Hawaii sea level vulnerability and adaptation
18 report relating to the office of planning.

19 SECTION 9. Chapter 225M, Hawaii Revised Statutes, is
20 amended by adding two new sections to be appropriately
21 designated and to read as follows:



1 "§225M-A Sea level rise; exposure areas; mitigation. (a)

2 The office of planning shall integrate into state planning the
3 recommendations from the Hawaii climate change mitigation and
4 adaptation commission regarding sea level rise exposure areas.

5 Specifically, the office of planning shall consider:

6 (1) Immediate opportunities to implement sea level rise
7 adaptation actions;

8 (2) The promotion of managed retreat from the shoreline
9 where feasible, including the planning of new

10 developments outside of sea level rise exposure areas;

11 (3) The protection of coastal areas and beaches from
12 inappropriate development in light of potential sea
13 level rise; and

14 (4) The creation of incentives for flood risk avoidance.

15 (b) The office of planning shall develop specific guidance
16 to apply:

17 (1) The climate change adaptation priority guidelines
18 established by section 226-109; and

19 (2) Actions recommended by the Hawaii sea level rise
20 vulnerability and adaptation report, issued by the
21 Hawaii climate change mitigation and adaptation



1 commission or its successor, to address sea level rise
2 impacts,
3 in plans and programs within the state planning system.

4 (c) The office of planning shall maintain an inventory of
5 lands suitable for future development outside of sea level rise
6 exposure areas. The inventory shall:

7 (1) Identify, assess, and prioritize underutilized land
8 within urban zoned areas that could be redeveloped in
9 a manner that is resilient to sea level rise;

10 (2) Assess potential developable lands outside of urban
11 growth boundaries that are suitable for future
12 development;

13 (3) Review existing redevelopment plans or studies to
14 assess the consistency of the plans with state goals
15 relating to sea level rise and managed retreat;

16 (4) Include the following factors in the inventory:

17 (A) Existing land use classification and ownership;

18 (B) Historic land use patterns;

19 (C) Critical land uses such as agriculture and
20 conservation for water resources;

21 (D) Whether the area is currently eroding;



- 1 (E) Whether shoreline armoring is already in place in
- 2 the area;
- 3 (F) Whether the area has a high potential for
- 4 landward migration;
- 5 (G) Whether the area has particular social, cultural,
- 6 economic, or environmental value;
- 7 (H) Whether the area currently supports critical
- 8 infrastructure; and
- 9 (I) Anticipated vulnerability of the area to sea
- 10 level rise impacts; and
- 11 (5) Be developed in coordination with the counties.
- 12 (d) The office of planning shall establish a standing
- 13 committee on sea level rise and managed retreat, to be chaired
- 14 by the director of the office of planning and to consist of any
- 15 relevant state or county officials invited by the director of
- 16 the office of planning. The committee shall conduct detailed
- 17 risk analyses of urban areas vulnerable to sea level rise. The
- 18 risk analyses shall:
- 19 (1) Use data from:
- 20 (A) Vulnerability assessment results compiled by the
- 21 Hawaii climate change mitigation and adaptation



- 1 commission and published in the Hawaii sea level
2 rise vulnerability and adaptation report; and
3 (B) The land inventory compiled pursuant to
4 subsection (c);
- 5 (2) Quantify potential losses for the identified urban
6 areas, including:
- 7 (A) Structural losses;
8 (B) Economic losses;
9 (C) Income level losses;
10 (D) Job losses;
11 (E) Wage losses;
12 (F) Tax revenue losses; and
13 (G) Social justice losses;
- 14 (3) Identify priority areas for smart redevelopment as
15 part of a managed retreat strategy using the data
16 referenced in paragraph (1) and the quantifying
17 analysis done pursuant to paragraph (2); and
- 18 (4) Conduct an analysis comparing the costs and benefits
19 of taking actions to mitigate or reduce the impacts of
20 sea level rise compared to the costs and benefits of
21 not taking any action.



1 The committee on sea level rise and managed retreat shall
2 submit a report of its findings and recommendations, including
3 any proposed legislation, to the legislature no later than
4 twenty days prior to the convening of each regular session.

5 (e) For purposes of this section, "sea level rise exposure
6 area" means a sea level rise exposure area identified and
7 officially designated by the Hawaii climate change mitigation
8 and adaptation commission or its successor.

9 §225M-B Beach preservation; willing seller program. (a)
10 The office of planning shall establish a willing seller program.
11 The program shall identify property owners that are willing to
12 sell their property or relocate outside of sea level rise
13 exposure areas; provided that:

14 (1) The property being sold or relocated from is adjacent
15 to a beach that is at risk of disappearing due to sea
16 level rise; and

17 (2) The office of planning determines that acquisition of
18 the property would be useful to protect the at-risk
19 beach.

20 (b) For purposes of this section, "sea level rise exposure
21 areas" means a sea level rise exposure area identified and



1 officially designated by the Hawaii climate change mitigation
2 and adaptation commission or its successor.

3 (c) The office of planning may adopt rules pursuant to
4 chapter 91 to effectuate the purposes of this section."

5 SECTION 10. (a) The office of planning shall develop a
6 financing strategy to address the costs of adaptation to sea
7 level rise. The strategy shall consider potential federal,
8 state, county, private sector, and philanthropic sources to
9 secure significant and sustainable funding for investments that
10 reduce risks, harm to persons, and spending in response to
11 disasters associated with sea level rise.

12 (b) The financing strategy shall address any costs
13 anticipated due to sea level rise, including but not limited to:

- 14 (1) Land acquisition, including land acquisition for
15 wetland and beach migration and public access;
16 (2) Relocation or retrofitting of critical infrastructure;
17 (3) Relocation or retrofitting of residential areas to
18 increase flood resiliency; and

19 (4) Costs identified by:

20 (A) A comprehensive market assessment developed by a
21 county pursuant to section 46-A(a)(2);



- 1 (B) A redevelopment strategy developed by a county
2 pursuant to section 46-A(a)(3); and
- 3 (C) The climate change resilience study conducted by
4 the department of land and natural resources
5 pursuant to section 21 of this Act.
- 6 (c) The office of planning may consider as part of the
7 strategy proposed laws or ordinances to:
- 8 (1) Develop tax incentive programs and special tax
9 districts;
- 10 (2) Create incentives to encourage landward relocation,
11 infrastructure retrofitting, siting of new
12 development, conservation of open space, and
13 preservation or restoration of natural flood buffers;
- 14 (3) Utilize private sector funding sources, including
15 voluntary contribution of funding or compensatory
16 payment of assessments such as impact fees,
17 sustainability fees on permit applications for new
18 development, or other assessments on real property;
- 19 (4) Identify grant opportunities from philanthropic
20 interests; and



1 (5) Create a statewide nonprofit organization to raise
2 funds for projects to protect vulnerable populations,
3 including persons who are economically disadvantaged,
4 seniors, disabled persons, and veterans.

5 (d) The office of planning shall submit a report of its
6 findings and recommendations, including any proposed
7 legislation, to the legislature no later than twenty days prior
8 to the convening of the regular session of 2021.

9 **PART V**

10 SECTION 11. The purpose of this part is to implement
11 provisions of the Hawaii sea level vulnerability and adaptation
12 report relating to the land use commission.

13 SECTION 12. Chapter 205, Hawaii Revised Statutes, is
14 amended by adding a new section to part I to be appropriately
15 designated and to read as follows:

16 **"§205- Managed retreat; agricultural and conservation**
17 **lands.** (a) The commission may develop a policy to address the
18 managed retreat of urban areas onto lands zoned for agricultural
19 and conservation use; provided that the policy:
20 (1) Supports the State's sustainability goals;



1 (2) Protects agricultural and conservation lands to the
2 greatest extent possible; and

3 (3) Includes guidelines to:

4 (A) Minimize urban sprawl;

5 (B) Promote energy and transportation efficiencies;

6 (C) Reduce hazard exposure; and

7 (D) Protect important agricultural lands, natural
8 resources, and environmentally or culturally
9 sensitive areas.

10 (b) The commission may amend state land use district
11 boundaries to accommodate urban expansions into areas outside of
12 sea level rise exposure areas; provided that the amendments are
13 consistent with the policy developed by the commission pursuant
14 to subsection (a).

15 (c) For purposes of this section, "sea level rise exposure
16 area" means a sea level rise exposure area identified and
17 officially designated by the Hawaii climate change mitigation
18 and adaptation commission or its successor."

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PART VI

SECTION 13. The purpose of this part is to make changes to the State's coastal zone management law as recommended by the Hawaii sea level rise vulnerability and adaptation report.

SECTION 14. Section 205A-2, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

"(b) Objectives.

(1) Recreational resources;

(A) Provide coastal recreational opportunities accessible to the public.

(2) Historic resources;

(A) Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

(3) Scenic and open space resources;

(A) Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.

(4) Coastal ecosystems;



- 1 (A) Protect valuable coastal ecosystems, including
- 2 reefs, from disruption and minimize adverse
- 3 impacts on all coastal ecosystems.

- 4 (5) Economic uses;

- 5 (A) Provide public or private facilities and
- 6 improvements important to the State's economy in
- 7 suitable locations.

- 8 (6) Coastal hazards;

- 9 (A) Reduce hazard to life and property from tsunami,
- 10 storm waves, stream flooding, erosion,
- 11 subsidence, and pollution.

- 12 (7) Managing development;

- 13 (A) Improve the development review process,
- 14 communication, and public participation in the
- 15 management of coastal resources and hazards.

- 16 (8) Public participation;

- 17 (A) Stimulate public awareness, education, and
- 18 participation in coastal management.

- 19 (9) Beach protection;

- 20 (A) Protect beaches for public use and recreation.

- 21 (10) Marine resources;



1 (A) Promote the protection, use, and development of
2 marine and coastal resources to assure their
3 sustainability.

4 (11) Sea level rise;

5 (A) Promote adaptation strategies for accommodation,
6 protection, and retreat in response to sea level
7 rise.

8 (c) Policies.

9 (1) Recreational resources;

10 (A) Improve coordination and funding of coastal
11 recreational planning and management; and

12 (B) Provide adequate, accessible, and diverse
13 recreational opportunities in the coastal zone
14 management area by:

15 (i) Protecting coastal resources uniquely suited
16 for recreational activities that cannot be
17 provided in other areas;

18 (ii) Requiring replacement of coastal resources
19 having significant recreational value
20 including, but not limited to surfing sites,
21 fishponds, and sand beaches, when [such]



1 those resources will be unavoidably damaged
2 by development; or requiring reasonable
3 monetary compensation to the State for
4 recreation when replacement is not feasible
5 or desirable;

6 (iii) Providing and managing adequate public
7 access, consistent with conservation of
8 natural resources, to and along shorelines
9 with recreational value;

10 (iv) Providing an adequate supply of shoreline
11 parks and other recreational facilities
12 suitable for public recreation;

13 (v) Ensuring public recreational uses of county,
14 state, and federally owned or controlled
15 shoreline lands and waters having
16 recreational value consistent with public
17 safety standards and conservation of natural
18 resources;

19 (vi) Adopting water quality standards and
20 regulating point and nonpoint sources of
21 pollution to protect, and where feasible,



- 1 restore the recreational value of coastal
- 2 waters;
- 3 (vii) Developing new shoreline recreational
- 4 opportunities, where appropriate, such as
- 5 artificial lagoons, artificial beaches, and
- 6 artificial reefs for surfing and fishing;
- 7 and
- 8 (viii) Encouraging reasonable dedication of
- 9 shoreline areas with recreational value for
- 10 public use as part of discretionary
- 11 approvals or permits by the land use
- 12 commission, board of land and natural
- 13 resources, and county authorities; and
- 14 crediting such dedication against the
- 15 requirements of section 46-6[+].
- 16 (2) Historic resources;
- 17 (A) Identify and analyze significant archaeological
- 18 resources;
- 19 (B) Maximize information retention through
- 20 preservation of remains and artifacts or salvage
- 21 operations; and



- 1 (C) Support state goals for protection, restoration,
2 interpretation, and display of historic
3 resources[+].
- 4 (3) Scenic and open space resources;
- 5 (A) Identify valued scenic resources in the coastal
6 zone management area;
- 7 (B) Ensure that new developments are compatible with
8 their visual environment by designing and
9 locating [~~such~~] developments to minimize the
10 alteration of natural landforms and existing
11 public views to and along the shoreline;
- 12 (C) Preserve, maintain, and, where desirable, improve
13 and restore shoreline open space and scenic
14 resources; and
- 15 (D) Encourage those developments that are not coastal
16 dependent to locate in inland areas[+].
- 17 (4) Coastal ecosystems;
- 18 (A) Exercise an overall conservation ethic, and
19 practice stewardship in the protection, use, and
20 development of marine and coastal resources;



- 1 (B) Improve the technical basis for natural resource
2 management;
- 3 (C) Preserve valuable coastal ecosystems, including
4 reefs, of significant biological or economic
5 importance;
- 6 (D) Minimize disruption or degradation of coastal
7 water ecosystems by effective regulation of
8 stream diversions, channelization, and similar
9 land and water uses, recognizing competing water
10 needs; and
- 11 (E) Promote water quantity and quality planning and
12 management practices that reflect the tolerance
13 of fresh water and marine ecosystems and maintain
14 and enhance water quality through the development
15 and implementation of point and nonpoint source
16 water pollution control measures[+].
- 17 (5) Economic uses;
- 18 (A) Concentrate coastal dependent development in
19 appropriate areas;
- 20 (B) Ensure that coastal dependent development such as
21 harbors and ports, and coastal related



1 development such as visitor industry facilities
2 and energy generating facilities, are located,
3 designed, and constructed to minimize adverse
4 social, visual, and environmental impacts in the
5 coastal zone management area; and

6 (C) Direct the location and expansion of coastal
7 dependent developments to areas presently
8 designated and used for [~~such~~] those developments
9 and permit reasonable long-term growth at [~~such~~]
10 those areas, and permit coastal dependent
11 development outside of presently designated areas
12 when:

13 (i) Use of presently designated locations is not
14 feasible;

15 (ii) Adverse environmental effects are minimized;
16 and

17 (iii) The development is important to the State's
18 economy[+].

19 (6) Coastal hazards;

20 (A) Develop and communicate adequate information
21 about storm wave, tsunami, flood, erosion,



- 1 subsidence, and point and nonpoint source
2 pollution hazards;
- 3 (B) Control development in areas subject to storm
4 wave, tsunami, flood, erosion, hurricane, wind,
5 subsidence, and point and nonpoint source
6 pollution hazards;
- 7 (C) Ensure that developments comply with requirements
8 of the Federal Flood Insurance Program; and
- 9 (D) Prevent coastal flooding from inland projects[+].
- 10 (7) Managing development;
- 11 (A) Use, implement, and enforce existing law
12 effectively to the maximum extent possible in
13 managing present and future coastal zone
14 development;
- 15 (B) Facilitate timely processing of applications for
16 development permits and resolve overlapping or
17 conflicting permit requirements; and
- 18 (C) Communicate the potential [~~short~~] short- and
19 long-term impacts of proposed significant coastal
20 developments early in their life cycle and in
21 terms understandable to the public to facilitate



- 1 public participation in the planning and review
2 process[+].
- 3 (8) Public participation;
- 4 (A) Promote public involvement in coastal zone
5 management processes;
- 6 (B) Disseminate information on coastal management
7 issues by means of educational materials,
8 published reports, staff contact, and public
9 workshops for persons and organizations concerned
10 with coastal issues, developments, and government
11 activities; and
- 12 (C) Organize workshops, policy dialogues, and site-
13 specific mediations to respond to coastal issues
14 and conflicts[+].
- 15 (9) Beach protection;
- 16 (A) Locate new structures inland from the shoreline
17 setback to conserve open space, minimize
18 interference with natural shoreline processes,
19 and minimize loss of improvements due to erosion;
- 20 (B) Prohibit construction of private erosion-
21 protection structures seaward of the shoreline,



1 except when they result in improved aesthetic and
2 engineering solutions to erosion at the sites and
3 do not interfere with existing recreational and
4 waterline activities;

5 (C) Minimize the construction of public erosion-
6 protection structures seaward of the shoreline;

7 (D) Prohibit private property owners from creating a
8 public nuisance by inducing or cultivating the
9 private property owner's vegetation in a beach
10 transit corridor; and

11 (E) Prohibit private property owners from creating a
12 public nuisance by allowing the private property
13 owner's unmaintained vegetation to interfere or
14 encroach upon a beach transit corridor[+].

15 (10) Marine resources;

16 (A) Ensure that the use and development of marine and
17 coastal resources are ecologically and
18 environmentally sound and economically
19 beneficial;



- 1 (B) Coordinate the management of marine and coastal
2 resources and activities to improve effectiveness
3 and efficiency;
- 4 (C) Assert and articulate the interests of the State
5 as a partner with federal agencies in the sound
6 management of ocean resources within the United
7 States exclusive economic zone;
- 8 (D) Promote research, study, and understanding of
9 ocean processes, marine life, and other ocean
10 resources to acquire and inventory information
11 necessary to understand how ocean development
12 activities relate to and impact upon ocean and
13 coastal resources; and
- 14 (E) Encourage research and development of new,
15 innovative technologies for exploring, using, or
16 protecting marine and coastal resources.
- 17 (11) Sea level rise;
- 18 (A) Identify coastal areas that are vulnerable to sea
19 level rise;
- 20 (B) Control development in areas subject to sea level
21 rise and associated hazards, including coastal



1 flooding, erosion, storm surge from tropical
2 cyclones, beach loss, and pollution; and
3 (C) Promote development that takes into consideration
4 adaptation strategies for accommodation,
5 protection, and retreat in response to sea level
6 rise."

7 **PART VII**

8 SECTION 15. The purpose of this part is to implement
9 provisions of the Hawaii sea level vulnerability and adaptation
10 report relating to the office of environmental quality control.

11 SECTION 16. Chapter 341, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "**§341- Sea level rise; environmental review process;**
15 **guidance.** (a) The director shall issue specific guidance on
16 integrating:

17 (1) Sea level rise; and
18 (2) Climate change,
19 in the environmental review process.

20 (b) Guidance on sea level rise shall highlight the need
21 for analysis of the proposed action in terms of design and



1 siting to address the impacts of sea level rise, using the sea
2 level rise exposure area as a vulnerability zone.

3 (c) Guidance on integrating climate change shall highlight
4 the need for analysis of the proposed action in the context of
5 the future state of the environment.

6 (d) The guidance required by this section shall be modeled
7 after the federal guidance issued by the United States Council
8 on Environmental Quality for federal departments and agencies on
9 consideration of greenhouse gas emissions and the effects of
10 climate change.

11 (e) For purposes of this section, "sea level rise exposure
12 area" means a sea level rise exposure area identified and
13 officially designated by the Hawaii climate change mitigation
14 and adaptation commission or its successor."

15 **PART VIII**

16 SECTION 17. The purpose of this part is to implement parts
17 of the Hawaii sea level vulnerability and adaptation report
18 relating to the board of land and natural resources.

19 SECTION 18. Section 6E-3, Hawaii Revised Statutes, is
20 amended to read as follows:



1 **"§6E-3 Historic preservation program.** There is
2 established within the department a division to administer a
3 comprehensive historic preservation program, which shall include
4 but not be limited to the following:

- 5 (1) Development of an ongoing program of historical,
6 architectural, and archaeological research and
7 development, including surveys, excavations,
8 scientific recording, interpretation, signage, and
9 publications on the State's historical and cultural
10 resources;
- 11 (2) Acquisition of historic or cultural properties, real
12 or personal, in fee or in any lesser interest, by
13 gift, purchase, condemnation, devise, bequest, land
14 exchange, or other means; preservation, restoration,
15 administration, or transference of the property; and
16 the charging of reasonable admissions to that
17 property;
- 18 (3) Development of a statewide survey and inventory to
19 identify and document historic properties, aviation
20 artifacts, and burial sites, including:



- 1 (A) ~~[all]~~ All those owned by the State and the
2 counties; and
- 3 (B) Traditional and customary native Hawaiian
4 cultural resources and practices impacted by sea
5 level rise;
- 6 (4) Preparation of information for the Hawaii register of
7 historic places and listing on the national register
8 of historic places;
- 9 (5) Preparation, review, and revisions of a state historic
10 preservation plan, including budget requirements and
11 land use recommendations;
- 12 (6) Application for and receipt of gifts, grants,
13 technical assistance, and other funding from public
14 and private sources for the purposes of this chapter;
- 15 (7) Provision of technical and financial assistance to the
16 counties and public and private agencies involved in
17 historic preservation activities;
- 18 (8) Coordination of activities of the counties in
19 accordance with the state plan for historic
20 preservation;



- 1 (9) Stimulation of public interest in historic
2 preservation, including the development and
3 implementation of interpretive programs for historic
4 properties listed on or eligible for the Hawaii
5 register of historic places;
- 6 (10) Coordination of the evaluation and management of
7 burial sites as provided in section 6E-43;
- 8 (11) Acquisition of burial sites in fee or in any lesser
9 interest, by gift, purchase, condemnation, devise,
10 bequest, land exchange, or other means, to be held in
11 trust;
- 12 (12) The development of a culturally-based adaptation
13 process and protocols to preserve burial sites, burial
14 goods, human skeletal remains, and native Hawaiian
15 cultural resources and practices that may be impacted
16 by sea level rise; provided that the process and
17 protocols shall be developed in consultation with:
- 18 (A) The office of Hawaiian affairs;
19 (B) Island burial councils established by section
20 6E-43.5; and



- 1 (C) Other native Hawaiian organizations across the
2 State;
- 3 [~~+12+~~] (13) Submittal of an annual report to the governor
4 and legislature detailing the accomplishments of the
5 year, recommendations for changes in the state plan or
6 future programs relating to historic preservation, and
7 an accounting of all income, expenditures, and the
8 fund balance of the Hawaii historic preservation
9 special fund;
- 10 [~~+13+~~] (14) Regulation of archaeological activities
11 throughout the State;
- 12 [~~+14+~~] (15) Employment of sufficient professional and
13 technical staff for the purposes of this chapter which
14 shall be in accordance with chapter 76;
- 15 [~~+15+~~] (16) The charging of fees to be determined by the
16 department that are proportional to the nature and
17 complexity of the projects or services provided, and
18 adjusted from time to time to ensure that the
19 proceeds, together with all other fines, income, and
20 penalties collected under this chapter, do not surpass



1 the annual operating costs of the comprehensive
2 historic preservation program;
3 ~~[(16)]~~ (17) Adoption of rules in accordance with chapter 91,
4 necessary to carry out the purposes of this chapter;
5 and
6 ~~[(17)]~~ (18) Development and adoption, in consultation with
7 the office of Hawaiian affairs native historic
8 preservation council, of rules governing permits for
9 access by native Hawaiians and Hawaiians to cultural,
10 historic, and pre-contact sites and monuments."

11 SECTION 19. Section 171-6, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§171-6 Powers.** Except as otherwise provided by law, the
14 board of land and natural resources shall have the powers and
15 functions granted to the heads of departments and the board of
16 land and natural resources under chapter 26.

17 In addition to the foregoing, the board may:

- 18 (1) Adopt a seal;
19 (2) Administer oaths;
20 (3) Prescribe forms of instruments and documents;



- 1 (4) Adopt rules which, upon compliance with chapter 91,
2 shall have the force and effect of law;
- 3 (5) Set, charge, demand, and collect reasonable fees for
4 the preparation of documents to be issued, for the
5 surveying of public lands, and for the issuing of
6 certified copies of its government records, which
7 fees, when collected, shall be deposited into the
8 state general fund, unless otherwise specified in this
9 chapter;
- 10 (6) Establish additional restrictions, requirements, or
11 conditions, not inconsistent with those prescribed in
12 this chapter, relating to the use of particular land
13 being disposed of, the terms of sale, lease, license,
14 or permit, and the qualifications of any person to
15 draw, bid, or negotiate for public land;
- 16 (7) Reduce or waive the lease rental at the beginning of
17 the lease on any lease of public land to be used for
18 any agricultural or pastoral use, or for resort,
19 commercial, industrial, or other business use where
20 the land being leased requires substantial
21 improvements to be placed thereon; provided that



1 ~~[such]~~ the reduction or waiver shall not exceed two
2 years for land to be used for any agricultural or
3 pastoral use, or exceed one year for land to be used
4 for resort, commercial, industrial, or other business
5 use;

6 (8) Delegate to the chairperson or employees of the
7 department of land and natural resources, subject to
8 the board's control and responsibility, ~~[such]~~ powers
9 and duties as may be lawful or proper for the
10 performance of the functions vested in the board;

11 (9) Use arbitration under chapter 658A to settle any
12 controversy arising out of any existing or future
13 lease;

14 (10) Set, charge, and collect reasonable fees in an amount
15 sufficient to defray the cost of performing or
16 otherwise providing for the inspection of activities
17 permitted upon the issuance of a land license
18 involving a commercial purpose;

19 (11) Appoint masters or hearing officers to conduct public
20 hearings as provided by law and under ~~[such]~~
21 conditions as the board by rules shall establish;



- 1 (12) Bring [~~such~~] actions as may be necessary to remove or
2 remedy encroachments upon public lands. Any person
3 causing an encroachment upon public land shall:
- 4 (A) Be fined not more than \$1,000 a day for the first
5 offense;
- 6 (B) Be fined not less than \$1,000 nor more than
7 \$4,000 per day upon the second offense and
8 thereafter;
- 9 (C) If required by the board, restore the land to its
10 original condition if altered and assume the
11 costs thereof;
- 12 (D) Assume [~~such~~] costs as may result from adverse
13 effects from [~~such~~] the restoration; and
- 14 (E) Be liable for administrative costs incurred by
15 the department and for payment of damages;
- 16 (13) Set, charge, and collect interest and a service charge
17 on delinquent payments due on leases, sales, or other
18 accounts. The rate of interest shall not exceed one
19 per cent a month and the service charge shall not
20 exceed \$50 a month for each delinquent payment;
21 provided that the contract shall state the interest



1 rate and the service charge and be signed by the party
2 to be charged;

3 (14) Set, charge, and collect additional rentals for the
4 unauthorized use of public lands by a lessee,
5 licensee, grantee, or permittee who is in violation of
6 any term or condition of a lease, license, easement,
7 or revocable permit, retroactive to the date of the
8 occurrence of the violation. [~~Such~~] Those amounts
9 shall be considered delinquent payments and shall be
10 subject to interest and service charges as provided in
11 paragraph (13);

12 (15) Set, charge, and collect reasonable fines for
13 violation of this chapter or any rule adopted
14 thereunder. Any person engaging in any prohibited use
15 of public lands or conducting any prohibited activity
16 on public lands, or violating any of the other
17 provisions of this chapter or any rule adopted
18 thereunder, for which violation a penalty is not
19 otherwise provided, shall be:

20 (A) Fined not more than \$5,000 per violation for a
21 first violation or a violation beyond five years



1 of the last violation; provided that, after
2 written or verbal notification from the
3 department, an additional \$1,000 per day per
4 violation may be assessed for each day in which
5 the violation persists;

6 (B) Fined not more than \$10,000 per violation for a
7 second violation within five years of the last
8 violation; provided that, after written or verbal
9 notification from the department, an additional
10 \$2,000 per day per violation may be assessed for
11 each day in which the violation persists;

12 (C) Fined not more than \$20,000 per violation for a
13 third or subsequent violation within five years
14 of the last violation; provided that, after
15 written or verbal notification from the
16 department, an additional \$4,000 per day per
17 violation may be assessed for each day in which
18 the violation persists; and

19 (D) Liable for administrative costs and expenses
20 incurred by the department and for payment for



1 damages, including but not limited to natural
2 resource damages.

3 In addition to the fines, administrative costs, and
4 damages provided for hereinabove, for damage to or
5 theft of natural resources, the board may also set,
6 charge, and collect a fine that, in its discretion, is
7 appropriate considering the value of the natural
8 resource that is damaged or the subject of the theft.
9 In arriving at an appropriate fine, the board may
10 consider the market value of the natural resource
11 damaged or taken and any other factor it deems
12 appropriate, such as the loss of the natural resource
13 to its natural habitat and environment and the cost of
14 restoration or replacement. The remedies provided for
15 in this paragraph are cumulative and in addition to
16 any other remedies allowed by law.

17 No person shall be sanctioned pursuant to this section
18 for the exercise of native Hawaiian gathering rights
19 and traditional cultural practices as authorized by
20 law or as permitted by the department pursuant to



1 article XII, section 7, of the Hawaii [~~state~~
2 ~~constitution,~~] State Constitution;

3 (16) Issue revenue bonds, subject to the approval of the
4 legislature. All revenue bonds shall be issued
5 pursuant to part III of chapter 39, except as provided
6 in this chapter. All revenue bonds shall be issued in
7 the name of the department and not in the name of the
8 State. The final maturity date of the revenue bonds
9 may be any date not exceeding thirty years from the
10 date of issuance;

11 (17) Pledge or assign all or any part of the receipts and
12 revenues of the department. The revenue bonds shall
13 be payable from and secured solely by the revenue
14 derived by the department from the industrial park or
15 parks for which the bonds are issued;

16 (18) Reimburse the state general fund for debt service on
17 general obligation bonds or reimbursable general
18 obligation bonds issued by the State for purposes of
19 this chapter;

20 (19) Notwithstanding part II of chapter 205A to the
21 contrary, plan, design, construct, operate, and



1 maintain any lands or facilities under the
 2 jurisdiction of the division of boating and ocean
 3 recreation of the department without the need to
 4 obtain a special management area minor permit or
 5 special management area use permit; [~~and~~]

6 (20) Develop and enter into public-private partnerships for
 7 the coastal land acquisition, beach management, reef
 8 protection, and other activities that preserve coastal
 9 resources; and

10 [~~(20)~~] (21) Do any and all things necessary to carry out its
 11 purposes and exercise the powers granted in this
 12 chapter."

13 SECTION 20. Section 173A-5, Hawaii Revised Statutes, is
 14 amended by amending subsections (g) and (h) to read as follows:

15 "(g) The acquisition of interests or rights in land having
 16 value as a resource to the State for the preservation of the
 17 following shall constitute a public purpose for which public
 18 funds may be expended or advanced:

- 19 (1) Watershed protection;
- 20 (2) Coastal areas, beaches, and ocean access;
- 21 (3) Habitat protection;



- 1 (4) Cultural and historical sites;
- 2 (5) Recreational and public hunting areas;
- 3 (6) Parks;
- 4 (7) Natural areas;
- 5 (8) Agricultural production; [~~and~~]
- 6 (9) Open spaces and scenic resources[~~-~~]; and
- 7 (10) Lands that buffer or otherwise may preserve adjacent
- 8 beaches and other coastal areas.
- 9 (h) The fund shall be used for:
- 10 (1) The acquisition of interests or rights in land having
- 11 value as a resource to the State, including
- 12 conservation easements, whether in fee title or
- 13 through the establishment of permanent conservation
- 14 easements under chapter 198 or agricultural easements;
- 15 (2) The payment of any debt service on state financial
- 16 instruments relating to the acquisition of interests
- 17 or rights in land having value as a resource to the
- 18 State;
- 19 (3) Annual administration costs for the fund, not to
- 20 exceed five per cent of annual fund revenues of the
- 21 previous year[~~+~~]; and[~~+~~]



1 (4) Costs related to the operation, maintenance, and
2 management of lands acquired by way of this fund that
3 are necessary to protect, maintain, or restore
4 resources at risk on these lands, or that provide for
5 greater public access and enjoyment of these lands;
6 provided that the costs related to the operation,
7 maintenance, and management of lands acquired by way
8 of this fund do not exceed five per cent of annual
9 fund revenues of the previous year."

10 SECTION 21. (a) The department of land and natural
11 resources shall conduct a climate change resilience study. The
12 study shall:

13 (1) Determine incentives that the State may implement to
14 promote improved flood risk management in the State,
15 particularly incentives that focus on driving action
16 in the private sector;

17 (2) Identify existing and potential new areas for coastal
18 wildlife refuges throughout the State to support:

19 (A) New wetlands that may form due to sea level rise;
20 and



- 1 (B) Wildlife migration from other coastal areas,
2 including the Northwestern Hawaiian Islands;
3 provided that the list shall be developed in
4 consultation with federal agencies, the counties, and
5 nongovernmental organizations;
- 6 (3) Identify near-term and long-term shoreline
7 conservation and restoration guidelines to support
8 adaptation to sea level rise, including:
- 9 (A) Recommendations on the use of seawalls,
10 floodwalls, bulkheads, revetments, and other
11 shoreline armoring;
- 12 (B) Policies to restrict the use of variances for
13 seawalls, floodwalls, bulkheads, revetments, and
14 other shoreline armoring; and
- 15 (C) Ways to discourage the use of seawalls,
16 floodwalls, bulkheads, revetments, and other
17 shoreline armoring as an option for shoreline
18 protection, including:
- 19 (i) Adoption of policies that favor non-
20 structural armoring, such as beach
21 nourishment;



1 (ii) The adoption of fees or lease payments for
2 the use of shoreline armoring; and

3 (iii) The use of county ordinances to require
4 property owners to consider relocation of
5 structures before the property owner may
6 consider shoreline armoring; and

7 (4) Consider the feasibility of establishing a statewide
8 buy-out program for residential property owners
9 vulnerable to the effects of sea level rise.

10 Specifically, the department of land and natural
11 resources shall examine the feasibility of a program
12 modeled after the flood mitigation assistance grant
13 program of the Federal Emergency Management Agency.

14 In conducting the study, the department of land and natural
15 resources shall solicit comments from the public and hold at
16 least one public hearing.

17 (b) The department of land and natural resources shall
18 submit a report of its findings and recommendations, including
19 any proposed legislation, to the legislature no later than
20 twenty days prior to the convening of the regular session of
21 2020.



1 SECTION 22. (a) The office of conservation and coastal
2 lands of the department of land and natural resources shall
3 conduct a statewide assessment to prioritize beaches that are
4 important for:

- 5 (1) Recreational uses;
- 6 (2) Cultural practices; and
- 7 (3) Wildlife habitat.

8 (b) The office of conservation and coastal lands shall
9 consult with the appropriate federal, state, and county-level
10 agencies, nongovernmental organizations, and local stakeholders
11 in conducting the assessment required by this section.

12 (c) The office of conservation and coastal lands shall
13 identify beaches where special adaptation measures, such as
14 preservation of undeveloped lands, managed retreat, and
15 prohibition of coastal armoring may be implemented to ensure
16 survival of the identified beaches.

17 (d) The office of conservation and coastal lands shall
18 submit a report of its findings and recommendations, including
19 any proposed legislation, to the legislature no later than
20 twenty days prior to the convening of the regular session of
21 2020.



1 and the governor shall each appoint one person
2 pursuant to this paragraph; and

3 (5) Three persons with a background in climate change
4 science; provided that the speaker of the house of
5 representatives, the president of the senate, and the
6 governor shall each appoint one person pursuant to
7 this paragraph.

8 (c) The coastal lands and water adaptation working group
9 members shall select the working group chairperson from among
10 its members.

11 (d) The coastal lands and water adaptation working group
12 shall utilize data from the Hawaii sea level rise vulnerability
13 and adaptation report to conduct its duties.

14 (e) The members of the working group shall serve without
15 compensation but shall be reimbursed for expenses, including
16 travel expenses, necessary for the performance of their duties.

17 (f) The coastal lands and water adaptation working group
18 shall submit a report of its findings and recommendations,
19 including any proposed legislation, to the legislature no later
20 than twenty days prior to the convening of the regular session
21 of 2020.



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PART X

SECTION 25. The purpose of this part is to implement portions of the Hawaii sea level vulnerability and adaptation report that relate to the department of health.

SECTION 26. (a) The department of health shall conduct a sea level rise mitigation review. The review shall:

- (1) Identify sites or geographic areas with the highest probability of large or catastrophic failures or releases associated with increased coastal flooding due to sea level rise. In conducting this part of the review, the department of health shall:
 - (A) Review existing permits, site records, and agency files;
 - (B) Conduct a thorough review of hazardous material and waste storage facilities within sea level rise exposure areas; and
 - (C) Develop hazard mitigation measures that landowners, permittees, and operators of the identified sites or geographic areas can use to address the threats from sea level rise; and

1 (2) Conduct a comprehensive review and gap analysis of the
2 State's laws, existing environmental regulations,
3 guidance documents, and best management practices
4 relating to the construction, maintenance, and
5 mitigation of underground storage tanks, on-site
6 sewage disposal systems or wastewater treatment, and
7 hazardous materials and waste storage facilities. The
8 review and gap analysis shall focus on:

- 9 (A) Existing regulations that allow for siting new
10 facilities in flood hazard prone areas;
11 (B) Monitoring or enforcement of existing vulnerable
12 systems and facilities; and
13 (C) Identify recommendations for changes and
14 improvements to current regulations, guidance,
15 and statutes for future updates.

16 (b) For purposes of this section, "sea level rise exposure
17 area" means a sea level rise exposure area identified and
18 officially designated by the Hawaii climate change mitigation
19 and adaptation commission or its successor.

20 (c) The department of health shall submit a report of its
21 findings and recommendations, including any proposed



1 legislation, to the legislature no later than twenty days prior
2 to the convening of the regular session of 2020.

3 **PART XI**

4 SECTION 27. The purpose of this part is to require that
5 mandatory seller disclosures in real estate transactions include
6 identification of residential real properties lying within a sea
7 level rise exposure area, as recommended by the Hawaii sea level
8 rise vulnerability and adaptation report.

9 SECTION 28. Section 508D-15, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) When residential real property lies:

12 (1) Within the boundaries of a special flood hazard area
13 as officially designated on Flood Insurance
14 Administration maps promulgated by the United States
15 Department of Housing and Urban Development for the
16 purposes of determining eligibility for emergency
17 flood insurance programs;

18 (2) Within the boundaries of the noise exposure area shown
19 on maps prepared by the department of transportation
20 in accordance with Federal Aviation Regulation Part



1 150-Airport Noise Compatibility Planning (14 Code of
2 Federal Regulations Part 150) for any public airport;
3 (3) Within the boundaries of the Air Installation
4 Compatibility Use Zone of any Air Force, Army, Navy,
5 or Marine Corps airport as officially designated by
6 military authorities; ~~[or]~~
7 (4) Within the anticipated inundation areas designated on
8 the department of defense's emergency management
9 tsunami inundation maps; or
10 (5) Within a sea level rise exposure area as officially
11 designated by the Hawaii climate change mitigation and
12 adaptation commission or its successor;
13 subject to the availability of maps that designate the four
14 areas by tax map key (zone, section, parcel), the seller shall
15 include ~~[such]~~ that material fact information in the disclosure
16 statement provided to the buyer subject to this chapter. Each
17 county shall provide, where available, maps of its jurisdiction
18 detailing the four designated areas specified in this
19 subsection. The maps shall identify the properties situated
20 within the four designated areas by tax map key number (zone,
21 section, parcel) and shall be of a size sufficient to provide



1 information necessary to serve the purposes of this section.
2 Each county shall provide legible copies of the maps and may
3 charge a reasonable copying fee."

4 **PART XII**

5 SECTION 29. The purpose of this part is to implement parts
6 of the Hawaii sea level vulnerability and adaptation report
7 relating to the Hawaii climate change mitigation and adaptation
8 commission.

9 SECTION 30. Section 225P-3, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§225P-3 Hawaii climate change mitigation and adaptation**
12 **commission; general functions, duties, and powers.** (a) There
13 is established the Hawaii climate change mitigation and
14 adaptation commission that shall be placed within the department
15 of land and natural resources for administrative purposes only.

16 (b) Coordination of the commission shall be headed jointly
17 by the chairperson of the board of land and natural resources,
18 or the chairperson's designee, and the director of the office of
19 planning, or the director's designee.

20 (c) The commission shall include the following members:



- 1 (1) The chairs of the standing committees of the
2 legislature [~~with~~] having subject matter jurisdiction
3 encompassing environmental protection and land use;
- 4 (2) The chairperson of the board of land and natural
5 resources or the chairperson's designee, who shall be
6 [~~the~~] a co-chair of the commission;
- 7 (3) The director of the office of planning or the
8 director's designee, who shall be [~~the~~] a co-chair of
9 the commission;
- 10 (4) The director of business, economic development, and
11 tourism or the director's designee;
- 12 (5) The chairperson of the board of directors of the
13 Hawaii tourism authority or the chairperson's
14 designee;
- 15 (6) The chairperson of the board of agriculture or the
16 chairperson's designee;
- 17 (7) The chief executive officer of the office of Hawaiian
18 affairs or the officer's designee;
- 19 (8) The chairperson of the Hawaiian homes commission or
20 the chairperson's designee;



- 1 (9) The director of transportation or the director's
2 designee;
- 3 (10) The director of health or the director's designee;
- 4 (11) The adjutant general or the adjutant general's
5 designee;
- 6 (12) The chairperson of the board of education or the
7 chairperson's designee;
- 8 (13) The directors of each of the county planning
9 departments, or the directors' designees; and
- 10 (14) The manager of the coastal zone management program.
- 11 (d) In addition to the members listed in subsection (c),
12 the chairs of the commission may request the participation or
13 input of members of the public; experts in the field; and
14 county, state, or federal officials or others as necessary.
- 15 (e) The members of the commission shall serve without pay
16 but shall be reimbursed for their actual and necessary expenses,
17 including travel expenses, incurred in carrying out their
18 duties.
- 19 (f) The commission shall provide policy direction,
20 facilitation, coordination, and planning among state and county
21 agencies, federal agencies, and other partners as appropriate.



1 (g) The commission shall establish climate change
2 mitigation and adaptation strategies and goals to help guide
3 planning and implementation statewide using the latest
4 scientific analysis and risk assessment to monitor and forecast
5 climate change-related impacts at the regional, state, and local
6 level, including any additional information deemed necessary.

7 (h) The commission shall identify vulnerable people,
8 communities, industries, ecosystems, and the potential economic
9 ramifications for climate change-related impacts.

10 (i) The commission shall identify existing climate change
11 mitigation and adaptation efforts at the federal, state, and
12 local levels and make recommendations for how to meet or exceed
13 Hawaii's state mitigation goals and shall adopt a liberal
14 approach in preparation, so as to minimize future risk to the
15 people and environment of Hawaii.

16 (j) The commission shall assess the capacity and
17 availability of existing resources and identify new sources of
18 revenue necessary to address climate change mitigation and
19 adaptation and shall advise the governor, legislature, and
20 counties on the economic and budgetary ramifications of climate
21 change impacts, mitigation, and adaptation.



1 (k) The commission shall identify the information
2 necessary to track progress in implementing climate change
3 mitigation and adaptation efforts, including an assessment of
4 the implementation of the priorities identified by the report
5 pursuant to subsection (n)(6), and shall submit an annual report
6 to the governor and legislature no later than twenty days prior
7 to the convening of each regular session of the legislature.

8 (1) The commission shall maintain a website that includes
9 a mission statement as well as access to climate change related
10 actions, plans, policies, and results.

11 (m) The commission shall conduct a comprehensive review of
12 the implementation as required by this section and submit a
13 report to the governor, legislature, and the counties no later
14 than twenty days prior to the convening of the regular session
15 of 2023 and every five years thereafter.

16 (n) The commission [~~shall~~], as a first step, shall focus
17 on and develop sea level rise vulnerability and adaptation
18 reports that shall include:

19 (1) Identification of the major areas of sea level rise
20 impacts affecting the State and counties through 2050;



- 1 (2) Identification of expected impacts of sea level rise
2 based on the latest scientific research for each area
3 through 2050;
- 4 (3) Identification of the economic ramifications of sea
5 level rise;
- 6 (4) Identification of applicable federal laws, policies,
7 or programs that impact affected areas; ~~and~~
- 8 (5) Recommendations for planning, management, and
9 adaptation for hazards associated with increasing sea
10 level rise[-]; and
- 11 (6) Priorities derived from the recommendations developed
12 pursuant to paragraph (5) and related data that
13 convert the ideas and recommendations into specific
14 actions that state and county agencies can use to
15 mitigate and adapt to climate change and sea level
16 rise.
- 17 The reports shall be made publicly available no later than
18 December 31, 2017, and the commission shall establish a
19 maintenance schedule to reevaluate and update the sea level rise
20 vulnerability and adaptation report; provided that the
21 commission shall reevaluate and update the sea level rise



1 vulnerability and adaptation report no less than once every five
2 years. In creating a reevaluation schedule, the commission
3 shall consider the need for updating coastal hazards modeling
4 based on the extent that new modeling would substantially change
5 exposure and vulnerability in sea level rise exposure areas.

6 (o) In developing the report, pursuant to subsection (n),
7 including updated versions of the report, the commission shall:

8 (1) Solicit public views and concerns; [~~and~~]

9 (2) Coordinate with the various county, state, and federal
10 agencies involved in ongoing climate change adaptation
11 planning initiatives[-];

12 (3) Convene multi-sectoral experts to identify, research,
13 assess, and monitor priorities to support the update
14 process; and

15 (4) Develop a monitoring and evaluation plan with
16 benchmarks and indicators to support the update
17 process.

18 (p) The commission shall coordinate community engagement
19 among its member agencies to keep the State informed regarding
20 the impacts of sea level rise. Community engagement strategies
21 may include:



- 1 (1) Community-based planning to educate communities on
- 2 their risk to sea level rise;
- 3 (2) Creation of a software application to visualize sea
- 4 level rise based on geolocation and projections;
- 5 (3) Development of photo simulations to depict potential
- 6 future flooding due to climate change and sea level
- 7 rise; and
- 8 (4) Work with museums, science centers, schools, and other
- 9 organizations to educate communities about sea level
- 10 rise and its impacts."

PART XIII

12 SECTION 31. In codifying the new sections added by
13 sections 6 and 9 of this Act, the revisor of statutes shall
14 substitute appropriate section numbers for the letters used in
15 designating the new sections in this Act.

16 SECTION 32. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 33. This Act shall take effect on July 1, 2050.



Report Title:

State; Counties; Climate Change; Sea Level Rise Mitigation;
Appropriation

Description:

Implements the recommendations of the Hawaii Sea Level Rise
Vulnerability and Adaptation Report issued by the Hawaii Climate
Change Mitigation and Adaptation Commission. Makes
appropriations. Effective 07/01/2050. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is
not legislation or evidence of legislative intent.*

