

JAN 18 2019

---

---

# A BILL FOR AN ACT

RELATING TO CLIMATE CHANGE.

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

**PART I**

1  
2 SECTION 1. As reflected in the findings of Act 32, Session  
3 Laws of Hawai'i 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 Hawai'i 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 Hawai'i climate change mitigation and adaptation  
9 commission submitted a Hawai'i 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 Hawai'i 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           (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 standing committee on sea level rise and
- 6                         managed 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;



# S.B. NO. 690

- 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, 2019, 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. Section 27-1, Hawaii Revised Statutes, is  
12 amended to read as follows:

13           **"§27-1 Functions of statewide concern.** The purpose of the  
14 chapter is to fix responsibility for certain functions, which  
15 are of statewide concern, in the state government. These  
16 functions which are declared to be state functions are as  
17 follows:

18           (1) Planning, construction, improvement and maintenance of  
19 public school facilities and grounds and the  
20 transportation of school children; provided that  
21 nothing in this paragraph shall preclude the several



1 counties from expending their own funds to supplement  
2 state funds;

3 (2) Burial of indigents;

4 (3) Planning, construction, improvement, maintenance, and  
5 operation of public hospitals and other public health  
6 and medical facilities;

7 (4) Rendering of medical treatment and hospitalization  
8 services to state and county pensioners;

9 (5) Administration and operation of district courts; [and]

10 (6) Providing information and services to the public  
11 through joint cooperation with the several  
12 counties [-]; and

13 (7) Developing, adopting, and implementing  
14 recommendations, policies, and practices related to  
15 climate change mitigation and adaption."

16 SECTION 5. There is appropriated out of the general  
17 revenues of the State of Hawaii the sum of \$ or so  
18 much thereof as may be necessary for fiscal year 2018-2019 for  
19 the purposes of implementing this Act.

20 The sum appropriated shall be allotted by the department of  
21 accounting and general services to the respective state agencies





1 for expenditure as may be necessary to fulfill the purposes of  
2 this Act.

3 PART III

4 SECTION 6. The purpose of this part is to require the  
5 counties to implement recommendations of the Hawai'i sea level  
6 vulnerability and adaptation report.

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

10 "PART . SEA LEVEL RISE ADAPTATION

11 §46-A Responsibilities. (a) Each county shall:

12 (1) Review its existing policies, regulatory processes,  
13 and administrative rules to assess whether the  
14 county's regulatory framework supports the smart  
15 redevelopment of urban areas as part of sea level rise  
16 adaptation planning; provided that the first review  
17 shall be completed no later than July 1, 2020, and  
18 subsequent reviews shall be conducted at least once  
19 every five years;

20 (2) In consultation with the State, conduct a  
21 comprehensive regional market assessment for each



**S.B. NO. 690**

1 urban area identified as a priority redevelopment area  
2 by the committee on sea level rise and managed retreat  
3 established pursuant to section 225M-A(d). The  
4 assessment shall:

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



1 on sea level rise and managed retreat established  
2 pursuant to section 225M-A(d). The strategy shall  
3 include:

4 (A) Site-level assessments recommending the highest  
5 and best use for the priority redevelopment site;  
6 and

7 (B) Detailed redevelopment strategies to support  
8 successful redevelopment of priorities areas,  
9 including specific recommendations that tailor to  
10 the unique local conditions of each redevelopment  
11 area;

12 (4) Update capital improvement planning to:

13 (A) Incorporate sea level rise; and

14 (B) Prioritize infrastructure improvements for urban  
15 areas identified as priority redevelopment areas  
16 by the standing committee on sea level rise and  
17 managed retreat established pursuant to section  
18 225M-A(d);

19 (5) Adopt a review and approval process to ensure that new  
20 developments and capital improvement projects with an  
21 expected life span of thirty years or more incorporate



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



- 1           (9) Consider adopting ordinances that require structures  
2           built in coastal A zones be constructed in compliance  
3           with V zone construction standards. For purposes of  
4           this paragraph, "coastal A zone" and "V zone" shall  
5           refer to areas designated as a coastal A zone or zone  
6           V, respectively, by the National Flood Insurance  
7           Program;
- 8           (10) Participate in the National Flood Insurance Program's  
9           Community Rating System;
- 10          (11) Consider adopting ordinances or policies that  
11          encourage property owners at risk due to coastal  
12          flooding to purchase flood insurance;
- 13          (12) Incorporate projected sea level rise into hazard  
14          mitigation plans;
- 15          (13) Develop a pre-disaster recovery framework that  
16          incorporates opportunities to adapt to sea level rise  
17          through disaster recovery;
- 18          (14) Prioritize the preservation of coral reefs when taking  
19          actions that may affect the health of the coral reefs  
20          of the respective county;



1           (15) Conduct an in-depth assessment of critical  
2           infrastructure that are at risk to climate change and  
3           sea level rise, including critical infrastructure  
4           within sea level rise exposure areas. The assessment  
5           shall examine the vulnerability and evaluation of  
6           adaptation strategies for the infrastructure. The  
7           assessment shall consider the current condition of the  
8           infrastructure and the remaining years of useful life.  
9           The counties shall use the data to prioritize  
10          investment to protect, retrofit, or relocate the  
11          infrastructure; and

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

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





1 SECTION 9. The purpose of this part is to implement  
2 provisions of the Hawai'i sea level vulnerability and adaptation  
3 report relating to the office of planning.

4 SECTION 10. Chapter 225M, Hawaii Revised Statutes, is  
5 amended by adding two new sections to be appropriately  
6 designated and to read as follows:

7 "§225M-A Sea level rise; exposure areas; mitigation. (a)

8 The office of planning shall integrate into state planning the  
9 recommendations from the Hawaii climate change mitigation and  
10 adaptation commission regarding sea level rise exposure areas.  
11 Specifically, the office of planning shall consider:

12 (1) Immediate opportunities to implement sea level rise  
13 adaptation actions;

14 (2) The promotion of managed retreat from the shoreline  
15 where feasible, including the planning of new  
16 developments outside of sea level rise exposure areas;

17 (3) The protection of coastal areas and beaches from  
18 inappropriate development in light of potential sea  
19 level rise; and

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





1        (b) The office of planning shall develop specific guidance  
2 to apply:

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

5        (2) Actions recommended by the Hawaii sea level rise  
6        vulnerability and adaptation report, issued by the  
7        Hawaii climate change mitigation and adaptation  
8        commission or its successor, to address sea level rise  
9        impacts,

10 in plans and programs within the state planning system.

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

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

17        (2) Assess potential developable lands outside of urban  
18        growth boundaries that are suitable for future  
19        development;



- 1        (3) Review existing redevelopment plans or studies to  
2        assess the consistency of the plans with state goals  
3        relating to sea level rise and managed retreat;
- 4        (4) Include the following factors in the inventory:
- 5        (A) Existing land use classification and ownership;  
6        (B) Historic land use patterns;  
7        (C) Critical land uses such as agriculture and  
8        conservation for water resources;  
9        (D) Whether the area is currently eroding;  
10       (E) Whether shoreline armoring is already in place in  
11       the area;  
12       (F) Whether the area has a high potential for  
13       landward migration;  
14       (G) Whether the area has particular social, cultural,  
15       economic, or environmental value;  
16       (H) Whether the area currently supports critical  
17       infrastructure; and  
18       (I) Anticipated vulnerability of the area to sea  
19       level rise impacts; and
- 20       (5) Be developed in coordination with the counties.



1        (d) The office of planning shall establish a standing  
2 committee on sea level rise and managed retreat, to be chaired  
3 by the director of the office of planning and to consist of any  
4 relevant state or county officials invited by the director of  
5 the office of planning. The committee shall conduct detailed  
6 risk analyses of urban areas vulnerable to sea level rise. The  
7 risk analyses shall:

- 8        (1) Use data from:
- 9            (A) Vulnerability assessment results compiled by the  
10            Hawaii climate change mitigation and adaptation  
11            commission and published in the Hawaii sea level  
12            rise vulnerability and adaptation report; and
  - 13            (B) The land inventory compiled pursuant to  
14            subsection (c);
- 15        (2) Quantify potential losses for the identified urban  
16 areas, including:
- 17            (A) Structural losses;
  - 18            (B) Economic losses;
  - 19            (C) Income level losses;
  - 20            (D) Job losses;
  - 21            (E) Wage losses;



- 1           (F) Tax revenue losses; and
- 2           (G) Social justice losses;
- 3           (3) Identify priority areas for smart redevelopment as  
4           part of a managed retreat strategy using the data  
5           referenced in paragraph (1) and the quantifying  
6           analysis done pursuant to paragraph (2); and
- 7           (4) Conduct an analysis comparing the costs and benefits  
8           of taking actions to mitigate or reduce the impacts of  
9           sea level rise compared to the costs and benefits of  
10           not taking any action.

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

15           (e) 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.

19           §225M-B Beach preservation; willing seller program. (a)  
20           The office of planning shall establish a willing seller program.  
21           The program shall identify property owners that are willing to



1 sell their property or relocate outside of sea level rise  
2 exposure areas; provided that:

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

6       (2) The office of planning determines that acquisition of  
7       the property would be useful to protect the at-risk  
8       beach.

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

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

15       SECTION 11. (a) The office of planning shall develop a  
16 financing strategy to address the costs of adaptation to sea  
17 level rise. The strategy shall consider potential federal,  
18 state, county, private sector, and philanthropic sources to  
19 secure significant and sustainable funding for investments that  
20 reduce risks, harm to persons, and spending in response to  
21 disasters associated with sea level rise.



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

- 3 (1) Land acquisition, including land acquisition for  
4 wetland and beach migration and public access;
- 5 (2) Relocation or retrofitting of critical infrastructure;
- 6 (3) Relocation or retrofitting of residential areas to  
7 increase flood resiliency; and
- 8 (4) Costs identified by:
  - 9 (A) A comprehensive market assessment developed by a  
10 county pursuant to section 46-A(a)(2);
  - 11 (B) A redevelopment strategy developed by a county  
12 pursuant to section 46-A(a)(3); and
  - 13 (C) The climate change resilience study conducted by  
14 the department of land and natural resources  
15 pursuant to section 22 of this Act.

16 (c) The office of planning may consider as part of the  
17 strategy proposed laws or ordinances to:

- 18 (1) Develop tax incentive programs and special tax  
19 districts;
- 20 (2) Create incentives to encourage landward relocation,  
21 infrastructure retrofitting, siting of new



- 1 development, conservation of open space, and  
2 preservation or restoration of natural flood buffers;
- 3 (3) Utilize private sector funding sources, including  
4 voluntary contribution of funding or compensatory  
5 payment of assessments such as impact fees,  
6 sustainability fees on permit applications for new  
7 development, or other assessments on real property;
- 8 (4) Identify grant opportunities from philanthropic  
9 interests; and
- 10 (5) Create a statewide nonprofit organization to raise  
11 funds for projects to protect vulnerable populations,  
12 including persons who are economically disadvantaged,  
13 seniors, disabled persons, and veterans.
- 14 (d) The office of planning shall submit a report of its  
15 findings and recommendations, including any proposed  
16 legislation, to the legislature no later than twenty days prior  
17 to the convening of the regular session of 2022.

18 **PART V**

19 SECTION 12. The purpose of this part is to implement  
20 provisions of the Hawai'i sea level vulnerability and adaptation  
21 report relating to the land use commission.



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

4 "§205- Managed retreat; agricultural and conservation  
5 lands. (a) The commission may develop a policy to address the  
6 managed retreat of urban areas onto lands zoned for agricultural  
7 and conservation use; provided that the policy:

- 8 (1) Supports the State's sustainability goals;
- 9 (2) Protects agricultural and conservation lands to the  
10 greatest extent possible; and
- 11 (3) Includes guidelines to:
  - 12 (A) Minimize urban sprawl;
  - 13 (B) Promote energy and transportation efficiencies;
  - 14 (C) Reduce hazard exposure; and
  - 15 (D) Protect important agricultural lands, natural  
16 resources, and environmentally or culturally  
17 sensitive areas.

18 (b) The commission may amend state land use district  
19 boundaries to accommodate urban expansions into areas outside of  
20 sea level rise exposure areas; provided that the amendments are





1 consistent with the policy developed by the commission pursuant  
2 to subsection (a).

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

7 **PART VI**

8 SECTION 14. The purpose of this part is to make changes to  
9 the State's coastal zone management law as recommended by the  
10 Hawai'i sea level rise vulnerability and adaptation report.

11 SECTION 15. Section 205A-2, Hawaii Revised Statutes, is  
12 amended by amending subsections (b) and (c) to read as follows:

13 "(b) Objectives.

14 (1) Recreational resources;

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

17 (2) Historic resources;

18 (A) Protect, preserve, and, where desirable, restore  
19 those natural and manmade historic and  
20 prehistoric resources in the coastal zone



- 1 management area that are significant in Hawaiian  
2 and American history and culture.
- 3 (3) Scenic and open space resources;
- 4 (A) Protect, preserve, and, where desirable, restore  
5 or improve the quality of coastal scenic and open  
6 space resources.
- 7 (4) Coastal ecosystems;
- 8 (A) Protect valuable coastal ecosystems, including  
9 reefs, from disruption and minimize adverse  
10 impacts on all coastal ecosystems.
- 11 (5) Economic uses;
- 12 (A) Provide public or private facilities and  
13 improvements important to the State's economy in  
14 suitable locations.
- 15 (6) Coastal hazards;
- 16 (A) Reduce hazard to life and property from tsunami,  
17 storm waves, stream flooding, erosion,  
18 subsidence, and pollution.
- 19 (7) Managing development;



# S.B. NO. 690

- 1 (A) Improve the development review process,  
2 communication, and public participation in the  
3 management of coastal resources and hazards.
- 4 (8) Public participation;
- 5 (A) Stimulate public awareness, education, and  
6 participation in coastal management.
- 7 (9) Beach protection;
- 8 (A) Protect beaches for public use and recreation.
- 9 (10) Marine resources;
- 10 (A) Promote the protection, use, and development of  
11 marine and coastal resources to assure their  
12 sustainability.
- 13 (11) Sea level rise;
- 14 (A) Promote adaptation strategies for accommodation,  
15 protection, and retreat in response to sea level  
16 rise.
- 17 (c) Policies.
- 18 (1) Recreational resources;
- 19 (A) Improve coordination and funding of coastal  
20 recreational planning and management; and



- 1 (B) Provide adequate, accessible, and diverse  
2 recreational opportunities in the coastal zone  
3 management area by:
- 4 (i) Protecting coastal resources uniquely suited  
5 for recreational activities that cannot be  
6 provided in other areas;
- 7 (ii) Requiring replacement of coastal resources  
8 having significant recreational value  
9 including, but not limited to surfing sites,  
10 fishponds, and sand beaches, when [~~such~~]  
11 those resources will be unavoidably damaged  
12 by development; or requiring reasonable  
13 monetary compensation to the State for  
14 recreation when replacement is not feasible  
15 or desirable;
- 16 (iii) Providing and managing adequate public  
17 access, consistent with conservation of  
18 natural resources, to and along shorelines  
19 with recreational value;



# S.B. NO. 690

- 1                   (iv) Providing an adequate supply of shoreline  
2                   parks and other recreational facilities  
3                   suitable for public recreation;
- 4                   (v) Ensuring public recreational uses of county,  
5                   state, and federally owned or controlled  
6                   shoreline lands and waters having  
7                   recreational value consistent with public  
8                   safety standards and conservation of natural  
9                   resources;
- 10                  (vi) Adopting water quality standards and  
11                  regulating point and nonpoint sources of  
12                  pollution to protect, and where feasible,  
13                  restore the recreational value of coastal  
14                  waters;
- 15                  (vii) Developing new shoreline recreational  
16                  opportunities, where appropriate, such as  
17                  artificial lagoons, artificial beaches, and  
18                  artificial reefs for surfing and fishing;  
19                  and
- 20                  (viii) Encouraging reasonable dedication of  
21                  shoreline areas with recreational value for



1 public use as part of discretionary  
2 approvals or permits by the land use  
3 commission, board of land and natural  
4 resources, and county authorities; and  
5 crediting such dedication against the  
6 requirements of section 46-6 [7].

7 (2) Historic resources;

8 (A) Identify and analyze significant archaeological  
9 resources;

10 (B) Maximize information retention through  
11 preservation of remains and artifacts or salvage  
12 operations; and

13 (C) Support state goals for protection, restoration,  
14 interpretation, and display of historic  
15 resources [7].

16 (3) Scenic and open space resources;

17 (A) Identify valued scenic resources in the coastal  
18 zone management area;

19 (B) Ensure that new developments are compatible with  
20 their visual environment by designing and  
21 locating [such] developments to minimize the



# S.B. NO. 690

- 1 alteration of natural landforms and existing  
2 public views to and along the shoreline;
- 3 (C) Preserve, maintain, and, where desirable, improve  
4 and restore shoreline open space and scenic  
5 resources; and
- 6 (D) Encourage those developments that are not coastal  
7 dependent to locate in inland areas[+].
- 8 (4) Coastal ecosystems;
- 9 (A) Exercise an overall conservation ethic, and  
10 practice stewardship in the protection, use, and  
11 development of marine and coastal resources;
- 12 (B) Improve the technical basis for natural resource  
13 management;
- 14 (C) Preserve valuable coastal ecosystems, including  
15 reefs, of significant biological or economic  
16 importance;
- 17 (D) Minimize disruption or degradation of coastal  
18 water ecosystems by effective regulation of  
19 stream diversions, channelization, and similar  
20 land and water uses, recognizing competing water  
21 needs; and



1 (E) Promote water quantity and quality planning and  
2 management practices that reflect the tolerance  
3 of fresh water and marine ecosystems and maintain  
4 and enhance water quality through the development  
5 and implementation of point and nonpoint source  
6 water pollution control measures [7].

7 (5) Economic uses;

8 (A) Concentrate coastal dependent development in  
9 appropriate areas;

10 (B) Ensure that coastal dependent development such as  
11 harbors and ports, and coastal related  
12 development such as visitor industry facilities  
13 and energy generating facilities, are located,  
14 designed, and constructed to minimize adverse  
15 social, visual, and environmental impacts in the  
16 coastal zone management area; and

17 (C) Direct the location and expansion of coastal  
18 dependent developments to areas presently  
19 designated and used for [such] those developments  
20 and permit reasonable long-term growth at [such]  
21 those areas, and permit coastal dependent





# S.B. NO. 690

- 1           development outside of presently designated areas
- 2           when:
- 3           (i) Use of presently designated locations is not
- 4           feasible;
- 5           (ii) Adverse environmental effects are minimized;
- 6           and
- 7           (iii) The development is important to the State's
- 8           economy [7].
- 9       (6) Coastal hazards;
- 10       (A) Develop and communicate adequate information
- 11       about storm wave, tsunami, flood, erosion,
- 12       subsidence, and point and nonpoint source
- 13       pollution hazards;
- 14       (B) Control development in areas subject to storm
- 15       wave, tsunami, flood, erosion, hurricane, wind,
- 16       subsidence, and point and nonpoint source
- 17       pollution hazards;
- 18       (C) Ensure that developments comply with requirements
- 19       of the Federal Flood Insurance Program; and
- 20       (D) Prevent coastal flooding from inland projects [7].
- 21       (7) Managing development;



# S.B. NO. 690

- 1           (A) Use, implement, and enforce existing law
- 2                   effectively to the maximum extent possible in
- 3                   managing present and future coastal zone
- 4                   development;
- 5           (B) Facilitate timely processing of applications for
- 6                   development permits and resolve overlapping or
- 7                   conflicting permit requirements; and
- 8           (C) Communicate the potential [~~short~~] short- and
- 9                   long-term impacts of proposed significant coastal
- 10                  developments early in their life cycle and in
- 11                  terms understandable to the public to facilitate
- 12                  public participation in the planning and review
- 13                  process [↗]\_.
- 14       (8) Public participation;
- 15           (A) Promote public involvement in coastal zone
- 16                  management processes;
- 17           (B) Disseminate information on coastal management
- 18                  issues by means of educational materials,
- 19                  published reports, staff contact, and public
- 20                  workshops for persons and organizations concerned



- 1 with coastal issues, developments, and government  
2 activities; and
- 3 (C) Organize workshops, policy dialogues, and site-  
4 specific mediations to respond to coastal issues  
5 and conflicts[+].
- 6 (9) Beach protection;
- 7 (A) Locate new structures inland from the shoreline  
8 setback to conserve open space, minimize  
9 interference with natural shoreline processes,  
10 and minimize loss of improvements due to erosion;
- 11 (B) Prohibit construction of private erosion-  
12 protection structures seaward of the shoreline,  
13 except when they result in improved aesthetic and  
14 engineering solutions to erosion at the sites and  
15 do not interfere with existing recreational and  
16 waterline activities;
- 17 (C) Minimize the construction of public erosion-  
18 protection structures seaward of the shoreline;
- 19 (D) Prohibit private property owners from creating a  
20 public nuisance by inducing or cultivating the



1 private property owner's vegetation in a beach  
2 transit corridor; and

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

7 (10) Marine resources;

8 (A) Ensure that the use and development of marine and  
9 coastal resources are ecologically and  
10 environmentally sound and economically  
11 beneficial;

12 (B) Coordinate the management of marine and coastal  
13 resources and activities to improve effectiveness  
14 and efficiency;

15 (C) Assert and articulate the interests of the State  
16 as a partner with federal agencies in the sound  
17 management of ocean resources within the United  
18 States exclusive economic zone;

19 (D) Promote research, study, and understanding of  
20 ocean processes, marine life, and other ocean  
21 resources to acquire and inventory information



1 necessary to understand how ocean development  
2 activities relate to and impact upon ocean and  
3 coastal resources; and

4 (E) Encourage research and development of new,  
5 innovative technologies for exploring, using, or  
6 protecting marine and coastal resources.

7 (11) Sea level rise;

8 (A) Identify coastal areas that are vulnerable to sea  
9 level rise;

10 (B) Control development in areas subject to sea level  
11 rise and associated hazards, including coastal  
12 flooding, erosion, storm surge from tropical  
13 cyclones, beach loss, and pollution; and

14 (C) Promote development that takes into consideration  
15 adaptation strategies for accommodation,  
16 protection, and retreat in response to sea level  
17 rise."

18 **PART VII**

19 SECTION 16. The purpose of this part is to implement  
20 provisions of the Hawai'i sea level vulnerability and adaptation  
21 report relating to the office of environmental quality control.



1 SECTION 17. Chapter 341, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§341- Sea level rise; environmental review process;  
5 guidance. (a) The director shall issue specific guidance on  
6 integrating:

- 7 (1) Sea level rise; and  
8 (2) Climate change,  
9 in the environmental review process.

10 (b) Guidance on sea level rise shall highlight the need  
11 for analysis of the proposed action in terms of design and  
12 siting to address the impacts of sea level rise, using the sea  
13 level rise exposure area as a vulnerability zone.

14 (c) Guidance on integrating climate change shall highlight  
15 the need for analysis of the proposed action in the context of  
16 the future state of the environment.

17 (d) The guidance required by this section shall be modeled  
18 after the federal guidance issued by the United States Council  
19 on Environmental Quality for federal departments and agencies on  
20 consideration of greenhouse gas emissions and the effects of  
21 climate change.





# S.B. NO. 690

- 1           (2) Acquisition of historic or cultural properties, real  
2           or personal, in fee or in any lesser interest, by  
3           gift, purchase, condemnation, devise, bequest, land  
4           exchange, or other means; preservation, restoration,  
5           administration, or transference of the property; and  
6           the charging of reasonable admissions to that  
7           property;
- 8           (3) Development of a statewide survey and inventory to  
9           identify and document historic properties, aviation  
10          artifacts, and burial sites, including ~~[all]~~:
- 11          (A) All those owned by the State and the counties;  
12          and
- 13          (B) Traditional and customary native Hawaiian  
14          cultural resources and practices impacted by sea  
15          level rise;
- 16          (4) Preparation of information for the Hawaii register of  
17          historic places and listing on the national register  
18          of historic places;
- 19          (5) Preparation, review, and revisions of a state historic  
20          preservation plan, including budget requirements and  
21          land use recommendations;





- 1           (6) Application for and receipt of gifts, grants,  
2                   technical assistance, and other funding from public  
3                   and private sources for the purposes of this chapter;
- 4           (7) Provision of technical and financial assistance to the  
5                   counties and public and private agencies involved in  
6                   historic preservation activities;
- 7           (8) Coordination of activities of the counties in  
8                   accordance with the state plan for historic  
9                   preservation;
- 10          (9) Stimulation of public interest in historic  
11                   preservation, including the development and  
12                   implementation of interpretive programs for historic  
13                   properties listed on or eligible for the Hawaii  
14                   register of historic places;
- 15          (10) Coordination of the evaluation and management of  
16                   burial sites as provided in section 6E-43;
- 17          (11) Acquisition of burial sites in fee or in any lesser  
18                   interest, by gift, purchase, condemnation, devise,  
19                   bequest, land exchange, or other means, to be held in  
20                   trust;



# S.B. NO. 690

- 1        (12) The development of a culturally-based adaptation  
2        process and protocols to preserve burial sites, burial  
3        goods, human skeletal remains, and native Hawaiian  
4        cultural resources and practices that may be impacted  
5        by sea level rise; provided that the process and  
6        protocols shall be developed in consultation with:  
7        (A) The office of Hawaiian affairs;  
8        (B) Island burial councils established by section  
9        6E-43.5; and  
10       (C) Other native Hawaiian organizations across the  
11       State;
- 12       [~~12~~] (13) Submittal of an annual report to the governor  
13       and legislature detailing the accomplishments of the  
14       year, recommendations for changes in the state plan or  
15       future programs relating to historic preservation, and  
16       an accounting of all income, expenditures, and the  
17       fund balance of the Hawaii historic preservation  
18       special fund;
- 19       [~~13~~] (14) Regulation of archaeological activities  
20       throughout the State;





1           "§171-6 Powers. Except as otherwise provided by law, the  
2 board of land and natural resources shall have the powers and  
3 functions granted to the heads of departments and the board of  
4 land and natural resources under chapter 26.

5           In addition to the foregoing, the board may:

6           (1) Adopt a seal;

7           (2) Administer oaths;

8           (3) Prescribe forms of instruments and documents;

9           (4) Adopt rules which, upon compliance with chapter 91,  
10 shall have the force and effect of law;

11          (5) Set, charge, demand, and collect reasonable fees for  
12 the preparation of documents to be issued, for the  
13 surveying of public lands, and for the issuing of  
14 certified copies of its government records, which  
15 fees, when collected, shall be deposited into the  
16 state general fund, unless otherwise specified in this  
17 chapter;

18          (6) Establish additional restrictions, requirements, or  
19 conditions, not inconsistent with those prescribed in  
20 this chapter, relating to the use of particular land  
21 being disposed of, the terms of sale, lease, license,



- 1 or permit, and the qualifications of any person to  
2 draw, bid, or negotiate for public land;
- 3 (7) Reduce or waive the lease rental at the beginning of  
4 the lease on any lease of public land to be used for  
5 any agricultural or pastoral use, or for resort,  
6 commercial, industrial, or other business use where  
7 the land being leased requires substantial  
8 improvements to be placed thereon; provided that  
9 [~~such~~] the reduction or waiver shall not exceed two  
10 years for land to be used for any agricultural or  
11 pastoral use, or exceed one year for land to be used  
12 for resort, commercial, industrial, or other business  
13 use;
- 14 (8) Delegate to the chairperson or employees of the  
15 department of land and natural resources, subject to  
16 the board's control and responsibility, [~~such~~] powers  
17 and duties as may be lawful or proper for the  
18 performance of the functions vested in the board;
- 19 (9) Use arbitration under chapter 658A to settle any  
20 controversy arising out of any existing or future  
21 lease;



- 1           (10) Set, charge, and collect reasonable fees in an amount  
2                   sufficient to defray the cost of performing or  
3                   otherwise providing for the inspection of activities  
4                   permitted upon the issuance of a land license  
5                   involving a commercial purpose;
- 6           (11) Appoint masters or hearing officers to conduct public  
7                   hearings as provided by law and under [such]  
8                   conditions as the board by rules shall establish;
- 9           (12) Bring [such] actions as may be necessary to remove or  
10                   remedy encroachments upon public lands. Any person  
11                   causing an encroachment upon public land shall:
- 12                   (A) Be fined not more than \$1,000 a day for the first  
13                   offense;
- 14                   (B) Be fined not less than \$1,000 nor more than  
15                   \$4,000 per day upon the second offense and  
16                   thereafter;
- 17                   (C) If required by the board, restore the land to its  
18                   original condition if altered and assume the  
19                   costs thereof;
- 20                   (D) Assume [such] the costs [as] that may result from  
21                   adverse effects from [such] the restoration; and



# S.B. NO. 690

- 1           (E) Be liable for administrative costs incurred by  
2           the department and for payment of damages;
- 3       (13) Set, charge, and collect interest and a service charge  
4           on delinquent payments due on leases, sales, or other  
5           accounts. The rate of interest shall not exceed one  
6           per cent a month and the service charge shall not  
7           exceed \$50 a month for each delinquent payment;  
8           provided that the contract shall state the interest  
9           rate and the service charge and be signed by the party  
10          to be charged;
- 11       (14) Set, charge, and collect additional rentals for the  
12          unauthorized use of public lands by a lessee,  
13          licensee, grantee, or permittee who is in violation of  
14          any term or condition of a lease, license, easement,  
15          or revocable permit, retroactive to the date of the  
16          occurrence of the violation. [~~Such~~] Those amounts  
17          shall be considered delinquent payments and shall be  
18          subject to interest and service charges as provided in  
19          paragraph (13);
- 20       (15) Set, charge, and collect reasonable fines for  
21          violation of this chapter or any rule adopted



# S.B. NO. 690

1           thereunder. Any person engaging in any prohibited use  
2           of public lands or conducting any prohibited activity  
3           on public lands, or violating any of the other  
4           provisions of this chapter or any rule adopted  
5           thereunder, for which violation a penalty is not  
6           otherwise provided, shall be:

7           (A) Fined not more than \$5,000 per violation for a  
8           first violation or a violation beyond five years  
9           of the last violation; provided that, after  
10          written or verbal notification from the  
11          department, an additional \$1,000 per day per  
12          violation may be assessed for each day in which  
13          the violation persists;

14          (B) Fined not more than \$10,000 per violation for a  
15          second violation within five years of the last  
16          violation; provided that, after written or verbal  
17          notification from the department, an additional  
18          \$2,000 per day per violation may be assessed for  
19          each day in which the violation persists;

20          (C) Fined not more than \$20,000 per violation for a  
21          third or subsequent violation within five years





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

6 (D) Liable for administrative costs and expenses  
7 incurred by the department and for payment for  
8 damages, including but not limited to natural  
9 resource damages.

10 In addition to the fines, administrative costs, and  
11 damages provided for hereinabove, for damage to or  
12 theft of natural resources, the board may also set,  
13 charge, and collect a fine that, in its discretion, is  
14 appropriate considering the value of the natural  
15 resource that is damaged or the subject of the theft.

16 In arriving at an appropriate fine, the board may  
17 consider the market value of the natural resource  
18 damaged or taken and any other factor it deems  
19 appropriate, such as the loss of the natural resource  
20 to its natural habitat and environment and the cost of  
21 restoration or replacement. The remedies provided for



1 in this paragraph are cumulative and in addition to  
2 any other remedies allowed by law.

3 No person shall be sanctioned pursuant to this section  
4 for the exercise of native Hawaiian gathering rights  
5 and traditional cultural practices as authorized by  
6 law or as permitted by the department pursuant to  
7 article XII, section 7, of the Hawaii [~~state~~  
8 ~~constitution,~~] State Constitution;

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

17 (17) Pledge or assign all or any part of the receipts and  
18 revenues of the department. The revenue bonds shall  
19 be payable from and secured solely by the revenue  
20 derived by the department from the industrial park or  
21 parks for which the bonds are issued;



1 (18) Reimburse the state general fund for debt service on  
2 general obligation bonds or reimbursable general  
3 obligation bonds issued by the State for purposes of  
4 this chapter;

5 (19) Notwithstanding part II of chapter 205A to the  
6 contrary, plan, design, construct, operate, and  
7 maintain any lands or facilities under the  
8 jurisdiction of the division of boating and ocean  
9 recreation of the department without the need to  
10 obtain a special management area minor permit or  
11 special management area use permit; [and]

12 (20) Develop and enter into public-private partnerships for  
13 coastal land acquisition, beach management, reef  
14 protection, and other activities that preserve coastal  
15 resources; and

16 [~~20~~] (21) Do any and all things necessary to carry out its  
17 purposes and exercise the powers granted in this  
18 chapter."

19 SECTION 21. Section 173A-5, Hawaii Revised Statutes, is  
20 amended by amending subsections (g) and (h) to read as follows:

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

- 5           (1) Watershed protection;
- 6           (2) Coastal areas, beaches, and ocean access;
- 7           (3) Habitat protection;
- 8           (4) Cultural and historical sites;
- 9           (5) Recreational and public hunting areas;
- 10          (6) Parks;
- 11          (7) Natural areas;
- 12          (8) Agricultural production; ~~and~~
- 13          (9) Open spaces and scenic resources ~~[-]~~; and
- 14          (10) Lands that buffer or otherwise may preserve adjacent  
15             beaches and other coastal areas.

16          (h) The fund shall be used for:

- 17          (1) The acquisition of interests or rights in land having  
18 value as a resource to the State, including  
19 conservation easements, whether in fee title or  
20 through the establishment of permanent conservation  
21 easements under chapter 198 or agricultural easements;



- 1           (2) The payment of any debt service on state financial  
2           instruments relating to the acquisition of interests  
3           or rights in land having value as a resource to the  
4           State;
- 5           (3) Annual administration costs for the fund, not to  
6           exceed five per cent of annual fund revenues of the  
7           previous year[+]; and[+]
- 8           (4) Costs related to the operation, maintenance, and  
9           management of lands acquired by way of this fund that  
10          are necessary to protect, maintain, or restore  
11          resources at risk on these lands, or that provide for  
12          greater public access and enjoyment of these lands;  
13          provided that the costs related to the operation,  
14          maintenance, and management of lands acquired by way  
15          of this fund do not exceed five per cent of annual  
16          fund revenues of the previous year."

17          SECTION 22. (a) The department of land and natural  
18 resources shall conduct a climate change resilience study. The  
19 study shall:

- 20          (1) Determine incentives that the State may implement to  
21          promote improved flood risk management in the State,

1 particularly incentives that focus on driving action  
2 in the private sector;

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

5 (A) New wetlands that may form due to sea level rise;  
6 and

7 (B) Wildlife migration from other coastal areas,  
8 including the Northwestern Hawaiian Islands;

9 provided that the list shall be developed in  
10 consultation with federal agencies, the counties, and  
11 nongovernmental organizations;

12 (3) Identify near-term and long-term shoreline  
13 conservation and restoration guidelines to support  
14 adaptation to sea level rise, including:

15 (A) Recommendations on the use of seawalls,  
16 floodwalls, bulkheads, revetments, and other  
17 shoreline armoring;

18 (B) Policies to restrict the use of variances for  
19 seawalls, floodwalls, bulkheads, revetments, and  
20 other shoreline armoring; and



# S.B. NO. 690

- 1           (C) Ways to discourage the use of seawalls,  
2           floodwalls, bulkheads, revetments, and other  
3           shoreline armoring as an option for shoreline  
4           protection, including:
  - 5           (i) Adoption of policies that favor non-  
6           structural armoring, such as beach  
7           nourishment;
  - 8           (ii) The adoption of fees or lease payments for  
9           the use of shoreline armoring; and
  - 10          (iii) The use of county ordinances to require  
11          property owners to consider relocation of  
12          structures before the property owner may  
13          consider shoreline armoring; and
- 14          (4) Consider the feasibility of establishing a statewide  
15          buy-out program for residential property owners  
16          vulnerable to the effects of sea level rise.  
17          Specifically, the department of land and natural  
18          resources shall examine the feasibility of a program  
19          modeled after the flood mitigation assistance grant  
20          program of the Federal Emergency Management Agency.



1 In conducting the study, the department of land and natural  
2 resources shall solicit comments from the public and hold at  
3 least one public hearing.

4 (b) The department of land and natural resources shall  
5 submit a report of its findings and recommendations, including  
6 any proposed legislation, to the legislature no later than  
7 twenty days prior to the convening of the regular session of  
8 2021.

9 SECTION 23. (a) The office of conservation and coastal  
10 lands of the department of land and natural resources shall  
11 conduct a statewide assessment to prioritize beaches that are  
12 important for:

- 13 (1) Recreational uses;
- 14 (2) Cultural practices; and
- 15 (3) Wildlife habitat.

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

20 (c) The office of conservation and coastal lands shall  
21 identify beaches where special adaptation measures, such as





1 preservation of undeveloped lands, managed retreat, and  
2 prohibition of coastal armoring may be implemented to ensure  
3 survival of the identified beaches.

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

9 **PART IX**

10 SECTION 24. The purpose of this part is to implement parts  
11 of the Hawai'i sea level vulnerability and adaptation report  
12 relating to the office of Hawaiian affairs.

13 SECTION 25. (a) The office of Hawaiian affairs shall  
14 establish a coastal lands and water adaptation working group,  
15 which shall consult with members of the native Hawaiian  
16 community to develop adaptation plans to preserve access to  
17 coastal lands and water impacted by sea level rise.

18 (b) The coastal lands and water adaptation working group  
19 shall include:

20 (1) The chief executive officer of the office of Hawaiian  
21 affairs or the chief executive officer's designee;



# S.B. NO. 690

1           (2) The chair of the department of Hawaiian home lands or  
2           the chair's designee;

3           (3) The chair of the aha moku advisory committee or the  
4           chair's designee;

5           (4) Three persons with a background in native Hawaiian  
6           cultural practices; provided that the speaker of the  
7           house of representatives, the president of the senate,  
8           and the governor shall each appoint one person  
9           pursuant to this paragraph; and

10          (5) Three persons with a background in climate change  
11          science; provided that the speaker of the house of  
12          representatives, the president of the senate, and the  
13          governor shall each appoint one person pursuant to  
14          this paragraph.

15          (c) The coastal lands and water adaptation working group  
16 members shall select the working group chairperson from among  
17 its members.

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



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

4 (f) The coastal lands and water adaptation working group  
5 shall submit a report of its findings and recommendations,  
6 including any proposed legislation, to the legislature no later  
7 than twenty days prior to the convening of the regular session  
8 of 2021.

9 **PART X**

10 SECTION 26. The purpose of this part is to implement  
11 portions of the Hawai'i sea level vulnerability and adaptation  
12 report that relate to the department of health.

13 SECTION 27. (a) The department of health shall conduct a  
14 sea level rise mitigation review. The review shall:

15 (1) Identify sites or geographic areas with the highest  
16 probability of large or catastrophic failures or  
17 releases associated with increased coastal flooding  
18 due to sea level rise. In conducting this part of the  
19 review, the department of health shall:

20 (A) Review existing permits, site records, and agency  
21 files;



# S.B. NO. 690

- 1 (B) Conduct a thorough review of hazardous material  
2 and waste storage facilities within sea level  
3 rise exposure areas; and
- 4 (C) Develop hazard mitigation measures that  
5 landowners, permittees, and operators of the  
6 identified sites or geographic areas can use to  
7 address the threats from sea level rise; and
- 8 (2) Conduct a comprehensive review and gap analysis of the  
9 State's laws, existing environmental regulations,  
10 guidance documents, and best management practices  
11 relating to the construction, maintenance, and  
12 mitigation of underground storage tanks, on-site  
13 sewage disposal systems or wastewater treatment, and  
14 hazardous materials and waste storage facilities. The  
15 review and gap analysis shall focus on:
- 16 (A) Existing regulations that allow for siting new  
17 facilities in flood hazard prone areas;
- 18 (B) Monitoring or enforcement of existing vulnerable  
19 systems and facilities; and





- 1           (1) Within the boundaries of a special flood hazard area  
2           as officially designated on Flood Insurance  
3           Administration maps promulgated by the United States  
4           Department of Housing and Urban Development for the  
5           purposes of determining eligibility for emergency  
6           flood insurance programs;
- 7           (2) Within the boundaries of the noise exposure area shown  
8           on maps prepared by the department of transportation  
9           in accordance with Federal Aviation Regulation part  
10          150, Airport Noise Compatibility Planning (14 C.F.R.  
11          part 150) for any public airport;
- 12          (3) Within the boundaries of the Air Installation  
13          Compatible Use Zone of any Air Force, Army, Navy, or  
14          Marine Corps airport as officially designated by  
15          military authorities; [~~or~~]
- 16          (4) Within the anticipated inundation areas designated on  
17          the department of defense's emergency management  
18          tsunami inundation maps [~~7~~]; or
- 19          (5) Within a sea level rise exposure area as officially  
20          designated by the Hawaii climate change mitigation and  
21          adaptation commission or its successor



1 subject to the availability of maps that designate the four  
2 areas by tax map key (zone, section, parcel), the seller shall  
3 include the material fact information in the disclosure  
4 statement provided to the buyer subject to this chapter. Each  
5 county shall provide, where available, maps of its jurisdiction  
6 detailing the four designated areas specified in this  
7 subsection. The maps shall identify the properties situated  
8 within the four designated areas by tax map key number (zone,  
9 section, parcel) and shall be of a size sufficient to provide  
10 information necessary to serve the purposes of this section.  
11 Each county shall provide legible copies of the maps and may  
12 charge a reasonable copying fee."

13 **PART XII**

14 SECTION 30. The purpose of this part is to implement parts  
15 of the Hawai'i sea level vulnerability and adaptation report  
16 relating to the Hawai'i climate change mitigation and adaptation  
17 commission.

18 SECTION 31. Section 225P-3, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 **"§225P-3 Hawaii climate change mitigation and adaptation**  
21 **commission; general functions, duties, and powers. (a) There**



1 is established the Hawaii climate change mitigation and  
2 adaptation commission that shall be placed within the department  
3 of land and natural resources for administrative purposes only.

4 (b) Coordination of the commission shall be headed jointly  
5 by the chairperson of the board of land and natural resources,  
6 or the chairperson's designee, and the director of the office of  
7 planning, or the director's designee.

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

9 (1) The chairs of the standing committees of the  
10 legislature [~~with~~] having subject matter jurisdiction  
11 encompassing environmental protection and land use;

12 (2) The chairperson of the board of land and natural  
13 resources or the chairperson's designee, who shall be  
14 [~~the~~] a co-chair of the commission;

15 (3) The director of the office of planning or the  
16 director's designee, who shall be [~~the~~] a co-chair of  
17 the commission;

18 (4) The director of business, economic development, and  
19 tourism or the director's designee;





- 1           (5) The chairperson of the board of directors of the
- 2           Hawaii tourism authority or the chairperson's
- 3           designee;
- 4           (6) The chairperson of the board of agriculture or the
- 5           chairperson's designee;
- 6           (7) The chief executive officer of the office of Hawaiian
- 7           affairs or the officer's designee;
- 8           (8) The chairperson of the Hawaiian homes commission or
- 9           the chairperson's designee;
- 10          (9) The director of transportation or the director's
- 11          designee;
- 12          (10) The director of health or the director's designee;
- 13          (11) The adjutant general or the adjutant general's
- 14          designee;
- 15          (12) The chairperson of the board of education or the
- 16          chairperson's designee;
- 17          (13) The directors of each of the county planning
- 18          departments, or the directors' designees; and
- 19          (14) The manager of the coastal zone management program.
- 20          (d) In addition to the members listed in subsection (c),
- 21          the chairs of the commission may request the participation or



1 input of members of the public; experts in the field; and  
2 county, state, or federal officials or others as necessary.

3 (e) The members of the commission shall serve without pay  
4 but shall be reimbursed for their actual and necessary expenses,  
5 including travel expenses, incurred in carrying out their  
6 duties.

7 (f) The commission shall provide policy direction,  
8 facilitation, coordination, and planning among state and county  
9 agencies, federal agencies, and other partners as appropriate.

10 (g) The commission shall establish climate change  
11 mitigation and adaptation strategies and goals to help guide  
12 planning and implementation statewide using the latest  
13 scientific analysis and risk assessment to monitor and forecast  
14 climate change-related impacts at the regional, state, and local  
15 level, including any additional information deemed necessary.

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

19 (i) The commission shall identify existing climate change  
20 mitigation and adaptation efforts at the federal, state, and  
21 local levels and make recommendations for how to meet or exceed



# S.B. NO. 690

1 Hawaii's state mitigation goals and shall adopt a liberal  
2 approach in preparation, so as to minimize future risk to the  
3 people and environment of Hawaii.

4 (j) The commission shall assess the capacity and  
5 availability of existing resources and identify new sources of  
6 revenue necessary to address climate change mitigation and  
7 adaptation and shall advise the governor, legislature, and  
8 counties on the economic and budgetary ramifications of climate  
9 change impacts, mitigation, and adaptation.

10 (k) The commission shall identify the information  
11 necessary to track progress in implementing climate change  
12 mitigation and adaptation efforts, including an assessment of  
13 the implementation of the priorities identified by the report  
14 pursuant to subsection (n)(6), and shall submit an annual report  
15 to the governor and legislature no later than twenty days prior  
16 to the convening of each regular session of the legislature.

17 (l) The commission shall maintain a website that includes  
18 a mission statement as well as access to climate change related  
19 actions, plans, policies, and results.

20 (m) The commission shall conduct a comprehensive review of  
21 the implementation as required by this section and submit a



# S.B. NO. 690

1 report to the governor, legislature, and the counties no later  
2 than twenty days prior to the convening of the regular session  
3 of 2023 and every five years thereafter.

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

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

9 (2) Identification of expected impacts of sea level rise  
10 based on the latest scientific research for each area  
11 through 2050;

12 (3) Identification of the economic ramifications of sea  
13 level rise;

14 (4) Identification of applicable federal laws, policies,  
15 or programs that impact affected areas; [~~and~~]

16 (5) Recommendations for planning, management, and  
17 adaptation for hazards associated with increasing sea  
18 level rise[-]; and

19 (6) Priorities derived from the recommendations developed  
20 pursuant to paragraph (5) and related data that  
21 convert the ideas and recommendations into specific



1           actions that state and county agencies can use to  
2           mitigate and adapt to climate change and sea level  
3           rise.

4   The reports shall be made publicly available [~~no later than~~  
5   ~~December 31, 2017,~~] and the commission shall establish a  
6   maintenance schedule to reevaluate and update the sea level rise  
7   vulnerability and adaptation report; provided that the  
8   commission shall reevaluate and update the sea level rise  
9   vulnerability and adaptation report no less than once every five  
10   years. In creating a reevaluation schedule, the commission  
11   shall consider the need for updating coastal hazards modeling  
12   based on the extent that new modeling would substantially change  
13   exposure and vulnerability in sea level rise exposure areas.

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

- 16           (1) Solicit public views and concerns; [~~and~~]  
17           (2) Coordinate with the various county, state, and federal  
18           agencies involved in ongoing climate change adaptation  
19           planning initiatives[-];





1 SECTION 32. In codifying the new sections added by  
 2 sections 7 and 10 of this Act, the revisor of statutes shall  
 3 substitute appropriate section numbers for the letters used in  
 4 designating the new sections in this Act.

5 SECTION 33. Statutory material to be repealed is bracketed  
 6 and stricken. New statutory material is underscored.

7 SECTION 34. This Act shall take effect on July 1, 2019.  
 8

INTRODUCED BY:

[Signature]

[Signature]  
[Signature]

[Signature]  
[Signature]  
[Signature]

J. Kalam English  
[Signature]

[Signature]  
[Signature]  
[Signature]

[Signature]

[Signature]

[Signature]

[Signature]  
[Signature]



# S.B. NO. 690

**Report Title:**

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

**Description:**

Implements the recommendations of the Hawai'i Sea Level Rise Vulnerability and Adaptation Report issued by the Hawai'i Climate Change Mitigation and Adaptation Commission. Makes appropriations.

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

