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# A BILL FOR AN ACT

RELATING TO ADAPTATION PATHWAYS PLANNING.

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

1           SECTION 1. The legislature finds that the threat of sea  
2 level rise and associated coastal hazards is well documented and  
3 already affecting various locations throughout the State. The  
4 2023 National Climate Assessment states that for Hawaii and the  
5 United States-Affiliated Pacific Islands, climate change,  
6 particularly sea level rise, will continue to adversely affect  
7 the built environment and will harm numerous sectors of the  
8 islands' economies. The strategies required to address the  
9 emerging threat are not uniform and require thoughtful,  
10 community-engaged, location-based planning and consideration to  
11 be most effective.

12           The legislature seeks to support and safeguard vulnerable  
13 communities and to protect and conserve public trust resources,  
14 such as sandy beaches and dune systems, which are valuable for  
15 their cultural importance and ecosystem role, from the impacts  
16 of sea level rise. The legislature further finds that  
17 adaptation to sea level rise and coastal hazards is best



1 accomplished via adaptation pathways with triggers for  
2 successive adaptation actions over time. These adaptation  
3 pathways may include intermediate actions taken as part of a  
4 phased approach to provide time for planning and implementation  
5 of endpoint actions, which may include relocation of public and  
6 private infrastructure away from the shoreline, where  
7 appropriate.

8 The legislature recognizes that in 2019, the office of  
9 planning and sustainable development's coastal zone management  
10 program completed a study titled "Assessing the Feasibility and  
11 Implications of Managed Retreat Strategies for Vulnerable  
12 Coastal Communities in Hawai'i". The legislature additionally  
13 finds that the office of planning and sustainable development is  
14 currently using funding from the federal government to study  
15 policy and economic solutions to encourage relocation away from  
16 coastal hazards in response to the findings of that study. The  
17 legislature strives to preserve natural resources and support  
18 individuals and communities in adapting to sea level rise and  
19 coastal hazards.

20 The legislature further finds that it is in the public  
21 interest for the state and county governments to engage in



1 holistic, location-specific adaptation planning, which may  
2 include the modification and ultimate relocation of private and  
3 public infrastructure away from areas that are critically  
4 impacted by coastal hazards, including coastal erosion and  
5 flooding, particularly areas with high natural-ecosystem,  
6 cultural, and public-recreational resource value and to reduce  
7 danger to life and property from coastal hazards.

8       Furthermore, the legislature finds that the authority and  
9 jurisdiction to manage and regulate development within the  
10 shoreline setback and special management areas lie with the  
11 counties, and the authority and jurisdiction to manage land and  
12 regulate land use makai of the shoreline lie with the department  
13 of land and natural resources. The legislature finds that it is  
14 the policy of the State that as the shoreline migrates inland  
15 with sea level rise, ownership of the land in the shoreline area  
16 transfers to the State. Therefore, the State, through the  
17 powers of the department of land and natural resources, has a  
18 vested interest in planning for sea level rise in a way that  
19 protects natural resources for future generations.

20       Thus, the purpose of this Act is to enable and encourage  
21 state and county agencies to engage in and implement long-term



1 adaptation pathways planning, together with affected  
2 communities, to facilitate natural-resource conservation and  
3 reduce the loss of public and private infrastructure to damage  
4 associated with sea level rise and flooding by:

5 (1) Requiring the department of land and natural  
6 resources, in coordination with appropriate state and  
7 county agencies, to prepare plans to facilitate  
8 implementation of adaptation measures, including  
9 modification and ultimate relocation of development  
10 and infrastructure away from certain at-risk areas;  
11 and

12 (2) Appropriating funds for this purpose.

13 SECTION 2. Chapter 171, Hawaii Revised Statutes, is  
14 amended by adding a new part to be appropriately designated and  
15 to read as follows:

16 **"PART . ADAPTATION PATHWAYS PLANNING IN SEA LEVEL RISE**  
17 **EXPOSURE AREAS INVOLVING STATE LANDS**

18 **§171- Definitions.** As used in this part:

19 "Adaptation pathways" means a collection of measures,  
20 including elevating and floodproofing infrastructure, armoring,



1 zoning, and relocation, needed to lower the risk of flooding and  
2 loss due to the sea level rising progressively over time.

3 "Adaptation pathways plan" means a plan outlining the  
4 adaptation pathways appropriate for a specific region, or  
5 individual parcel within a region, with environmental triggers  
6 for the implementation of individual measures identified within  
7 the adaptation pathways.

8 **§171- General powers.** (a) In carrying out their  
9 duties under this part, the board and department may do all  
10 things necessary, useful, and convenient in connection with the  
11 development and implementation of adaptation pathways plans for  
12 residential and resort development and associated public  
13 utilities and infrastructure in cooperation with relevant state  
14 and county agencies.

15 (b) The adaptation pathways may include measures such as  
16 elevation and reengineering of development to accommodate  
17 occasional flooding and the advancing shoreline, along with a  
18 land disposition to partially and temporarily occupy state land,  
19 other accommodation measures, and ultimate relocation from  
20 locations that are or will be critically threatened by impacts  
21 related to climate change and sea level rise.



1           **§171-           Sea level rise adaptation pathways plan.**   (a)

2   The department, in cooperation with appropriate state and county  
3   agencies, shall prepare and, from time to time, revise regional-  
4   scale adaptation pathways plans for the implementation of a  
5   program to facilitate adaptation of private residential and  
6   resort development and associated public infrastructure to the  
7   impacts of sea level rise and associated flooding.

8           (b)   Adaptation pathways plans shall be developed at a  
9   regional scale, including but not limited to an ahupuaa, and  
10   shall be specific to individual locations, taking into account  
11   factors including but not limited to shoreline type, coastal  
12   processes, and documented and predicted erosion rates and  
13   coastal flooding.

14           Adaptation may include accommodation measures, such as  
15   elevating and floodproofing infrastructure, armoring to prevent  
16   loss of public infrastructure, restoration of natural dunes and  
17   shoreline ecosystems, and relocation of infrastructure away from  
18   areas that are critically threatened by coastal erosion and  
19   flooding with sea level rise to areas outside the sea level rise  
20   exposure area, as designated by the Hawaii climate change



1 mitigation and adaptation commission and special flood hazard  
2 areas.

3 (c) Adaptation pathways plans developed pursuant to this  
4 part may incorporate proposed time-limited land dispositions in  
5 the adaptation pathways for a habitable structure that is  
6 proposed to be modified to withstand occasional flooding with  
7 sea level rise and temporarily occupy private land and state-  
8 owned land makai of the shoreline. These modifications shall:

- 9 (1) Be shown to have a minimal impact on natural shoreline  
10 processes and public shoreline safety and access; and  
11 (2) Include a proposed timeline and environmental triggers  
12 for the ultimate removal of development from the  
13 shoreline.

14 (d) Adaptation pathways plans developed pursuant to this  
15 part shall guide the department, along with appropriate state  
16 and county agencies, in identifying and prioritizing:

- 17 (1) Adaptation actions and environmental triggers for  
18 actions that are appropriate to the individual  
19 location, including but not limited to modification  
20 and relocation of residential and resort development



1 and associated public utilities and infrastructure;

2 and

3 (2) Coastal lands that are critically threatened by  
4 coastal erosion and sea level rise and have high  
5 natural and community resource value appropriate for  
6 adaptation and ultimate relocation of structures with  
7 the overall purpose of natural resource restoration  
8 and conservation.

9 (e) In preparing adaptation pathways plans pursuant to  
10 this part, the department, in coordination with relevant state  
11 and county agencies:

12 (1) May use or conduct studies:

13 (A) Necessary to support the development of  
14 adaptation pathways plans, including the  
15 development of regional studies pertaining to the  
16 relocation or physical alteration of development,  
17 a cost-benefit analysis of project viability, and  
18 engineering studies; and

19 (B) Pertaining to restoration of such lands to  
20 natural conditions and for public purposes;



1           (2) Shall consider any plan relating to the relocation of  
2           development and restoration of lands that has been  
3           prepared by any federal, state, county, or private  
4           agency or entity;

5           (3) Shall engage in culturally-informed, community-engaged  
6           planning to determine the appropriate adaptation  
7           actions and environmental triggers for implementation  
8           on a regional scale;

9           (4) Shall incorporate state and county climate adaptation  
10          plans; and

11          (5) Shall ensure that any adaptation pathways plans and  
12          programs be aligned with the objectives of state and  
13          county hazard mitigation plans and county general and  
14          community plans.

15          (f) The department shall enforce existing statutes and  
16          rules regarding the use of state lands and shall exercise the  
17          authority granted to it in implementing adaptation pathways  
18          plans prepared pursuant to this part."

19          SECTION 3. There is appropriated out of the general  
20          revenues of the State of Hawaii the sum of \$1,000,000 or so much  
21          thereof as may be necessary for fiscal year 2024-2025 for the



1 department of land and natural resources to identify appropriate  
2 communities for and initiate preparation of one regional sea  
3 level rise adaptation pathways plan per county; provided that  
4 the locations for these plans shall be determined:

5 (1) Jointly by the department of land and natural  
6 resources, the respective county planning agency, and  
7 other appropriate state agencies; and

8 (2) Based on the immediacy of the threat of coastal  
9 erosion and flooding caused by sea level rise to  
10 development and natural resources, ownership  
11 demographics, and zoning classification.

12 The sum appropriated shall be expended by the department of  
13 land and natural resources for the purposes of this Act.

14 SECTION 4. In accordance with section 9 of article VII of  
15 the Hawaii State Constitution and sections 37-91 and 37-93,  
16 Hawaii Revised Statutes, the legislature has determined that the  
17 appropriations contained in H.B. No. . . . , will cause the state  
18 general fund expenditure ceiling for fiscal year 2024-2025 to be  
19 exceeded by \$ . . . or . . . per cent. In addition, the  
20 appropriation contained in this Act will cause the general fund  
21 expenditure ceiling for fiscal year 2024-2025 to be further



# S.B. NO. 2184

1 exceeded by \$                    or                    per cent. The combined total  
2 amount of general fund appropriations contained in only these  
3 two Acts will cause the state general fund expenditure ceiling  
4 for fiscal year 2024-2025 to be exceeded by  
5 \$                    or                    per cent. The reasons for exceeding the  
6 general fund expenditure ceiling are that:

- 7           (1) The appropriation made in this Act is necessary to  
8                   serve the public interest; and
- 9           (2) The appropriation made in this Act meets the needs  
10                   addressed by this Act.

11           SECTION 5. This Act does not affect rights and duties that  
12 matured, penalties that were incurred, and proceedings that were  
13 begun before its effective date.

14           SECTION 6. This Act shall take effect upon its approval;  
15 provided that section 3 of this Act shall take effect on July 1,  
16 2024.

17

INTRODUCED BY: *Spencer H. Hodge*



# S.B. NO. 2184

**Report Title:**

Adaptation Pathways; Adaptation Planning for Residential and Resort Shoreline Development; Sea Level Rise Exposure Area; Appropriation; Expenditure Ceiling

**Description:**

Expands the authority of the State and counties to develop adaptation pathways plans to modify and relocate infrastructure away from critically threatened areas to locations outside sea level rise and coastal flooding exposure areas. Appropriates funds.

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

