

STAND. COM. REP. NO.

181

Honolulu, Hawaii

FEB 08 , 2023

RE: H.B. No. 756
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.B. No. 756 entitled:

"A BILL FOR AN ACT RELATING TO LAND USE,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require the Department of Land and Natural Resources to prepare plans and a program to facilitate voluntary relocation of residential development away from certain at-risk areas;
- (2) Establish the Sea Level Rise Relocation Special Fund;
- (3) Require the Department of Land and Natural Resources to complete and maintain a current inventory of all public lands that are located outside the sea level rise exposure area and special flood hazard area;
- (4) Authorize the exchange of public land for private lands for the transfer of development rights or land exchanges to relocate private development away from high-risk areas;



- (5) Expand the climate change adaptation priority guidelines; and
- (6) Appropriate funds to the Department of Land and Natural Resources to:
 - (A) Prepare and implement the sea level rise relocation plans and program; and
 - (B) Plan and implement a sea level rise relocation project for voluntary relocation of critically threatened beach from development on the North Shore of Oahu.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and one individual. Your Committee received comments on this measure from the Hawai'i Emergency Management Agency, Office of Planning and Sustainable Development, University of Hawai'i Sea Grant College Program, and University of Hawai'i Climate Resilience Collaborative.

Your Committee finds that managed retreat, which is the shifting of development inland from the coast through either physical movement of structures or changing restrictions and management of coastal areas, will be an essential tool in the State for relocating development from areas critically impacted by coastal erosion and flooding with sea level rise. Your Committee further finds that in 2019, the Office of Planning and Sustainable Development completed a study that assessed the feasibility and implications of managed retreat strategies for vulnerable coastal areas in the State. This measure seeks to implement some of the recommendations made in the Office of Planning and Sustainable Development's report to make managed retreat a viable option for improving community resilience and conserving beaches and coastal ecosystems.

Your Committee has amended this measure by:

- (1) Inserting a definition for "leaseback"; adding leasebacks as an option for the Board of Land and Natural Resources to exercise in connection with voluntary relocation under this measure, and depositing



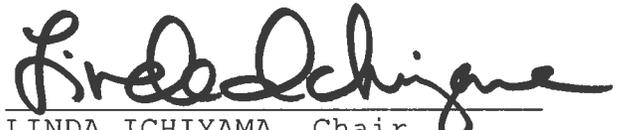
proceeds from leasebacks into the Sea Level Rise Relocation Special Fund;

- (2) Including acquisition under the powers the Board of Land and Natural Resources may exercise in connection with voluntary relocation under this measure;
- (3) Requiring the Department of Land and Natural Resources, in preparation of the relocation plans, to include a community education and outreach component to inform and obtain input from affected communities on the plans;
- (4) Authorizing appropriations made out of the Climate Impact Special Fund, if established, for deposit into the Sea Level Rise Relocation Special Fund;
- (5) Including under the allowable uses of funds from the Sea Level Rise Relocation Special Fund the acquisition through eminent domain of private development at risk of exposure to sea level rise and flooding;
- (6) Deleting language which would have required the Department of Land and Natural Resources to:
 - (A) Complete and maintain a current inventory of all public lands that are located outside the sea level rise exposure area and special flood hazard area; and
 - (B) Submit a report to the Legislature detailing the initial inventory of identified lands;
- (7) Removing language which would have required the funds appropriated to the Department of Land and Natural Resources to be used for the planning and implementation of a sea level rise relocation project for voluntary relocation of critically threatened beach from development on the North Shore of Oahu;
- (8) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 756, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 756, H.D. 1, and be referred to your Committee on Energy & Environmental Protection.

Respectfully submitted on
behalf of the members of the
Committee on Water & Land,


LINDA ICHIYAMA, Chair



