

JAN 25 2012

A BILL FOR AN ACT

RELATING TO ENVIRONMENT.

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

1 SECTION 1. The legislature finds that according to the
2 *Hawaii Climate Change Action Plan*, published in November 1998 by
3 the State of Hawaii department of business, economic
4 development, and tourism's energy, resources, and technology
5 division and the department of health's clean air branch, major
6 climate change effects expected for Hawaii include: warmer
7 temperatures; increases in heat-related deaths and illnesses;
8 sea-level rise with resultant flooding, beach erosion, and
9 damage to coastal property; increased vulnerability to storm
10 damage; effects on water resources expected to become more
11 variable; undetermined effects on agriculture and forestry; and
12 stresses on ecosystems.

13 The 1998 report is consistent with current climate science.
14 According to recent findings by researchers at the University of
15 Hawaii, global warming is evident in Hawaii: air temperature has
16 risen; rain intensity has increased while total rainfall has
17 decreased; stream flows have decreased; sea level and sea
18 surface temperatures have increased; and the ocean is becoming

1 more acidic. Because these trends are likely to continue,
2 (1) scientists anticipate growing impacts to Hawaii's water
3 resources and forests, coastal communities, and marine ecology;
4 (2) it is timely to consider adaptation and mitigation
5 strategies; (3) there is significant need for sustained and
6 enhanced climate monitoring and assessment activities; and
7 (4) there is a compelling requirement for focused research to
8 produce models of future climate changes and impacts.

9 Hawaii's existing climate change policy focuses primarily
10 on mitigation—the reduction of greenhouse gases. Act 234,
11 Session Laws of Hawaii 2007, established the State's policy
12 framework and requirements to address Hawaii's greenhouse gases
13 emissions, recognizing the potential adverse effects of global
14 climate change to Hawaii's economy, public health, natural
15 resources, and environment. The focus and general purpose of
16 Act 234 was to achieve cost-effective greenhouse gases emissions
17 reductions at or below Hawaii's greenhouse gases emissions
18 estimates of 1990 by January 1, 2020. Subsequently, the
19 legislature passed Act 73, Session Laws of Hawaii 2010. Act 73
20 established the barrel tax, which also addresses issues relating
21 to the effects of climate change. The purpose of Act 73 was to
22 help ensure Hawaii's energy and food self-sufficiency and to

1 "[p]lan for and implement measures to help Hawaii's natural
2 resources and population adapt and be resilient to the
3 inevitable challenges brought on by climate change caused by
4 carbon dioxide and other greenhouse gas emissions from burning
5 fossil fuels."

6 However, even if greenhouse gases emissions are reduced to
7 1990 levels, Hawaii will still be significantly impacted by
8 global climate change well into the future. Therefore, this Act
9 focuses on preparing for and adapting to the expected impacts of
10 climate change. The purpose of this bill is to encourage
11 collaboration and cooperation between county, state, and federal
12 agencies, policy makers, businesses, and other community
13 partners to plan for the impacts of climate change and avoid,
14 minimize, or mitigate loss of life, land, and property of future
15 generations.

16 In the course of implementing the legislatively mandated
17 ocean resources management plan, the multi-stakeholder ocean
18 resources management plan policy group and working group
19 recognized a need for policy guidance to frame and effectuate a
20 coordinated effort to adapt to the expected impacts of climate
21 change. The ocean resources management plan working group
22 partnered with the center for island climate adaptation and

S.B. NO. 2745

1 policy at the University of Hawaii to develop *A Framework for*
2 *Climate Change Adaptation in Hawaii*, dated November 2009. The
3 desired outcome of the process outlined in the *Framework* is for
4 Hawaii to adapt successfully to the impacts of climate change.

5 In August 2011, the ocean resources management plan policy
6 group and working group along with other stakeholders from
7 academia, business, and Native Hawaiian communities, met for a
8 two-day intensive workshop to implement the first steps of the
9 *Framework*, including the development of an effective measure of
10 Hawaii's adaptation to the impacts of climate change. The
11 results of the workshop and input from the broader community are
12 the foundation of this Act.

13 This Act amends the Hawaii State Planning Act (chapter 226,
14 Hawaii Revised Statutes) by adding a climate change adaptation
15 priority guideline to part III. Priority guidelines focus state
16 and county resources on major areas of statewide concern that
17 merit priority attention to improve the quality of life for
18 Hawaii's present and future population through the pursuit of
19 desirable courses of action. The priority guideline will serve
20 as a guiding policy for adapting to the expected impacts of
21 climate change through the existing implementation provisions of
22 the Hawaii State Planning Act, which include guiding all major

S.B. NO. 2745

1 state and county activities, programs, budgetary, land use,
2 other decision making processes, and county general plans and
3 development plans, pursuant to part II of the Hawaii State
4 Planning Act.

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

8 "§226- Climate change adaptation priority guidelines.

9 (a) Priority guidelines to prepare the State to address the
10 impacts of climate change, including impacts to the areas of
11 agriculture, conservation lands, coastal and near shore marine
12 areas, natural and cultural resources, education, energy, higher
13 education, health, historic preservation, water resources, built
14 environment (such as housing, recreation, transportation), and
15 the economy:

16 (1) Ensure that Hawaii's people are educated, informed,
17 and aware of the impacts climate change may have on
18 their communities;

19 (2) Encourage community stewardship groups and local
20 stakeholders to participate in planning and
21 implementation of climate change policies;

S.B. NO. 2745

- 1 (3) Invest in continued monitoring and research of
2 Hawaii's climate and the impacts of climate change on
3 the State;
- 4 (4) Consider Native Hawaiian traditional knowledge and
5 practices in planning for the impacts of climate
6 change;
- 7 (5) Encourage the preservation and restoration of natural
8 landscape features (such as coral reefs, beaches and
9 dunes, forests, streams, floodplains, and wetlands)
10 that have the inherent capacity to avoid, minimize, or
11 mitigate the impacts of climate change;
- 12 (6) Explore adaptation strategies that moderate harm or
13 exploit beneficial opportunities in response to actual
14 or expected climate change impacts to the natural and
15 built environments;
- 16 (7) Promote sector resilience (in areas such as water,
17 roads, airports, and public health) by encouraging the
18 identification of climate change threats, assessment
19 of potential consequences, and evaluation of
20 adaptation options;
- 21 (8) Foster cross-jurisdictional collaboration between
22 county, state, and federal agencies and partnerships

S .B. NO. 2745

- 1 between government and private entities and other non-
2 governmental entities, including nonprofit entities;
3 (9) Use management and implementation approaches that
4 encourage the continual collection, evaluation, and
5 integration of new information and strategies into new
6 and existing practices, policies, and plans; and
7 (10) Encourage planning and management of the natural and
8 built environments that effectively integrate climate
9 change policy."

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

12 "**§226-102 Overall direction.** The State shall strive to
13 improve the quality of life for Hawaii's present and future
14 population through the pursuit of desirable courses of action in
15 [~~six~~] seven major areas of statewide concern which merit
16 priority attention: economic development, population growth and
17 land resource management, affordable housing, crime and criminal
18 justice, quality education, [~~and~~] principles of
19 sustainability[-], and climate change adaptation."

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

S . B . NO . 2745

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

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INTRODUCED BY: *ASST.*

4

BY REQUEST

S . B . N O . 2745

Report Title:

Planning Act; Priority Guidelines; Adapting to the Effects of Climate Change

Description:

Creates a climate change adaptation policy for the State of Hawaii by amending the Hawaii State Planning Act to include climate change adaptation priority guidelines.

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

JUSTIFICATION SHEET

DEPARTMENT: Business, Economic Development, and Tourism

TITLE: A BILL FOR AN ACT RELATING TO ENVIRONMENT.

PURPOSE: To encourage collaboration and cooperation between 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.

MEANS: Add a new section to part III of chapter 226 and amend section 226-102, Hawaii Revised Statutes.

JUSTIFICATION: 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 and 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.

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 bill focuses on preparing for and adapting to the expected impacts of climate change.

This bill amends the Hawaii State Planning Act by adding a climate change adaptation priority guideline to part III. Priority guidelines focus state and county resources on major areas of statewide 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.

Impact on the public: The public will benefit from the State's increased resilience to the effects of climate change and the improved efficiency of state and county agencies working toward this end.

Impact on the department and other agencies: The priority guideline 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, other decision making processes, and county general plans and development plans, pursuant to part II of the Hawaii State Planning Act.

GENERAL FUND:

None.

OTHER FUNDS:

None.

PPBS PROGRAM
DESIGNATION:

BED 144.

OTHER AFFECTED
AGENCIES:

All state agencies and counties through the Hawaii State Planning Act.

EFFECTIVE DATE:

Upon approval.