
A BILL FOR AN ACT

RELATING TO CRITICAL ENERGY INFRASTRUCTURE.

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

1 SECTION 1. The legislature finds that energy is the
2 lifeblood of Hawaii's economy. The provision of safe, reliable,
3 clean, and affordable energy is in the interest of all Hawaii
4 residents and businesses.

5 The legislature also finds that lessons learned from the
6 recent disaster in Puerto Rico, the subsequent loss of
7 electrical grid infrastructure and months without electricity,
8 must be considered in Hawaii. Further, recent reports have
9 identified increasing vulnerability in Hawaii's coastal areas to
10 sea level rise, flooding, erosion, and storm surge.

11 The Sea Level Rise Vulnerability and Adaptation Report,
12 mandated by Act 83, Session Laws of Hawaii 2014, and expanded by
13 Act 32, Session Laws of Hawaii 2017, provides the first state-
14 wide assessment of Hawaii's vulnerability to sea level rise and
15 recommendations to reduce our exposure and sensitivity to sea
16 level rise and increase the State's capacity to adapt. The
17 report combines the best available science on climate change and



1 sea level rise from sources such as the Intergovernmental Panel
2 on Climate Change (IPCC) Assessment Report 5, more recent
3 scientific reports from the National Oceanic and Atmospheric
4 Administration and the National Aeronautics and Space
5 Administration, as well as the best-available peer-reviewed
6 scientific research articles. The report finds that while the
7 IPCC's "business as usual" scenario, where green house gas
8 emissions continue at the current rate of increase, predicts up
9 to 3.2 feet of global sea level rise by year 2100, recent
10 observations and projections suggest that this magnitude of sea
11 level rise could occur as early as the year 2060 under more
12 recently published highest-end scenarios. A 3.2-foot sea level
13 rise would jeopardize an area that the report refers to as the
14 sea level rise exposure area. According to the report, this
15 area, approximately 25,800 acres of land in the State, would be
16 exposed to potential chronic flooding and land loss based on
17 modeling passive flooding, annual high wave flooding, and
18 coastal erosion with sea level rise. The report finds that over
19 six thousand five hundred structures located in the sea level
20 rise exposure area would be compromised or lost, with an



1 estimated loss of \$19,000,000,000 from flooded structures and
2 land.

3 The report recommends that state and county leaders
4 prioritize redevelopment outside of the sea level rise exposure
5 area and limit exposure within the sea level rise exposure area.
6 The report further recommends that the state and counties should
7 adopt a review and approval process to ensure that new
8 development and capital improvement projects with an expected
9 life span of thirty years or more are designed and sited to
10 address the impacts of sea level rise utilizing the sea level
11 rise exposure area as a vulnerability zone.

12 The purpose of this Act is to help prevent the results of a
13 disaster like that which befell Puerto Rico's electric grid from
14 occurring in Hawaii, protect ratepayers from being forced to pay
15 to move future grid infrastructure due to disaster risk, and
16 adopt one of the recommendations of the Sea Level Rise
17 Vulnerability and Adaptation Report regarding the siting of new
18 development by prohibiting the approval of new critical electric
19 grid infrastructure in the sea level rise exposure area.



1 SECTION 2. Chapter 196, 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 "§196- Energy infrastructure resiliency. (a) No state
5 or county agency shall issue a permit to any applicant for the
6 construction or operation of a new grid-connected electrical
7 generation facility in excess of one megawatt or energy storage
8 facility in excess of one megawatt hour located anywhere in a
9 sea level rise exposure area.

10 (b) As used in this section, "sea level rise exposure
11 area" is the coastal area in Hawaii exposed to potential chronic
12 flooding due to a 3.2 foot sea level rise as depicted in the
13 Hawaii Climate Change Mitigation and Adaptation Commission's
14 2017 Hawaii Sea Level Rise Vulnerability and Adaptation Report."

15 SECTION 3. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 4. New statutory material is underscored.

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

20
INTRODUCED BY: 



H.B. NO. 2469

~~Harper~~
Lou B.

JAN 23 2018



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Report Title:

Critical Energy Infrastructure; Sea Level Rise Exposure Area

Description:

Prohibits a county or state agency from approving a permit to construct or operate a new grid-connected electrical generation facility or storage facility in excess of one megawatt hour if it is located in a sea level rise exposure area.

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