
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 co-
10 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 long-
7 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, recently proposed by the President of the United States,
14 could provide potential federal moneys to fund the planning,
15 coordination, and revitalization of state facilities and
16 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.

19 The purpose of this Act is to:

- 1 (1) Require the office of planning, in coordination with
2 state agencies with operational responsibilities over
3 state facilities, to:
- 4 (A) Identify existing and planned facilities that are
5 vulnerable to sea level rise, flooding impacts,
6 and natural hazards;
- 7 (B) Assess options to mitigate the impacts of sea
8 level rise to those facilities; and
- 9 (C) Submit annual reports to the governor,
10 legislature, and the Hawaii climate change
11 mitigation and adaptation commission regarding
12 vulnerability and mitigation assessments for
13 state facilities and progress in implementing sea
14 level rise and disaster resiliency
15 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;
- 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; and
 3 (4) Establish planning and implementing considerations,
 4 policies, and practices related to disaster resilience
 5 and climate adaptation as a function of statewide
 6 concern.

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

10 "§225M- Coordination of sea level rise adaptation
 11 activities. The office of planning, in cooperation with each
 12 state agency having operational responsibilities over state
 13 facilities, shall:

14 (1) Begin statewide sea level rise adaptation coordination
 15 by working with state agencies to identify existing
 16 and planned facilities, including critical
 17 infrastructure, that are vulnerable to sea level rise,
 18 flooding impacts, and natural hazards, utilizing
 19 projections and map data from the most recent update
 20 of the Hawaii sea level rise vulnerability and
 21 adaptation report, the State of Hawaii hazard



1 mitigation plan, and any other pertinent data and
2 scientific reports to aid in this planning;
3 (2) Assess a range of options for mitigating impacts of
4 sea level rise to those existing and planned state
5 facilities; and
6 (3) Submit an annual report to the governor, legislature,
7 and the Hawaii climate change mitigation and
8 adaptation commission no later than twenty days prior
9 to the convening of each regular session regarding the
10 vulnerability and mitigation assessments for state
11 facilities and progress made toward implementing sea
12 level rise adaptation in future plans, programs, and
13 capital improvement needs and decisions."

14 SECTION 3. Section 27-1, Hawaii Revised Statutes, is
15 amended to read as follows:

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



1 (1) Planning, construction, improvement and maintenance of
2 public school facilities and grounds and the
3 transportation of school children; provided that
4 nothing in this paragraph shall preclude the several
5 counties from expending their own funds to supplement
6 state funds;

7 (2) Burial of indigents;

8 (3) Planning, construction, improvement, maintenance, and
9 operation of public hospitals and other public health
10 and medical facilities;

11 (4) Rendering of medical treatment and hospitalization
12 services to state and county pensioners;

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

14 (6) Providing information and services to the public
15 through joint cooperation with the several
16 counties[~~-~~]; and

17 (7) Planning and implementing considerations, policies,
18 and practices related to disaster resilience and
19 climate adaptation, including sea level rise."

20 SECTION 4. Section 225M-2, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:



1 (b) The office of planning shall gather, analyze, and
2 provide information to the governor to assist in the overall
3 analysis and formulation of state policies and strategies to
4 provide central direction and cohesion in the allocation of
5 resources and effectuation of state activities and programs and
6 effectively address current or emerging issues and
7 opportunities. More specifically, the office shall engage in
8 the following activities:

- 9 (1) State comprehensive planning and program coordination.
10 Formulating and articulating comprehensive statewide
11 goals, objectives, policies, and priorities, and
12 coordinating their implementation through the
13 statewide planning system established in part II of
14 chapter 226;
- 15 (2) Strategic planning. Identifying and analyzing
16 significant issues, problems, and opportunities
17 confronting the State, and formulating strategies and
18 alternative courses of action in response to
19 identified problems and opportunities by:



- 1 (A) Providing in-depth policy research, analysis, and
- 2 recommendations on existing or potential areas of
- 3 critical state concern;
- 4 (B) Examining and evaluating the effectiveness of
- 5 state programs in implementing state policies and
- 6 priorities;
- 7 (C) Monitoring through surveys, environmental
- 8 scanning, and other techniques--current social,
- 9 economic, and physical conditions and trends; and
- 10 (D) Developing, in collaboration with affected public
- 11 or private agencies and organizations,
- 12 implementation plans and schedules and, where
- 13 appropriate, assisting in the mobilization of
- 14 resources to meet identified needs;
- 15 (3) Planning coordination and cooperation. Facilitating
- 16 coordinated and cooperative planning and policy
- 17 development and implementation activities among state
- 18 agencies and between the state, county, and federal
- 19 governments, by:
- 20 (A) Reviewing, assessing, and coordinating, as
- 21 necessary, major plans, programs, projects, and



1 regulatory activities existing or proposed by
2 state and county agencies;

3 (B) Formulating mechanisms to simplify, streamline,
4 or coordinate interagency development and
5 regulatory processes; and

6 (C) Recognizing the presence of federal defense and
7 security forces and agencies in the State as
8 important state concerns;

9 (4) Statewide planning and geographic information system.
10 Collecting, integrating, analyzing, maintaining, and
11 disseminating various forms of data and information,
12 including geospatial data and information, to further
13 effective state planning, policy analysis and
14 development, and delivery of government services by:

15 (A) Collecting, assembling, organizing, evaluating,
16 and classifying existing geospatial and non-
17 geospatial data and performing necessary basic
18 research, conversions, and integration to provide
19 a common database for governmental planning and
20 geospatial analyses by state agencies;



1 (B) Planning, coordinating, and maintaining a
2 comprehensive, shared statewide planning and
3 geographic information system and associated
4 geospatial database. The office shall be the
5 lead agency responsible for coordinating the
6 maintenance of the multi-agency, statewide
7 planning and geographic information system and
8 coordinating, collecting, integrating, and
9 disseminating geospatial data sets that are used
10 to support a variety of state agency applications
11 and other spatial data analyses to enhance
12 decision-making. The office shall promote and
13 encourage free and open data sharing among and
14 between all government agencies. To ensure the
15 maintenance of a comprehensive, accurate, up-to-
16 date geospatial data resource that can be drawn
17 upon for decision-making related to essential
18 public policy issues such as land use planning,
19 resource management, homeland security, and the
20 overall health, safety, and well-being of
21 Hawaii's citizens, and to avoid redundant data



1 development efforts, state agencies shall provide
2 to the shared system either their respective
3 geospatial databases or, at a minimum, especially
4 in cases of secure or confidential data sets that
5 cannot be shared or must be restricted, metadata
6 describing existing geospatial data. In cases
7 where agencies provide restricted data, the
8 office of planning shall ensure the security of
9 that data; and

10 (C) Maintaining a centralized depository of state and
11 national planning references;

12 (5) Land use planning. Developing and presenting the
13 position of the State in all boundary change petitions
14 and proceedings before the land use commission,
15 assisting state agencies in the development and
16 submittal of petitions for land use district boundary
17 amendments, and conducting periodic reviews of the
18 classification and districting of all lands in the
19 State, as specified in chapter 205;

20 (6) Coastal and ocean policy management, and sea level
21 rise adaptation coordination. Carrying out the lead



1 agency responsibilities for the Hawaii coastal zone
2 management program, as specified in chapter 205A.

3 Also:

4 (A) Developing and maintaining an ocean and coastal
5 resources information, planning, and management
6 system;

7 (B) Further developing and coordinating
8 implementation of the ocean resources management
9 plan; [~~and~~]

10 (C) Formulating ocean policies with respect to the
11 exclusive economic zone, coral reefs, and
12 national marine sanctuaries; and

13 (D) Coordinating sea level rise mitigation with state
14 agencies having operational responsibilities over
15 state facilities to identify existing and planned
16 facilities, including critical infrastructure,
17 that are vulnerable to sea level rise, flooding
18 impacts, and natural hazards;

19 (7) Regional planning and studies. Conducting plans and
20 studies to determine:



- 1 (A) The capability of various regions within the
2 State to support projected increases in both
3 resident populations and visitors;
- 4 (B) The potential physical, social, economic, and
5 environmental impact on these regions resulting
6 from increases in both resident populations and
7 visitors;
- 8 (C) The maximum annual visitor carrying capacity for
9 the State by region, county, and island; and
- 10 (D) The appropriate guidance and management of
11 selected regions and areas of statewide critical
12 concern.

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

- 16 (8) Regional, national, and international planning.
17 Participating in and ensuring that state plans,
18 policies, and objectives are consistent, to the extent
19 practicable, with regional, national, and
20 international planning efforts;



- 1 (9) Climate adaptation and sustainability planning and
2 coordination. Conducting plans and studies and
3 preparing reports as follows:
- 4 (A) Develop, monitor, and evaluate strategic climate
5 adaptation plans and actionable policy
6 recommendations for the State and counties
7 addressing expected statewide climate change
8 impacts identified under chapter 225P and
9 sections 226-108 and 226-109; and
- 10 (B) Provide planning and policy guidance and
11 assistance to state and county agencies regarding
12 climate change and sustainability; and
- 13 (10) Smart growth and transit-oriented development. Acting
14 as the lead agency to coordinate and advance smart
15 growth and transit-oriented development planning
16 within the State as follows:
- 17 (A) Identify transit-oriented development
18 opportunities shared between state and county
19 agencies, including relevant initiatives such as
20 the department of health's healthy Hawaii



- 1 initiative and the Hawaii clean energy
2 initiative;
- 3 (B) Refine the definition of "transit-oriented
4 development" in the context of Hawaii, while
5 recognizing the potential for smart growth
6 development patterns in all locations;
- 7 (C) Clarify state goals for transit-oriented
8 development and smart growth that support the
9 principles of the Hawaii State Planning Act by
10 preserving non-urbanized land, improving worker
11 access to jobs, and reducing fuel consumption;
- 12 (D) Target transit-oriented development areas for
13 significant increase in affordable housing and
14 rental units;
- 15 (E) Conduct outreach to state agencies to help
16 educate state employees about the ways they can
17 support and benefit from transit-oriented
18 development and the State's smart growth goals;
- 19 (F) Publicize coordinated state efforts that support
20 smart growth, walkable neighborhoods, and
21 transit-oriented development;



1 (G) Review state land use decision-making processes
 2 to identify ways to make transit-oriented
 3 development a higher priority and facilitate
 4 better and more proactive leadership in creating
 5 walkable communities and employment districts,
 6 even if transit will only be provided at a later
 7 date; and

8 (H) Approve all state agencies' development plans for
 9 parcels along the rail transit corridor. For the
 10 purposes of this subparagraph, "development
 11 plans" means conceptual land use plans that
 12 identify the location and planned uses within a
 13 defined area."

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

16 "**§226-14 Objective and policies for facility systems--in**
 17 **general.** (a) Planning for the State's facility systems in
 18 general shall be directed towards achievement of the objective
 19 of water, transportation, sustainable development, climate
 20 change adaptation, sea level rise adaptation, waste disposal,



1 and energy and telecommunication systems that support statewide
2 social, economic, and physical objectives.

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

5 (1) Accommodate the needs of Hawaii's people through
6 coordination of facility systems and capital
7 improvement priorities in consonance with state and
8 county plans.

9 (2) Encourage flexibility in the design and development of
10 facility systems to promote prudent use of resources
11 and accommodate changing public demands and
12 priorities.

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

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

19 (5) Identify existing and planned state facilities that
20 are vulnerable to sea level rise, flooding impacts,
21 and natural hazards.



1 (6) Assess a range of options to mitigate the impacts of
2 sea level rise to existing and planned state
3 facilities."

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

6 SECTION 7. This Act shall take effect on January 1, 2050.



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. Establishes planning and implementing considerations, policies, and practices related to disaster resilience and climate adaptation as a function of statewide concern. Effective 1/1/2050. (SD2)

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