



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

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The Twenty-Sixth Legislature, State of Hawaii
Hawaii State Senate
Committee on Economic Development and Technology
Committee on Public Safety, Government Operations and Military Affairs
Committee on Water, Land and Housing

Testimony by
Hawaii Government Employees Association

January 31, 2011

H.B. 762 - RELATING TO STREAMLINING
PERMIT, LICENSE, AND APPROVAL
APPLICATION PROCESS

The Hawaii Government Employees Association opposes S.B. 762. The purpose of this bill is to streamline portions of the review process for permits, licenses, and approvals to minimize time delays and to expedite the start of construction for workforce housing and other projects that will result in the generation of construction and other related jobs. This bill would allow each county to contract with a third party to certify compliance with building, electrical, mechanical, plumbing and structural codes as well as land use ordinances, by reviewing an application for permit, license or approval.

The HGEA maintains that any consideration of contracting services of this nature to a third party provider is clearly contrary to the Konno Supreme Court decision stating that all work "customarily and historically" done by government employees should remain with government. The review process is currently done by County employees and the accountability of the issuance of permits, licenses and approvals remains with the Counties.

The HGEA supports the efficiency and streamlining of the review process for the purpose of expediting construction projects. However, there is no compelling reason to allow an outside third party to do the work which is currently done by County employees.

Thank you for the opportunity to testify in opposition of S.B. 762.

Respectfully submitted,

Nora A. Nomura
Deputy Executive Director



LAND USE RESEARCH
FOUNDATION OF HAWAII

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January 31, 2011

Senator Carol Fukunaga, Chair and Senator Glenn Wakai, Vice Chair
Committee on Economic Development and Technology
Senator Will Espero, Chair and Senator Michelle Kidani, Vice Chair
Committee on Public Safety Government Operations, and Military Affairs
Senator Donovan Delacruz, Chair and Senator Malama Solomon, Vice Chair
Committee on Water, Land and Housing

Testimony of the Land Use Research Foundation of Hawaii

Monday, January 31, 2011 at 1:30 p.m. in CR 016

Support for S.B. No. 762 Relating to Streamlining Permit, License, and Approval Application Processing (Authorizes Counties to Contract with 3rd Party Review; SHPD 60 day comment period; 30 days for other agencies)

My name is Dave Arakawa, and I am the Executive Director of the Land Use Research Foundation of Hawaii (LURF), a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF’s missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii’s significant natural and cultural resources and public health and safety.

SB 762. This bill authorizes counties to contract with a third-party reviewer to streamline construction permit, license, and other application processing; provides that applications will be deemed approved if the State Historic Preservation Division (SHPD) fails to review and comment within 60 days, and after 30 days if agencies fail to establish maximum time periods for permit and other application processing. The purpose of this Act is to support the findings of the small business working group and the recommendations proposed by the construction industry task force to streamline portions of the review process for permits, licenses, and approvals to minimize time delays, and to expedite the start of construction for workforce housing and other projects that will result in the generation of construction and other related jobs.

LURF’s Position. LURF **strongly supports SB 762**, which addresses situations where counties do not have a maximum time period to process applications for permits, licenses, approvals, etc. In such cases, this bill establishes a maximum time period that an application for permit, license, or approval shall be deemed granted if not acted upon by the designated agency; specifies that if an agency does not have a maximum time period for approval, that the application shall be deemed approved (30) calendar days after a completed application is submitted; authorizes each county to contract with a third-party reviewer to streamline the

processing of applications; provides immunity for third-party reviewers except for acts of intentional misconduct, gross negligence, or malfeasance; clarifies that previously approved projects that do not impact historic properties are not subject to subsequent reviews by the SPHD; and provides that the maximum time period for SHPD review is sixty (60) days.

The process of reviewing permits, licenses, and approvals for workforce housing and other projects submitted to the State and each county is long and often results in significant delays prior to the start of each project. The proponents of this bill envision that the enactment of certain statutory provisions will help to streamline and enhance the efficiency of the permit and license review and approval process. For example, statutory provisions that establish a maximum time period for agencies to grant or deny related permits, licenses, and approvals, will expedite the start of construction for workforce housing projects throughout the State and will result in the generation of construction and other related jobs that are badly needed in the economy.

Senate Concurrent Resolution No. 132, S.D. 1 (2009), established a Construction Industry Task Force to determine the economic contributions of the construction industry in Hawaii. As directed in the concurrent resolution, the Task Force has developed a series of proposals for State actions to preserve and create new jobs in the local construction industry. The intent of this bill is to implement one of the Task Force's proposals.

Additionally, in 2010 the senate committee on economic development and technology and the house committee on economic revitalization, business, and military affairs convened an informal small business discussion group to address the most critical issues facing the small business sectors. This bill is a product of that working group which included representatives from the business sector, construction and trade industries, food and restaurant industries, retailing, the science and technology sector, the commercial transportation industry and interested stakeholders.

Accordingly, the purpose of this bill is to streamline portions of the review process for permits, licenses, and approvals to minimize time delays and to expedite the start of construction for workforce housing and other projects that will result in the generation of construction and other related jobs.

We appreciate the opportunity to present our **strong support of SB 762**, and ask for your favorable consideration of this bill.

Testimony in Support of SB 762 RELATING TO STREAMLINING PERMIT, LICENSE, AND APPROVAL, APPLICATION PROCESSING.


This testimony is in support of SB 762 762 RELATING TO STREAMLINING PERMIT, LICENSE, AND APPROVAL, APPLICATION PROCESSING. This bill will provide each county with the explicit statutory authority to allow a third-party with permit, license, and approval processing review powers to increase the efficiency and timeliness of permit, license, or approval applications. Palekana Permits is a company that is certified by the City and County of Honolulu to perform third party review of plans prepared by Hawaii-licensed design professionals, for compliance to the building, electrical, structural, and mechanical/plumbing codes. The primary objective of these codes is to protect the safety of the public. This service has relieved much of the backlog of permit applications that need to be reviewed for code compliance before a building permit can be issued.

Palekana has been performing third-party review in the City & County of Honolulu for the past five years. We enjoy a good working relationship with the City & County's Department of Planning and Permitting ("DPP") and work closely with the various personnel to ensure that plans we review conform to the relevant codes. With the current fiscal challenges facing every county, third party review of building permit applications for basic code compliance can be viewed as a solution for accelerating the permit process that does not displace current employees. We know, first hand, that each county has many dedicated professionals who are simply inundated with the volume of building applications that they must review and process. We support allowing each county to adopt third-party review processing as a means to reduce the back log without any reduction of county staff.

Thank you for the opportunity to provide our comments in support of SB 762.


Dennis Enomoto, Principal


Daniel Ide, Principal


John Serikawa, Principal



January 30, 2011

Senate Committees on Economic Development and Technology; Public Safety, Government Operations, and Military Affairs; and Water, Land, and Housing

Hearing Date: Monday, January 31, 1:30 p.m., Conference Room 016

**Subject: SB 762, Relating to Streamlining Permit, License, and Approval Application Processing
TESTIMONY IN OPPOSITION (to portions of the bill)**

Dear Honorable Chairs Senator Carol Fukunaga, Senator Will Espero, and Senator Donovan Dela Cruz , and Honorable Committee Members:

Kennedy/Jenks Consultants **opposes SB 762, Relating to Streamlining Permit, License, and Approval Application Processing**, without revisions. We are in agreement with Section 2 of the bill, related to the use of third-parties to review permit applications. With respect to Sections 3 and 4, engineering firms are often frustrated by long agency approval times, but we question whether automatic approvals in the format stipulated in Sections 3 and 4 of the bill will achieve the intended result.

Firstly, with respect to Section 2 and the proposed use of third-party reviewers, we believe this measure could expedite permit processing if applicants are willing to pay the third-party review fees. This option would be available whether or not agencies have set a timetable for their approval process.

The issue of automatic approvals is more complex. Both Section 3 and Section 4 impose automatic approval deadlines. Section 4 of the bill adds the following to HRS 91-13.5: “If an agency has not adopted rules specifying the maximum time period to grant or deny a permit, license, or approval pursuant to this section, the application shall be deemed approved thirty calendar days after a completed application is submitted to the State or respective county agency; provided that the completed application is submitted to the State or respective county on or after January 1, 2012.”

The term “completed application” is significant. Who defines what a “completed application” entails? Currently, an application is judged “complete” by the reviewing agency, who essentially provides a confirmation to the applicant that they are following the appropriate rules and requirements. Assuming automatic approval provides an applicant substantial risk of fines (for example, for violation of the Clean Water Act) or for legal action if their application is not sound. In our experience, most applicants choose to follow the standard permitting process, even when given the option for automatic approval.

In 2000, the Legislative Reference Bureau (LRB) conducted a study of automatic approvals as set forth in Act 164 (Session Laws of Hawaii 1998), which was codified as HRS 91-13.5. In a 209-page report, the LRB identified a number of concerns with respect to automatic approvals. Concerns matched by the engineering profession include the potential risk to public safety and welfare. The LRB stated: “One example of a conflict created by section 91-13.5, HRS is in the area of county Building Code standards. The issue is whether the automatic approval of building permits that do not comply with the Building Code may jeopardize the public’s health and safety. On the one hand, it may be argued that even if a building permit that does not meet Building Code standards is automatically approved, county agency rules still provide for building inspections and opportunities to remedy the problem before an occupancy permit is issued. On the other hand, it is argued that various factors – including limited staff and agency resources, the complexity of the issues, and the need for too many additional permits requiring input from both

Kennedy/Jenks Consultants

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reviewing and issuing agencies before a final building permit is issued – unreasonably endanger the public’s health and safety by allowing insufficient time for permit review and force the agency to focus most of its attention on responding to permit applications to prevent automatic approval rather than on proactive planning or environmental management.”

The building permit and other permit systems are in place to protect public safety and welfare (including quality of life and the environment). We suggest that automatic approvals defeat the purpose of the permitting system and the associated safeguards. The LRB’s report also noted that threatening automatic approvals can produce “low quality” rules if the timetables are unrealistic, as intense pressure is imposed on the agency. For these reasons, we do not believe automatic approvals are the answer.

One area we believe could be improved upon is a pattern of iterative reviews. That is, an agency will conduct a review and provide comments. The applicant will respond and provide revised submittals, and the agency will provide another round of comments, many of which are in addition to, and not related to, the first round of comments. Applicants should be able to expect to receive one comprehensive review and we propose adding language to the bill to reinforce that expectation.

In summary, we propose the following actions with respect to SB 762:

1. Retain Section 2 to provide applicants an option to expedite the review period for County permits;
2. Delete Sections 3 and 4 setting automatic approval periods; and
3. Add a new Section 3 as follows:

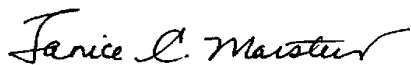
SECTION 3. Section 91, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§13- One-Time Review. If an agency determines that an application for a permit, license or approval is deficient or incomplete, the agency shall provide one complete set of all comments in response to the applicant. Should the applicant respond to the comments to the satisfaction of the agency, the agency shall not have the opportunity to add new comments or requirements before granting the permit, license or approval.”

Our company appreciates the opportunity to provide testimony regarding SB 762. Please do not hesitate to contact me if you have any questions regarding my testimony.

Respectfully submitted,

Kennedy/Jenks Consultants



Janice Marsters, Ph.D., LEED™ AP
Senior Environmental Engineer



January 30, 2011

EDT/PGM/WLH Committees

Re: SB762 Re Streamlining Permit, License, and Approval App. Processing
Hearing: Monday, January 31, 2011 at 1:30 pm in Conf. Room 016

Aloha mai kākou,

Aloha 'Āina 'O Kamilo Nui is a non-profit community organization dedicated to the protection and preservation of the land, natural and cultural resources of Kamilo Nui Valley and the East Honolulu area. Aloha 'Āina 'O Kamilo Nui embraces the Hawaiian values of "aloha 'āina" and "mālama 'āina" (love and care for the land) and strives to protect and perpetuate the 'āina and its cultural resources for the benefit of future generations.

Aloha 'Āina 'O Kamilo Nui is strongly opposed to SB762. Under the guise of "streamlining the review process" SB762 effectively cuts out any timely and meaningful public involvement and review of the appropriateness of a project. The limitation of 60 days for an agency to complete its review and comment places an impossible time frame on neighborhood boards to act on an application since the Boards and committees only meet once a month. It is reprehensible that Hawai'i's cultural, historic and natural resources could be lost because the State Historic Preservation Division, which has been mismanaged and understaffed for years, was unable to respond within the required 60 days.

SB762 must be held because we shouldn't just turn agencies into rubber stamps for development. Mahalo for your kōkua.

'O au nō me ka 'oia'i'o,


Jeannine Johnson



From: [Lee Altenberg](#)
To: [EDTestimony](#)
Cc: [Lee Altenberg](#)
Subject: Re: SB762
Date: Sunday, January 30, 2011 9:09:58 PM

Re: SB762 Hearing, January 31st, 1:30 pm

SB762 should not be approved. This is a "set up and spike" to sabotage the public interest in the evaluation of permit applications. The "set up" is a budget that starves responsible agencies for the resources they need to implement the law. The "spike" is any automatic approval process, which takes advantage of these under-resourced agencies.

The habit of enacting very laudable laws and then failing to provide resources for their enforcement reminds sadly of the Constitution of the PRC, which has wonderful language – like "*Article 35. Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.*" – but the institutions that would implement these words are undermined by the Party. Automatic approval of applications for agencies starved of adequate resources undermines the rule of law in Hawaii and the will of the people just as sure as constitutional rights are undermined in the PRC.

Any legislator who votes for SB762 and who votes against adequate funding of the applicable agencies should be understood to be voting as if for the repeal of regulation by these agencies. This does not represent the public interest of citizens of Hawai`i and should be defeated.

Thank you for your attention,

Dr. Lee Altenberg, Kihei, Maui, Hawai`i

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Lee Altenberg, Ph.D.
Associate Editor, BioSystems
Phone: (808) 875-0745, E-mail: altenber@hawaii.edu
Web: <http://dynamics.org/Altenberg/>

From: marti@kahea.org on behalf of [KAHEA](#)
To: [EDTestimony](#)
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Monday, January 31, 2011 11:32:51 AM

Aloha Chairwoman Fukunaga and members of the Senate Committee on Economic Development and Technology,

We are opposed to SB 762. Automatic approvals undermine the purpose and efficiency of government and tilts the balance of power in favor of those who may wish to exploit Hawaii's public trust resources against the public's best interests.

KAHEA: The Hawaiian Environmental Alliance is a islands-wide network of more than 7,000 people working with cultural practitioners, conservationists, and resource-users to protect Hawaii's unique natural and cultural resources.

Government agencies are established to protect the public's interest in decisions about how our finite and irreplaceable resources are used. While some agencies may be so chronically underfunded that they cannot promptly fulfill their mission, that does not we should turn them into rubber stamp shops.

There are better ways to cure government inefficiencies and ensure the work of our agencies gets done, without totally giving over to commercial interests.

Please do not pass SB 762 or any form of it. Instead, please work towards fully funding agencies to fulfill their mission and creating legitimate mechanisms for providing oversight of government agencies.

Mahalo,
Marti Townsend

Marti Townsend
Program Director

KAHEA: The Hawaiian-Environmental Alliance
<http://www.kahea.org>
<http://blog.kahea.org>

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Honolulu, HI 96837

E ho`omaluku kakou i ka pono, ke `ano o ka nohona a me ka `aina mai na kupuna mai
Protecting Native Hawaiian Traditional and Customary Rights and Our Fragile Environment

**SB 762
RELATING TO STREAMLINING PERMIT, LICENSE, AND APPROVAL
APPLICATION PROCESSING**

**PAUL T. OSHIRO
MANAGER – GOVERNMENT RELATIONS
ALEXANDER & BALDWIN, INC.**

JANUARY 31, 2011

Chair Fukunaga, Chair Espero, Chair Dela Cruz and Members of the Senate
Committees on Economic Development & Technology, Public Safety, Government
Operations & Military Affairs, and Water, Land & Housing:

I am Paul Oshiro, testifying on behalf of Alexander & Baldwin, Inc. (A&B) on SB
762, "A BILL FOR AN ACT RELATING TO STREAMLINING PERMIT, LICENSE, AND
APPROVAL APPLICATION PROCESSING." We support this bill.

The State and County process for the review of permits and other approvals for
workforce housing and other projects often results in delays prior to the start of
construction. It is envisioned that the enactment of statutory provisions to streamline
and enhance the efficiency of the permit review and approval process along with
provisions to establish maximum time periods for agencies to grant or deny related
permits, licenses, and other approvals will expedite the start of construction for these
projects which will result in the generation of construction and other related jobs.

Section 2 of this bill contains enabling legislation authorizing the Counties to offer
third party review services for permits and other approvals. While we understand that
the City & County of Honolulu presently authorizes the use of third party review
services, we understand that liability concerns for entities providing these services has

been cited as a deterrent in attracting third party review service providers. We note that contained in the enabling legislation are provisions to establish a liability threshold to minimize liability exposure for providers of third party review services. We believe that these provisions should result in additional providers of third party review services.

Section 3 of this bill exempts projects previously reviewed by the State Historic Preservation Division and found to have no impact on historic properties and burial sites from subsequent reviews by this division. We believe that this provision will assist in streamlining the Historic Preservation review portion of the permitting process.

Section 4 of this bill clarifies certain provisions in the existing statute that requires the establishment of maximum time periods for consideration of business or development related permits. We understand that these provisions will ensure that deadlines are set for the review of a broader range of permits, which will essentially provide applicants with an estimated time frame on the disposition of their permit applications.

Based on the aforementioned, we respectfully request your favorable consideration on this bill. Thank you for the opportunity to testify.



From: [Erickson, Aaron A.](#)
To: [EDTestimony](#)
Cc: 096754@gmail.com
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Monday, January 31, 2011 10:02:18 AM

Aloha, I work in the field of structural engineering, I am president of the Engineers and Architects of Hawaii (EAH), and a director of the Structural Engineers of Hawaii (SEAOH), and past president of the American Society of Civil Engineers Younger members (ASCE YMF) the views presented herein are my own and do not necessarily represent those of the organizations I am involved in or my employers.

Automatic permit approval is a bad idea, I am all for timely permit processing, but allowing a blind rubber stamp approval on projects that are not reviewed invites all kinds of problems, they should be obvious. Better action would be to properly fund, staff, and support the agencies that are tasked with performing the permit reviews. This proposition reminds me of the lack of oversight of deep water oil drilling industry in the Gulf of Mexico - that didn't turn out so well. Let us learn from that mistake and actually support the permit reviewing process instead of the proposed bill that allows un-reviewed projects to be approved.

Thank you for the opportunity to testify.

Aaron Erickson

Jody Nakanelua

From: Andrea Jepson [jepsona001@hawaii.rr.com]
Sent: Tuesday, February 01, 2011 4:24 PM
To: EDTTestimony
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm

I am opposed to SB762.
Automatic permit approvals are a slippery slope.

For new or continuing developments --

All aspects and their impacts must be carefully examined, voices who know the land must be heard, care must be taken that we are making the best decision for our islands. This takes time for many reasons, not the least of which is chronic understaffing at the state level.

We elect our representatives to be stewards of the land. Automatic permit approvals preclude a thoughtful approach to the way we treat our land.

Andrea Jepson
1111 Koohoo Place
Kailua, HI 96734
263--8202



From: aniko2@juno.com
To: [EDITestimony](#)
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Sunday, January 30, 2011 9:16:17 PM

Dear Senators,

I am opposed to SB762. This bill is a recipe for disasterous developments on our islands. You should be protecting our islands with careful planning. This bill is not it.

Mahalo,

Avi Okin
64-5267 Puanuanu Place
Kamuela, Hi 96743
aniko2@juno.com



From: [Ben Shafer](#)
To: [EDTestimony](#)
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Monday, January 31, 2011 12:29:57 AM

COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY

Senator Carol Fukunaga, Chair; Senator Glenn Wakai, Vice Chair and Committee Members

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS, Senator Will Espero, Chair; Senator Michelle Kidani, Vice Chair, and Committee Members

COMMITTEE ON WATER, LAND, AND HOUSING, Senator Donovan M. Dela Cruz, Chair; Senator Malama Solomon, Vice Chair, and Committee Members

January 31, 2011

Re: I am opposed to SB762.

Aloha Mai Kakou Senators,

I am opposed to SB 762. With the world-wide economy in disarray, Nations, including our Federal, State and County governments nearing bankruptcy conditions. We need leadership that will look for the brightest, talented people to help us get out of this mess

We need talented people who think out of the box to help fix the problems and not sell-sell-sell. We need the checks and balances in our state agencies to ensure that they have the resources needed to do their due diligence at their jobs in a timely manner.

Let's not sell ourselves, our ohana, our communities, and our island short because we are short on cash. Every family I know is short on cash, every family. Many are just above their nose in water. That does not mean we get to skip a few steps in doing our jobs. It doesn't mean we get to rob Kimo so we can pay Kalani. It doesn't mean we give up, because too many people are counting on us. What it does mean is that we have to do our jobs better so we can keep our jobs. We need to be wiser, prudent, and frugal and think of the future. If we sell off to developers without doing our jobs... we reap later what we sowed today.

Mahalo nui loa kakou,

Ben Shafer

52.210 Kamehameha Highway

Hauula, Hawaii 96717

808.222.3138

bdshafer@gmail.com



From: clk@quixnet.net on behalf of [clk](#)
To: [EDTestimony](#)
Subject: SB 762
Date: Sunday, February 06, 2011 11:26:35 AM

I am opposed to SB762. Agencies shouldn't just respond to developer applications. They should also consider the public's concerns and natural resource needs. Automatic permit approvals tilt the balance too far in favor of development.

We need real leadership, with real solutions. There must be alternatives to just turning agencies into rubber stamps for development.

Carolyn Knoll
Kaneohe, Hawaii

EDTTestimony@Capitol.hawaii.gov

Testimony on SB762
for hearing January 31st, 1:30 pm

I am very much opposed to SB762. The idea that a development project should be approved automatically simply because a government agency was not efficient is simply bad policy. While speeding up the permit process is important, that should be done by giving agencies the requisite resources to enable them to respond in good time. On a small island chain, there should be awareness that development must be considered carefully, and that not all development is good. This bill weighs too strongly on the side of all development, without consideration of whether it benefits or does not benefit our state and its people. There are other ways of improving the permitting process that would be far better public policy.

Sincerely,
Carolyn Stephenson
Carolyn.Stephenson@gmail.com



From: mailinglist@capitol.hawaii.gov
To: [EDTTestimony](#)
Cc: kuhiau@hotmail.com
Subject: Testimony for SB762 on 1/31/2011 1:30:00 PM
Date: Monday, January 31, 2011 12:31:26 PM

Testimony for EDT/PGM/WLH 1/31/2011 1:30:00 PM SB762

Conference room: 016
Testifier position: oppose
Testifier will be present: No
Submitted by: Cheryl Lovell-Obatake
Organization: Individual
Address: 3407 Rice St. Lihue, Hawaii
Phone: 808 652-3982
E-mail: kuhiau@hotmail.com
Submitted on: 1/31/2011

Comments:

I support Sara L. Collins, Ph.D., Legislative Chair, Society for Hawaiian Archaeology. Testimony in OPPOSITION to SB 762 (RELATING TO STREAMLINING PERMIT, LICENSE, AND APPROVAL APPLICATION PROCESSING).



Opposition to SB762

Please do not pass SB762 which automatically provides permits to projects no matter if they are harmful to our state or not. This would be a terrible policy. The Historic Preservation Division is a prime example of a department that clearly needs reform. Adding rules that rubber stamp projects after a certain amount of time would make the problems much worse than they already are now.

Mahalo for your time,

Chris Cramer

Honolulu, HI

From: [damian sempio](#)
To: [EDTestimony](#)
Subject: Opposition (SB762 January 31st, 1:30 pm)
Date: Sunday, January 30, 2011 9:13:03 PM

To the representatives of the maoli,

This is my formal testimony for the opposition of SB762. The state must complete its full due diligence when developer applications are submitted. Developments should not be granted based on timelines, but rather based on the effect it will have on people and the environment. True, development and growth has its benefits, though not when there is a finite amount of natural resources available. Within the bigger picture, our natural resources is Hawaii's major source of income. If the beauty of the land and ocean is eclipsed by buildings, then ultimately people will stop coming to Hawai'i.

Mahalo for hearing my voice.

damian sempio

live simply so others can simply live,

ghandi-

From: [Daniel K](#)
To: [EDTestimony](#)
Cc: [Daniel K](#)
Subject: Re: SB762 Hearing, January 31st, 1:30 pm
Date: Monday, January 31, 2011 9:27:14 AM

I am opposed to SB762.

The problem is not the permitting process. The problem is that state agencies, like State Historic Preservation Division (SHPD), are so critically and chronically underfunded that they can not possibly fulfill their oversight mandates. Agencies like SHPD are starved for the resources they need need to implement the laws you make. Automatic approval processes only take advantage of resourced starved agencies and effectively undermine the laws that protect our environment and uphold the rights of the people. Furthermore, they are heavily tilted towards development.

"Haste makes waste" says that when we act to quickly ("haste") we are more likely to make mistakes and end up with poor results ("waste").

Most people are for streamlining government, but an automatic approval of any project has bad policy written all over it. Approvals should be based on the merits of the project, not as a result of government inefficiency. Automatic approval reduces citizens chances of raising important questions or pointing out bad ideas.

How can the legislature strike a balance between expediting the review process while maintaining sufficient oversight to prevent bad decision making?

- Vote to adequately fund applicable agencies, i.e. SHPD, so that they can do their job. Speeding up the process without proper review has resulted in innocent people being executed under the judicial system. I don't want bad projects to automatically be approved in my community because the legislative branched failed to fund proper project review.
- Do not support SB762.

Sincerely,

daniel kanahele
1100 Kupulau Drive
Kihei, HI



From: [David H Dinner](#)
To: [EDTestimony](#)
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Sunday, January 30, 2011 7:29:15 PM

Dear Senators

If I need to enumerate to you the reasons for denying the passage of this bill, you could not have read it. Please read it and deny passage. Our unconsidered growth must be stopped. Thank you for your consideration.

Aloha
David Dinner

David Dinner
Gentlewave Bodywork Inc
Certified Visionary and Biodynamic Craniosacral Care
P.O. Box 942
Hanalei HI 96714
808 639 7845

TO: Members of the Senate Committees on Economic Development and Technology; Public Safety, Government Operations, and Military Affairs; and Water, Land, and Housing

FROM: Deborah Chang, Resident of Hāmākua District, Island of Hawai`i



SUBJECT: S.B. No. 762 "Relating to Streamlining Permit, License, and Approval Application Processing"

HEARING DATE & TIME: January 31, 2011 at 1:30 p.m.

This testimony is in opposition to the following provisions in S.B. 762:

1. ***The 60-day maximum review and comment period for permit reviews that may affect historic properties and burial sites (and automatic approval should the department fail to make that deadline) will ensure that even more Hawaiian cultural and historic sites will be lost forever in a shorter period of time.*** As a former employee of the Hawai`i County Planning Department, I have processed many types of county-level permits and have frequently seen examples of historic and cultural sites that have either been destroyed forever or have narrowly escaped destruction. The system's repeated failure to protect Hawaiian cultural and historic sites is not solely due to the well-known instability of the State's Historic Preservation Division (SHPD). The County is also contributing to these failures. S.B. 762 ignores the complexity of historic preservation's problems and proposes simplistic deadlines in the interest of promoting short-term gains for business interests.
2. ***The January 1, 2012 date for the start of a 30-calendar day maximum review period for agencies that have failed to adopt rules establishing maximum time periods is unrealistic and will ensure that many applications will receive automatic approvals.*** The rule-making process is time-consuming, and agencies that have not yet established time limits will be unable to establish new rules before January 1, 2012, should this bill's provision become effective at the end of this legislative session. Is this in the public's interests to set an effective date that will result in many automatic approvals? A relevant question: How are worker furloughs affecting the speed and thoroughness of permit reviews?
3. ***The bill is silent with regards to State and county agency responsibilities to ensure that laws, rules and regulations are being correctly upheld by the third-parties who are given "approval processing review powers."*** Is it legal for regulatory agencies to delegate their "approval processing review powers" to a third party? The third parties are being provided immunity from liability in the bill, and the state and county regulatory agencies are accountable should mistakes be made by these third parties. This means that agency staff will need to carefully review the work products of these third parties. Will adding a third party speed up the permit process?

Let's not further endanger our unique Hawaiian heritage, fail to protect that which makes Hawai`i attractive and special, and add to governmental (public) liability in our zeal to speed up economic recovery.

Mahalo for your time and attention.



From: [lei ilima rapozo](#)
To: [EDTestimony](#)
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Monday, January 31, 2011 7:53:57 AM

To whom it may concern:

I oppose the passing of SB 762, a measure to automatically approve permits without going through the proper process.

Very truly yours,
Dee Ann Rapozo
3634 Lala Road
Līhu e, HI 96766

--

From: den@aloha.net
To: [EDTestimony](#)
Subject: Opposed to S762
Date: Monday, January 31, 2011 6:51:21 AM

* I am opposed to SB762.

Speeding up government is a good thing, but automatic approval of any project is bad policy.

* Agencies shouldn't just respond to developer applications. They should also consider the public's concerns and natural resource needs. Automatic permit approvals tilt the balance too far in favor of development.

* There are better ideas to be explored. Like creating an office of the ombudsmen to fix problems with misbehaving agencies. Or simply finding ways to give underfunded agencies the resources they need to perform.

* We need real leadership, with real solutions. If government is broken, we should fix it. We shouldn't just turn agencies into rubber stamps for development.

Permits should be granted on their merits, not because of mistake or governmental inefficiency. No community should suffer because government failed to perform.

Sincerely,

Denise Hennig
Lanai City, HI



From: [nunyabus](#)
To: [EDTestimony](#)
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Sunday, January 30, 2011 4:02:13 PM

E. Dunbar
POB 861
Lihue, HI 96766

TESTIMONY IN OPPOSITION TO: **SB762**
January 31, 2011
1:30 PM

SB762 is a very bad idea. It is a step backward. It will cause numerous lawsuits against bad project approvals.

The amount of damage that could proliferate by allowing bad, un-researched projects to fly through the permitting process would be irreparable by the time they were disputed.

Years and years of legislative sessions such as the one hearing this bill would be all for nothing.

Please honor the environmentally concerned citizens that have dedicated their lives to establish laws against this sort of recklessness in order to protect Hawaii's resources and maintain what's left of Hawaii's exquisiteness.

The legislature should fight to kill this bill. If not, then there really is no need for a legislative body in the big picture.

This bill will not make life easier, it will make it a nightmare and enforcement officials will have their hands tied even more.

If the permitting process is unappetizing for the massive influx of outside developers, then tell them to go somewhere else because they obviously are not concerned with the protection of Hawaii.

- I am opposed to SB762.
- Agencies shouldn't just respond to developer applications. They should also consider the public's concerns and natural resource needs. Automatic permit approvals tilt the balance too far in favor of development.
- There are better ideas to be explored. Like creating an office of the ombudsmen to fix problems with misbehaving agencies. Or simply finding ways to give underfunded agencies the resources they need to perform.
- We need real leadership, with real solutions. If government is broken, we should fix it. We shouldn't just turn agencies into rubber stamps for development.

Doris Lam

From: Ed Tamashiro [jbet777@gmail.com]
Sent: Monday, January 31, 2011 10:39 AM
To: EDTTestimony
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm

LATE

I am opposed to SB762.

Any automatic permit approvals tilt the balance too far in favor of development. Approvals should be made on considered merits/demerits of a project, considered public input, but NEVER automatic.

If agencies are unable to establish maximum time periods for application processing, it would suggest agency dysfunction which should be corrected. The solution to dysfunction should NEVER be automatic approvals. I'd really like to know who is behind the rationale of this bill.

Ed Tamashiro



From: [edward.curren](#)
To: [EDTestimony](#)
Subject: SB 762: Hearing 2/11/11 2:30pm
Date: Friday, February 04, 2011 4:48:26 AM

Gentlemen and Ladies:

I am opposed to SB762 and the idea of automatic permit issuance if a set number of days for review and approval are exceeded.

Permit –granting agencies are underfunded. Staff are limited in the time they can give to adequately verify and review permits and establish meaningful workable conditions on permits. Third party reviews are a good idea, but if the agency has limited funding, this provision will be difficult to use.

What is to prevent companies from stacking permit applications to agencies in order to affect limited review of important permits?

Automatic approval provisions are a form of government deregulation of agencies charged with protecting our resources and communities. This is a bad idea.

Edward Curren

P.O. Box 894637

Mililani, HI 96789

LATE



BOARD OF
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January 30, 2011

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EDT/PGM/WLH Committees


RE: SB762

**Streamlining Permits, License, and Approval App. Processing Hearing:
Monday, January 31, 2011 at 1:30 pm in Conf. Rm. 016**

Aloha EDT/PGM/WLH Committees,

Livable Hawaii Kai Hui is **strongly opposed to SB762**. We are not anti-development. We believe in sensible growth respectful of cultural and natural resources. Our organization spent the last six years dedicated to community engagement revolving around the East Honolulu Sustainable Communities Plan, promoting the Neighborhood Board process and encouraging residents to get informed and stay involved on issues which impact the quality of living and ultimately shapes our communities. To that end, we believe SB762 is *counterproductive to public involvement* and will not provide sufficient time for agencies to provide the oversight necessary for adequate *protection of the public interest*. There are existing automatic approval provisions in the current law hence we need not make any change and lower our standard of duty and care. SB762 coupled with cutbacks in government staffing is a recipe for disaster. Here is an example of why:

For the past four years our organization worked to successfully secure land in Hawaii Kai to protect Hawea heiau complex and the critically endangered wetland bird, the 'Alae'ula. Our community driven effort is an example of the type of endeavor that would have failed had SB762 been law as this community project relied heavily on the State Historic Preservation Division which has been understaffed for years and would not have had the resources to adequately perform proper oversight and review within the limitation of 60 days. In other words, had SB762 been law, our important wetland with unique cultural site would not exist -- a good portion of the wetland would have continued to be filled in and Hawea heiau complex paved over for a private tennis court and swimming pool. Current law has automatic approval provisions and we *should not* tamper with it nor compromise its integrity. Please oppose SB762.

Kind regards,

Elizabeth Reilly

Livable Hawaii Kai Hui is a 501(c)(3) non-profit corporation and nonpartisan community action group serving East Honolulu since 2004. We strive to promote sensible growth and respect for the land, focusing on the preservation of the agricultural lots in Kamilo Nui Valley and community stewardship for the protection of natural watersheds, wetlands, natural and scenic resources as well as cultural and historic areas in East Honolulu. The majority of our organization's work serves the immediate needs of the community as well as future generations.

Livable Hawaii Kai Hui | P.O. Box 25493 | Honolulu, Hawaii 96825
Email: hawaiikaihui@aol.com | Website: www.hawaiikaihui.org | Phone: (808) 864-8081

From: [Howard Nett](#)
To: [EDTestimony](#)
Subject: SB762 - Public comment
Date: Sunday, January 30, 2011 9:28:57 PM

To Whom it May Concern,

I am opposed to bill SB762. Agencies shouldn't just respond to developer applications. They should also consider the public's concerns and [natural resource](#) needs. Automatic permit approvals tilt the balance too far in favor of development.

There are better ideas to be explored. Like creating an office of the ombudsmen to fix problems with misbehaving agencies. Or simply finding ways to give underfunded agencies the resources they need to perform. We need real leadership, with real solutions. If government is broken, we should fix it. We shouldn't just turn agencies into rubber stamps for development. Hawaii needs to be very careful how much development it allows in the future in order not to run out resources to sustain the balance between growth and sustainability. Kapolei is a great example. Not nearly enough emphasis on water conservation for a community where it rains 30 days a year at the most.

Mahalo,
Howard Nett

91-1014 Peekaua Street

Kapolei, Hi 96707



From: [Jane](#)
To: [EDTestimony](#)
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Sunday, January 30, 2011 8:11:52 PM

I am opposed to SB762. Hearing of January 31, 2010, at 1:30 pm.

Your thoughtful testimony will preserve the beauty of the State of Hawaii for all time.

Thank you,
Jane Taylor
Kauai, HI



From: [Jay Slivkoff](#)
To: [EDTestimony](#)
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Monday, January 31, 2011 8:58:50 AM

Dear Sirs:

- I am opposed to SB762.
- Automatic permit approvals tilt the balance in favor of development interests. Agencies shouldn't just respond to developer applications, but, rather, should also consider the public's concerns about our natural resource needs.
- Please explore ways to give underfunded agencies the resources they need to perform.
- The Legislature should not turn agencies into rubber stamps for development.

Thank you for considering my testimony.

Sincerely,

Jay Slivkoff
PO Box 667
Volcano, Hawaii 96785

Testimony in Support of SB 762 RELATING TO STREAMLINING PERMIT, LICENSE, AND APPROVAL, APPLICATION PROCESSING.


This testimony is in support of SB 762 762 RELATING TO STREAMLINING PERMIT, LICENSE, AND APPROVAL, APPLICATION PROCESSING. This bill will provide each county with the explicit statutory authority to allow a third-party with permit, license, and approval processing review powers to increase the efficiency and timeliness of permit, license, or approval applications. Palekana Permits is a company that is certified by the City and County of Honolulu to perform third party review of plans prepared by Hawaii-licensed design professionals, for compliance to the building, electrical, structural, and mechanical/plumbing codes. The primary objective of these codes is to protect the safety of the public. This service has relieved much of the backlog of permit applications that need to be reviewed for code compliance before a building permit can be issued.

Palekana has been performing third-party review in the City & County of Honolulu for the past five years. We enjoy a good working relationship with the City & County's Department of Planning and Permitting ("DPP") and work closely with the various personnel to ensure that plans we review conform to the relevant codes. With the current fiscal challenges facing every county, third party review of building permit applications for basic code compliance can be viewed as a solution for accelerating the permit process that does not displace current employees. We know, first hand, that each county has many dedicated professionals who are simply inundated with the volume of building applications that they must review and process. We support allowing each county to adopt third-party review processing as a means to reduce the back log without any reduction of county staff.

Thank you for the opportunity to provide our comments in support of SB 762.


Dennis Enomoto, Principal


Daniel Ide, Principal


John Serikawa, Principal



From: [Julie and Tom Pasquale](#)
To: [EDTestimony](#)
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Sunday, January 30, 2011 9:02:04 PM

I am opposed to SB762.

Automatic approval is bad policy and is not in the best interest of your constituents.

Thank you,

Julie and Tom Pasquale
PO Box 743
Naalehu, HI 96772
808-929-9298

From: [Kehaunani Abad](#)
To: [EDTTestimony](#)
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Monday, January 31, 2011 6:51:24 AM

Testimony in Opposition to SB762

Honorable Senators,

Mahalo for this opportunity to provide testimony to you in opposition to SB762.

Since 1990, I have been involved in a variety of historic preservation cases serving as a community advocate, an expert witness in court cases, an O'ahu Island Burial Council member, and a volunteer archaeological and Hawaiian cultural consultant. As such, I have a clear understanding of the historic preservation process and the potential impact of SB762 on that process.

With the explicit goal of preserving and creating more jobs in the local construction industry, SB762 proposes two major changes to Chapter 6E to streamline the review process:

1. Allowing developers to hire third-party reviewers to review and approve of their own historic preservation documents (e.g., archaeological inventory surveys, mitigation plans, burial treatment plans, etc.).
2. Allowing a maximum of 60 days for the State Historic Preservation Division (SHPD) to complete its reviews of applications and various historic preservation documents, after which such applications or historic preservation documents will be automatically approved.

Allowing third-party reviewers to be hired by developers would be a blatant, extreme conflict of interest that would severely undermine the integrity of the historic preservation review process.

Allowing for automatic approvals if the SHPD does not provide comments on a project within the proposed 60-day maximum, would be--given the chronic and severe underfunding and understaffing of the SHPD--tantamount to the State ignoring its historic preservation responsibilities.

Even without the added stresses to the historic preservation system that would be wrought by SB762, tremendous problems exist. Turning a blind eye to these through automatic approvals or relinquishing responsibility to developers, would only make these problems worse.

A far better solution to ensure more timely reviews by the SHPD would be to adequately fund and staff the division.

Historic sites are vital resources that provide a strong cultural foundation for the many ethnic

groups living in Hawai'i and offer visitors a rich cultural experience that distinguishes Hawai'i from other scenic destinations worldwide. Protecting these through adequately staffing and funding the SHPD would be a sound use of public funds.

Mahalo nui loa for your consideration of my comments.

Me ke aloha,
Kehaunani Abad, PhD



From: [Kitty Lyons](#)
To: [EDTestimony](#)
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Monday, January 31, 2011 4:40:54 PM

To Whom it May Concern,

I am opposed to SB762. We need REAL visionary planning that meets the needs of our community that factors in not only public's concerns, natural resource preservation, and factors in sustainable natural beauty, plus the concept of posterity, which is why most people remain and visit our beautiful aina.

There are many better ideas to be explored to meet the needs of ALL and I would like to encourage the decision making bodies to create a visionary sustainable agency and plan that truly factors in the communities' needs and continues to hold developers and agencies alike accountable. Thank you for your time.

--

Let Your Heartspeak . . .

Peace

Kitty Lyons

Heartspeak Card Co. Mission:

Warm greetings to you

Sweet peace, hope, inspiration

Pure soul-drenched love.

(808) 989-4583



From: [lbc](#)
To: [EDTestimony](#)
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Sunday, January 30, 2011 9:36:43 PM

I am seriously opposed to SB762. I can't believe anyone really thought that giving automatic permits to developers after 30 days if a State agency fails to establish maximum time periods for applications was a good idea. If the government can't get to a permit on time, then change something else. Don't make the public pay because of governmental inefficiency. Who thought this one up? Many things are spiraling out of control nowadays, but this is something which is in our control and we should not allow this absurdity.

Lois Crozer
Kailua

SB 762
RELATING TO STREAMLINING PERMIT, LICENSE, AND APPROVAL APPLICATION
PROCESSING.

Senate Committee of Economic Development and Technology (EDT);
 Senate Committee of Public Safety, Government Operations, and Military Affairs (PGM);
 Senate Committee of Water, Land and Housing (WLH);
 Senate Committee of Ways and Means (WAM)
 Public Hearing – Monday, January 31st, 2011
 1:30 pm, State Capital, Conference Room 225

By

Mahelani Sylva – Private Citizen

Chairpersons and Committee members,

I, Mahelani Sylva, am submitting this written testimony in **opposition to SB 762**.

Streamlining the permitting, licensing and application approval process, strips the rights of community members to voice their concerns that they may have regarding the application / project. These concerns may include and are not limited to:

- Preservation of Cultural sites - often members of the community have provided valuable information which have contributed to maintaining the integrity and sanctity of the area in which the proposed development will occur
- Protection of natural resources - enables the public to question if adequate measures are in place
- Transparency - allows the community to review proposed application and submit comments

As indicated, this bill is to "create new jobs in Hawaii's construction industry". Here, on Kauai, I've had the opportunity to observe, while waiting to cash my pay check, a long line of Spanish speaking construction workers using Western Union to send money back to their families in the mainland. So, create jobs for who?

The State Historic Preservation Division Review process of development determines whether the projects meet federal standards for protection of historic and cultural resources and if proposed projects are in compliance with Section 106. State budget cuts, which resulted in staff cuts, along with the imposed hiring freeze, have seriously impaired this division to fulfill its duties which may affect compliance with Federal and State Laws.

"Compliance reviews are required by Section 106 of the National Preservation Act. Delays of these reviews would drive up the costs of many Federally assisted construction projects funded by other Departments of the Federal Government. The absence of some of these services, for example, the review of Federal undertakings, would seriously and negatively impact the ability of Hawaii to benefit from many other programs of Federal assistance".

Granting automatic approval "if the department fails to complete a review and comment within sixty days", in my perception, is asinine.

Question? If this bill passes and becomes law and the SHPD fails to review and comment within 60 days and project is automatically approved, what happens if the applicant of said project violates Section 106? Since I can't sue the applicant (Section 2 (e), besides the state, as a kanaka, who else can I sue?

If you have any questions, please feel free to contact me. Thank you for your attention to this matter.

Mahalo,

Mahelani Sylva

P. O. Box 927
 Lihue, HI 96766
 NaLeoHawaiian@aol.com



From: [Mardi LaPrade](#)
To: [EDTestimony](#)
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Sunday, January 30, 2011 7:34:15 PM

Dear Sirs,
1-30-11

I am opposed to SB762. I am a member of the Natural Resource Preservation Committee of the Livable Hawaii Kai Hui. Hawaii's cultural and historical resources discovered and as yet undiscovered should not be lost to development. I am not against development, but certainly do not approve of a permitting process that does not protect the cultural and historical treasures in Hawaii for future generations. I am not in favor of this SB762 because it does not allow sufficient time for careful review, notification of concerned parties, and consideration of the resulting impacts.

Public concerns and natural resource needs should also be considered before developer applications are automatically granted. Where is the balance? Where is the wisdom in SB762? Where is our democratic process that allows public input?

Please find a way to fund the Historic Preservation Department and /or provide a balanced way to consider all factors before granting permits to develop. Once these resources are lost the knowledge we could have gained from their study is lost too. The beauty and educational value is lost. The fullness of our history is lost.

Because land is at a premium, and also because we have valuable archeological, cultural, historical, and natural resources that need protection, we cannot blindly grant permits without the time to fairly consider the things that could be lost forever under the tracks of bulldozers and concrete pilings. Development should be carefully planned and all needs considered for the benefit of the community at large.

There are two more matters at hand, one more irreplaceable resource to consider is the unique variety of life forms that have evolved in Hawaii. Many exist only in Hawaii and are often endangered. The possible extinction of living flora and fauna would be a travesty. Remember, Hawaii is the leader in endangered plants and animals. If permits are on the fast track, there will not be time to identify and protect species that could be wiped out or severely impacted due to construction.

Secondly, any burials that are found should be treated with the proper respect and cultural protocol. Not allowing for this would be a deep scar on the honor of our state.

This certain loss of our cultural, historical, and natural resources could destroy our unique charm, the very soul of Hawaii that gives us our identity and draws visitors from around the world. Rather we should be protecting, studying, preserving, and enjoying our natural, cultural, and historical resources. Please do not pass SB762.

Sincerely,

Mardi LaPrade

Natural Resource Preservation Committee

Livable Hawaii Kai Hui

www.hawaiikaihui.org

LATE

From: [margaret](#)
To: [EDTestimony](#)
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Monday, January 31, 2011 9:34:59 AM

Unbelievable --- why don't you just get rid of the permitting process --- and be more honest about it --
- perfect streamlining, rather than providing the pretext of review.... with automatic approvals after 30
days -- despite staff reductions!

The public trust provision of the Hawaii Constitution requires attention to the environment and to
cultural issues.... so if you set up a scheme that allows you to disregard those issues -- you will do so
in violation of the Constitution.

Margaret Wille
Attorney at Law
65-1316 Lihipali Road
Kamuela Hi 96743

From: [Mary Miho Finley](#)
To: [EDTTestimony](#)
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Sunday, January 30, 2011 7:12:07 PM

RE: SB 762 - OPPOSED

This is a very bad idea anytime, but especially so now when the state's in crisis.

Our agency repairs very dilapidated homes occupied by very low income folks. We do this with public funding and so are mandated to carry out historic review with SHPO before doing the work. I have never found the State Historic Preservation Office to be excessively slow or unavailable (since 1993 when I began dealing with them.) And we gladly do the review, knowing the record of the past needs this protection or Hawaii would be all concrete and/or high rises.

I oppose this proposal because:

1) Government agencies should not be turned into rubber stamps for development.

2) Agencies, such as DLNR, have a mission that depends on staff and funding to be well carried out. When resources are slim, such as now, this is no time to reward developers/those with the dough and forget all about the public purpose for which we have this law/Historic Preservation requirement.

3) Wiping out records of our past for parties with the biggest pocketbook is very poor planning. The growing sector of tourism is not flocking to concrete mega-resorts. It's the growing sector looking for authenticity. That is historic, cultural stuff and interaction one on one with real Hawaii residents.

Having worthy old buildings/sites is good for our keiki and for tourism.

Please reject this very bad idea!

Mary Miho Finley

--

Mary Miho Finley
Housing Coordinator
Hawaii County Economic Opportunity Council
47 Rainbow Drive
Hilo, Hawaii 96720
(808) 961-2681 Ext.413 Fax: (808) 961-5201



From: [Mary Young](#)
To: [EDTestimony](#)
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Sunday, January 30, 2011 5:31:49 PM

Honorable Senators,

I am opposed to SB 762 because it seems to favor developers' interests at the expense of Hawaii's natural resources. Our land and other resources need more protection, not less, and automatically granting approval for development because an agency failed to act seems unconscionable. Permits should be granted on their merits, not because of a mistake or inefficiency in the government. Please do not pass this bill.

Thank you for considering my testimony.

Mary Young
Waipahu



From: [Michael Daly](#)
To: [EDTTestimony](#)
Cc: hawaii.chapter@sierraclub.org
Subject: My adoment Opposition to SB762 - Auto-permitting
Date: Sunday, January 30, 2011 11:10:48 PM

To Hawaii Senate:

OPPOSE SB762 - AUTOMATIC PERMITTING

I am writing in support of concerns raised by Robert D. Harris of Sierra Club, Hawai'i. However the content of my letter is my own.

It is government responsibility to make rational decisions based on information available, public input, policy, law and leadership. Sometimes this is not made manifest in a time frame of Special Interest desire, but by factors of environment, available resources and public interest.

Other governments are no doubt facing similar challenges but Hawai'i can lead, not by competing in short sighted relaxing of the permitting process, but by steadfast longterm insurance of safety and natural resources.

Automatic permits made by default because government agencies fail to meet a deadline is ludicrous and dangerous, and certainly not rational or in keeping with democratic accountability.

These are pivotal times where environmental regard and our sustainability is often at odds with development, and it is understandable that every permit applicatilon, now more than ever, be reviewed with close scrutiny. In this climate, the last thing law makers should be doing is to give applicants any indication of a green light or an easy way to corrupt the process.

There maybe fundamental transitional reasons (beyond government failure) why the system is slow.

Senators, applicants wanting permits must understand the changes being demanded of everyone in addressing the problems of over development. Business and residence shold not expect business as usual or business as in the past boom decades. This, now is the culture of bad growth. These islands have some limited resources that are collapsed or collapsing - while renewable resources are under developed!

Even with the obvious monumental URGENCY to permit Smart Growth a responsible government should not wrecklessly allow permits without ever seeing, reviewing, altering where necessary, and approving the application.

Either you have a fair and equal permitting process or you close it down entirely.

Are there applications required for projects that don't really need them, and create unnecessary work?

SOLUTIONS: Correct the process, help agencies and personel achieve better results if that is an issue. Make sure your directors are given the resources to take care of every application, and address the expectation of applicants so that they can plan with patience in these critical times.

FINALLY: REMEMBER, the over development and military's degradation of island resources is an outcome of maintaining the unlawful USA occupation in Hawai'i for which you have chosen to administer this year.

The continuation of such foundational corruption in the region is a dirty and taxing enterprise on kanaka maoli, all people, life and the evironment.

Let me remind you that the determined pre-emptive agenda of global imperialism and capiatism, undertaken by U.S.President McKinley in Hawai'i in 1897, at a time of developed International Law, and

coordinated in many other world places (then and since) together with a U.S. culture of mass consumption, decadence and waste has brought you and your ohana's quality of life to a shameful low with peril for all as the environment bites back.

In order to relieve the problems associated with a perceived need for an Act such as SB762, and to relieve so much wrong in the the fake "State of Hawaii" I recommend you do some island history research, understand and acknowledge the host culture, fulfil the requirement of the Apology Law 103-150 to reconcile grievances with Native Hawai'i and most importantly acknowledge the historic invasion and occupational wrongs to which you are directly connected; wrongs perpetrated unto Queen Lili'oukalani, the Monarch, the Kingdom of Hawai'i.

Yours truthfully
Michael Daly

575 Cooke Street - A-2910
Honolulu Hawai'i 96813



From: geomike5@att.net
To: [EDTestimony](#)
Subject: oppose 762 automatic approval
Date: Monday, January 31, 2011 6:51:26 AM

I oppose SB 762 and ask that you do the same. In these days of furlough, it is possible for the most onerous of requests to be approved by default. If you feel this bill is absolutely necessary, then make the time period 120 days. Think of it! A complex request is submitted at a late hour on December 20. The 30 day limit is January 19. There are 4 weekends in this period, three holidays, and 2 furlough days. Only 17 working days exist in this period, also frequently marked by increased use of leave to spend additional time with families. Government must be a protector, not a rubber stamp. This Bill was poorly thought through.

Mike Reimer
Kailua-Kona

Doris Lam

From: Mike Swerdlow [mike@mikeswerdlow.com]
Sent: Monday, January 31, 2011 11:02 AM
To: EDTTestimony
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm

LATE

- I am opposed to SB762.
- Agencies shouldn't just respond to developer applications. They should also consider the public's concerns and natural resource needs. Automatic permit approvals tilt the balance too far in favor of development.
- There are better ideas to be explored. Like creating an office of the ombudsmen to fix problems with misbehaving agencies. Or simply finding ways to give underfunded agencies the resources they need to perform.
- We need real leadership, with real solutions. If government is broken, we should fix it. We shouldn't just turn agencies into rubber stamps for development.
- Mahalo, Mike Swerdlow

LATE

From: [Neil Frazer](#)
To: [EDTestimony](#)
Subject: Strongly opposed to SB762
Date: Sunday, January 30, 2011 5:38:01 PM

Aloha e Senators,

Inaction on the part of an agency can indicate conflicted views, a need for more information, or simple understaffing. In such cases, deadlines for action would not be in the public interest.

Mahalo for your service to the people of Hawaii.

Neil Frazer

112 Hookea Drive
Kailua, HI 96734
261-6423

From: [Patti Valentine](#)
To: [EDTestimony](#)
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Sunday, January 30, 2011 10:07:45 PM

Dear Lawmakers,

- I am opposed to SB762 and any bills similar to it.
- Agencies shouldn't just respond to developer applications. They should also consider the public's concerns and natural resource needs. Automatic permit approvals tilt the balance too far in favor of development, obviously. PLEASE pay attention to what is happening to our state, and just imagine what could happen if this law gets passed!
- There are better ideas to be explored. Like creating an office of the ombudsmen to fix problems with misbehaving agencies. Or simply finding ways to give underfunded agencies the resources they need to perform. And there's always the option of doing both.
- We need real leadership, with real solutions. If government is broken, we should fix it. We shouldn't just turn agencies into rubber stamps for development. Have mercy!

Thanks for listening,

Patti Valentine



From: [Phyllis Fong](#)
To: [EDTestimony](#)
Subject: Opposition SB762
Date: Tuesday, February 01, 2011 8:06:53 PM

- I am opposed to SB762.
- Agencies shouldn't just respond to developer applications. They should also consider the public's concerns and natural resource needs. Automatic permit approvals tilt the balance too far in favor of development.
- There are better ideas to be explored. Like creating an office of the ombudsmen to fix problems with misbehaving agencies. Or simply finding ways to give underfunded agencies the resources they need to perform.
- We need real leadership, with real solutions. If government is broken, we should fix it. We shouldn't just turn agencies into rubber stamps for development.

Thank you for supporting the Sierra Club,

Phyllis fong



From: [pHyllis](#)
To: [EDTTestimony](#)
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Monday, January 31, 2011 2:08:58 PM

Permits should NOT be automatically granted. This is a very backwards way of allowing anything to happen. If it is important and needs to be done, it can wait until the next opportunity.

Let's go for *merit* over efficiency (or absences or laziness or mistakes.)

Let's not do development for development's sake - let's review possible problems and issues BEFORE issuing permits.

I am opposed to SB762.

Thank you'

Phyllis Hanson
78-7230 Puupele Road
Kailua Kona 96740

From: [Angienora Rogers](#)
To: [EDTestimony](#)
Subject: Testimony in strong opposition to SB 762
Date: Monday, January 31, 2011 9:54:51 AM

Testimony in strong opposition to SB 762

To: Senate Committee voting on SB 762
Date: January 31, 2011
Time: 1:30 pm

Aloha kakou,

My name is Puanani Rogers and I live in the ahupua`a o Kealia, mokupuni o Kaua`i.

I am speaking in strong opposition of SB 762 which states that a permit will be automatically approved even though the application process is not completed within the 30 day approval deadline. Also, approval is automatic even before SHPD has completed their process within 60 days.

This action sabotages the proper protocols of permit approvals and gives developers a huge opportunity to slip their projects through without a lawfully approved process.

We on Kaua`i are very familiar with this issue of automatic approval and it has always worked against us. Its too easy for developers to take advantage of this law. This is an extremely bad policy.

Please vote to oppose SB 762. **Permits for development should be granted on its merits and not on its deadlines.**

Mahalo for your vote to do what is pono for our `aina and our people.

Puanani Rogers, Kupuna
Kealia, Kaua`i
(808) 652-1249

Think Sovereign.....Think Ahupua`a



From: [Robin](#)
To: [EDTestimony](#)
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Monday, January 31, 2011 6:51:25 AM

I am writing to express my opposition to SB762, a bill to be heard on January 31st, 1:30 pm.

I oppose this bill because I do not want our State's agencies to automatically respond to applications from developers without consideration of our natural resources -- and community needs. Our State needs to find ways to provide needed resources for our underfunded but critical agencies.

Robin Kaye

Robin Kaye
rkaye@mdi.net
P.O. Box 631313
Lanai City, HI 96763
808-565-6276 (h)
808-559-6124 (m)



From: [Sandra Herndon](#)
To: [EDTestimony](#)
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Sunday, January 30, 2011 6:05:04 PM

Aloha Kakou!

Mahalo nui loa for the opportunity to offer testimony in opposition to this bill; I feel like the Developers already get "rubber stamp" treatment in many cases, wherein the public welfare and our community's cultural practices are concerned.

A recent case in point is the Joseph Brescia home built on top of a 13th century graveyard, despite the Kaua`i Niihau Islands Burial Council's decision NOT to approve the Burial Treatment Plan due to improprieties, and the lack of due diligence by SHPD and the Kauai County Planning Dept. In spite of a huge community outpouring of outrage, law and testimony were ignored and the house is built, presumably to be sold to the highest bidder, like the rest of his twenty some projects in Wainiha!

I favor the formation of an Ombudsman's Office to correct the problems associated with so many of the Hawaii State Agencies, instead of railroading the public by expediting permits and documents without proper assessment.

I realize "times are hard", and an easy answer is to grease the skids for the developers, but how long can you continue to sell out the very thing that makes Hawaii so unique- it's culture and beauty? The problem with the State of Hawaii is that it's too much like the United States of America- wherein the top 2% keep selling the bottom 98% "The American Dream" and then the buyer finds out it's only a mirage!

Selling Aloha for profit IS NOT sustainable; Taking care of the `Aina and her people, first and foremost, IS!

Please do NOT pass this bill!

Sandy Herndon
Kapaa, HI



From: shannon_rudolph
Subject: I Oppose SB762
Date: Sunday, January 30, 2011 7:41:34 PM

EDT - SB762 - January 31st, 1:30 pm

Aloha!

I am a thirty year resident of Hawai'i and I am completely opposed to SB 762. I think this bill would be terrible for our state, please don't pass this bill!

Mahalo,
Shannon Rudolph
P.O. 243 Holualoa, Hi. 96725

From: [Shelley Muneoka](#)
To: [EDTestimony](#)
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Monday, January 31, 2011 12:02:15 PM

Aloha Chairwoman Fukunaga and members of the Senate Committee on Economic Development and Technology,

I am opposed to SB 762. Automatic approvals undermine the purpose and efficiency of government and tilts the balance of power in favor of those who may wish to exploit Hawaii's public trust resources against the public's best interests.

Government agencies are established to protect the public's interest in decisions about how our finite and irreplaceable resources are used. I know some agencies may be so chronically underfunded that they cannot promptly fulfill their mission, but that does not mean projects should be automatically approved. The consequences of automatic approval can be dire, especially in a time when people are overworked and underpaid--why should our natural resources (and those who love them) pay the price for that? No community should suffer because of the inefficiency of government. We must remember that these places are first and foremost are public trust resources that are supposed to be protected as such--the tables should not be slanted to favor developers as a default. If we are to have government agencies provide any kind of meaningful service, we must, at the very least, consider the public's concerns about irreversible changes to our aina.

Please do not pass SB 762 or any form of it. Instead, please work towards fully funding agencies to fulfill their mission and creating legitimate mechanisms for providing oversight of government agencies.

Mahalo nui,
Shelley Muneoka



30 January 2011

Aloha Committee Chairs and Members,

I strongly oppose SB762 because it makes it easier for developers to defeat those of us who work hard to preserve and protect lands which are of importance to our communities. In short, it sacrifices the quality of life of residents while benefiting developers and that is just wrong. The highest priority for our elected senators should be to support their constituents, not give preference to those seeking to profit.

Please do not allow SB762 to pass. Thank you in advance.

Sincerely,
Stewart Ring



From: [Subhadra Corcoran](#)
To: [EDTestimony](#)
Subject: land use
Date: Monday, January 31, 2011 7:04:42 AM

Please please preserve our land! Thank you. Mrs. Corcoran

LATE

From: [Subhadra Corcoran](#)
To: [EDTestimony](#)
Subject: oppose SB762
Date: Monday, January 31, 2011 7:06:27 AM

sb762 I oppose it with my whole heart and mind.



From: [Sylvia Partridge](#)
To: [EDTestimony](#)
Subject: SB762 hearing on January 31st at 1:30pm
Date: Sunday, January 30, 2011 9:26:36 PM

Re: SB762 hearing on January 31st at 1:30pm

I oppose SB762. No automatic permit approvals please - that would lead to automatically serious mistakes in favor of development.

Sylvia Partridge
3800 Kamehameha Rd., #22
Princeville HI 96722



From: [Tom Tizard](#)
To: [EDTTestimony](#)
Subject: Opposition to SB762 to be heard on 1/31 at 1:30 pm
Date: Sunday, January 30, 2011 9:32:00 PM

- I am opposed to SB762.
- Agencies shouldn't just respond to developer applications. They should also consider the public's concerns and natural resource needs. Automatic permit approvals tilt the balance too far in favor of development.
- There are better ideas to be explored. Like creating an office of the ombudsmen to fix problems with misbehaving agencies. Or simply finding ways to give underfunded agencies the resources they need to perform.
- We need real leadership, with real solutions. If government is broken, we should fix it. We shouldn't just turn agencies into rubber stamps for development.

Mahalo,

T.Tizard
Kailua



From: [Wil Houts](#)
To: [EDTestimony](#)
Subject: SB762
Date: Monday, January 31, 2011 8:47:46 AM

Dear fellow citizen-

I am a sixty-four year young voting/taxing paying citizen who has never sent an opinion letter before, BUT I would like to see our government agencies BE PUBLIC SERVANTS to the greater public concerns than be a rubber stamp to developers !!

Our natural resources are ALL of our concern and what we are preserving for manyMany people to come after us-----as well as our visitors&friends to the islands.

We expect oversight & insight from our agencies NOT Automatic approvals !!!!!

Do your JOB. Do your diligence.

Take some time 2 find those better solutions to conflicting needs without sacrificing areas that need protecting. We must maintain control & over sight of our institutions and businesses, or we all will be affected by the FINANCIAL DESIRES of a few at the expense of the public, who NEED your representation.

NO Automatic approvals.....!!!!!!! Fix that. That should not happen. No loopholes.

Transparency, accountability.

Aloha -

Wil