

STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

**TESTIMONY ON
SENATE BILL 1054, RELATING TO PLANNING**

Before the Senate Committee on
**AGRICULTURE AND ENVIRONMENT
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
WATER AND LAND**

By

Thomas L. Travis
Administrator, Hawaii Emergency Management Agency (HI-EMA)

Chairs, Vice Chair, and Members of the Committee

The Hawaii Emergency Management Agency (HI-EMA) **is submitting comments** on Senate Bill 1054.

Senate Bill 1054 Requires 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. Requires the public utilities commission to consider the findings in the Hawaii Sea Level Rise Vulnerability and Adaptation Report. Requires each county to participate in the community rating system developed by the National Flood Insurance Program.

Sea level rise and climate change have been among the top hazards considered in the development of these hazard mitigation plans and FEMA mitigation plan guidance already requires their inclusion. Climate Change Effects are addressed in chapter 18 of the current *State of Hawaii Hazard Mitigation Plan* that has been in effect since 2013.

The recent sea level rise vulnerability/adaptation report commissioned by the state's Interagency Climate Adaptation Commission has been completed and updated.

Note: My comments represent HI-EMA concerns at the state emergency management level only. I would defer to the separate comment/testimonies of the county emergency management agencies, as they would be the jurisdictions impacted by this legislation at the local level.

Thank you for the opportunity to provide testimony on Senate Bill 1054.

Thomas L. Travis: Thomas.l.travis@hawaii.gov; 808-733-4300

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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 Committees on
AGRICULTURE AND ENVIRONMENT
and
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS;
and
WATER AND LAND**

**Monday, February 11, 2019
1:15 p.m.
State Capitol, Conference Room 229**

**In consideration of
SENATE BILL 1054
RELATING TO PLANNING**

Senate Bill 1054 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) 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.

Finally, 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 Report. The Department offers the following suggested revisions to Section 5 of the Bill. We feel that the "one hundred year flood, as defined by the United States Geological Survey" would be more appropriately defined as the following. Suggested material for removal is bracketed and stricken. Suggested material for inclusion is underscored.

SECTION 5 (pages 3, lines 18-21 and page 4, lines 1-4) Beginning on the effective date of this Act, all floodplain mapping supported by state or county funding shall include information from the "Hawaii Sea Level Rise Vulnerability and Adaptation Report" prepared by the Hawaii climate change mitigation and adaptation commission that anticipates sea level rise and floodplains in terms of [~~a one hundred year flood~~] Special Flood Hazard Areas, as defined by the [~~United States Geological Survey~~] Federal Emergency Management Agency.

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>

Media Contact:

Dan Dennison

Senior Communications Manager

(808) 587-0396

TESTIMONY OF
JAMES P. GRIFFIN, Ph.D.
CHAIR, PUBLIC UTILITIES COMMISSION
STATE OF HAWAII

TO THE
SENATE COMMITTEES ON
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
AND
AGRICULTURE AND ENVIRONMENT
AND
WATER AND LAND

February 11, 2019
1:15 p.m.

Chairs Nishihara, Gabbard, and Kahele and Members of the Committees:

MEASURE: S.B. No. 1054

TITLE: RELATING TO PLANNING.

DESCRIPTION: Requires 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. Requires the public utilities commission to consider the findings in the Hawaii Sea Level Rise Vulnerability and Adaptation Report. Requires each county to participate in the community rating system developed by the National Flood Insurance Program.

POSITION:

The Public Utilities Commission offers the following comments for consideration.

COMMENTS:

The Public Utilities Commission ("Commission") carefully considers the impacts of climate change in its decision-making and will continue considering climate change in reviewing future infrastructure projects.

However, the Commission respectfully suggests that public utilities and other entities regulated by the Commission should be required to consider the Hawaii Sea Level Rise Vulnerability and Adaptation Report in their own planning and investment decisions,

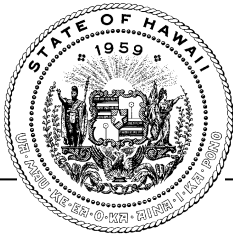
prior to submitting any applications or other filings with the Commission. This will help increase the efficiency of the regulatory process.

In addition, the Commission is concerned that the language in Section 3 of this bill may have unintended consequences. Given the wide variety and complexity of matters that come before the Commission, the language in this measure that the Commission “shall consider in all of its actions, the findings in the ‘Hawaii Sea Level Rise Vulnerability and Adaptation Report’...” may be unnecessarily broad and may cause confusion about how to properly implement this requirement.

The Commission regulates more than 1,500 businesses providing utility services in Hawaii. In addition to maintaining an evidentiary record and issuing hundreds decisions and orders in regulatory proceedings each year, the Commission employs more than 60 legal, administrative, engineering, audit, information technology, policy, and research staff. The proposed requirement to consider the Hawaii Sea Level Rise Vulnerability and Adaptation Report “in all of its actions” would impose a substantial burden on the Commission and may not be necessary for many ministerial or administrative “actions” the Commission routinely takes in the course of the agency’s operations.

As such, the Commission respectfully recommends a resolution may be an appropriate means to provide legislative guidance on this matter.

Thank you for the opportunity to testify on this measure.



**OFFICE OF PLANNING
STATE OF HAWAII**

DAVID Y. IGE
GOVERNOR

DIRECTOR
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Statement of
LEO R. ASUNCION
Planning Program Administrator, Office of Planning
before the
**SENATE COMMITTEES ON AGRICULTURE AND ENVIRONMENT,
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS,
AND WATER AND LAND**
Monday, February 11, 2019
1:15 PM
State Capitol, Conference Room 229

in consideration of
SB 1054
RELATING TO PLANNING.

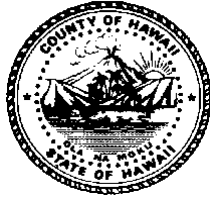
Chairs Gabbard, Nishihara, and Kahele, Vice Chairs Ruderman, Wakai, and Keith-Agaran, and Members of the Senate Committee(s) on Agriculture & Environment, Public Safety, Intergovernmental, & Military Affairs, and Water & Land.

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

OP takes no position on Section 3 which amends HRS Chapter 269, and defers to the Public Utilities Commission for comment.

Thank you for the opportunity to testify in this matter.

County of Hawai'i
Council District 4 -
Lower Puna



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ASHLEY L. KIERKIEWICZ

HAWAII COUNTY COUNCIL – DISTRICT 4

Chair: Committee on Planning, and Committee on Government Relations & Economic Development
25 Aupuni Street • Hilo, Hawai'i 96720

February 10, 2019

**Senate Committee on Public Safety,
Intergovernmental, and Military Affairs**

Senator Clarence Nishihara, Chair
Senator Glenn Wakai, Vice-Chair

**Senate Committee on Agriculture and
Environment**

Senator Mike Gabbard, Chair
Senator Russell Ruderman, Vice-Chair

Senate Committee on Water and Land

Senator Kaiali'i Kahele, Chair
Senator Gilbert Keith-Agaran, Vice-Chair

**RE: Support for SB1054
relating to Planning for Natural Disasters and Climate Change Mitigation**

Aloha, Senators:

The world is changing. In addition to sea level rise, but we must consider the natural disasters that will hit our island community with more frequency and greater intensity. Everything is at stake – our resources, household, environment, businesses. As Chair of the Committee on Planning, and the Committee on Government Relations & Economic Development for the Hawai'i County Council, I understand the need to plan and develop with climate change in mind, which is why I write in support for SB1054.

Thank you for making pre- and post-natural disaster planning and climate change mitigation a priority. We must make every effort to be fiscally responsible on this issue and ensure that future generations will be able to call Hawai'i home.

Mahalo nui loa,

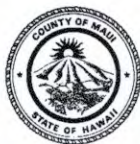
Ashley Lehualani Kierkiewicz
Hawai'i County Council, District 4

Council Chair
Kelly T. King

Vice-Chair
Keani Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Riki Hokama
Alice L. Lee
Mike Molina
Tamara Paltin
Shane Sinenci
Yuki Lei K. Sugimura



Director of Council Services
Maria E. Zielinski

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
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February 7, 2019

TO: The Honorable Mike Gabbard, Chair
Senate Committee on Agriculture and Environment

The Honorable Clarence K. Nishihara, Chair
Senate Committee on Public Safety, Intergovernmental, and Military
Affairs

The Honorable Kaiiali'i Kahele, Chair
Senate Committee on Water and Land

FROM: Kelly T. King *Kelly King*
Council Chair

SUBJECT: **HEARING OF FEBRUARY 11, 2019; TESTIMONY IN SUPPORT OF SB
1054, RELATING TO PLANNING**

Thank you for the opportunity to testify in **support** of this important measure. The purpose of this bill is 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; the Public Utilities Commission to consider the findings in the Hawaii Sea Level Rise Vulnerability and Adaptation Report; and each county to participate in the community rating system developed by the National Flood Insurance Program.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I support this measure for the following reasons:

1. The State of Hawaii, the only state in the United States comprised entirely of islands, is especially vulnerable to impacts of sea level rise, with approximately 750 miles of coastline and extensive development in low-lying areas.
2. The Maui County Council adopted Resolution 18-160 supporting the recommendations in the Hawaii Sea Level Rise Vulnerability and Adaptation Report.

February 7, 2019
Page 2

3. The Mayor of the County of Maui issued a Proclamation on February 22, 2018 urging officials at all levels of government to view climate change and the need for climate adaptation as pressing matters, to take a proactive approach in mitigating impacts caused by sea level rise, and to develop programs to protect the County for future generations.

For the foregoing reasons, I **support** this measure.

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SIERRA CLUB OF HAWAI'I

MĀLAMA I KA HONUA. *Cherish the Earth.*

SENATE JOINT COMMITTEES ON AEN, PSN, AND WTL

February 11, 2019 1:15 p.m. Room 229

In **SUPPORT** of **SB 1054**: RELATING TO PLANNING

Aloha Co-Chairs Gabbard, Nishihara, and Kahele, Vice Co-Chairs, Ruderman, Keith-Agaran, and Wakai, and members of the committees,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i supports SB 1054, which provides the legislative mandate needed to implement recommendations from the "Hawai'i Sea Level Rise Vulnerability and Adaptation Report" (the Report) prepared by the Hawai'i Climate Change Mitigation and Adaptation Commission, especially those recommendations dealing with climate change hazards and mitigation in an era of sea level rise, increased frequency and intensity of storm events, and other climate change impacts.

This bill provides the legislative mandate needed to implement recommendation 3.7 of the Report, "Develop pre-disaster recovery frameworks at state and county levels that incorporate opportunities to adapt to sea level rise through disaster recovery."

As stated in the Report, "Disasters can provide opportunities to adapt to sea level rise. Pre-disaster recovery strategies can support managed retreat and other adaptation strategies by engaging community stakeholders in making decisions about land use in the event that a major hazard event, such as a hurricane or tsunami, occurs. Using pre-disaster planning and post-disaster recovery as opportunities for implementation of sea level rise adaptation is as advantageous as it is cost effective and reduces repetitive losses."

Such engagement of communities in pre-disaster recovery planning also serves to promote a visioning process to guide future managed retreat actions which sea level rise may trigger even in the absence of major disasters.

In summary, we support SB 1054 and encourage its passage. Mahalo for the opportunity to testify on this important issue.

Mahalo,

Jodi Malinoski, Policy Advocate

SB-1054

Submitted on: 2/10/2019 1:09:47 PM

Testimony for PSM on 2/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

SB-1054

Submitted on: 2/9/2019 8:12:29 PM

Testimony for PSM on 2/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan P. Armstrong	Individual	Support	No

Comments:

SB-1054

Submitted on: 2/10/2019 6:43:29 PM

Testimony for PSM on 2/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dain Christensen	Individual	Support	No

Comments:

SB-1054

Submitted on: 2/2/2019 2:03:50 PM

Testimony for PSM on 2/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Catherine Courtney	Individual	Support	Yes

Comments:

see attached.

SB-1054

Submitted on: 1/31/2019 8:01:52 PM

Testimony for PSM on 2/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Erica Scott	Individual	Support	No

Comments:

SB-1054

Submitted on: 2/1/2019 10:38:56 AM

Testimony for PSM on 2/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lois Crozer	Individual	Support	No

Comments:

SB-1054

Submitted on: 2/1/2019 7:28:06 PM

Testimony for PSM on 2/11/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carol Philips	Individual	Support	No

Comments:

Dear Honorable Committee Members,

I live on the North Shore of Oahu and have surfed out there for over 30 years. Over the past 5 years I have seen the high tides bring water and waves further inland than ever before. For example Keiki Rocks when there is a 25 ft swell, wave after wave washes across the road, so much so that cars don't even other to stop. In the past when we had an extra large swell, one wave would wash across the road during the peak tide not wave after wave. On the otherside of the tide, we hardly see super low tides and you never see as much reef as you used to when they are low. Two other things about sea level rise that keep me awake sometimes at night are the fact that we can't really perdict just how fast ice melts and that I don't really see the ocean moving in the other direction. In other words this sea level rise issue will only get worse. At community meetings beach front residents share there frustraiton and desperation as their homes are threatned more and more. While there maybe no easy solutions, as the reality of sea level rise hits home for more and more people proactive measures like this will help us to be able to respond.

Respectfully,

Carol Philips
Haleiwa