

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

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

ROBERT K. MASUDA
FIRST DEPUTY

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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

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
WAYS AND MEANS**

**Monday, February 25, 2019
10:30 A.m.
State Capitol, Conference Room 211**

**In consideration of
SENATE BILL 1054, SENATE DRAFT 1
RELATING TO PLANNING**

Senate Bill 1054, Senate Draft 1 proposes to require the State and counties to incorporate predictions of sea level rise and other climate change hazards and mitigation opportunities into applicable plans, strategies, and mapping, to increase our State's resiliency and ability to properly respond to natural disasters. The bill also requires the public utilities commission to consider the findings of the Hawaii Sea Level Rise Vulnerability and Adaptation Report (Hawaii Sea Level Rise Report) and requires each county to participate in the community rating system developed by the National Flood Insurance Program. **The Department of Land and Natural Resources (Department) appreciates the intent of this measure and offers the following comments.**

In 2017, the Governor signed legislation that became Act 32 establishing the Hawaii Climate Change Mitigation and Adaptation Commission (Climate Commission). Act 32 also established a Climate Change Mitigation and Adaptation Coordinator (Climate Coordinator) position. The Climate Commission and Climate Coordinator are housed within the Department of Land and Natural Resources, Office of Conservation and Coastal Lands.

In fact, at their September 2018 meeting, the Hawaii Climate Change Mitigation and Adaptation Commission (Climate Commission) agreed to five priority recommendations for countering impacts of sea level rise, including encouraging agencies and non-governmental utility providers to identify and prioritize assets within the Sea Level Rise Exposure Area (SLR-XA) as described in the Hawaii Sea Level Rise Report. A copy of a press release from the Department regarding the Climate Commission's recommendations is attached for your convenience.

Senate Bill 1054 would add a new section to Chapter 226, Hawaii Revised Statutes requiring the State and counties to incorporate findings of the Hawaii Sea Level Rise Report into their multi-hazard mitigation plans. We note that the Hawaii Emergency Management Agency (HIEMA) recently updated the State's multi-hazard mitigation plan, which included expanded consideration and discussion of climate change and sea level rise risks, and we hope that the counties follow HIEMA's lead on updating their respective County Hazard Mitigation Plans. As far as the proposed specific amendments to Chapter 226, Hawaii Revised, the Department respectfully defers to HIEMA in regards to how the changes affect HIEMA's program.

The bill proposes adding a new section to Chapter 269, Hawaii Revised Statutes requiring the public utilities commission (PUC) to consider the findings of the Hawaii Sea Level Rise Report in all of its actions and findings to avoid critical electrical infrastructure projects in areas of higher risk. The Department also supports this measure but defer to the PUC in terms of how this measure affects their programs.

SECTION 4 of the bill would require the State and counties to address sea level rise adaptation strategies in pre-disaster planning and post-disaster recovery, functional plans, county general plans, and community development plans. To support this effort, the University of Hawaii Sea Grant College Program in partnership with the Department of Land and Natural Resources and Office of Planning, with funding from the National Oceanic and Atmospheric Administration and Department, are developing "Guidance for Disaster Recovery Preparedness in Hawaii" (report anticipated April 2019) and "Guidance for Addressing Sea Level Rise in Community Planning" (interim report anticipated April 2019, final April 2020) building on the findings and recommendations of the Hawaii Sea Level Rise Report and other studies and plans.

SECTION 5 of the bill would require all floodplain mapping supported by state or county funding to include information from the "Hawaii Sea Level Rise Vulnerability and Adaptation Report" that anticipates sea level rise and floodplains in terms of the special flood hazard area as defined by the Federal Emergency Management Agency (FEMA). **The Department suggests deleting Section 5 in its entirety, as floodplain mapping must comply with requirements set forth by FEMA which does not account for future anticipated conditions.** FEMA administers the National Flood Insurance Program (NFIP) and develops and publishes the Flood Insurance Rates Maps (FIRM), therefore the State and Counties do not have authority to revise these requirements.

SECTION 6 of the bill would require each county to participate in the NFIP Community Rating System (CRS). The Department suggest revising this section as follows, however, would defer to each county regarding the impact of this provision on their programs.

"SECTION 6. Each county is encouraged to participate in the community rating system developed by the National Flood Insurance Program."

The CRS is a voluntary program that a community (county) would elect to participate if they are going above and beyond the minimum NFIP standards. This program operates on a point based system which is awarded for various activities undertaken by the county. Although a community

would choose what activities they would like to undertake, there are some prerequisites that are required before a County is eligible to join the CRS. Issues exist currently or may arise if FEMA implements more stringent prerequisites than a community may be able to implement, in which case they may not be eligible to be included in the CRS.

Thank you for the opportunity to comment on this measure.

Enclosure.



DEPARTMENT OF LAND AND NATURAL RESOURCES

DAVID Y. IGE
GOVERNOR

SUZANNE D. CASE
CHAIRPERSON

FOR IMMEDIATE RELEASE

Sept. 5, 2018

STATE CLIMATE COMMISSION ADOPTS RECOMMENDATIONS FOR COUNTERING IMPACTS OF SEA LEVEL RISE

(Honolulu) – The Hawai'i Climate Change Mitigation and Adaptation Commission (Climate Commission) at its regular quarterly meeting yesterday adopted a series of recommendations and finalized a mission statement to help guide Hawai'i's response to the impacts of climate change.

The Climate Commission is led by the DLNR Chair and the Director of the State Office of Planning and includes members from key state and county agencies. The group's mission statement formalized and approved at the meeting is as follows:

"Hawaii's Climate Commission recognizes the urgency of climate threats and the need to act quickly. It promotes ambitious, climate-neutral, culturally responsive strategies for climate change adaptation and mitigation in a manner that is Clean, Equitable & Resilient."

The recommended strategies or steps agreed upon by the Climate Commission include:

- Support legislation for disclosure for private property and public offerings located in areas with potential exposure to sea level rise.
- Request all new development, redevelopment and modifications be directed away from beach areas.
- Urge counties to incorporate the 3.2 ft. sea level rise exposure area (SLR-XA) into their general and development plans.
- Encourage agencies and non-governmental utility providers to identify and prioritize assets within the 3.2 ft SLR-XA or more as described in the State's Sea Level Rise report, identify adaptation measures, and to provide a status update on this activity annually to the Climate Commission.
- Support legislation that funds State programs to meet mitigation goals, and to bring resources to assist in planning and implementation for sea level rise and other climate related impacts.

The next quarterly meeting of the Climate Commission is scheduled for Tuesday, Nov. 27, 2018 from 1:00 – 4:00 p.m. at the Board of Land and Natural Resources meeting room, Kalanimoku Building, 1151 Punchbowl Street in Honolulu. All meetings are open to the public.

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RESOURCES

(All video/images courtesy: DLNR)

Hawai'i Climate Change Portal:

<http://climate.hawaii.gov/>

Rising Seas in Hawai'i television special:

<https://vimeo.com/249760017>

HD video-Sea level rise adaptation media clips:

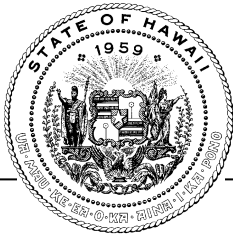
<https://vimeo.com/197533871>

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Statement of
LEO R. ASUNCION
Planning Program Administrator, Office of Planning
before the
SENATE COMMITTEE ON WAYS AND MEANS
Monday, February 25, 2019
10:30 AM
State Capitol, Conference Room 211

in consideration of
SB 1054, SD1
RELATING TO PLANNING.

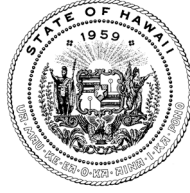
Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Senate Committee on Ways and Means.

The Office of Planning (OP) supports the amendment to Section 2 of the measure which adds a new section to HRS Chapter 226 “§226- Climate change hazards and mitigation planning; required.”

OP defers to the Public Utilities Commission on amendments to Section 3, HRS “§269 – Sea level rise vulnerability; infrastructure sites.”

OP has no comment on Section 6 which requires counties to participate in the community ratings system developed by the National Flood Insurance Program.

Thank you for the opportunity to testify in this matter.



DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
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DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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Testimony of the Department of Commerce and Consumer Affairs

**Before the
Senate Committee on Ways and Means
Monday, February 25, 2019
10:30 a.m.
State Capitol, Conference Room 211**

**On the following measure:
S.B. 1054, S.D. 1, RELATING TO PLANNING**

WRITTEN TESTIMONY ONLY

Chair Dela Cruz and Members of the Committee:

My name is Dean Nishina, and I am the Executive Director of the Department of Commerce and Consumer Affairs' (Department) Division of Consumer Advocacy. The Department appreciates the intent of this bill and offers comments on section 3 of S.D. 1.

The purpose of this bill is to require: (1) the State and counties to incorporate predictions of sea level rise and other climate change hazards and mitigation opportunities into applicable plans, strategies, and mapping; (2) the Public Utilities Commission (Commission) to consider the findings in the Hawaii Sea Level Rise Vulnerability and Adaptation Report (Report); and (3) each county to participate in the community rating system developed by the National Flood Insurance Program.

The Department appreciates how S.D. 1 no longer requires the Commission to consider the findings of the Report "in all [of the Commission's] actions," because doing

so could establish an overly burdensome task for every Commission action. Instead, S.D. 1 now requires the Commission to consider the Report's findings to avoid "critical electrical infrastructure projects in areas of higher risk". Regulated companies should seek to provide reliable services that do not impose additional risk to customers. Moreover, regulated companies should only install projects that are supportive of affordable and reliable services.

Consistent with the intent of this measure, the Department respectfully suggests that the Committee further amend this bill so that the Commission can consider the impact of the Report and encourage all regulated utilities to avoid critical infrastructure projects in areas of higher risk, rather than limiting that guidance to only electric utilities. Besides electrical infrastructure projects, if other regulated companies, such as gas, water, and wastewater projects, do not properly consider the risks of sea level rise, this could adversely impact customers of those other regulated services.

The Department also respectfully suggests that, consistent with the Commission's testimony on the original version of this bill, the statutory language require regulated companies themselves to consider the Report and to adequately incorporate the findings as part of their capital investment planning processes in any relevant applications and regular reports that may be filed with the Commission. This requirement would improve the efficiency of the Commission's and Department's review of any proposed capital project, as well as make clear that regulated companies have a responsibility to address the findings of the Report.

Thank you for the opportunity to testify on this bill.

SB-1054-SD-1

Submitted on: 2/24/2019 9:00:49 AM

Testimony for WAM on 2/25/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Suzanne Skjold	Individual	Support	No

Comments:

Aloha,

This is smart and common sense planning. Thank you for supporting this!