

LATE

STATE OF HAWAII
DEPARTMENT OF HEALTH
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Testimony in OPPOSITION to SB 2458
CLIMATE CHANGE

SENATOR CLARENCE K. NISHIHARA, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY
AFFAIRS

Hearing Date: February 2, 2018
Time: 3:00 PM

Room Number: 414

1 **Fiscal Implications:** State permitting agencies will require additional staff to review and
2 evaluate climate vulnerability assessments (CVA) and the time to process permit applications
3 will be lengthened. Permit applicants will incur additional costs to prepare and submit these
4 assessments.

5 **Department Testimony:** The Department of Health (Department) respectfully opposes this bill.
6 The bill directs the Department to develop rules for all state agencies to require a CVA for all
7 permit applications for any planned building, transportation project, or land use change that may
8 generate significant greenhouse gas (GHG) emissions in the construction or operation phase of
9 the project. We have strong concerns about establishing this requirement within any of the
10 Department's regulatory permitting programs.

11 The CVA requires a life cycle analysis (LCA) of the project's carbon emissions, an
12 evaluation of the project's vulnerability to climate-related disasters, and possible mitigation and
13 alternatives.

14 The Department is not the appropriate agency for determining a project's vulnerability to
15 climate-related disasters. Acceptable siting and project restrictions based on the projects
16 susceptibility to climate related disasters, such as sea-level rise or more frequent storm surges,
17 should be evaluated by the designated state and/or county land use and planning agency

LATE

1 responsible for regulating development and managing resources at the very beginning of a
2 proposed project, and not by each state agency that issues a permit.

3 Similarly, mitigation strategies for global warming threats are more appropriately
4 addressed by climate change task forces and commissions such as Hawaii’s Climate Change
5 Mitigation and Adaptation Commission, which have already been established and are working
6 towards reducing GHG emissions.

7 Requiring a CVA and LCA for all permit applications involving any planned building,
8 transportation project, or land use change that may generate significant GHG emissions would
9 significantly impact the permit application process. While a CVA and life cycle analysis of
10 carbon emissions may contribute useful information, the Department is not aware of established
11 regulations or criteria which would be used as a basis to approve or deny a permit application, or
12 for requiring restrictions or limitations on the construction or operation of a project. A permit
13 evaluation should compare a proposed project to a set of limits or requirements that set an
14 objective standard for approving or denying the permit.

15 The Department has contacted other states and found that those that require an LCA do
16 so in their Environmental Impact Statement (EIS) process. The Department feels that a LCA
17 belongs in a review process like the EIS and not with the Department’s regulatory permit
18 programs.

19 Given our concerns, the CVA and each of its components would not be appropriately
20 placed within the Department.

21 Thank you for the opportunity to testify on this measure.

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SB2458

RELATING TO CLIMATE CHANGE

Senate Committee on Public Safety, Intergovernmental, and Military Affairs

February 2, 2018

3:00 p.m.

Room 414

The Office of Hawaiian Affairs (OHA) Beneficiary Advocacy and Empowerment Committee will recommend that the Board of Trustees **SUPPORTS** SB2458, which would require state agencies to conduct climate vulnerability assessments for permit applications for public and private projects involving building, transportation, or land use changes, and that might generate significant greenhouse gas emissions.

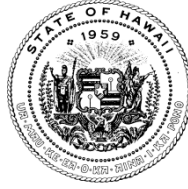
Over the last half century, development on our islands has occurred rapidly, and against a backdrop of continuous global warming and sea level rise; notably, the carbon emissions generated from this vast amount of construction itself has doubtlessly contributed to global climate change. Unfortunately, when combined with the effects of climate change on our sensitive ecosystems, such increased development has now exposed many natural and cultural resources, as well as various new and existing developments themselves, to the threat of damage or destruction. Nevertheless, developers continue to plan substantial development and redevelopment, including in areas susceptible to climate change-related impacts, without a clear consideration of or planning for the ramifications of climate change over the next few decades. **With climate change models becoming both more accurate and dire, the climate vulnerability of our communities, ecosystems, and new development projects is now clearly a matter of critical importance, albeit currently under-analyzed in the context of project development.**

This bill is a step toward ensuring that those future development projects with a relatively high climate impact are thoroughly assessed for their carbon emissions. Moreover, under the proposed “climate vulnerability assessment” process, such projects would also be assessed for their own specific vulnerability to climate-related disasters, as well as potential mitigation measures and alternatives. This analysis will promote development that is more environmentally responsible, while also improving such developments’ resilience to the impacts of climate change.

Since climate change poses an imminent threat to so many aspects of life in Hawai‘i, this bill is a timely and necessary first step towards better ensuring the future security and sustainability of our islands and communities.

LATE

Accordingly, OHA urges the Committee to **PASS** SB2458. Mahalo for the opportunity to testify on this important issue.



Testimony by:
JADE T. BUTAY
INTERIM DIRECTOR

Deputy Directors
ROY CATALANI
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

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STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 2, 2018
3:00 PM
State Capitol, Room 414

S.B. 2458
RELATING TO CLIMATE CHANGE

Senate Committee on Public Safety, Intergovernmental, and Military Affairs

The Department of Transportation (DOT) **supports** the intent of this bill which proposes to require state agencies to require climate vulnerability assessments for all permit applications for projects that involve building, transportation, or land use changes that generate significant greenhouse gas emissions.

While the DOT supports the Paris Agreement and believes that Climate Change and associated effects such as Sea Level Rise are critical issues for our state, DOT finds that requiring a vulnerability assessment for all permit applications for projects that may generate “significant greenhouse gas emissions in the construction or operation of the project” to be overly broad to meet what is expected and may affect project delivery.

It is unclear what expectation and/or authority permitting agencies have in reviewing, approving, and/or requiring any mitigation of such impacts. There is no clear methodology or standard identified to make the “significant greenhouse gas emissions” determination. Further, permitting agencies are unlikely to have the technical expertise to evaluate such assessments and determine the direct impact of such a proposal on climate vulnerability might be or what corrective actions such an applicant would have to undertake to address any such potential impacts.

Thank you for the opportunity to provide testimony.

SB-2458

Submitted on: 2/2/2018 3:02:40 PM

Testimony for PSM on 2/2/2018 3:00:00 PM

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 PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS

THE SENATE

TWENTY-NINTH LEGISLATURE

REGULAR SESSION OF 2018

Friday, February 2, 2018

3:00 p.m.

Hawaii State Capitol, Conference Room 414

LATE

RE: Testimony in Support of HB 2458, RELATING TO CLIMATE CHANGE

To the Honorable Clarence K. Nishihara, Chair; the Honorable Glenn Wakai, Vice-Chair and Members of the Committee on Public Safety, Intergovernmental, and Military Affairs:

Good afternoon. 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 Senate Bill No. 2458, relating to a Climate Vulnerability Assessment upon application for a permit to mitigate any Climate Change adverse effects that may result from the proposed project. The OCC Legislative Priorities Committee is in favor of Senate Bill No. 2458 and support its passage.

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Senate Bill No. 2458, is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requires state agencies to require climate vulnerability assessments for permit applications for projects involving building, transportation, or land use change that may generate significant greenhouse gas emissions.

Specifically, the DPH Platform states, "[t]he conservation, preservation and restoration of Hawaii's natural resources are connected to the health and welfare of our people; therefore, we support the conservation and protection of our natural environment, which includes reducing our carbon footprint for the benefit of current and future generations.

We know that climate change is a real threat to our islands and the world. We strongly urge our candidates and elected official to take immediate action to mitigate and adapt to the consequences of climate change. This includes funding adaptation measures including coastal retreat, effective participation of indigenous peoples in climate change governance and recognition what indigenous, peoples in climate change governance, and recognition that indigenous, local and traditional ecological knowledge is key in climate change adaptation solutions." (Platform of DPH, P. 8, Lines 417-420, 435-439 (2016)).

We support energy independence, self-sufficiency, affordability and reliability for Hawaii through the development of renewable alternative energy sources. Specifically, we need to support policies that foster the development of energy production methods that de-emphasize carbon based fuels and promote renewable sources such as wind, solar, wave, geothermal and Ocean Thermal Energy Conversion (OTEC).

Electricity rates in Hawaii are among the highest in the nation even though we enjoy an abundance of sunshine your round. Electric utility companies and cooperatives must open the grid to alternative power sources including solar panels and geothermal energy. We support the effort of our government officials to require utilities to provide for the maximum, comprehensive, integrated use of renewable energy and associated technologies such as storage and smart grid technologies. (Platform of the DPH, P. 9, Lines 452-462 (2016)).

Given that Senate Bill No. 2458 provides for a Climate Vulnerability Assessment upon application for a permit to mitigate any Climate Change adverse effects that may result from the proposed project, it is the position of the OCC Legislative Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

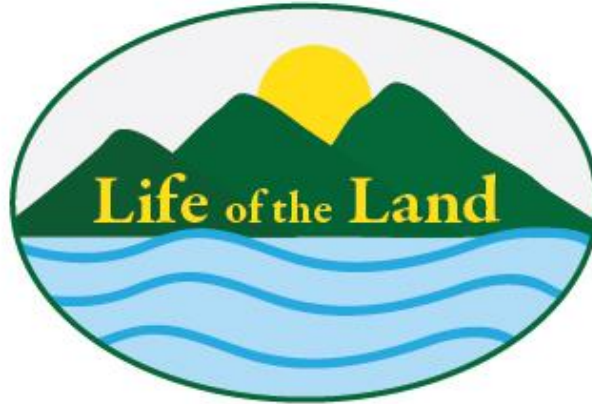
/s/ **Melodie Aduja**

Melodie Aduja, Chair, OCC Legislative Priorities Committee

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

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COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

Friday, February 2, 2018
3:00 p.m.
Conference Room 414

Re: SB 2458 Climate Vulnerability Assessments

STRONG SUPPORT

Aloha Chair Nishihara, Vice Chair Wakai, 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.

Climate Change will force us to re-evaluate everything we do.

How close to the coast should highways be located? Who should be compensated how much for moving their buildings? How should the loss of beaches be dealt with? Will Hawai`i be hit by larger and more powerful hurricanes?

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The time for planning is now.

Should we encourage building structures that are more secure? Should we limit building systems that will greatly increase greenhouse gas emissions?

One can not legislate what one does not measure.

The Carbon Farming Task Force met at the end of January. Presenters noted that the existing Hawai'i greenhouse gas emission inventory statistics for 2007, and the first-ever numbers for 2015, will become available in late 2018. The inventory analysis will provide statewide numbers unless there is a push to get county numbers.

The data for 2017 will be available for the 2021 Legislature.

State law does not define "fossil fuel". The state definition of "renewable energy" does not include any reference to climate change. While most renewable energy systems have low climate change impact, some renewable energy systems produce more greenhouse gases than dirty coal.

Climate vulnerability assessment means a project analysis that includes a life cycle analysis of the project's gross and net carbon emissions, the vulnerability of the project to climate-related disasters, and possible mitigations and alternatives.

Climate Vulnerability Assessment Studies are crucial for sound planning.

Mahalo
Henry Curtis
Executive Director

January 31, 2018

To: Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

Re: SB 2458 – Requiring Climate Vulnerability Assessments
Hearing: Friday, February 2, 2018, 3:00pm, Room 414

Position: SUPPORT

The Environmental Caucus of the Democratic Party of Hawai'i strongly supports SB 2458, which directs state agencies to require climate vulnerability assessments for permit applications for projects involving building, transportation, or land use changes that may generate significant greenhouse gas emissions.

Hawaii is limited in land area, yet has an abundance of beauty. It is the shared responsibility of all who conduct business in Hawaii, alongside those who reside here to utilize and preserve the beauty of land for future generations. This bill will require state agencies to continuously assess, throughout each project's life cycle, how the land use may change or alter our environment. In the midst of significant construction projects ongoing in the state, we must continue to enforce standards to prevent misuse of precious resources and decrease the use of any project's gross and net carbon emissions. This bill enhances the ability to protect our islands from preventable harm and helps to regulate our carbon footprint on our environment.

We support this bill, with its early effective date for permit applications filed after 12/31/2019. Thank you for providing us the opportunity to testify and for your consideration.

Terry Jasper Jr, Co- Chair
Energy and Climate Change
Environmental Caucus
Democratic Party of Hawai'i
Tj2ndcgh@gmail.com/ 808.489.3007

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SB-2458

Submitted on: 2/1/2018 4:25:21 PM

Testimony for PSM on 2/2/2018 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kimo Cruz		Oppose	No

Comments:

Another big waste of money for over-regulation.