

HB1405 HD1

Requires the Office of Planning to establish a statewide system of greenways and trails. Effective July 1, 2030.

(HB1405 HD1)



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

NEIL ABERCROMBIE
GOVERNOR
RICHARD C. LIM
DIRECTOR
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INTERIM DIRECTOR
OFFICE OF PLANNING

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Statement of
JESSE K. SOUKI
Interim Director, Office of Planning
Department of Business, Economic Development, and Tourism
before the
SENATE COMMITTEE ON WATER, LAND, AND HOUSING
AND
SENATE COMMITTEE ON WAYS AND MEANS
Thursday, March 31, 2011
1:15 PM
State Capitol, Conference Room 225

in consideration of
HB 1405, HD 1
RELATING TO PLANNING.

Chairs Dela Cruz and Ige, Vice Chairs Solomon and Kidani, and Members of the Senate Committees on Water, Land, and Housing and Ways and Means.

The Office of Planning (OP) does not support HB 1405, HD 1, because OP does not have the staff and fiscal resources to implement planning for a statewide greenways system, the initiative is not incorporated in the Executive Biennium Budget, and the bill's smart growth concerns are already covered under current State planning and land use laws.

OP is a proponent of smart growth principles, and we believe that a coordinated, statewide greenways system is one element in achieving smart growth. Unfortunately, OP cannot undertake new tasks at this time due to resource constraints and existing priorities.

However, please be aware that OP incorporates smart growth principles into its planning, land use, and Coastal Zone Management programs and activities to the extent that it is consistent with existing law, and to the extent that resources are available to provide technical assistance in the achievement of smart growth principles. Chapter 226, *Hawaii State Planning Act*, Hawaii's Revised Statutes (HRS), contains many policies and guidelines for smart growth, similar to those

enumerated in the bill, and requires as well that decision-makers consider these principles with regard to all major State and County activities, including:

- Ensuring that more affordable housing is made available to very low-, low- and moderate-income segments of Hawai‘i’s population;
- Fostering a variety of lifestyles traditional to Hawai‘i through the design and maintenance of neighborhoods that reflect the culture and values of the community;
- Pursuing an openness and responsiveness in government that permits the flow of public information, interaction, and response;
- Promoting integrated multi-modal transportation system that services statewide needs and promotes the efficient, economical, safe, and convenient movement of people and good;
- Facilitating the use of available vacant, developable, and underutilized urban lands for housing;
- Identifying, conserving, and protecting agricultural and aquacultural lands of importance and initiating programs to promote economically productive agricultural and aquacultural uses of such lands;
- Encouraging urban growth primarily to existing urban areas where adequate public facilities are already available or can be provided with reasonable public expenditures, and away from areas where other important benefits are present, such as protection of important agricultural land or preservation of lifestyles;
- Promoting the preservation and restoration of significant natural and historic resources; and
- Encouraging design and construction practices that enhance the physical qualities of Hawai‘i’s communities.

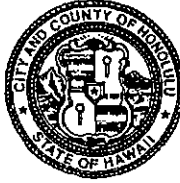
OP, as required by HRS §226-53 in administering the Hawai'i State Planning Act, will continue to incorporate these principles in the performance of its current duties, and will strive to provide technical assistance to implement the smart growth principles embodied in Chapter 226, HRS, as resources permit.

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
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PETER B. CARLISLE
MAYOR



DAVID K. TANQUE
DIRECTOR

JIRO A. SUMADA
DEPUTY DIRECTOR

March 31, 2011

The Honorable Donovan M. Dela Cruz, Chair
and Members of the Committee on Water, Land
and Housing
The Honorable David Y. Ige, Chair
and Members of the Committee on Ways
and Means
State Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chairs Dela Cruz, Ige, and Members:

**Subject: House Bill No. 1405, HD1
Relating to Planning**

The Department of Planning and Permitting (DPP) **supports** House Bill No. 1405, HD1, which would promote smart growth and sustainability in the state by requiring the Office of Planning to develop and establish a statewide system of greenways and trails. Greenways and trails are a key strategy for encouraging more active and healthy lifestyles, as well as more economical and environmentally-friendly means of transportation.

The legislation specifically calls for the creation of a system plan for statewide greenways and trails. Such a plan would provide enhanced predictability for local communities and the community planning process and would allow for more systematic planning, design and funding of greenway and trail projects. It would be helpful to disclose the purpose and scope of this system - i.e., to enhance scenic highways; create "softer solutions" for addressing storm water drainage flows; expand hiking, bicycling and horseback riding opportunities; and/or link parks and other open spaces via pathways.

Please pass House Bill No. 1405, HD1. Thank you for the opportunity to comment.

Very truly yours,

A handwritten signature in black ink, appearing to read "David K. Tanoue", is written over a horizontal line.

David K. Tanoue, Director
Department of Planning and Permitting

DKT:jmf
hb1405hd1-GreenTrail-ba.doc



HB331 Proposed SD2
RELATING TO PUBLIC LANDS
Senate Committee on Water, Land, and Housing
Senate Committee on Ways and Means

March 31, 2011

1:30 p.m.

Room 225

The Office of Hawaiian Affairs offers the following comments on HB331 Proposed SD 2.

Among other things, HB331 Proposed SD2 would allow the Department of Land and Natural Resources (DLNR) to extend lease terms for intensive agricultural, aquaculture, commercial, mariculture, special livestock, pasture, or industrial leases for a total of 65 years.

The bulk of the land managed by DLNR is former government and crown land that was ceded by the Republic of Hawai'i to the United States in 1898, "without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government[.]" P.L. 103-150 (1993). Sixty-five year leases that exceed the length of a generation ties the hands of the community and future generations of land and resource managers and unduly restricts their ability to make sound decisions. Moreover, long-term leases often lead to a sense of entitlement on the part of the lessee that can and has resulted in alienation of leased land in Hawai'i.

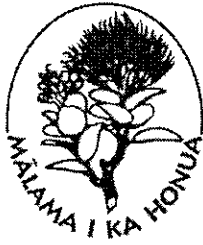
HB331 Proposed SD2 would also create a "public lands development corporation" within DLNR to develop state lands.

The Admission Act section 5(f) created the public land trust pursuant to which certain land and the proceeds or income from the disposition of that land are to be held by the State of Hawai'i for five public purposes, including the betterment of the conditions of native Hawaiians. Accordingly, all state agencies, including DLNR and the proposed public lands development corporation, must serve as a trustee and carry out fiduciary responsibilities in their management of public trust land. These duties include, among other things, acting in the best interest of the beneficiaries, taking reasonable care, acting as a prudent person would in similar circumstances, and performing due diligence.

Hawai'i Admission Act section 5(f), Hawai'i Constitution, article XII, Haw. Rev. Stat. chapter 10, Act 178, SLH (2006), and Executive Order 06-06 impose on

the state further trust obligations with respect to public trust lands, including accurately determining and accounting for all income and proceeds from the use of lands within the public land trust, and transferring to OHA all payments due. OHA requests that this bill be amended to explicitly state that all revenue generated from the use of public trust land under control of the public lands development corporation will be subject to Act 178, SLH 2006.

Mahalo for the opportunity to testify on this measure.



Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.538.6616 hawaii.chapter@sierraclub.org

SENATE COMMITTEE ON WATER, LAND, AND HOUSING SENATE COMMITTEE ON WAYS AND MEANS

March 31, 2011, 1:15 P.M.
(Testimony is 1 page long)

TESTIMONY IN SUPPORT OF HB 1405, HD1

Aloha Chair Dela Cruz, Chair Ige, and Members of the Committees:

The Hawai'i Chapter of the Sierra Club, with 8,000 dues-paying members and supporters, supports HB 1405, HD1. This measure would require the Office of Planning to establish a statewide system of greenways and trails.

Hawai'i offers some of the most stunning hiking trails and beaches in the world, attracting residents and visitors alike for their beauty and challenge. Access to Hawaii's coast and mountain areas for recreational, cultural, or subsistence uses is a core value that residents have respected for generations. While we often take for granted our ability to enjoy and hike on our public land, we need to ensure that these historical trails are protected and connected together to offer maximum use. In addition, long-term planning helps ensure measures are put into place to encourage access to private property for recreational use such as hiking and camping.

Hawai'i's trails and greenway systems are already of an incredible value. The Sierra Club currently leads hundreds of hikes each year, with thousands of high school students, residents, and tourists participating each year, with a strong preference to highlighting the cultural and environmental background of Hawai'i. These programs are incredibly popular and help tie Hawai'i's youth to our *'aina* and the history of our islands.

While the Sierra Club supports the passage of the bill in its present form, we respectfully suggest it might be broadened to look include an examination of other elements of smart growth, including an analysis of the long-term land use planning needed to support Hawai'i's energy and food needs. If there is a willingness to move in this direction, we are happy to provide proposed amendments.

Thank you for this opportunity to provide testimony.



Aha Kiolo Advisory Committee

TESTIMONY in OPPOSITION to

HB 1405 HD 1

RELATING TO PLANNING

Committee on Water, Land and Housing, Committee on Ways and Means

March 31, 2011

1:15 p.m.

Room 225

Submitted by: The Aha Kiolo Advisory Committee: Vanda Hanakahi, Moloka'i (Chair), Leslie Kuloloio, Kahoolawe, (Vice-Chair); Timmy Bailey, Maui; Winifred Basques, Lana'i; Pi'ilani Ka'awaloa, (Po'o) Hawai'i; Charles Kapua, O'ahu; Sharon Pomroy, Kaua'i; Keith Robinson, (Konohiki) Ni'ihau.

Aloha Chair Dela Cruz, Vice-Chair Solomon; Chair Ige, Vice-Chair Kidani and Members of the Committee;

Thank you for the opportunity to testify in opposition to HB 1405 HD 1 which calls for the Office of Planning to develop a plan to establish a statewide system for greenways and trails and to offer comments. We cannot support this measure at this time for the following reasons:

1. There is a State Master Plan for pedestrians in process now through the Dept. of Transportation;
2. The Department of Land and Natural Resources, through its Division of Forestry and Wildlife (DOFAW) already has implemented and works with a statewide system for trails called Na Ala Hele – the Hawaii Trails and Access System as well as working with the Historic Trail Protection & Development program;
3. There is a bill making its way through the legislature, SB 1529, HD 2 that is calling for a task force to review and update the Hawaii State Plan with oversight by the Office of Planning. The Hawaii State Plan incorporates the physical environment – scenic, natural beauty and historic resources;
4. The Counties already address the issue of smart growth and open greenways through county community development plans.

Given the fiscal state of Hawai'i, it would be more prudent to examine the existing programs that are now within the state government system to either consolidate these programs, or to examine whether or not they are duplications and should not be implemented.

Mahalo nui loa,

Vanda Hanakahi, Chair, Moloka'i, Aha Kiolo Advisory Committee

P.O. Box 507, Ho'olehua, HI 96729, Phone: 808-336-6184, kaiwilauula@yahoo.com

March 31, 2011

The Honorable Representative Donovan Dela Cruz, Chair
Senate Committee on Water, Land and Housing
The Honorable David Ige, Chair
Senate Committee on Ways and Means
Hawai'i State Capitol
Honolulu, HI 96813

RE: Testimony supporting HB 1405 HD 1 and a statewide system of greenways and trails

Aloha Chairs Dela Cruz and Ige, and Members of the Committees:

The Outdoor Circle (TOC) appreciates this opportunity to present testimony in support of HB1405 HD 1.

While Hawaii has many wonderful venues for hiking and experiencing the unparalleled beauty of our islands, a statewide hiking network planned in a systematic, comprehensive manner would greatly benefit visitors and residents alike.

HB1405 HD 1 proposes that the Office of Planning (OP) develop a plan to create such a system in conjunction with the counties, the Department of Transportation and the Department of Land and Natural Resources. While TOC is not certain whether the OP is the appropriate agency for this effort, we unequivocally support the intent of the legislation.

We therefore urge the committee to investigate the best possible mix of agencies and to consider including a citizen's advisory committee capable of developing such a plan and accordingly move it along in the legislative process toward passage and eventual implementation.

Please vote in favor of HB1405 HD 1.

Respectfully,

Bob Loy
Director of Environmental Programs

From: mailinglist@capitol.hawaii.gov
To: [WLH Testimony](#)
Cc: nlowen@gmail.com
Subject: Testimony for HB1405 on 3/31/2011 1:15:00 PM
Date: Wednesday, March 30, 2011 12:51:09 PM

Testimony for WLH/WAM 3/31/2011 1:15:00 PM HB1405

Conference room: 225
Testifier position: support
Testifier will be present: No
Submitted by: Nicole Lowen
Organization: Individual
Address:
Phone:
E-mail: nlowen@gmail.com
Submitted on: 3/30/2011

Comments:
Aloha Chairs and Members of the Committee,

The proposed greenways and trails system would benefit Hawaii's residents and visitors, supporting healthy outdoor activity and fostering connections to the environment. Please pass this bill.

Thank you,

Nicole Lowen
Honolulu 96816

From: mailinglist@capitol.hawaii.gov
To: [WLH Testimony](#)
Cc: palmtree7@earthlink.net
Subject: Testimony for HB1405 on 3/31/2011 1:15:00 PM
Date: Wednesday, March 30, 2011 2:09:36 PM

Testimony for WLH/WAM 3/31/2011 1:15:00 PM HB1405

Conference room: 225
Testifier position: support
Testifier will be present: No
Submitted by: janice palma-glennie
Organization: Individual
Address:
Phone:
E-mail: palmtree7@earthlink.net
Submitted on: 3/30/2011

Comments:
long overdue.
mahalo.