

**ACT 83**

H.B. NO. 1714

A Bill for an Act Relating to Climate Change.

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

SECTION 1. This Act shall be known as the Hawaii Climate Adaptation Initiative Act. The legislature finds that climate change is the paramount chal-

lence of this century, posing both an urgent and long-term threat to the State's economy, sustainability, security, and way of life.

The 2012 Pacific Islands Regional Climate Assessment found that throughout the Pacific, warmer and drier conditions will decrease fresh water supplies. Rising sea levels, exacerbated by storms, will increase coastal flooding and erosion, damaging coastal ecosystems and infrastructure and affecting agriculture, tourism, military bases, and other industries. Higher sea-surface temperatures will increase coral bleaching, leading to coral death and habitat loss. Increasing ocean acidification will have negative consequences for the entire marine ecosystem. In the long term, open-ocean fisheries will decline. Rising temperatures, and in some areas reduced rainfall, will increase the risk of extinctions. Threats to the traditional lifestyles of indigenous communities may include destruction of coastal artifacts and structures and reduced availability of traditional food sources and subsistence fisheries, which will make it difficult for Pacific Island communities to sustain their connection with a defined place and their unique set of customs, beliefs, and languages.

The legislature further finds that beach erosion, drought, and rising temperature are already having measurable impacts on Hawaii and are expected to accelerate in the years to come. With beaches continuing to erode, rain continuing to diminish, and sea levels projected to rise one foot by 2050 and three feet by 2100, Hawaii is highly vulnerable.

Act 286, Session Laws of Hawaii 2012, created climate change adaptation priority guidelines encouraging collaboration to address climate change and recognizing that it will impact the following: 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.

In 2013, Hawaii's landmark policies were included in the international Majuro Declaration for Climate Leadership when Hawaii signed on as the first sub-national government, after which President Obama appointed Governor Abercrombie as one of eight governors to the State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience.

Hawaii is one of the few coastal states that has not adopted a statewide climate adaptation plan, yet is among the most vulnerable.

The legislature also finds that it is time to ensure that Hawaii adapts to the effects of climate change before the effects grow beyond the State's ability to prevent the worst impacts on Hawaii's economy, environment, and way of life.

The purpose of this Act is to address the effects of climate change through 2050 to protect the State's economy, health, environment, and way of life. Recognizing Hawaii's unique geography as the only island state and its susceptibility to sea level rise, the initial focus of this Act is to address the impact of sea level rise on Hawaii and to support ongoing climate change adaptation efforts of the State by:

- (1) Establishing an interagency climate adaptation committee, attached administratively to the department of land and natural resources, to develop a sea level rise vulnerability and adaptation report for Hawaii through the year 2050;
- (2) Authorizing the office of planning to coordinate the development of a statewide climate adaptation plan and to use the sea level rise vulnerability and adaptation report as a framework for addressing other climate threats and climate change adaptation priorities identified in Act 286, Session Laws of Hawaii 2012; and
- (3) Allocating funds and creating positions to carry out these purposes.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
CLIMATE ADAPTION**

§ -1 **Purpose.** The purpose of this chapter is to address the effects of climate change to protect the State’s economy, environment, health, and way of life.

§ -2 **Definitions.** As used in this chapter:  
“Committee” means the interagency climate adaptation committee.

§ -3 **Interagency climate adaptation committee; general functions, duties, and powers.** (a) There is established an interagency climate adaptation committee that shall be placed within the department of land and natural resources for administrative purposes only.

(b) Coordination of the committee shall be headed jointly by the chairperson of the board of land and natural resources, or the chairperson’s designee, and the director of the office of planning, or the director’s designee. Among the various potential impacts of climate change, the committee shall, as a first step, focus on and develop sea level rise vulnerability and adaptation reports that shall include:

- (1) Identification of the major areas of sea level rise impacts affecting the State and counties through 2050;
- (2) Identification of expected impacts of sea level rise based on the latest scientific research for each area through 2050;
- (3) Identification of the economic ramifications of sea level rise;
- (4) Identification of applicable federal laws, policies, or programs that impact affected areas; and
- (5) Recommendations for planning, management, and adaptation for hazards associated with increasing sea level rise.

The report shall be made publicly available no later than December 31, 2017.

(d) The committee shall include the following members:

- (1) The chairs of the standing committees of the legislature with subject matter jurisdiction encompassing environmental protection and land use;
- (2) The chairperson of the board of land and natural resources or the chairperson’s designee, who shall be the co-chair of the committee;
- (3) The director of the office of planning or the director’s designee, who shall be the co-chair of the committee;
- (4) The director of business, economic development, and tourism or the director’s designee;
- (5) The chairperson of the board of directors of the Hawaii tourism authority or the chairperson’s designee;
- (6) The chairperson of the board of agriculture or the chairperson’s designee;
- (7) The chief executive officer of the office of Hawaiian affairs or the officer’s designee;
- (8) The chairperson of the Hawaiian homes commission or the chairperson’s designee;
- (9) The director of transportation or the director’s designee;
- (10) The director of health or the director’s designee;
- (11) The adjutant general or the adjutant general’s designee;

- (12) The chairperson of the board of education or the chairperson's designee;
  - (13) The directors of each of the county planning departments, or the directors' designees; and
  - (14) The manager of the coastal zone management program.
- (e) In addition to the members listed in subsection (d), the chairs of the committee may request the participation or input of members of the public; experts in the field; and county, state, or federal officials necessary for the formulation of the report.
- (f) In developing the report, the committee shall:
    - (1) Solicit public views and concerns; and
    - (2) Coordinate with the various county, state, and federal agencies involved in ongoing climate change adaptation planning initiatives.
  - (g) The committee shall reevaluate and update the sea level rise vulnerability and adaptation report every five years.
  - (h) The members of the committee shall serve without pay but shall be reimbursed for their actual and necessary expenses, including travel expenses, incurred in carrying out their duties."

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

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

- (1) State comprehensive planning and program coordination. Formulating and articulating comprehensive statewide goals, objectives, policies, and priorities, and coordinating their implementation through the statewide planning system established in part II of chapter 226;
- (2) Strategic planning. Identifying and analyzing significant issues, problems, and opportunities confronting the State, and formulating strategies and alternative courses of action in response to identified problems and opportunities by:
  - (A) Providing in-depth policy research, analysis, and recommendations on existing or potential areas of critical state concern;
  - (B) Examining and evaluating the effectiveness of state programs in implementing state policies and priorities;
  - (C) Monitoring through surveys, environmental scanning, and other techniques—current social, economic, and physical conditions and trends; and
  - (D) Developing, in collaboration with affected public or private agencies and organizations, implementation plans and schedules and, where appropriate, assisting in the mobilization of resources to meet identified needs;
- (3) Planning coordination and cooperation. Facilitating coordinated and cooperative planning and policy development and implementation activities among state agencies and between the state, county, and federal governments, by:
  - (A) Reviewing, assessing, and coordinating, as necessary, major plans, programs, projects, and regulatory activities existing or proposed by state and county agencies;

- (B) Formulating mechanisms to simplify, streamline, or coordinate interagency development and regulatory processes; and
  - (C) Recognizing the presence of federal defense and security forces and agencies in the State as important state concerns;
- (4) Statewide planning and geographic information system. Collecting, integrating, analyzing, maintaining, and disseminating various forms of data and information, including geospatial data and information, to further effective state planning, policy analysis and development, and delivery of government services by:
- (A) Collecting, assembling, organizing, evaluating, and classifying existing geospatial and non-geospatial data and performing necessary basic research, conversions, and integration to provide a common database for governmental planning and geospatial analyses by state agencies;
  - (B) Planning, coordinating, and maintaining a comprehensive, shared statewide planning and geographic information system and associated geospatial database. The office shall be the lead agency responsible for coordinating the maintenance of the multi-agency, statewide planning and geographic information system and coordinating, collecting, integrating, and disseminating geospatial data sets that are used to support a variety of state agency applications and other spatial data analyses to enhance decision-making. The office shall promote and encourage free and open data sharing among and between all government agencies. To ensure the maintenance of a comprehensive, accurate, up-to-date geospatial data resource that can be drawn upon for decision-making related to essential public policy issues such as land use planning, resource management, homeland security, and the overall health, safety, and well-being of Hawaii's citizens, and to avoid redundant data development efforts, state agencies shall provide to the shared system either their respective geospatial databases or, at a minimum, especially in cases of secure or confidential data sets that cannot be shared or must be restricted, metadata describing existing geospatial data. In cases where agencies provide restricted data, the office of planning shall ensure the security of that data; and
  - (C) Maintaining a centralized depository of state and national planning references;
- (5) Land use planning. Developing and presenting the position of the State in all boundary change petitions and proceedings before the land use commission, assisting state agencies in the development and submittal of petitions for land use district boundary amendments, and conducting periodic reviews of the classification and districting of all lands in the State, as specified in chapter 205;
- (6) Coastal and ocean policy management. Carrying out the lead agency responsibilities for the Hawaii coastal zone management program, as specified in chapter 205A. Also, developing and maintaining an ocean and coastal resources information, planning, and management system further developing and coordinating implementation of the ocean resources management plan, and formulating ocean policies with respect to the exclusive economic zone, coral reefs, and national marine sanctuaries;

- (7) Regional planning and studies. Conducting plans and studies to determine:
  - (A) The capability of various regions within the State to support projected increases in both resident populations and visitors;
  - (B) The potential physical, social, economic, and environmental impact on these regions resulting from increases in both resident populations and visitors;
  - (C) The maximum annual visitor carrying capacity for the State by region, county, and island; and
  - (D) The appropriate guidance and management of selected regions and areas of statewide critical concern.

The studies in subparagraphs (A) to (C) shall be conducted at appropriate intervals, but not less than once every five years; ~~and~~
- (8) Regional, national, and international planning. Participating in and ensuring that state plans, policies, and objectives are consistent, to the extent practicable, with regional, national, and international planning efforts~~[-]; and~~
- (9) Climate adaptation planning. Conducting plans and studies and preparing reports as follows:
  - (A) Develop, monitor, and evaluate strategic climate adaptation plans and actionable policy recommendations for the State and counties addressing expected statewide climate change impacts identified under Act 286, Session Laws of Hawaii 2012, through the year 2050;
  - (B) Provide planning and policy guidance and assistance to state and county agencies regarding climate change; and
  - (C) Publish its findings, recommendations, and progress reports on actions taken no later than December 31, 2017, and its annual report to the governor and the legislature thereafter.”

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$108,874 or so much thereof as may be necessary for fiscal year 2014-2015 to provide the office of planning with staffing, including one full-time equivalent (FTE) position, and resources to carry out the purposes of this Act.

The sum appropriated shall be expended by the office of planning for the purposes of this Act.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$58,874 or so much thereof as may be necessary for fiscal year 2014-2015 to provide the department of land and natural resources with staffing, including one full-time equivalent (FTE) position, and resources to carry out the purposes of this Act.

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

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$400,000 or so much thereof as may be necessary for fiscal year 2014-2015 for the department of land and natural resources to assist the interagency climate adaptation committee in researching and developing a coordinated, multidisciplinary sea level rise vulnerability and adaptation report pursuant to this Act.

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

**SECTION 7.** Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

**SECTION 8.** This Act shall take effect upon its approval; provided that sections 4 through 6 shall take effect on July 1, 2014.

(Approved June 9, 2014.)