



OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
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Statement of
LEO R. ASUNCION
Director, Office of Planning
before the
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
Tuesday, January 30, 2018
8:30 AM
State Capitol, Conference Room 325

in consideration of
HB 2106
RELATING TO ENVIRONMENTAL PROTECTION.

Chair Lee, Vice Chair Lowen, and Members of the House Committee on Energy & Environmental Protection.

HB 2106 seeks to include consideration of sea level rise based upon the most recent scientific data regarding sea level rise.

The Office of Planning (OP) is in support of the intent of this measure and respectfully provides the following comments for consideration. Pursuant to Hawaii Revised Statutes (HRS) Section 341-3, the Office of Environmental Quality Control (OEQC) serves as the entity to perform the duties for environmental review under HRS Chapter 343. For consistency and equity in the environmental review process, the OEQC should provide guidance to more clearly define how to determine a sufficient evaluation of "consideration of sea level rise" in environmental review documents.

Further, the proposed measure should clarify the entity responsible for making the determination for the parameters to define "most recent scientific data regarding sea level rise."

Thank you for the opportunity to provide comments on this measure.



OFFICE OF ENVIRONMENTAL QUALITY CONTROL

DEPARTMENT OF HEALTH | 235 South Beretania Street, Suite 702, Honolulu, HI 96813 | oeqchawaii@doh.hawaii.gov

DAVID Y. IGE
GOVERNOR

SCOTT GLENN
DIRECTOR

(808) 586-4185

Testimony of
SCOTT GLENN, Director

before the
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Tuesday, January 30, 2018

8:30 AM

State Capitol, Conference Room 325

in consideration of
HOUSE BILL 2106
RELATING TO ENVIRONMENTAL PROTECTION

Chair Lee, Vice Chair Lowen, and Members of the House Committee on Energy and Environmental Protection,

The Office of Environmental Quality Control (OEQC) administers Chapter 343, Environmental Impact Statements (EIS), Hawai'i Revised Statutes (HRS). The purpose of the EIS law is to "establish a system of environmental review which ensures that environmental concerns are given appropriate consideration in decision making along with economic and technical considerations" (HRS § 343-1). Additionally, the OEQC serves "the Governor in an advisory capacity on all matters relating to environmental quality control," as directed in HRS § 341-3.

House Bill 2106 proposes to require all environmental assessments and environmental impact statements prepared pursuant to Chapter 343, HRS, to include consideration of sea level rise based on the most recent scientific data available regarding sea level rise.

The Environmental Council ("Council") promulgates administrative rules for the implementation of Chapter 343, HRS. The Council is currently undergoing rulemaking to update Hawai'i Administrative Rules (HAR) Chapter 11-200, Environmental Impact Statements. Since July 2017, the Council has released three working drafts of rules changes to gain stakeholder and public feedback. The Council is currently preparing a fourth draft. After the Council released its third working draft in October 2017, the Hawai'i Climate Change Mitigation & Adaptation Commission accepted the *Sea Level Rise Vulnerability & Adaptation Report* in December 2017. The OEQC and Council are considering how to integrate this new information and its recommendations into Council draft rulemaking and OEQC guidance on best practices.

While the Council is undertaking rulemaking, we respectfully request that the Legislature defer making amendments to Chapter 343, HRS. Changes to the statute may result in the Council having to redo or start over its work to date.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR OF
HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
ENERGY & ENVIRONMENTAL PROTECTION**

**Tuesday, January 30, 2018
8:30 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 2106
RELATING TO ENVIRONMENTAL PROTECTION**

House Bill 2106 proposes to require environmental assessments and environmental impact statements to include consideration of sea level rise based on the most recent scientific data available. **The Department of Land and Natural Resources (Department) appreciates this measure and offers the following comments.**

In December 2017, the Hawai'i Climate Change Mitigation and Adaptation Commission accepted the Hawaii Sea Level Rise Vulnerability and Adaptation Report (SLR Report). The first recommendation of the SLR Report is to "Recognize the SLR-XA (Sea Level Rise Vulnerability Area) as a statewide vulnerability zone." The SLR-XA demonstrates the extent of the potential exposure of land and structures to flooding and erosion with an increase of 0.5, 1.1, 2.0, and 3.2 feet of sea level rise throughout the State of Hawaii. Sea Level Rise Exposure Maps may be reviewed on the Hawai'i Sea Level Rise Viewer (<http://hawaiisealevelriseviewer.org/>).

The State of Hawai'i, Office of Environmental Quality Control (OEQC) is currently undergoing rule making and could issue specific guidance on integrating sea level rise and climate change in the environmental review process. Guidance on sea level rise should highlight the need for analysis of the proposed action in terms of design and siting to address the impacts of sea level rise utilizing the SLR-XA/vulnerability zone as a guideline.

State and counties should adopt a review and approval process to ensure that new development and capital improvement projects with an expected life span of 30 years or more are designed and sited to address the impacts of sea level rise utilizing the SLR-XA/vulnerability zone as a guideline. All planned new development and critical infrastructure located within areas

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

potentially exposed to chronic flooding with sea level rise should be subject to an in-depth analysis of the potential impacts of sea level rise on elevation, risk tolerance, and lifetime of the structure. Any redevelopment within existing footprints should be dependent on established, resilient building design guidelines, or otherwise be subject to relocation to a more suitable area.

As a part of a managed retreat strategy, the State and the Counties should provide guidance and a checklist that would help developers integrate sea level rise in their project designs, permits and planning applications. In addition, the guidance document(s) and/or checklist should identify BMPs, offer design considerations and protection measures/techniques, provide tools/resources available to improve development plans, and reference GIS resources (e.g., sea level rise overlays). It should also encourage the incorporation of green and sustainable approaches such as: improved energy efficiency and reduced emissions; improved water use efficiency and reduced runoff; optimized material use with utilizing green materials; minimized waste (including recycling and reuse), and encouraged green design and improved quality of environment.

New development, or existing development undergoing major project modifications or repairs, that is identified as being in the SLR-XA can be required to undergo a sea level rise impact assessment. The State should develop standards or guidelines of project review so that projects with shorter-term exposure be subject to lower end sea level rise projections while projects with potential long-term exposure be subject to the high-end projections modeled in the SLR Report. We further suggest that our projections be utilized in such a way that incorporates roughly a 30-70-year time span, meaning that planning should today for up to 3.2 feet of sea level rise over a 30-70-year period. All major community planning and infrastructure projects should endeavor to plan for siting landward of the maximum extent of the SLR-XA.

As mentioned in paragraph 3 of this testimony OEQC is undergoing rulemaking and could include guidance on when SLR analysis is required. However, since the proposed measure impacts the Office of Environmental Quality Control (OEQC), the Department respectfully defers to OEQC on any concerns or specific guidance related to the drafting of this measure.

The Department stands behind its sea level rise projections, modeling and recommendations and is grateful that the legislature is willing to incorporate the report findings into law.

Thank you for the opportunity to comment on this measure.

HB-2106

Submitted on: 1/30/2018 12:58:45 AM

Testimony for EEP on 1/30/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments:

**PRESENTATION OF THE
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES
DEMOCRATIC PARTY OF HAWAII
TO THE COMMITTEE ON ENERGY & ENVIRONMENTAL
PROTECTION
HOUSE OF REPRESENTATIVES
TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2018
Tuesday, January 30, 2018
8:30 a.m.**

Hawaii State Capitol, Conference Room 325

RE: Testimony in Support of HB 2106, RELATING TO ENVIRONMENTAL PROTECTION

To the Honorable Chris Lee, Chair; the Honorable Nicole E. Lowen, Vice-Chair and Members of the Committee on Energy & Environmental Protection:

Good morning, my name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on House Bill No. 2106, relating to Sea Level Rise in all Environmental Assessments and Environmental Impact Statements. The OCC Legislative Priorities Committee is in favor of House Bill No. 2103 and support its passage.

House Bill No. 2106, is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requires all environmental assessments and environmental impact statements prepared pursuant to chapter 343, HRS, include consideration of sea level rise based on the most recent scientific data available regarding sea level rise. Specifically, the DPH Platform states that "[t]he Democratic Party of Hawai'i believes that the preservation and restoration of our natural environment are essential. We support a sustainable society that utilizes the earth in such a way that future generations will benefit from the practices of our generation. We support the restoration, preservation, and protection of our native ecosystems on each island. We believe in integrated approaches, practices, and support public policies that create and maintain a sustainable way of life in Hawai'i.

We believe in the vigorous enforcement of our environmental laws and increased public-private stewardships and citizen involvement in protecting our resources." (Platform of the DPH, P. 8, 407-411, 432-433 (2016)).

Given that House Bill No. 2106, requires that sea level rise shall be addressed in all Environmental Assessments and Environmental Impact, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889



AMERICANS FOR DEMOCRATIC ACTION

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Karin Gill, Secretary	Chuck Huxel			

January 27 , 2018

TO: Honorable Chair Lee and Members of Energy & Environmental Protection Committee

RE: HB2106 Relating to Environmental Protection

Support for hearing on Jan 30

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We support HB2106 as it would require all environmental assessments and environmental impact statements prepared pursuant to chapter 343, HRS, to include consideration of sea level rise based on the most recent scientific data available regarding sea level rise. Climate change is real. We should be both minimize its impact by reducing carbon waste and prepare for the impact we cannot minimize. This bill takes a step in the latter direction.

Thank you for your favorable consideration.

Sincerely,

John Bickel
President



P.O. Box 37158, Honolulu, Hawai'i 96837-0158
Phone: 927-0709 henry.lifeoftheland@gmail.com

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
Rep. Chris Lee, Chair
Rep. Nicole E. Lowen, Vice Chair

Tuesday, January 30, 2018
8:30 a.m.
Conference Room 325

HB 2106 Relating to Environmental Protection

SUPPORT

Aloha Chair Lee, Vice Chair Lowen, and Members of the Committee,

Life of the Land is Hawai'i's own energy, environmental and community action group advocating for the people and `aina for 47 years. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

The bill proposes to strengthen the requirement that environmental review explicitly consider climate change: "All environmental assessments and environmental impact statements prepared pursuant to this chapter, whether in draft or final form, shall include consideration of sea level rise based on the most recent scientific data available regarding sea level rise."

The bill suggests that those who were involved with ongoing projects that directly impact climate change are somehow exempt. "This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date."

The Hawai'i State Constitution offers stronger protections as reflected in the Hawai'i Supreme Court's rulings and past legislative actions. Also, Act 32-2017 is stronger: "The legislature finds that not only is climate change real, but it is the overriding challenge of the 21st century and one of the priority issues." All permit applications should comply with new understandings.

Mahalo, Henry Curtis, Executive Director



2801-N2 La-I Road
Honolulu, HI 96816
January 28, 2018

Re: Testimony on HB2106

Dear Ladies and Gentlemen:

I am a long time Honolulu resident, very active internationally for the past decade on matters of climate change mitigation and adaptation, participating in the annual UN climate negotiations, or Conference of Parties. I am best known for producing a dual-purpose press conference/TV program known as Climate Matters from these meetings, engaging experts in climate science and other relevant fields. ([UPFSI YouTube Channel](#))

The world is at present on a very drastic climate trajectory. To say that things are much worse than is projected by mainstream media (even before the present denialist presidential administration took office) is an understatement. Climate change has been underplayed for decades. This is mostly due to the collective political reticence to deal with the disruption to 'business as usual' that a more accurate honest narrative would necessitate, opting to 'make money' instead of protecting current and future generations from environmental destruction.

I am writing to urge you to enact proposed bill HB2016. It is so simple and so apt in relationship to humanity's present collision with the climate system of the planet, that I would call it a 'no brainer' in common parlance. Hawaii is the most vulnerable state in the US. All future development, not just coastal development, and all environmental impact statements must take into account sea level rise. To not do so is an inordinate oversight and a breach of the State's responsibility to take into account the present and future well-being of its citizens and economic development. Human societies are notoriously poor at long term planning, and this measure makes up for some of that deficit.

As a small, remote island state, Hawaii is more vulnerable to all the effects of climate change than any other state in America, not only sea level rise. But at a minimum we must be taking that particular facet of climate change into our planning. To fail to do so is reckless. We should be setting an aggressive legislative example for the rest of America and for the world. Instead we are kicking the can down the road with small adjustments to how we measure the distance of each kick.

In conclusion, I urge you to pass HB2106 and exemplify both wisdom and good planning in the face of aggressively accelerating climate disruption.

Sincerely,

A handwritten signature in black ink that reads "Stuart Scott". The signature is written in a cursive, flowing style.

Stuart Scott



To: The Committee on Energy & Environmental Protection (EEP)
From: Brodie Lockard, 350Hawaii.org

Dear Chair Lee, Vice Chair Lowen and Committee members--

350Hawaii.org supports HB 2106.

Consideration of sea level rise in every environmental assessment and environmental impact statement will keep awareness of climate change in the front of state and county officials' minds.

Sea level rise is a crucial factor to consider when approving the use of state or county lands or funds in conservation districts, shoreline areas, historic sites, and Waikiki.

Factoring sea level rise into these decisions will save time, money and effort in the long run, as climate change continues to exacerbate environmental disruption in our communities.

Please support HB 2106. Thank you for this opportunity to submit testimony.

Brodie Lockard
350Hawaii.org



SIERRA CLUB OF HAWAII
MĀLAMA I KA HONUA. *Cherish the Earth.*

HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Tuesday, January 30, 2018 8:30AM Conference Room 325

In **SUPPORT of HB 2106** Relating to environmental protection

Aloha Chair Lee, Vice Chair Lowen and members of the Committee,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i, a member of the Common Good Coalition, strongly urges this Committee to **adopt HB 2106**, to require the environmental review process for all projects to consider the effects of sea level rise.

The preservation of Hawai'i's shorelines is not only critical to protect the countless flora and fauna living there, but also to protect our island way of life. Most people rely on coastal resources for food subsistence, homes and businesses, traditional practices, rejuvenation, and recreation. In part because of their importance in our lives, coastal areas are also built up. Considerable investment continues to be made in structures and infrastructure near the shoreline. This is a problem because the science is clear that one of the impacts of warming global temperatures is sea level rise.

The negative impacts to low-lying coastal areas include loss of sand on beaches, degraded critical habitat, economic harm, and displacement of residents. Based on the magnitude and rate of sea level rise, we as a community must act now to not only mitigate the long-term effects of climate change, but also to adapt to the impacts we will continue to see through the rest of this century and beyond.

The new Hawai'i Climate Change Mitigation and Adaptation Commission just released the "Sea Level Rise Vulnerability and Adaptation Report"¹ to the public. This comprehensive report assesses Hawai'i's vulnerability to sea level rise and offers several critical recommendations for helping our islands prepare and adapt to our warmer future.

The Sea Level Rise Vulnerability Report said:

¹ https://climateadaptation.hawaii.gov/wp-content/uploads/2018/01/SLR-Report_-_January-2018.pdf

- If greenhouse gas emissions stopped today, the sea level would still rise, so preparations must be made now, even as we mitigate climate change.
- At a minimum, failure to plan for a 3-foot sea level rise will:
 - Cost the people of Hawai'i \$19 billion dollars
 - Displace 20,000 residents,
 - Impact 35 miles of road,
 - Inundate 2,000 sewage disposal systems,
 - Affect 550 cultural sites, and
 - Compromise 6,500 structures - like hotels, shopping malls, and small businesses
- Recommendation 2.9 “Develop guidance on integrating sea level rise and climate change in the environmental review process and incorporating environmental justice considerations”

This bill implements recommendation 2.9. The purpose of Chapter 343 is to engage a public discussion on the effects human activities have the quality of our environment. In establishing this statute, the legislature wrote:

The legislature finds that the quality of humanity's environment is critical to humanity's well being, that **humanity's activities have broad and profound effects upon the interrelations of all components of the environment**, and that an environmental review process will **integrate the review of environmental concerns with existing planning processes** of the State and counties and **alert decision makers to significant environmental effects** which may result from the implementation of certain actions. The legislature further finds that the process of reviewing environmental effects is desirable because **environmental consciousness is enhanced**, cooperation and coordination are encouraged, and public participation during the review process benefits all parties involved and society as a whole.

It is the purpose of this chapter to establish a system of environmental review which will **ensure that environmental concerns are given appropriate consideration in decision making along with economic and technical considerations.**

This bill takes an important step forward in the overall effort to fulfill the purpose of Chapter 343 and help the people of Hawai'i adapt to the reality of higher seas. Requiring projects to consider the effects of sea level rise means we reduce the risk of damage to these proposals once built, and we better protect our beloved beaches so that our future generations can rely on them in the same way we do.

Thank you for the opportunity to provide testimony on this important measure.

HB-2106

Submitted on: 1/27/2018 5:24:41 AM

Testimony for EEP on 1/30/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Grigsby		Support	No

Comments:

I support HB2106 and strongly urge its passage. We should not be citing major facilities and infrastructure in locations where they could be expected to be adversely affected by phenomena related to global climate change. Not only should the Environmental Impact analyses include consideration of the normal effects of sea level rise, they should also include consideration of changes to tsunami hazard zones that might be reasonably expected to accompany sea level rise.

Failure to consider the predicted effects of global climate change would be a serious waste of resources.

Thank you for your consideration.

HB-2106

Submitted on: 1/27/2018 1:50:16 PM

Testimony for EEP on 1/30/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez		Support	No

Comments:

HB-2106

Submitted on: 1/28/2018 1:46:22 AM

Testimony for EEP on 1/30/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Janet Pappas		Support	No

Comments:

Dear Legislators,

I am in support of HB 2106 which requires all environmental assessments and environmental impact statements prepared under Chapter 343, HRS, include consideration of sea level rise based on the most recent scientific sea level data available.

Thank you for your consideration.

Jan Pappas

Aiea, Hawaii 96701

HB-2106

Submitted on: 1/28/2018 5:31:51 AM

Testimony for EEP on 1/30/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Blair		Support	No

Comments:

HB-2106

Submitted on: 1/28/2018 2:05:45 PM

Testimony for EEP on 1/30/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Taurie Kinoshita		Support	No

Comments:

I support HB 2106. I support all environmental assessments and environmental impact statements to be prepared pursuant to chapter 343, HRS, and to include consideration of sea level rise based on the most recent scientific data available regarding sea level rise. Thank you for your consideration.

HB-2106

Submitted on: 1/28/2018 4:19:47 PM

Testimony for EEP on 1/30/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Kohn MD	We Are One, Inc. - www.WeAreOne.cc - WAO	Support	No

Comments:

HB-2106

Submitted on: 1/28/2018 11:04:57 PM

Testimony for EEP on 1/30/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sherry Pollack		Support	No

Comments:

Factoring sea level rise into these decisions will save time, money and effort in the long run, as climate change continues to exacerbate environmental disruption in our communities.

Thank you for the opportunity to comment.

HB-2106

Submitted on: 1/29/2018 7:24:15 AM

Testimony for EEP on 1/30/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Lacques		Support	No

Comments:

HB-2106

Submitted on: 1/29/2018 8:26:50 AM

Testimony for EEP on 1/30/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joan Gannon	West Hawaii CHC	Support	No

Comments:

I support HB2106

HB-2106

Submitted on: 1/29/2018 10:08:28 AM

Testimony for EEP on 1/30/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Hawaiian Civic Club of Honolulu	Support	No

Comments:

HB-2106

Submitted on: 1/29/2018 5:20:47 PM

Testimony for EEP on 1/30/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Lewis	Hawaii Pacific University	Support	No

Comments:

As an environmental student with Hawaii Pacific University, we learn, practice, and prepare for climatic change variations within our interdisciplinary studies to better Hawaii. Building a sustainable home for kapuna to keiki requires being resilient towards sea level rise and associated impacts to our fragile coastlines. I support the requirement of including sea level rise scientific study to environmental impact statements and draft/final environmental assessments for future development.