

Climate Change Law and Policy in Hawai‘i

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Climate Change Law and Policy in Hawai'i

- Mitigation Measures
- Adaptation Measures
- ICAP Adaptation Studies

Act 234

“Climate change poses a serious threat to the economic well-being, public health, natural resources, and the environment of Hawaii.”

“Human communities are threatened by climate change as seas rise, storms become more intense, and episodes of drought and flooding increase.”

- Caps state GHG emissions at 1990 levels by 2020
- Task Force
- GHG emissions inventory
- DOH rulemaking (due December 31, 2011)
 - Emission limits for sources and categories of sources
 - Emissions reduction measures
 - Reporting and verification of statewide emissions
 - Monitor and enforce compliance

Hawai'i Clean Energy Initiative



Source: The Photo Lounge Blog, Honolulu Star Bulletin, accessed June 28, 2010.



Initial Steps Toward Clean Energy Goals

- Act 155 (2009) increases Hawai'i's current renewable electricity portfolio standard
- Act 156 (2009) promotes the use of clean energy vehicles
- Act 154 (2009) offers private entities income tax credits for renewable energy
- Act 73 (2010) increases the tax on imported oil and appropriates funds for the Hawai'i Clean Energy Initiative

Recent Steps Toward Clean Energy Goals

- Act 9 (2011) exempts certain third party owners and operators of on-site renewable energy systems from PUC regulations
- Act 10 (2011) amends definition of "renewable electrical energy" to include customer-sited, grid-connected renewable energy generation
- Act 88 & 89 (2011) provides revenue bonds to companies developing non-fossil fuel and biofuel energy
- Act 109 (2011) allows PUC to consider the benefits of capital improvements for renewable energy and energy efficiency despite short-term expense; requires PUC to consider the need to reduce the State's reliance on fossil fuels
- Act 199 (2011) modifies the renewable energy facility siting process to include biofuel production facilities and distribution infrastructure
- Act 203 (2011) requires a preliminary and final report on the conditions and policies necessary to expand biofuel production in the State
- Act 204 (2011) directs PUC to investigate an On-bill Financing Program (Program) for residential electric utility customers
- Act 217 (2011) increases the areas within agricultural lands in which solar energy facilities may be constructed



Photo by Dolan Eversole

County Setback Policies

- Kaua‘i and Maui ordinances are science-based
- Setbacks address coastal erosion and improve hazard preparedness
- Kaua‘i ordinance allows for adjustments to accommodate future sea-level rise



Photo by Dennis Fujimoto - Garden Island News.

County Plans

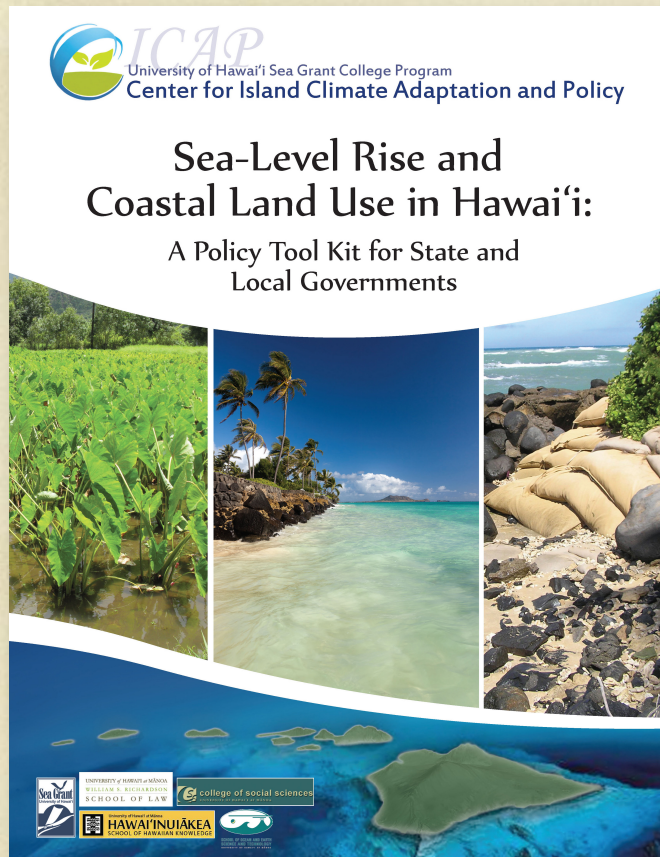
- Maui County General Plan (adopted 2010)
 - Adaptation Policies
 - Restrict development in areas that are prone to natural disasters, hazards, or sea-level rise
 - Discourage new entitlements for residential, resort, or commercial development along the shoreline

- Draft Maui Island Plan (under review)
 - Adaptation Policies
 - Encourage landward relocation of structures and infrastructure
 - Update coastal planning requirements to factor in sea-level rise

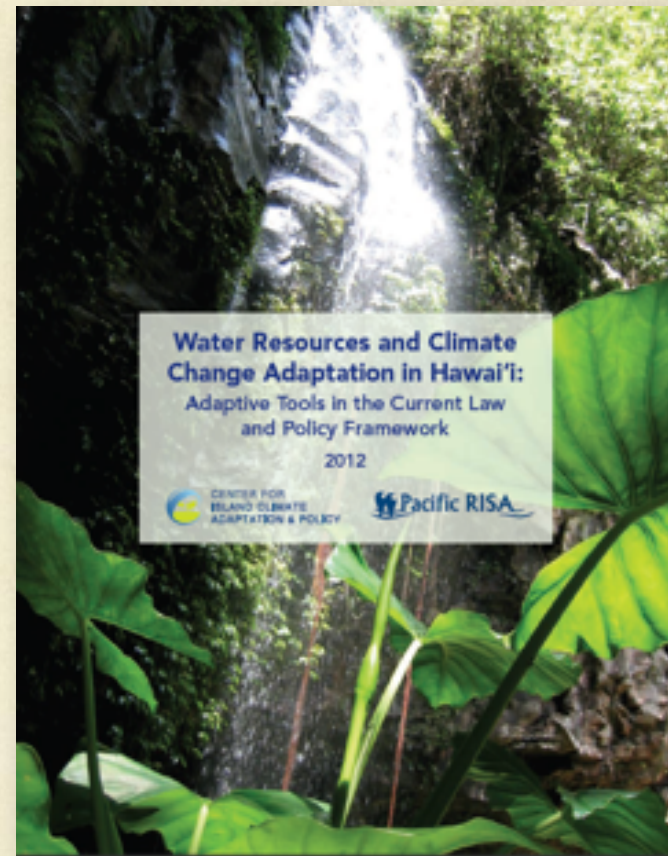
Selected State-Level Initiatives

- *Hawai'i Island Commercial Harbors 2035 Master Plan* (2011) – DOT-Harbors
 - Incorporates a study assessing sea-level rise impacts on harbors and surrounding roadways
- *Kailua Beach and Dune Management Plan* (2010) – DLNR and UH Sea Grant
 - Details goals, objectives, and implementation actions for adapting to sea-level rise
- *A Framework for Climate Change Adaptation in Hawai'i* (2009) – ORMP and ICAP
 - Identifies sectors affected by climate change and planning considerations for each sector; outlines a step-by-step process
- Watershed Management Plans for *Ko'olau Loa* and *Wai'anae* (2009) – BWS
 - Each recommends adaptive measures to protect fresh water sources based upon a projected 3-foot sea-level rise during this century

ICAP Adaptation Studies



Full Report (December 2011)
Executive Summary and Action Matrix



Forthcoming February 2012
www.PacificRisa.org

Major Recommendations for State Action on Sea-Level Rise

- Adopt Statewide Sea-Level Rise Benchmark of 1-foot-by-2050 and 3-feet-by-2100
- Expand Sea-Level Rise Research
- Designate Sea-Level Rise Lead Agency or Task Force

Sea-Level Rise Adaptation Policy Tools

- Planning
 - Hawai'i Coastal Zone Management Act, Comprehensive Plans, Pre-Disaster Mitigation Plans
- Regulatory
 - Zoning and Overlay Zones, Floodplain Regulations, Shoreline Construction Setbacks, Coastal Construction Control Lines, Hard Armoring, Rebuilding Restrictions, Building Codes and Resilient Design, Subdivision Approvals, Cluster Development, Land Development Conditions, Environmental Review, Rolling Easement Statutes, Non-Structural Armoring, Buffer Zones
- Spending
 - Capital Improvement Programs, Land Acquisitions, Conservation Easements, Rolling Conservation Easements
- Market-Based
 - Mandatory Real Estate Disclosures, Tax Incentives, Transfer of Development Rights Programs

Climate Change and Water Resources

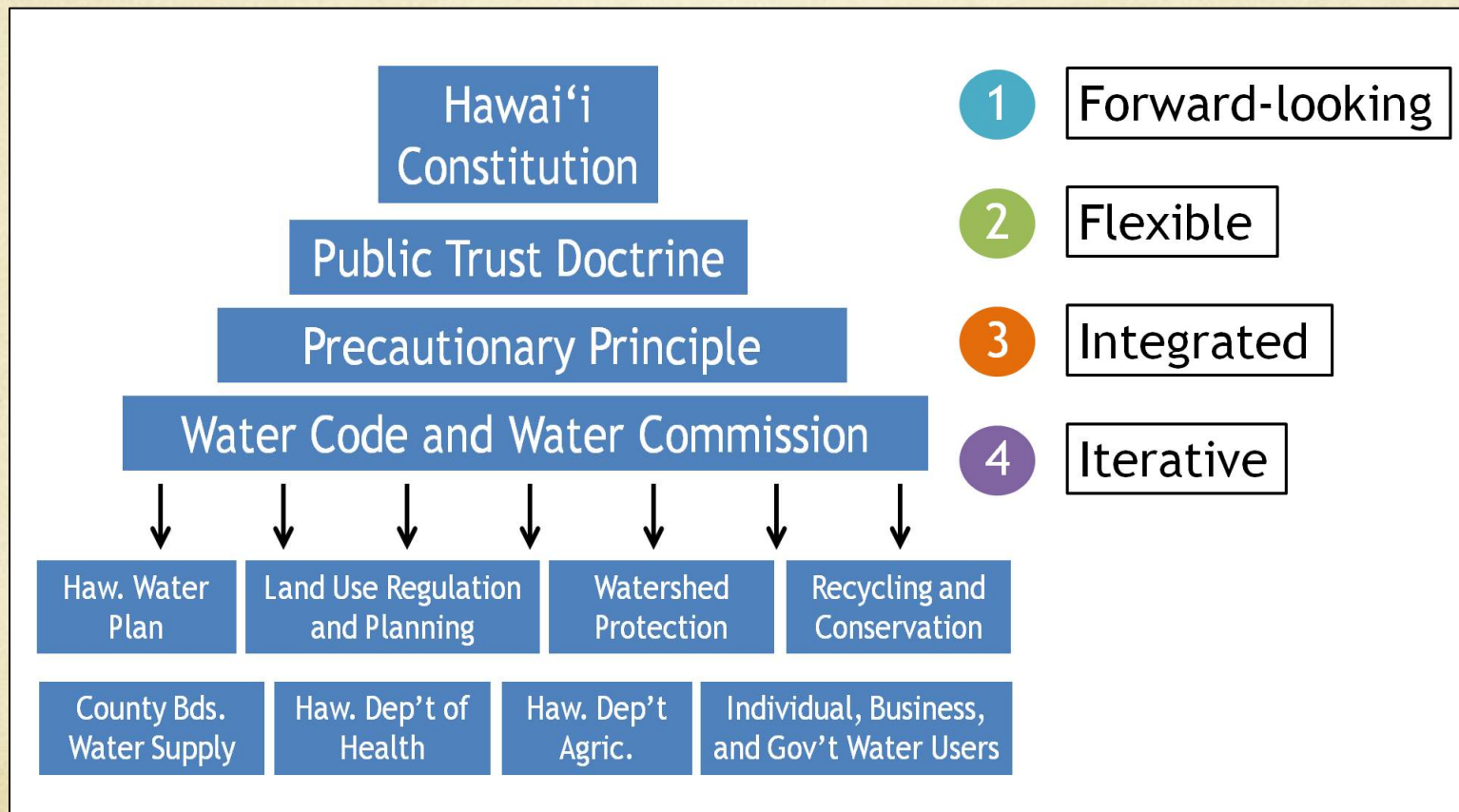
“The impacts of global climate change in the Hawaiian Islands can potentially devastate our considerable natural resources.”

“Climate change causes alterations in temperature and precipitation patterns, and Hawaii’s water resources are almost exclusively dependent on rainfall.”

“Prudent water resource planning should consider the long-term impacts of global climate change and how this could affect Hawaii’s water supplies. . . .”

State of Hawai‘i Commission on Water Resource Management, 2008

Climate Change Adaptation Tools for Water Resources



- **Project Title:** Building Climate Adaptation and Policy Partnerships with Native Hawaiian Communities
- **Goals:** 1) Facilitate collaboration and mutually beneficial partnerships among public and private entities working on climate change; and 2) Consistently integrate indigenous environmental knowledge into climate adaptation planning by strengthening existing partnerships and establishing new collaborations.
- **Central Activity:** Native Hawaiian climate change symposium

