
A BILL FOR AN ACT

RELATING TO ADAPTATION PATHWAYS PLANNING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the threat of sea
2 level rise and associated coastal hazards is well documented and
3 already affecting various locations throughout the State. The
4 2023 National Climate Assessment states that for Hawaii and the
5 United States-Affiliated Pacific Islands, climate change,
6 particularly sea level rise, will continue to adversely affect
7 the built environment and will harm numerous sectors of the
8 islands' economies. The strategies required to address the
9 emerging threat are not uniform and require thoughtful,
10 community-engaged, location-based planning and consideration to
11 be most effective.

12 The legislature seeks to support and safeguard vulnerable
13 communities and to protect and conserve public trust resources,
14 such as sandy beaches and dune systems, which are valuable for
15 their cultural importance and ecosystem role, from the impacts
16 of sea level rise. The legislature further finds that
17 adaptation to sea level rise and coastal hazards is best



1 accomplished via adaptation pathways with triggers for
2 successive adaptation actions over time. These adaptation
3 pathways may include intermediate actions taken as part of a
4 phased approach to provide time for planning and implementation
5 of endpoint actions, which may include relocation of public and
6 private infrastructure away from the shoreline, where
7 appropriate.

8 The legislature recognizes that in 2019, the office of
9 planning and sustainable development's coastal zone management
10 program completed a study titled "Assessing the Feasibility and
11 Implications of Managed Retreat Strategies for Vulnerable
12 Coastal Communities in Hawai'i". The legislature additionally
13 finds that the office of planning and sustainable development is
14 currently using funding from the federal government to study
15 policy and economic solutions to encourage relocation away from
16 coastal hazards in response to the findings of that study. The
17 legislature strives to preserve natural resources and support
18 individuals and communities in adapting to sea level rise and
19 coastal hazards.

20 The legislature further finds that it is in the public
21 interest for the state and county governments to engage in



1 holistic, location-specific adaptation planning, which may
2 include the modification and ultimate relocation of private and
3 public infrastructure away from areas that are critically
4 impacted by coastal hazards, including coastal erosion and
5 flooding, particularly areas with high natural-ecosystem,
6 cultural, and public-recreational resource value and to reduce
7 danger to life and property from coastal hazards.

8 Furthermore, the legislature finds that the authority and
9 jurisdiction to manage and regulate development within the
10 shoreline setback and special management areas lie with the
11 counties, and the authority and jurisdiction to manage land and
12 regulate land use makai of the shoreline lie with the department
13 of land and natural resources. The legislature finds that it is
14 the policy of the State that as the shoreline migrates inland
15 with sea level rise, ownership of the land in the shoreline area
16 transfers to the State. Therefore, the State, through the
17 powers of the department of land and natural resources, has a
18 vested interest in planning for sea level rise in a way that
19 protects natural resources for future generations.

20 Thus, the purpose of this Act is to enable and encourage
21 state and county agencies to engage in and implement long-term



1 adaptation pathways planning, together with affected
2 communities, to facilitate natural-resource conservation and
3 reduce the loss of public and private infrastructure to damage
4 associated with sea level rise and flooding by:

5 (1) Requiring the department of land and natural
6 resources, in coordination with appropriate state and
7 county agencies, to prepare plans to facilitate
8 implementation of adaptation measures, including
9 modification and ultimate relocation of development
10 and infrastructure away from certain at-risk areas;
11 and

12 (2) Appropriating funds for this purpose.

13 SECTION 2. Chapter 171, Hawaii Revised Statutes, is
14 amended by adding a new part to be appropriately designated and
15 to read as follows:

16 "PART . ADAPTATION PATHWAYS PLANNING IN SEA LEVEL RISE
17 EXPOSURE AREAS INVOLVING STATE LANDS

18 §171- Definitions. As used in this part:

19 "Adaptation pathways" means a collection of measures,
20 including elevating and floodproofing infrastructure, armoring,



1 zoning, and relocation, needed to lower the risk of flooding and
2 loss due to the sea level rising progressively over time.

3 "Adaptation pathways plan" means a plan outlining the
4 adaptation pathways appropriate for a specific region, or
5 individual parcel within a region, with environmental triggers
6 or infrastructure damage triggers, for the implementation of
7 individual measures identified within the adaptation pathways.

8 **§171- General powers.** (a) In carrying out their
9 duties under this part, the board and department may do all
10 things necessary, useful, and convenient in connection with the
11 development and implementation of adaptation pathways plans for
12 residential and resort development and associated public
13 utilities and infrastructure in cooperation with relevant state
14 and county agencies.

15 (b) The adaptation pathways may include measures such as
16 elevation and reengineering of development to accommodate
17 occasional flooding and the advancing shoreline, along with a
18 land disposition to partially and temporarily occupy state land,
19 other accommodation measures, ultimate relocation from locations
20 that are or will be critically threatened by impacts related to
21 climate change and sea level rise, and restoration or



1 remediation of the shoreline after removal of structures and
2 materials.

3 **§171- Sea level rise adaptation pathways plan. (a)**

4 The department, in cooperation with appropriate state and county
5 agencies, shall prepare and, from time to time, revise regional-
6 scale adaptation pathways plans for the implementation of a
7 program to facilitate adaptation of vulnerable private
8 residential, commercial, industrial, and resort development and
9 associated public infrastructure to the impacts of sea level
10 rise and associated flooding and the restoration or remediation
11 of the shoreline, where necessary.

12 (b) Adaptation pathways plans shall be developed at a
13 regional scale, including but not limited to an ahupuaa, and
14 shall be specific to individual locations, taking into account
15 factors including but not limited to shoreline type, coastal
16 processes, and documented and predicted erosion rates and
17 coastal flooding.

18 Adaptation may include accommodation measures, such as
19 elevating and floodproofing infrastructure, armoring to prevent
20 loss of public infrastructure, restoration of natural dunes and
21 shoreline ecosystems, and relocation of infrastructure away from



1 areas that are critically threatened by coastal erosion and
2 flooding with sea level rise to areas outside the sea level rise
3 exposure area, as designated by the Hawaii climate change
4 mitigation and adaptation commission and special flood hazard
5 areas.

6 (c) Adaptation pathways plans developed pursuant to this
7 part may incorporate proposed time-limited land dispositions in
8 the adaptation pathways for a habitable structure and critical
9 infrastructure that is proposed to be modified to withstand
10 occasional flooding with sea level rise and temporarily occupy
11 private land and state-owned land makai of the shoreline. These
12 modifications shall:

13 (1) Be shown to have a minimal impact on natural shoreline
14 processes, coastal and cultural resources, and public
15 shoreline safety and access; and

16 (2) Include a proposed timeline and environmental triggers
17 for the ultimate removal of development from the
18 shoreline and remediation or restoration of the land.

19 (d) Adaptation pathways plans developed pursuant to this
20 part shall guide the department, along with appropriate state
21 and county agencies, in identifying and prioritizing:



1 (1) Adaptation actions and triggers for actions that are
2 appropriate to the individual location, including but
3 not limited to modification and relocation of private
4 development and associated public utilities and
5 infrastructure; and

6 (2) Coastal lands that are critically threatened by
7 coastal erosion and sea level rise and have high
8 natural and community resource value appropriate for
9 adaptation and ultimate relocation of structures and
10 critical infrastructure with the overall purpose of
11 natural resource restoration and conservation.

12 (e) In preparing adaptation pathways plans pursuant to
13 this part, the department, in coordination with relevant state
14 and county agencies:

15 (1) May use or conduct studies:

16 (A) Necessary to support the development of
17 adaptation pathways plans, including the
18 development of regional studies pertaining to the
19 relocation or physical alteration of development,
20 a cost-benefit analysis of project viability, and
21 engineering studies; and



- 1 (B) Pertaining to restoration of such lands to
2 natural conditions and for public purposes;
- 3 (2) Shall consider any plan relating to the relocation of
4 development and restoration of lands that has been
5 prepared by any federal, state, county, or private
6 agency or entity;
- 7 (3) Shall engage in culturally-informed, community-engaged
8 planning to determine the appropriate adaptation
9 actions and environmental triggers for implementation
10 on a regional scale;
- 11 (4) Shall incorporate state and county climate adaptation
12 plans;
- 13 (5) Shall ensure that any adaptation pathways plans and
14 programs be aligned with the objectives of state and
15 county hazard mitigation plans and county general and
16 community plans; and
- 17 (6) Shall ensure that plans that include armoring to
18 prevent the loss of public infrastructure shall be
19 time-limited.
- 20 (f) The department shall enforce existing statutes and
21 rules regarding the use of state lands and shall exercise the



1 authority granted to it in implementing adaptation pathways
2 plans prepared pursuant to this part."

3 SECTION 3. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$1,000,000 or so much
5 thereof as may be necessary for fiscal year 2024-2025 for the
6 department of land and natural resources to identify appropriate
7 communities for and initiate preparation of one regional sea
8 level rise adaptation pathways plan per county; provided that
9 the locations for these plans shall be determined:

10 (1) Jointly by the department of land and natural
11 resources, the respective county planning agency, and
12 other appropriate state agencies; and

13 (2) Based on the immediacy of the threat of coastal
14 erosion and flooding caused by sea level rise to
15 development and natural resources, ownership
16 demographics, and zoning classification.

17 The sum appropriated shall be expended by the department of
18 land and natural resources for the purposes of this Act.

19 SECTION 4. In accordance with section 9 of article VII of
20 the Hawaii State Constitution and sections 37-91 and 37-93,
21 Hawaii Revised Statutes, the legislature has determined that the



1 appropriations contained in H.B. No. , will cause the state
2 general fund expenditure ceiling for fiscal year 2024-2025 to be
3 exceeded by \$ or per cent. In addition, the
4 appropriation contained in this Act will cause the general fund
5 expenditure ceiling for fiscal year 2024-2025 to be further
6 exceeded by \$ or per cent. The combined total
7 amount of general fund appropriations contained in only these
8 two Acts will cause the state general fund expenditure ceiling
9 for fiscal year 2024-2025 to be exceeded by
10 \$ or per cent. The reasons for exceeding the
11 general fund expenditure ceiling are that:

- 12 (1) The appropriation made in this Act is necessary to
13 serve the public interest; and
- 14 (2) The appropriation made in this Act meets the needs
15 addressed by this Act.

16 SECTION 5. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.



1 SECTION 6. This Act shall take effect on July 1, 3000;
2 provided that section 3 of this Act shall take effect on July 1,
3 2024.



Report Title:

Adaptation Pathways; Adaptation Planning for Residential and Resort Shoreline Development; Sea Level Rise Exposure Area; Appropriation; Expenditure Ceiling

Description:

Expands the authority of the State and counties to develop adaptation pathways plans to modify and relocate infrastructure away from critically threatened areas to locations outside sea level rise and coastal flooding exposure areas. Appropriates funds. Effective 7/1/3000. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

