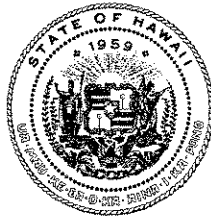
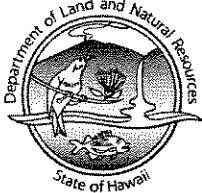


LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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 THE CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES

On House Bill 2527, House Draft 1 – Relating To Smart Growth

BEFORE THE SENATE COMMITTEE ON
COMMERCE, CONSUMER PROTECTION AND AFFORDABLE HOUSING

March 18, 2008

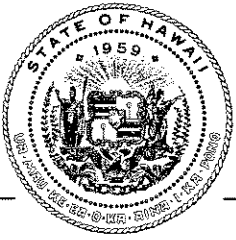
House Bill 2527, House Draft 1 requires the Department of Land and Natural Resources (Department) to establish a system of greenways and trails; and requires the Office of Planning (OP) to coordinate Smart Growth planning. The Department's comments are limited to SECTION 2 of this measure, and the Department defers to OP on the viability and application of addressing smart growth in SECTION's 3, 4 and 5. The Department is strongly opposed to the proposed amendments to Chapter 198D, Hawaii Revised Statutes in SECTION 2, which creates a new program directing the Department's Division of Forestry and Wildlife - Na Ala Hele Trails and Access Program (NAH) to establish a series of urban greenways and liner parks, for the following reasons.

SECTION 2 of this measure would vastly expand the scope and intent of NAH into urban/rural transportation management. Linear parks and greenbelts for pedestrian and bicycle passage are designed and planned as an *alternative recreational and transportation corridor in predominantly urbanized areas*. Urban/rural greenway planning and development is vastly beyond the scope and intent of NAH.

NAH was established to manage multi-use hiking trails, restore public access to these trails either located on or bounded by private lands that are of priority to the hiking and hunting community, and document and protect and where feasible, restore managed access to sensitive ancient and historic trails. The Division of Forestry and Wildlife manages forested watersheds, state conservation lands, and native ecosystems. The trails NAH manages provide the only access for activities such as hiking, hunting, invasive species removal, and fire fighting for areas that are inaccessible otherwise. NAH and ancillary staff collectively manage and physically maintain approximately 309 miles of unpaved multi-recreational trails in these rugged mauka watersheds, conservation lands, or culturally sensitive ancient Hawaiian and historic trails.

NAH trails in watershed areas are typically built and maintained to achieve a specification of 36 inches of width with a dirt surface. The greenways model specification is 10-foot wide feature and can be paved or comprised of hardened soil to accommodate both wheeled, equestrian and pedestrian activity. The actions required to initiate and manage this new greenway system across the State are beyond the training and expertise of staff and equipment and tools in NAH.

The Department notes that there is no funding provision in this measure, and that NAH special and federal funding sources preclude using the majority of these funds towards the planning and subsequent development for urban greenways and liner parks. Management of an urban network of greenways and linear parks is more appropriately a county function similar to the management of bikeways – a comparable feature to greenways.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
MARK K. ANDERSON
DEPUTY DIRECTOR
ABBEY SETH MAYER
INTERIM DIRECTOR
OFFICE OF PLANNING

OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824

Statement of
ABBEY S. MAYER
Interim Director, Office of Planning
Department of Business, Economic Development, and Tourism
**SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION
AND AFFORDABLE HOUSING**
Tuesday, March 18, 2008
9:30 AM
State Capitol, Conference Room 229

in consideration of

**HB 2527, HD 1
RELATING TO SMART GROWTH.**

Chair Kokubun, Vice Chair Ige, and Members of the Senate Committee on
Commerce, Consumer Protection, and Affordable Housing.

The Office of Planning (OP) supports the intent of HB 2527, HD 1, but we are
concerned about the cost implications generated by the bill for OP as well as the
Department of Land and Natural Resources (DLNR). The bill would amend: (1) Chapter
198D, the Statewide Trails and Access System, by establishing a new statewide
greenways program to be administered by DLNR; and (2) Chapter 225M, State Planning,
to charge OP with advocating and coordinating smart growth principles in new and
existing communities. No funding is provided. Our concerns are summarized as follows.

Smart Growth Functions. OP does not object to the amendments to Chapter
225M for smart growth coordination and technical assistance, since our responsibilities
and functions under our operating authorities—225M as well as the Hawaii State Plan,

the Coastal Zone Management Act, and the State Land Use Law—are founded on comprehensive long-range planning and sustainable development principles that predate the packaging of smart growth principles. However, we are concerned that OP may be limited in terms of what it can do with existing resources and staffing levels.

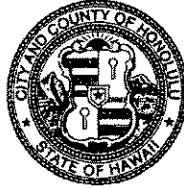
Statewide Greenways System. We defer to DLNR as to the specific impacts the proposal has on DLNR programs, in particular the Na Ala Hele program. We note that the statewide greenways system concept is much larger in scope and function than the Statewide Trails and Access System program. The relationship between the two programs is not defined, and we are concerned that trying to fit the two programs under the same umbrella may dilute the focus of the Na Ala Hele program and diminish both the resource management and recreational values derived from this small program. Furthermore, the greenways system concept has a very large urban component that will require the full cooperation and participation of the counties as well as a host of State and federal agencies, including the Department of Transportation, for the system to be realized.

Thank you for the opportunity to testify.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-8000 • FAX: (808) 527-6743
INTERNET: www.honolulu.gov • DEPT. WEB SITE: www.honolulu.dpp.org

MUFI HANNEMANN
MAYOR



HENRY ENG, FAICP
DIRECTOR

DAVID K. TANOUÉ
DEPUTY DIRECTOR

March 18, 2008

The Honorable Russell S. Kokubun, Chair
and Members of the Committee on Commerce,
Consumer Protection & Affordable Housing
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Kokubun and Members:

**Subject: HOUSE BILL 2527 HD1
Relating to Smart Growth**

The Department of Planning and Permitting **requests clarification** of House Bill 2527 HD1. This bill would adopt smart growth principles and establish a system of greenway and trails.

We agree with previous testimony by the State Office of Planning (OP) that it is reasonable for it to be involved in policy-making and technical assistance on smart growth. However, the language of House Bill 2527 HD1 appears to expand its role into zoning and possibly even project review and approval. Specifically under Section 5 of the Bill, the OP would be responsible for "coordinating the implementation of smart growth principles, including infill development" (underscoring added for emphasis). This strongly suggests an infringement on county home rule in terms of land use planning, regulations and permitting.

We request either revisions to the bill's language, or an explicit statement added that the subject provisions do not in any way infringe on county planning, zoning and permitting functions.

Thank you for this opportunity to comment.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Henry Eng", is written over a faint, larger version of the same signature.

Henry Eng, FAICP, Director
Department of Planning and Permitting

HE: jmf
hb2527hd1-kh.doc



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March 15, 2008

The Honorable Russell S. Kokubun, Chair
Senate Committee on Commerce, Consumer Protection,
and Affordable Housing
State Capitol, Room 229
Honolulu, Hawaii 96813

RE: H.B. 2527, HD1 Relating to the Smart Growth
Hearing Date: Tuesday, March 18, 2008 @ 9:30 a.m., Room 229

Dear Chair Kokubun and Members of the Senate Committee on Commerce, Consumer Protection, and Affordable Housing:

On behalf of our 10,000 members in Hawaii, the Hawaii Association of REALTORS® (HAR) supports the intent of H.B. 2527, HD1 which requires the Office of Planning to coordinate smart growth planning.

HAR served on the Interim Task Force on Smart Growth created pursuant to HR 259, Regular Session of 2007, and was very pleased with the high level of cooperation and discussion that occurred at all of the meetings. HAR strongly supports the ten smart growth principles that include creating a range of housing opportunities and choices, mixed land uses, and transportation choices. Uncoordinated and unfocused planning can be disastrous and smart growth seeks to approach planning as a collaborative effort among all stakeholders to ensure that mixed use and mixed income housing opportunities are available. A government agency needs to coordinate all the components of this effort. H.B. 2527, HD1 will assign this role to the Office of Planning to ensure that a comprehensive approach to land development complies with smart growth principles, which have been proven to make better communities and to improve the quality of life in all neighborhoods.

HAR looks forward to working with our state lawmakers in building better communities by supporting quality growth, seeking sustainable economies and housing opportunities, embracing the cultural and environmental qualities we cherish, and protecting the rights of property owners.

Mahalo for the opportunity to testify.

**THE UNIVERSITY OF HAWAII ENVIRONMENTAL CENTER IS
PLEASED TO SUBMIT THIS TESTIMONY IN ACCORDANCE
WITH ACT 132 OF 1970 WHICH CREATED THE CENTER.
AUTHORS ARE MEMBERS OF THE UNIVERSITY COMMUNITY.**

RL: 2196

HB 2527 HD1
RELATING TO SMART GROWTH

LATE

Senate Committee on Commerce, Consumer Protection and Affordable Housing
Senate Committee on Judiciary and Labor

Public Hearing – March 18, 2008
9:30 a.m., State Capitol, Conference Room 229

By
Peter Rappa, Environmental Center

HB 2527 HD1 requires the Department of Land and Natural Resources to establish a system of greenways and trails. It also requires the Office of Planning to coordinate smart growth planning. We emphasize that our testimony on this measure does not represent an official position of the University of Hawaii.

The University of Hawaii Sea Grant College Program created a new Center for Smart Building and Community Design in February 2004 to advance the principles of smart growth in Hawaii. Working with the U.S. Environmental Protection Agency and the City and County of Honolulu's Department of Planning and Permitting and others, the Center sponsored a smart growth workshop in Kapolei in May 2004. Several developers including D.R. Horton have adopted the principles of smart growth for their proposed development in Ewa named Ho'opili. The Department of Planning and Permitting have also adopted the principles of smart growth and have been requiring better street connectivity in their review of permit applications for proposed new subdivisions.

Due to Hawaii's relatively small size and its need to preserve open space to protect endemic flora and fauna, the staff at the Center for Smart Building and Community Design believes that new developments must be compact, transit oriented, located close to existing services and offer a range of housing type and price points to attract a diverse mix of people. We would look to the Office of Planning as an important partner in our work to make Hawaii's communities more livable.

Thank you for the opportunity to comment on this bill.

testimony

From: Windward Ahupua`a Alliance [info@waa-hawaii.org]
Sent: Monday, March 17, 2008 12:15 PM
To: testimony
Subject: HB2527 HD1 - RELATING TO SMART GROWTH

LATE

Submitted by:

Shannon Wood, *Interim President***Windward Ahupua`a Alliance/The Climate Project/RECYCLING FOR CHANGE/BUST-A-DUMPER Campaign**

P.O. Box 6366

Kane`ohe, HI 96744

Voicemail: 808/247-6366; Cellular: 808/223-4481 or 808/224-4496

Website: <http://www.waa-hawaii.org>; E-Mail: info@waa-hawaii.org;Website: <http://www.recycling4change.com>; E-Mail: info@recycling4change.com**COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND AFFORDABLE HOUSING**

Sen. Russell Kokubun, Chair
Sen. David Ige, Vice Chair

Public Hearing
9:30 am

Tuesday, March 18, 2008
Conference Room 229

HB2527 HD1 - RELATING TO SMART GROWTH
Strongly Support With Comments & Amendments

TO THE COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND AFFORDABLE HOUSING:

My name is Shannon Wood, speaking on behalf of the *Windward Ahupua`a Alliance*, a **501c3** Hawai`i non-profit corporation, which was established in July, 2002, to create the **Ko`olau Greenbelt & Heritage Trails System** in order to restore, protect & provide public access to the *mauka* lands on the Windward side of O`ahu along the base of *Na Ko`olau* up to **Kawela Bay** as well as to support locally-owned sustainable economic activities in the more developed areas.

Over time, however, its mandate expanded well beyond these vitally important regional issues. See below for our current mission statement.

We first started discussing the concept of greenbelts and hiking trails that would vastly expand the state's **Na Ala Hele** system back in 1996 within the *Hawai`i Ecotourism Association*. By the fall of 1998, when *Mayor* Jeremy Harris launched his **Vision Team** projects, we began to have some hope that maybe we might be able to get some planning money.

By mid-2000 we'd established the **Ko`olau Greenbelt System** and applied for **Vision Team** funding to start the planning in the **96744 Zipcode**. That planning process led us to expand the project to include the **Heritage Trails** program as well as to help expedite the public/private partnerships by forming the non-profit.

3/17/2008

During this three-year period, we began to make some significant progress in getting people to understand the relationship between public access and **Smart Growth**. Then, in early 2004, we were notified by the **Harris Administration** that additional planning money as well as design & the first phase construction money for the **96744 Heritage Trails** segment would be put into the following year's fiscal budget.

However, once the current administration came into office in January, 2005, the project went from a *need-2-have* to a *nice-2-have*. It, along with three other similar projects on O`ahu, was canceled.

We'd contacted the administrator of **Na Ala Hele** in the **Department of Land & Natural Resources** back in early 2003 who told us that he could not commit any resources - human or financial - to any new programs until current needs & already-planned future acquisitions/programs were met. However, he wished us well and expressed his appreciation for our efforts to trying to make something happen. We met with him again in 2004 briefly to update him, but he still did not want to make any kind of commitment to the program.

Also starting in 2003, I'd begun to line up federal funds through Ed Case's office. As it turns out, money - or its lack - is not the killer because federal funds were - and still are - available from the **Departments of Transportation, Agriculture, Interior & Commerce**. Furthermore, there are several private foundations which have expressed an interest in the project. Finally, I was able to get *let's discuss this further* commitments from several private landowners about easements or outright gifts.

However, every funder - federal or foundation - requires that the state and county governments have to be involved if the money is to be used to improve their property.

By the spring of 2005, we reluctantly put the **Ko`olau Greenbelt & Heritage Trails System** into a "sleep mode" with the hope that perhaps it could be resurrected sometime in the not-2-distant future and began to focus on other public policy issues.

Thus, it was with great joy to see **HB2527** introduced and then cross over as **HB2527 HD1**

Requires the Department of Land and Natural Resources to establish a system of greenways and trails. Requires the Office of Planning to coordinate smart growth planning. Effective 07/01/2020. (HB2527 HD1)

However, **DLNR** continues to object on the grounds that the project should be put under the jurisdiction of the **Department of Transportation** because some of the funding comes from the federal government's programs to support alternative transportation models. What **DLNR** could not or would not understand and/or accept is that the bill starts off with planning and then in a year or two moves into the design and construction phases. That will give the department ample time to raise additional money.

They also claim that they do not have the human resources to take part in the planning process even on their own land.

DOT officials have said that they can provide some funds but that their mandate does not include being the lead agency in creating trails, greenbelts or greenways

The **Windward Ahupua`a Alliance** can help with raising matching funds, but we cannot raise money on property we don't own because every funder - federal or foundation - requires that the state and county governments have to be applicants if the trails cross their lands

We urge that you pass out **HB2527 HD1** because greenbelts, greenways & trails are an integral part of Hawai`i's sustainability vision.

Mahalo for the opportunity to testify.

The Windward Ahupua`a Alliance works to educate & inform residents, visitors, businesses, policymakers, and the media about using Smart Growth planning principles which promote sustainability. These include: Designing long-term waste management systems; improving illegal dumping/derelect vehicle legislation & enforcement; developing & implementing comprehensive curbside recycling programs; providing research & support on public access issues; establishing both state & county-level "legacy lands" funds to support affordable workforce housing initiatives and critical land purchases to protect against inappropriate development; creating alternative energy systems to reduce Hawai`i's dependency on fossil fuels & to