

**ACT 286**

S.B. NO. 2745

A Bill for an Act Relating to Environment.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that according to the *Hawaii Climate Change Action Plan*, published in November 1998 by the State of Hawaii depart-

ment of business, economic development, and tourism's energy, resources, and technology division and the department of health's clean air branch, major climate change effects expected for Hawaii include warmer temperatures; increases in heat-related deaths and illnesses; sea-level rise with resultant flooding, beach erosion, and damage to coastal property; increased vulnerability to storm damage; increasing variability of the effects on water resources; undetermined effects on agriculture and forestry; and stresses on ecosystems.

The 1998 report is consistent with current climate science. According to recent findings by researchers at the University of Hawaii, global warming is evident in Hawaii: air temperature has risen; rain intensity has increased while total rainfall has decreased; stream flows have decreased; sea level and sea surface temperatures have increased; and the ocean is becoming more acidic. Because these trends are likely to continue, (1) scientists anticipate growing impacts to Hawaii's water resources, forests, coastal communities, and marine ecology; (2) it is timely to consider adaptation and mitigation strategies; (3) there is significant need for sustained and enhanced climate monitoring and assessment activities; and (4) there is a compelling requirement for focused research to produce models of future climate changes and impacts.

Hawaii's existing climate change policy focuses primarily on mitigation or the reduction of greenhouse gases. Act 234, Session Laws of Hawaii 2007, established the State's policy framework and requirements to address Hawaii's greenhouse gas emissions, recognizing the potential adverse effects of global climate change to Hawaii's economy, public health, natural resources, and environment. The focus and general purpose of Act 234 was to achieve by January 1, 2020, cost-effective greenhouse gas emission reductions at or below Hawaii's greenhouse gas emission estimates of 1990. Subsequently, the legislature passed Act 73, Session Laws of Hawaii 2010. Act 73 established the environmental response, energy, and food security tax, also known as the barrel tax, which also addresses issues relating to the effects of climate change. One purpose of Act 73 was to help ensure Hawaii's energy and food self-sufficiency and to "[h]elp Hawaii's natural resources and population adapt and be resilient to the inevitable challenges brought on by climate change caused by carbon dioxide and other greenhouse gas emissions from burning fossil fuels."

However, even if greenhouse gas emissions are reduced to 1990 levels, Hawaii will still be significantly impacted by global climate change well into the future. Therefore, this Act focuses on preparing for and adapting to the expected impacts of climate change.

The purpose of this Act is to encourage collaboration and cooperation among county, state, and federal agencies, policy makers, businesses, and other community partners to plan for the impacts of climate change and avoid, minimize, or mitigate loss of life, land, and property of future generations.

In the course of implementing the legislatively mandated ocean resources management plan, the multi-stakeholder ocean resources management plan policy group and working group recognized a need for policy guidance to frame and effectuate a coordinated effort to adapt to the expected impacts of climate change. The ocean resources management plan working group partnered with the center for island climate adaptation and policy at the University of Hawaii to develop *A Framework for Climate Change Adaptation in Hawaii*, dated November 2009. The desired outcome of the process outlined in the *Framework* is for Hawaii to adapt successfully to the impacts of climate change.

In August 2011, the ocean resources management plan policy group and working group along with other stakeholders from academia, business, and native Hawaiian communities, met for a two-day intensive workshop to implement the first steps of the *Framework*, including the development of an effective mea-

sure of Hawaii's adaptation to the impacts of climate change. The results of the workshop and input from the broader community are the foundation of this Act.

This Act amends the Hawaii State Planning Act, chapter 226, Hawaii Revised Statutes, by adding climate change adaptation priority guidelines to part III. Priority guidelines focus state and county resources on major areas of state-wide concern that merit priority attention to improve the quality of life for Hawaii's present and future population through the pursuit of desirable courses of action. The priority guidelines will serve as a guiding policy for adapting to the expected impacts of climate change through the existing implementation provisions of the Hawaii State Planning Act, which include guiding all major state and county activities, programs, budgetary, land use, and other decision making processes, and county general plans and development plans, pursuant to part II of the Hawaii State Planning Act.

SECTION 2. Chapter 226, Hawaii Revised Statutes, is amended by adding to part III a new section to be appropriately designated and to read as follows:

**“§226- Climate change adaptation priority guidelines.** Priority guidelines to prepare the State to address the impacts of climate change, including impacts to the areas of agriculture; conservation lands; coastal and nearshore marine areas; natural and cultural resources; education; energy; higher education; health; historic preservation; water resources; the built environment, such as housing, recreation, transportation; and the economy shall:

- (1) Ensure that Hawaii's people are educated, informed, and aware of the impacts climate change may have on their communities;
- (2) Encourage community stewardship groups and local stakeholders to participate in planning and implementation of climate change policies;
- (3) Invest in continued monitoring and research of Hawaii's climate and the impacts of climate change on the State;
- (4) Consider native Hawaiian traditional knowledge and practices in planning for the impacts of climate change;
- (5) Encourage the preservation and restoration of natural landscape features, such as coral reefs, beaches and dunes, forests, streams, floodplains, and wetlands, that have the inherent capacity to avoid, minimize, or mitigate the impacts of climate change;
- (6) Explore adaptation strategies that moderate harm or exploit beneficial opportunities in response to actual or expected climate change impacts to the natural and built environments;
- (7) Promote sector resilience in areas such as water, roads, airports, and public health, by encouraging the identification of climate change threats, assessment of potential consequences, and evaluation of adaptation options;
- (8) Foster cross-jurisdictional collaboration between county, state, and federal agencies and partnerships between government and private entities and other non-governmental entities, including nonprofit entities;
- (9) Use management and implementation approaches that encourage the continual collection, evaluation, and integration of new information and strategies into new and existing practices, policies, and plans; and

- (10) Encourage planning and management of the natural and built environments that effectively integrate climate change policy.”

SECTION 3. Section 226-102, Hawaii Revised Statutes, is amended to read as follows:

“**§226-102 Overall direction.** The State shall strive to improve the quality of life for Hawaii’s present and future population through the pursuit of desirable courses of action in ~~[six]~~ seven major areas of statewide concern which merit priority attention: economic development, population growth and land resource management, affordable housing, crime and criminal justice, quality education, ~~[and]~~ principles of sustainability[-], and climate change adaptation.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect upon its approval.

(Approved July 9, 2012.)

**Note**

1. Edited pursuant to HRS §23G-16.5.