

June 27, 2019

To: Climate Change Mitigation and Adaptation Commission

From: Permitted Interaction Group on Climate Change Legislation

Re: Report to the Commission on Findings and Recommendations for July 17, 2019 meeting

### **Scope of the Permitted Interaction Group**

A Permitted Interaction Group (PIG) was established at the Climate Commission's meeting on April 24, 2019. Its scope was defined as: To identify priorities for climate legislation for 2020 session, especially as related to the statements issued by the Commission on Sept 4, 2018 and Nov 27, 2018

The group met twice --on May 8, 2019 and June 6, 2019--to discuss its findings and recommendations. Listed below are members of the Group. In addition, subject matter experts were present to provide input where needed.

#### **Members of the Permitted Interaction Group:**

Senator Mike Gabbard  
Representative Nicole Lowen  
Kealoha Fox, OHA  
Michael Yee, County of Hawaii  
Jeff Dack, County of Maui  
Ka'aina Hull, County of Kauai  
Josh Stanbro, C&C Office of Climate Change, Sustainability and Resiliency  
Lynn Araki-Regan, State Dept. of Transportation  
Justine Nihipali, Office of Planning, Coastal Zone Management  
Mary Alice Evans, Office of Planning

### **The Findings and Recommendations to the Commission are summarized below.**

1. **Climate legislation priorities.** The PIG discussed supporting bills that align with priorities identified in the Climate Commission's statements on adaptation and mitigation, issued on Sept 4, 2018, and Nov 27, 2018 (see attached statements). The PIG also discussed bills that address related areas but are not currently reflected in the Commission's two statements. In total, these fall into six priority areas, listed below.
  - a. Require disclosure of sea level rise by sellers of real estate, and other affiliated SLR bills
  - b. Amend Ch. 205A, HRS, to empower counties to further protect beaches from SLR
  - c. Amend statute to accelerate RPS targets to reduce carbon emissions
  - d. Support Incentives for reduction of emissions by ground transportation
  - e. Urge Improved grid resilience, and
  - f. Establish tax credits/re-establish tax rebate for EV purchases

**Recommendation: Commission should encourage coordination among state and county agencies, and other partners on bills that implement its priorities. In addition, the Commission should amend its statement on mitigation to include the following priority areas not reflected in its initial statement: RPS targets, grid resilience, EV tax credits.<sup>1</sup>**

2. **Encourage testimony and action on the Commission's priorities.** The PIG discussed the role of the Commission in strengthening ongoing work of the counties and other groups statewide. Such support could include use of its high-level statements for priority legislation contained in its "Climate Legislation Package." Overall, the PIG encourages Commission staff to work with stakeholders on the Climate Legislation Package, and to assist in coordinating testimony and action around it.

**Recommendation: Commission should encourage use of its statements in testimony and encourage agencies and partners to testify in person.**

3. **Incorporate climate equity.** Legislation addressing climate change equity concerns should be deferred till the PIG on Climate Equity presents its findings to the Commission on September 4<sup>th</sup>, 2019.

**Recommendation: Commission acknowledges the importance of considering the impact of climate change mitigation and adaptation on vulnerable people, communities, industries, and ecosystems, reiterates its commitment to equity, and awaits the findings of the Permitted Interaction Group on Climate Equity.**

4. **Assist in the use of Sea Level Rise Exposure Area for planning and permitting.** The PIG discussed need for more guidance on how to implement the sea level rise exposure area (SLR-XA). Work on this issue continues at the county and state levels, however, supporting amendments to Ch. 205A, HRS, will provide the necessary legal framework.

**Recommendation: Commission should support amendments to Ch. 205A that empower the counties to further protect Hawaii's beaches.**

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<sup>1</sup> The Commission's statement on ground transportation emissions reductions is excerpted here as follows:

1. Partner with counties and local organizations to develop and undertake a multi-year educational/public service announcement (PSA) campaign to address the link between the need for a price on carbon, and highlighting the importance of clean transportation in Hawaii—which will increase quality of life, and address climate change impacts by decreasing congestion, commute time and costs, and emissions.
2. Explore and develop statewide policies and partner with counties to modernize parking policies and parking management, which will reduce overall emissions, congestion and vehicle miles travelled (VMT) from driving, and increase biking, walking, and transit use, to achieve State goals.
3. Transform State and county fleets to address VMT reduction, congestion, and emissions—especially through electrification, renewable fuels, carshare, and supporting infrastructure development and deployment.
4. Amend laws, such as the state procurement laws, to better align them with clean transportation priorities.

For the Commission's full statement on ground transportation emissions reduction, see press release here: <http://climate.hawaii.gov/wp-content/uploads/2018/11/NR-Climate-Commission-Recommends-Urgent-Action-to-Combat-Emissions-Nov.-28-2018.pdf>.