
A BILL FOR AN ACT

RELATING TO SEA LEVEL RISE ADAPTATION.

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

1 SECTION 1. The legislature finds that climate change and
2 sea level rise pose significant, dangerous, and imminent threats
3 to the State's social and economic well-being, public safety,
4 nature and environments, cultural resources, property,
5 infrastructure, and government functions and will likely have a
6 disproportionate impact on low-income and otherwise vulnerable
7 communities. Chronic impacts of sea level rise, including
8 coastal erosion, high tide flooding, and annual high wave
9 flooding, are already impacting many low-lying coastal areas and
10 are predicted to increase in extent and severity in the coming
11 decades. Climate change and sea level rise will exacerbate the
12 impacts of disaster events, such as hurricanes, extreme
13 rainfall, high-wave events, and tsunamis.

14 The legislature further finds that a 2017 report by the
15 National Oceanic and Atmospheric Administration projects that
16 3.2 feet of global mean sea level rise will occur by 2100 in an



1 intermediate scenario and could occur as early as the 2060s in
2 an extreme scenario.

3 The legislature notes that the Hawaii sea level rise
4 vulnerability and adaptation report completed by the department
5 of land and natural resources and accepted by the Hawaii climate
6 change mitigation and adaptation commission, along with map data
7 available via the Hawaii sea level rise viewer online mapping
8 tool and the Hawaii statewide GIS program, provide a relevant
9 assessment, based on the best available science, of the State's
10 coastal areas' exposure to the chronic impacts of sea level
11 rise. The state hazard mitigation plan provides expanded
12 assessment of natural hazards and potential impacts of disaster
13 events in recognition of climate change and sea level rise.
14 Both documents provide current references; are consistent with
15 sea level rise projections reported in the latest and best
16 available science, including National Oceanic and Atmospheric
17 Administration reporting; and serve as key references for the
18 State in assessing vulnerabilities and developing actions to
19 improve resilience to impacts of sea level rise and extreme
20 climate events, and therefore can serve as useful tools for



1 state agencies with operational responsibilities over state
2 facilities in preparing for sea level rise.

3 To successfully adapt to climate change and sea level rise,
4 state agencies having operational responsibilities over state
5 facilities must plan, coordinate, and act to assure Hawaii's
6 sustainable and resilient future. In 2017, the legislature
7 passed Act 32, Session Laws of Hawaii 2017, which formally
8 established the Hawaii climate change mitigation and adaptation
9 commission, for which the office of planning serves as a
10 co-chair. To support the implementation of statewide climate
11 change adaptation planning and coordination, the legislature
12 enacted Act 45, Session Laws of Hawaii 2020, which requires the
13 office of planning to serve as the lead agency for the State to
14 coordinate sea level rise adaptation and climate change planning
15 and coordination.

16 The legislature further finds that the climate change
17 adaptation priority guidelines of the Hawaii State Planning Act,
18 codified in section 226-109, Hawaii Revised Statutes, expresses
19 that the State should prepare to address the impacts of climate
20 change. More specifically, section 226-109(7), Hawaii Revised
21 Statutes, directs the State to "[p]romote sector resilience in



1 areas such as water, roads, airports, and public health, by
2 encouraging the identification of climate change threats,
3 assessment of potential consequences, and evaluation of
4 adaptation options[.]"

5 The legislature recognizes that the practice of statewide
6 sea level rise adaptation will require comprehensive and
7 long-term planning and that collectively, state agencies having
8 operational responsibilities over state facilities must work
9 collaboratively over time through a centralized coordinating
10 agency to identify existing and planned facilities that are
11 vulnerable to sea level rise, flooding impacts, and natural
12 hazards. The legislature also finds that the American Jobs
13 Plan, proposed by the President of the United States in
14 March 2021, could provide potential federal moneys to fund the
15 planning, coordination, and revitalization of state facilities
16 and infrastructure that are threatened by the impacts of climate
17 change and that are vulnerable to sea level rise, flooding
18 impacts, and natural hazards.



1 The purpose of this Act is to:

2 (1) Require the office of planning, in coordination with
3 state agencies with operational responsibilities over
4 state facilities, to:

5 (A) Identify existing and planned facilities that are
6 vulnerable to sea level rise, flooding impacts,
7 and natural hazards;

8 (B) Assess options to mitigate the impacts of sea
9 level rise to those facilities; and

10 (C) Submit annual reports to the governor,
11 legislature, and Hawaii climate change mitigation
12 and adaptation commission regarding vulnerability
13 and mitigation assessments for state facilities
14 and progress in implementing sea level rise and
15 disaster resiliency considerations;

16 (2) Update and reaffirm the role of the office of planning
17 to coordinate climate change adaptation and sea level
18 rise adaptation among all state agencies to improve
19 the interagency coordination of these activities; and

20 (3) Amend the Hawaii State Planning Act to include
21 sustainable development, climate change adaptation,



1 and sea level rise adaptation as objectives for
2 facility systems.

3 SECTION 2. Chapter 225M, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 **"§225M- Coordination of sea level rise adaptation**
7 **activities.** The office of planning, in cooperation with each
8 state agency having operational responsibilities over state
9 facilities, shall:

- 10 (1) Begin statewide sea level rise adaptation coordination
11 by working with state agencies to identify existing
12 and planned facilities, including critical
13 infrastructure, that are vulnerable to sea level rise,
14 flooding impacts, and natural hazards, utilizing
15 projections and map data from the most recent update
16 of the Hawaii sea level rise vulnerability and
17 adaptation report, the State of Hawaii hazard
18 mitigation plan, and any other pertinent data and
19 scientific reports to aid in this planning;



1 (2) Assess a range of options for mitigating impacts of
2 sea level rise to those existing and planned state
3 facilities; and

4 (3) Submit an annual report to the governor, legislature,
5 and the Hawaii climate change mitigation and
6 adaptation commission no later than twenty days prior
7 to the convening of each regular session regarding the
8 vulnerability and mitigation assessments for state
9 facilities and progress made toward implementing sea
10 level rise adaptation in future plans, programs, and
11 capital improvement needs and decisions."

12 SECTION 3. Section 225M-2, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 "(b) The office of planning shall gather, analyze, and
15 provide information to the governor to assist in the overall
16 analysis and formulation of state policies and strategies to
17 provide central direction and cohesion in the allocation of
18 resources and effectuation of state activities and programs and
19 effectively address current or emerging issues and
20 opportunities. More specifically, the office shall engage in
21 the following activities:



- 1 (1) State comprehensive planning and program coordination.
2 Formulating and articulating comprehensive statewide
3 goals, objectives, policies, and priorities, and
4 coordinating their implementation through the
5 statewide planning system established in part II of
6 chapter 226;
- 7 (2) Strategic planning. Identifying and analyzing
8 significant issues, problems, and opportunities
9 confronting the State, and formulating strategies and
10 alternative courses of action in response to
11 identified problems and opportunities by:
- 12 (A) Providing in-depth policy research, analysis, and
13 recommendations on existing or potential areas of
14 critical state concern;
- 15 (B) Examining and evaluating the effectiveness of
16 state programs in implementing state policies and
17 priorities;
- 18 (C) Monitoring through surveys, environmental
19 scanning, and other techniques--current social,
20 economic, and physical conditions and trends; and



- 1 (D) Developing, in collaboration with affected public
- 2 or private agencies and organizations,
- 3 implementation plans and schedules and, where
- 4 appropriate, assisting in the mobilization of
- 5 resources to meet identified needs;
- 6 (3) Planning coordination and cooperation. Facilitating
- 7 coordinated and cooperative planning and policy
- 8 development and implementation activities among state
- 9 agencies and between the state, county, and federal
- 10 governments, by:
- 11 (A) Reviewing, assessing, and coordinating, as
- 12 necessary, major plans, programs, projects, and
- 13 regulatory activities existing or proposed by
- 14 state and county agencies;
- 15 (B) Formulating mechanisms to simplify, streamline,
- 16 or coordinate interagency development and
- 17 regulatory processes; and
- 18 (C) Recognizing the presence of federal defense and
- 19 security forces and agencies in the State as
- 20 important state concerns;



1 (4) Statewide planning and geographic information system.
2 Collecting, integrating, analyzing, maintaining, and
3 disseminating various forms of data and information,
4 including geospatial data and information, to further
5 effective state planning, policy analysis and
6 development, and delivery of government services by:
7 (A) Collecting, assembling, organizing, evaluating,
8 and classifying existing geospatial and non-
9 geospatial data and performing necessary basic
10 research, conversions, and integration to provide
11 a common database for governmental planning and
12 geospatial analyses by state agencies;
13 (B) Planning, coordinating, and maintaining a
14 comprehensive, shared statewide planning and
15 geographic information system and associated
16 geospatial database. The office shall be the
17 lead agency responsible for coordinating the
18 maintenance of the multi-agency, statewide
19 planning and geographic information system and
20 coordinating, collecting, integrating, and
21 disseminating geospatial data sets that are used



1 to support a variety of state agency applications
2 and other spatial data analyses to enhance
3 decision-making. The office shall promote and
4 encourage free and open data sharing among and
5 between all government agencies. To ensure the
6 maintenance of a comprehensive, accurate, up-to-
7 date geospatial data resource that can be drawn
8 upon for decision-making related to essential
9 public policy issues such as land use planning,
10 resource management, homeland security, and the
11 overall health, safety, and well-being of
12 Hawaii's citizens, and to avoid redundant data
13 development efforts, state agencies shall provide
14 to the shared system either their respective
15 geospatial databases or, at a minimum, especially
16 in cases of secure or confidential data sets that
17 cannot be shared or must be restricted, metadata
18 describing existing geospatial data. In cases
19 where agencies provide restricted data, the
20 office of planning shall ensure the security of
21 that data; and



- 1 (C) Maintaining a centralized depository of state and
2 national planning references;
- 3 (5) Land use planning. Developing and presenting the
4 position of the State in all boundary change petitions
5 and proceedings before the land use commission,
6 assisting state agencies in the development and
7 submittal of petitions for land use district boundary
8 amendments, and conducting periodic reviews of the
9 classification and districting of all lands in the
10 State, as specified in chapter 205;
- 11 (6) Coastal and ocean policy management, and sea level
12 rise adaptation coordination. Carrying out the lead
13 agency responsibilities for the Hawaii coastal zone
14 management program, as specified in chapter 205A.
- 15 Also:
- 16 (A) Developing and maintaining an ocean and coastal
17 resources information, planning, and management
18 system;
- 19 (B) Further developing and coordinating
20 implementation of the ocean resources management
21 plan; [~~and~~]



1 (C) Formulating ocean policies with respect to the
2 exclusive economic zone, coral reefs, and
3 national marine sanctuaries; and

4 (D) Coordinating sea level rise adaptation with state
5 agencies having operational responsibilities over
6 state facilities to identify existing and planned
7 facilities, including critical infrastructure,
8 that are vulnerable to sea level rise, flooding
9 impacts, and natural hazards;

10 (7) Regional planning and studies. Conducting plans and
11 studies to determine:

12 (A) The capability of various regions within the
13 State to support projected increases in both
14 resident populations and visitors;

15 (B) The potential physical, social, economic, and
16 environmental impact on these regions resulting
17 from increases in both resident populations and
18 visitors;

19 (C) The maximum annual visitor carrying capacity for
20 the State by region, county, and island; and



1 (D) The appropriate guidance and management of
2 selected regions and areas of statewide critical
3 concern.

4 The studies in subparagraphs (A) to (C) shall be
5 conducted at appropriate intervals, but not less than
6 once every five years;

7 (8) Regional, national, and international planning.
8 Participating in and ensuring that state plans,
9 policies, and objectives are consistent, to the extent
10 practicable, with regional, national, and
11 international planning efforts;

12 (9) Climate adaptation and sustainability planning and
13 coordination. Conducting plans and studies and
14 preparing reports as follows:

15 (A) Develop, monitor, and evaluate strategic climate
16 adaptation plans and actionable policy
17 recommendations for the State and counties
18 addressing expected statewide climate change
19 impacts identified under chapter 225P and
20 sections 226-108 and 226-109; and



1 (B) Provide planning and policy guidance and
2 assistance to state and county agencies regarding
3 climate change and sustainability; and

4 (10) Smart growth and transit-oriented development. Acting
5 as the lead agency to coordinate and advance smart
6 growth and transit-oriented development planning
7 within the State as follows:

8 (A) Identify transit-oriented development
9 opportunities shared between state and county
10 agencies, including relevant initiatives such as
11 the department of health's healthy Hawaii
12 initiative and the Hawaii clean energy
13 initiative;

14 (B) Refine the definition of "transit-oriented
15 development" in the context of Hawaii, while
16 recognizing the potential for smart growth
17 development patterns in all locations;

18 (C) Clarify state goals for transit-oriented
19 development and smart growth that support the
20 principles of the Hawaii State Planning Act by



- 1 preserving non-urbanized land, improving worker
2 access to jobs, and reducing fuel consumption;
- 3 (D) Target transit-oriented development areas for
4 significant increase in affordable housing and
5 rental units;
- 6 (E) Conduct outreach to state agencies to help
7 educate state employees about the ways they can
8 support and benefit from transit-oriented
9 development and the State's smart growth goals;
- 10 (F) Publicize coordinated state efforts that support
11 smart growth, walkable neighborhoods, and
12 transit-oriented development;
- 13 (G) Review state land use decision-making processes
14 to identify ways to make transit-oriented
15 development a higher priority and facilitate
16 better and more proactive leadership in creating
17 walkable communities and employment districts,
18 even if transit will only be provided at a later
19 date; and
- 20 (H) Approve all state agencies' development plans for
21 parcels along the rail transit corridor. For the



1 purposes of this subparagraph, "development
2 plans" means conceptual land use plans that
3 identify the location and planned uses within a
4 defined area."

5 SECTION 4. Section 226-14, Hawaii Revised Statutes, is
6 amended to read as follows:

7 **"§226-14 Objective and policies for facility systems--in**
8 **general.** (a) Planning for the State's facility systems in
9 general shall be directed towards achievement of the objective
10 of water, transportation, sustainable development, climate
11 change adaptation, sea level rise adaptation, waste disposal,
12 and energy and telecommunication systems that support statewide
13 social, economic, and physical objectives.

14 (b) To achieve the general facility systems objective, it
15 shall be the policy of this State to:

16 (1) Accommodate the needs of Hawaii's people through
17 coordination of facility systems and capital
18 improvement priorities in consonance with state and
19 county plans.

20 (2) Encourage flexibility in the design and development of
21 facility systems to promote prudent use of resources



1 and accommodate changing public demands and
2 priorities.

3 (3) Ensure that required facility systems can be supported
4 within resource capacities and at reasonable cost to
5 the user.

6 (4) Pursue alternative methods of financing programs and
7 projects and cost-saving techniques in the planning,
8 construction, and maintenance of facility systems.

9 (5) Identify existing and planned state facilities that
10 are vulnerable to sea level rise, flooding impacts,
11 and natural hazards.

12 (6) Assess a range of options to mitigate the impacts of
13 sea level rise to existing and planned state
14 facilities."

15 SECTION 5. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect on July 1, 2021.



Report Title:

State Responsibilities; Office of Planning; Climate Change; Sea Level Rise Adaptation

Description:

Requires the Office of Planning, in cooperation with each state agency having operational responsibilities over state facilities, to: identify existing and planned facilities that are vulnerable to sea level rise, flooding impacts, and natural hazards; assess a range of options to mitigate the impacts of sea level rise to those facilities; and submit annual reports to the Governor, Legislature, and Hawaii climate change mitigation and adaptation commission regarding the vulnerability and adaptation assessments for state facilities and the progress made in implementing sea level rise adaptation in future plans, programs, and capital improvement needs and decisions. Amends the Hawaii State Planning Act to include sustainable development, climate change adaptation, and sea level rise adaptation as objectives for facility systems. (CD1)

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