

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White



Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

February 14, 2011

TO: The Honorable Jerry L. Chang, Chair
House Committee on Water, Land, & Ocean Resources
The Honorable Hermina M. Morita, Chair
House Committee on Energy & Environmental Protection

FROM: Danny A. Mateo
Council Chair

SUBJECT: **HEARING OF FEBRUARY 15, 2011; TESTIMONY IN OPPOSITION TO HB 917,
RELATING TO TRANSPORTATION**

Thank you for the opportunity to testify in opposition to this important measure. The purpose of this measure is to exempt the State department of transportation, airports and highways divisions, from any county permitting requirements and any county agencies' Special Management Area (SMA) permitting requirements for the development and construction of airports and highways.

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 oppose this measure for the following reasons:

1. This bill appears to unduly usurp county authority and repudiate home rule principles. Airport and highway-related improvements are likely to have substantial impacts on local economic, social, and environment conditions. Therefore, local government should retain authority on decisions about airport and highway-related improvements to the greatest possible extent.
2. This bill violates the spirit, if not the letter, of the Coastal Zone Management Act of 1972 (Title 16, U.S. Code, Sections 1451 et seq.) and the Hawaii Coastal Zone Management Act of 1977 (Chapter 205A, Hawaii Revised Statutes). These statutes express a strong intent for local authority in coastal land use decisions. That intent is currently reflected in the existing SMA permitting scheme established throughout the State of Hawaii and in the County of Maui.
3. I fully appreciate and share the desire to expedite approval of much-needed public infrastructure projects. But I am not convinced that disregarding established policies and procedures at the local level is the best means of doing so. Working with county governments, rather than sidestepping them, may be more productive and beneficial for everyone.

For the foregoing reasons, I oppose this measure.



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

NEIL ABERCROMBIE
GOVERNOR
RICHARD C. LIM
INTERIM DIRECTOR
MARY LOU KOBAYASHI
PLANNING PROGRAM ADMINISTRATOR
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Statement of
MARY LOU KOBAYASHI
Planning Program Administrator, Office of Planning
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON WATER, LAND AND OCEAN RESOURCES
AND
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Tuesday, February 15, 2011

9:30 AM

State Capitol, Conference Room 325

in consideration of
HB 917
RELATING TO TRANSPORTATION.

Chairs Chang and Morita, Vice Chairs Har and Coffman, and Members of the House Committees on Water, Land and Ocean Resources, and Energy and Environmental Protection.

The Office of Planning administers Chapter 205A, Hawaii Revised Statutes (HRS), the Coastal Zone Management (CZM) law. HB 917 amends Sec. 205A-22, HRS, to exclude construction of airports and highways authorized by the state department of transportation from "development" defined in Sec. 205A-22, HRS, and consequently exempt these constructions from the requirements of special management area (SMA) permit.

We oppose this bill for the following reasons:

- 1) The SMA permit was first established in 1975 with the enactment of Act 176, known as the Shoreline Protection Act. It was enacted to avoid permanent losses of valuable resources and the foreclosure of management options. The

SMA permit is a management tool to assure that uses, activities, or operations on land or in or under water within a SMA are designed and carried out in compliance with the CZM objectives and policies, and the SMA guidelines set forth in Chapter 205A, HRS. The proposed amendments conflict with the intent of Chapter 205A Part II SMAs, which was established by the legislature, and undermine the purposes of the SMA permitting system.

- 2) Whether any of uses, activities, or operations within a special management area (SMA) constitutes “development” should be determined by the existence of their potential impacts. The proposed exemptions specifically for the state department of transportation are beyond the category of excluded uses, activities, or operations for “development” defined in Sec. 205A-22, HRS. The exemptions ignore the principles and guidelines first set forth in Act 176-75 and carried on in Sec. 205A-26, HRS, and county SMA rules and ordinances. Construction of public facilities in a SMA, including airports and highways, should be subject to a SMA complete review in order to balance coastal protection and development needs, and balance local and state interests.
- 3) The proposed SMA permit exemptions will set a precedent for other agencies to ask for a similar exemption, and will set a negative example to individuals and businesses in compliance with the SMA permit requirements.

Thank you for the opportunity to offer these comments.

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

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February 14, 2011

TO: Honorable Jerry Chang, Chair
House Committee on Water, Land & Ocean Resources

Honorable Hermina Morita
House Committee on Energy and Environmental Protection

FROM: Bob Carroll
Council Member, East Maui

DATE: Thursday, February 15, 2011 @ 9:30a in Conference Room 325, State Capitol

SUBJECT: **OPPOSITION TO HB 917, RELATING TO TRANSPORTATION**

I oppose HB 917 for the reasons cited in testimony submitted by the Maui County Council Chair Danny Mateo, and urge you to oppose this measure. Thank you.

Respectfully,

A handwritten signature in cursive script that reads "Bob Carroll".

Bob Carroll
Councilmember, East Maui

Council Chair
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Vice-Chair
Joseph Pontanilla

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February 14, 2011

TO: Honorable Jerry L. Chang, Chair
House Committee on Water, Land, and Ocean Resources

Honorable Hermina M. Morita, Chair
House Committee on Energy and Environmental Protection

FROM: Joseph Pontanilla, Council Vice-Chair

A handwritten signature in black ink that reads "Joseph Pontanilla".

DATE: February 15, 2011

SUBJECT: **TESTIMONY IN OPPOSITION TO HB 917, RELATING TO TRANSPORTATION**

Thank you for the opportunity to testify in opposition of this measure. I provide this testimony as an individual member of the Maui County Council.

I **oppose HB 917** for the reasons cited in testimony submitted by Maui County Council Chair Danny A. Mateo. I urge you not to support this measure.

Testimony In support of
HB917
RELATING TO TRANSPORTATION

By Al Lardizabal, Director of Government Relations
Hawaii Laborers' Union

To the Committee on Water, Land & Ocean Resources
and
Committee on Energy & Environmental Protection

Tuesday, February 15, 2011
Room 325, 9:30 a.m.
State Capitol

Representative Jerry L. Chang, Chair; Representative Sharon E. Har, Vice Chair and
Members of the WL&O Resources Committee:

Representative Hermina M. Morita, Chair; Representative Denny Coffman, Vice Chair
and Members of the E&EP Committee:

The Hawaii Laborers' Union supports HB 917 which exempts from county approval state
department of transportation development and construction of highways and airports.

This measure will assist in expediting the planning and construction of needed
infrastructure projects for the various counties and reduce some of the time and workload
associated with the county approval processes.

This type of measure is precisely what is needed to provide employment opportunities
and move needed infrastructure projects within a reasonable time frame while
contributing to the economic growth of the islands. We are confident that the state
department of transportation will continue to work closely with the counties to alleviate
county concerns.

Thank you for the opportunity to submit this testimony.