
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 legislature. Climate change poses immediate and
7 long-term threats to the State's economy, sustainability,
8 security, 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 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 The purpose of this Act is to implement the recommendations
2 of the Hawai'i 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 Hawai'i 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 ADAPTION

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 2021, 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 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 having
- 10 an expected life span of thirty years or more
- 11 incorporate sea level rise in the development or
- 12 project's design and siting. The State shall require:
 - 13 (A) New developments and capital improvement projects
 - 14 to include in-depth analyses of sea level rise
 - 15 impacts based on elevation, tolerance for risk,
 - 16 and lifetime of the structure; and
 - 17 (B) Redevelopment within existing development
 - 18 footprints to be dependent on established,
 - 19 resilient building design guidelines or otherwise
 - 20 be subject to relocation to more suitable areas;



- 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 is 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 December 31, 2023, and
16 subsequent assessments shall be conducted at least
17 once every five years.

18 (b) Except for subsection (a)(1), the governor may
19 delegate the duties required by subsection (a) to one or more
20 specific 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, adapting, 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 2020-2021 for
19 the purposes of implementing this part.

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, 2021, 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



1 urban area identified as a priority redevelopment area
2 by the standing committee on sea level rise and
3 managed retreat established pursuant to section
4 225M-A(d). The 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 having
21 an expected life span of thirty years or more



1 incorporate sea level rise in the development or
2 project's design and siting. The counties shall
3 require:

4 (A) New developments and capital improvement projects
5 to include in-depth analyses of sea level rise
6 impacts based on elevation, tolerance for risk,
7 and lifetime of the structure; and

8 (B) Redevelopments within existing footprints to be
9 dependent on established, resilient building
10 design guidelines, or otherwise be subject to
11 relocation to more suitable areas;

12 (6) Develop design standards for existing and proposed
13 land uses that limit urban growth and increase flood
14 resiliency within sea level rise exposure areas;

15 (7) Develop guidance for developers to assist with the
16 integration of sea level rise in project design and
17 encourage the use of best management practices for
18 incorporating green and sustainable approaches in all
19 stages of project development;

20 (8) Take into consideration future sea level rise when
21 adopting or revising flood standards and flood maps;



- 1 (9) Consider adopting ordinances that require structures
2 built in coastal zone A flood zones be constructed in
3 compliance with zone V flood zone construction
4 standards. For purposes of this paragraph, "coastal
5 zone A" and "zone V" shall refer to areas designated
6 as a zone A or zone V, respectively, by the National
7 Flood Insurance 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 owners of property 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 is 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 **§46-B Report.** Each county shall report to the legislature
 2 regarding its progress on the implementation of this part. The
 3 county shall submit the report of its findings and
 4 recommendations, including any proposed legislation, to the
 5 legislature no later than twenty days prior to the convening of
 6 each regular session."

7 SECTION 8. There is appropriated out of the general
 8 revenues of the State of Hawaii the following sums or so much
 9 thereof as may be necessary for fiscal year 2020-2021 to assist
 10 the counties in implementing this part:

11	County of Hawaii	\$
12	County of Kauai	\$
13	County of Maui	\$
14	City and county of Honolulu	\$ _____
15	Total	\$

16 The sums appropriated shall constitute the State's share of
 17 the cost of the mandated program under article VIII, section 5,
 18 of the Hawaii State Constitution.



1 PART IV

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

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

8 "§225M-A Sea level rise; exposure areas; mitigation. (a)

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

- 13 (1) Immediate opportunities to implement sea level rise
14 adaptation actions;
15 (2) The promotion of managed retreat from the shoreline
16 where feasible, including the planning of new
17 developments outside of sea level rise exposure areas;
18 (3) The protection of coastal areas and beaches from
19 inappropriate development in light of potential sea
20 level rise; and
21 (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 Hawai'i 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) Request the counties to identify, assess, and
15 prioritize underutilized land within urban zoned areas
16 that could be redeveloped in a manner that is
17 resilient to sea level rise;

18 (2) Assess potential developable lands outside of urban
19 growth boundaries that are suitable for future
20 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 relating to the lands
5 included in the inventory:
- 6 (A) Existing land use classification and ownership;
7 (B) Historic land use patterns;
8 (C) Critical land uses such as agriculture and
9 conservation for water resources;
- 10 (D) An assessment of current erosion;
11 (E) An assessment of existing shoreline armoring;
12 (F) An assessment of the high potential for landward
13 migration;
- 14 (G) An assessment of the land's particular social,
15 cultural, economic, or environmental value;
- 16 (H) A determination of whether the land currently
17 supports critical infrastructure; and
- 18 (I) An assessment of the anticipated vulnerability of
19 the land to sea 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. The director
3 of the office of planning shall serve as the chairperson and
4 shall invite any relevant state or county officials to serve on
5 the committee. The committee shall conduct detailed risk
6 analyses of urban areas vulnerable to sea level rise. The
7 committee shall be exempt from part I of chapter 92. The risk
8 analyses shall:

9 (1) Use data from:

- 10 (A) Vulnerability assessment results compiled by the
11 Hawaii climate change mitigation and adaptation
12 commission and published in the Hawai'i sea level
13 rise vulnerability and adaptation report; and
14 (B) The land inventory compiled pursuant to
15 subsection (c);

16 (2) Quantify, to the extent possible, potential losses for
17 the identified urban areas, including:

- 18 (A) Structural losses;
19 (B) Economic losses;
20 (C) Income level losses;
21 (D) Job losses;



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

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

16 (e) 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 §225M-B Beach preservation; willing seller program. (a)
 21 The office of planning shall establish a program to identify



1 property owners who are willing to sell property that they own
2 within a sea level rise exposure area or relocate outside of a
3 sea level rise exposure area; provided that:

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

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

10 (b) The office of planning may adopt rules pursuant to
11 chapter 91 to effectuate the purposes of this section.

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

16 SECTION 11. (a) The office of planning shall develop a
17 financing strategy to address the costs of adaptation to sea
18 level rise. The strategy shall consider potential federal,
19 state, county, private sector, and philanthropic sources to
20 secure significant and sustainable funding for investments that



1 reduce risks, harm to persons, and spending in response to
2 disasters associated with sea level rise.

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

5 (1) Land acquisition, including land acquisition for
6 wetland and beach migration and public access;

7 (2) Relocation or retrofitting of critical infrastructure;

8 (3) Relocation or retrofitting of residential areas to
9 increase flood resiliency; and

10 (4) Costs identified by:

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

13 (B) A redevelopment strategy developed by a county
14 pursuant to section 46-A(a)(3); and

15 (C) The climate change resilience study conducted by
16 the department of land and natural resources
17 pursuant to section 22 of this Act.

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

20 (1) Develop tax incentive programs and special tax
21 districts;



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



1 PART V

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

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

8 "§205- Managed retreat; agricultural and conservation
9 lands. (a) The commission may develop a policy to address the
10 managed retreat of urban areas onto lands zoned for agricultural
11 and conservation use; provided that the policy:

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



1 (b) The commission may amend state land use district
 2 boundaries to accommodate urban expansions into areas outside of
 3 sea level rise exposure areas; provided that the amendments are
 4 consistent with the policy developed by the commission pursuant
 5 to subsection (a).

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

PART VI

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

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

16 "(b) Objectives.

17 (1) Recreational resources;

18 (A) Provide coastal recreational opportunities

19 accessible to the public.

20 (2) Historic resources;



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

6 (3) Scenic and open space resources;

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

10 (4) Coastal ecosystems;

11 (A) Protect valuable coastal ecosystems, including
12 reefs, from disruption and minimize adverse
13 impacts on all coastal ecosystems.

14 (5) Economic uses;

15 (A) Provide public or private facilities and
16 improvements important to the State's economy in
17 suitable locations.

18 (6) Coastal hazards;

19 (A) Reduce hazard to life and property from tsunami,
20 storm waves, stream flooding, erosion,
21 subsidence, and pollution.



- 1 (7) Managing development;
- 2 (A) Improve the development review process,
- 3 communication, and public participation in the
- 4 management of coastal resources and hazards.
- 5 (8) Public participation;
- 6 (A) Stimulate public awareness, education, and
- 7 participation in coastal management.
- 8 (9) Beach protection;
- 9 (A) Protect beaches for public use and recreation.
- 10 (10) Marine resources;
- 11 (A) Promote the protection, use, and development of
- 12 marine and coastal resources to assure their
- 13 sustainability.
- 14 (11) Sea level rise;
- 15 (A) Promote adaption strategies for accommodation,
- 16 protection, and retreat in response to sea level
- 17 rise.
- 18 (c) Policies.
- 19 (1) Recreational resources;
- 20 (A) Improve coordination and funding of coastal
- 21 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;



- 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~~] the dedication against the
6 requirements of section 46-6[+].

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[+].

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~~] the developments to minimize the



- 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 (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



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[+].

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[+].

21 (7) Managing development;



- 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 hurricanes,
13 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.



1 (e) 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 PART VIII

6 SECTION 18. The purpose of this part is to implement parts
 7 of the Hawai'i sea level vulnerability and adaptation report
 8 relating to the board of land and natural resources.

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

11 "**§6E-3 Historic preservation program.** There is
 12 established within the department a division to administer a
 13 comprehensive historic preservation program, which shall include
 14 but not be limited to the following:

15 (1) Development of an ongoing program of historical,
 16 architectural, and archaeological research and
 17 development, including surveys, excavations,
 18 scientific recording, interpretation, signage, and
 19 publications on the State's historical and cultural
 20 resources;



- 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;



- 1 (12) The development of culturally-based adaptation
2 processes and protocols to preserve burial sites,
3 burial goods, human skeletal remains, and native
4 Hawaiian cultural resources and practices that may be
5 impacted by sea level rise; provided that the process
6 and 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 [~~(14)~~] (15) Employment of sufficient professional and
2 technical staff for the purposes of this chapter which
3 shall be in accordance with chapter 76;

4 [~~(15)~~] (16) The charging of fees to be determined by the
5 department that are proportional to the nature and
6 complexity of the projects or services provided, and
7 adjusted from time to time to ensure that the
8 proceeds, together with all other fines, income, and
9 penalties collected under this chapter, do not surpass
10 the annual operating costs of the comprehensive
11 historic preservation program;

12 [~~(16)~~] (17) Adoption of rules in accordance with chapter 91,
13 necessary to carry out the purposes of this chapter;
14 and

15 [~~(17)~~] (18) Development and adoption, in consultation with
16 the office of Hawaiian affairs native historic
17 preservation council, of rules governing permits for
18 access by native Hawaiians and Hawaiians to cultural,
19 historic, and pre-contact sites and monuments."

20 SECTION 20. Section 171-6, Hawaii Revised Statutes, is
21 amended to read as follows:



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



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



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



- 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) Adoption of fees or lease payments for the
9 use of shoreline armoring; and
- 10 (iii) Use of county ordinances to require property
11 owners to consider relocation of structures
12 before the property owner may consider
13 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 2022.

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 that shall consult with members of the native Hawaiian community
16 to develop adaptation plans to preserve access to coastal lands
17 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;



- 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 having 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 having 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 use data from the Hawai'i sea level rise vulnerability and
20 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 2023.

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 having 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;



- 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 (C) Identifying recommendations for changes and
2 improvements to current regulations, guidance,
3 and statutes for future updates.

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

8 (c) The department of health shall submit an interim
9 progress report to the legislature no later than twenty days
10 prior to the convening of the regular sessions of 2021, 2022,
11 and 2023, and a final report of its findings and
12 recommendations, including any proposed legislation, to the
13 legislature no later than twenty days prior to the convening of
14 the regular session of 2024.

15 SECTION 28. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$ or so much
17 thereof as may be necessary for fiscal year 2020-2021 for the
18 department of health to conduct a sea level rise mitigation
19 review.

20 The sum appropriated shall be expended by the department of
21 health for the purposes of this Act.



1 PART XI

2 SECTION 29. The purpose of this part is to require that
3 mandatory seller disclosures in real estate transactions include
4 identification of residential real properties lying within a sea
5 level rise exposure area, as recommended by the Hawai'i sea level
6 rise vulnerability and adaptation report.

7 SECTION 30. Section 508D-15, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) When residential real property lies:

- 10 (1) Within the boundaries of a special flood hazard area
11 as officially designated on Flood Insurance
12 Administration maps promulgated by the United States
13 Department of Housing and Urban Development for the
14 purposes of determining eligibility for emergency
15 flood insurance programs;
- 16 (2) Within the boundaries of the noise exposure area shown
17 on maps prepared by the department of transportation
18 in accordance with Federal Aviation Regulation part
19 150, Airport Noise Compatibility Planning (14 C.F.R.
20 part 150), for any public airport;



1 (3) Within the boundaries of the Air Installation
2 Compatible Use Zone of any Air Force, Army, Navy, or
3 Marine Corps airport as officially designated by
4 military authorities; [~~or~~]

5 (4) Within the anticipated inundation areas designated on
6 the department of defense's emergency management
7 tsunami inundation maps[~~7~~]; or

8 (5) Within a sea level rise exposure area as officially
9 designated by the Hawaii climate change mitigation and
10 adaptation commission or its successor,

11 subject to the availability of maps that designate the four
12 areas by tax map key (zone, section, parcel), the seller shall
13 include the material fact information in the disclosure
14 statement provided to the buyer subject to this chapter. Each
15 county shall provide, where available, maps of its jurisdiction
16 detailing the four designated areas specified in this
17 subsection. The maps shall identify the properties situated
18 within the four designated areas by tax map key number (zone,
19 section, parcel) and shall be of a size sufficient to provide
20 information necessary to serve the purposes of this section.



1 Each county shall provide legible copies of the maps and may
2 charge a reasonable copying fee."

3 PART XII

4 SECTION 31. The purpose of this part is to implement parts
5 of the Hawai'i sea level vulnerability and adaptation report
6 relating to the Hawai'i climate change mitigation and adaptation
7 commission.

8 SECTION 32. Section 225P-3, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§225P-3 Hawaii climate change mitigation and adaptation**
11 **commission; general functions, duties, and powers.** (a) There
12 is established the Hawaii climate change mitigation and
13 adaptation commission that shall be placed within the department
14 of land and natural resources for administrative purposes only.

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

19 (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 (l) 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 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 to update coastal hazards modeling based
4 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 multisectoral 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 raise awareness of the impacts of
20 sea level rise. Community engagement strategies 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) Coordination with museums, science centers, schools,
9 and other organizations to educate communities about
10 sea level rise and its impacts."

PART XIII

12 SECTION 33. In codifying the new sections added by
13 sections 7 and 10 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 34. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 35. This Act shall take effect on July 1, 2050.



Report Title:

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

Description:

Implements the recommendations of the Hawai'i Sea Level Rise Vulnerability and Adaptation Report issued by the Hawaii Climate Change Mitigation and Adaptation Commission. Makes appropriations. Effective 7/1/2050. (SD2)

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

