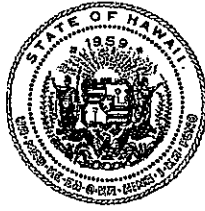


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committees on
WATER, LAND & OCEAN RESOURCES
and
ENERGY & ENVIRONMENTAL PROTECTION**

**Friday, February 10, 2012
9:00 A.M.
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 1813
RELATING TO SPECIAL MANAGEMENT AREAS**

House Bill 1813 proposes to exempt capital improvement projects funded by state or county funds and located on state or county land from Special Management Area (SMA) guidelines and requirements. The Department of Land and Natural Resources (Department) supports the intent of this measure as it could expedite the implementation of construction projects to improve or repair our deteriorated facilities and create jobs to improve the economy.

This measure specifically exempts "capital improvement projects", however, we would like to note that projects implemented by the Department that may be subject to the "Development" criteria under the SMA law could potentially be funded with both "capital improvement" or "operational" funding or a combination thereof. The Department would also like to note that this measure only applies to PART 2 (Special Management Areas) of Chapter 205A, Hawaii Revised Statutes (HRS), and does not include language to exempt projects from PART 3 (Shoreline Setbacks) of Chapter 205A, HRS, which is also a county administered approval.

In an effort to expedite projects, we note that work should still be implemented with proper measures that protect and preserve our natural and cultural resources and the environment. Projects should also be certified by engineering design professionals to ensure compliance with applicable building codes and other county regulations.

Thank you for the opportunity to comment.



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

NEIL ABERCROMBIE
GOVERNOR
RICHARD C. LIM
DIRECTOR
MARY ALICE EVANS
DEPUTY DIRECTOR
JESSE K. SOUKI
DIRECTOR
OFFICE OF PLANNING

OFFICE OF PLANNING

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Statement of
JESSE K. SOUKI
Director, 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**
Friday, February 10, 2012
9:00 AM
State Capitol, Conference Room 325

in consideration of
HB 1813
RELATING TO SPECIAL MANAGEMENT AREAS

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

The Office of Planning (OP) administers Hawaii Revised Statutes (HRS) Chapter 205A, the Coastal Zone Management (CZM) law. The special management area (SMA) permitting system is part of the federal and state approved Hawaii CZM Program. HB1813 adds a section to Part II of HRS Chapter 205A that exempts any capital improvement project within a SMA that is funded, wholly or partially, by state or county funds and located on state or county land from permitting.

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

coastal 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 HRS Chapter 205A. HB1813 conflicts with the intent of Chapter 205A Part II SMAs, which was established by the legislature, and undermines the purposes of the SMA permitting system.

- 2) Whether any of uses, activities, or operations within a SMA constitutes “development” should be determined by the existence of their potential environmental impacts. Any capital improvement project within a SMA that is funded, wholly or partially, by state or county funds and located on state or county land and which could potentially result in significant adverse environmental or ecological effect, should be subject to the requirements of SMA permit in order to avoid losses of valuable coastal resources.
- 3) HRS §205A-5 requires that all agencies shall enforce the objectives and policies defined in HRS §205A-2. The proposed SMA permit exemptions will set an example to other individuals and businesses who may also seek similar exemptions.
- 4) At the administration's direction, OP is working on alternative processes for state projects that are consistent with the CZM Program. Recommendations for alternative processes, in consultation with affected state agencies, will be completed before the next legislative session.

- 5) The respective counties are the authorities for administration of SMA permits and shoreline setback provisions. The counties are also responsible for their own capital improvement projects. It is not clear why county-funded capital improvement projects are included in HB1813.

- 6) HB1813 would jeopardize federal approval of the Hawaii CZM Program, and in turn, the State of Hawaii may lose approximately \$2 million of federal funds annually. This loss of federal funding translates to a loss of nine positions at OP, six positions at the planning department of Hawaii County, four positions at the planning department of Kauai County, and four positions at the planning department of Maui County. These positions perform CZM-related activities such as update and implementation of the Ocean Resources Management Plan, federal consistency reviews, coastal non-point pollution control activities, as well as review of SMA permits and shoreline setback applications and violation investigations thereof.

Thank you for the opportunity to offer these comments.



HB 1813
RELATING TO SPECIAL MANAGEMENT AREAS
House Committee on Water, Land, & Ocean Resources
House Committee on Energy & Environmental Protection

February 10, 2012

9:00 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB 1813, which would exempt capital improvement projects that are funded by state or county funds and located on state or county lands, from compliance with the State's coastal zone management laws, which provide protections for Hawai'i's shore and coastal areas.

Although OHA recognizes the importance of capital improvement projects, the guidelines contained in Chapter 205A, Hawaii Revised Statutes, are crucial for planning and protecting Hawai'i's special management areas (SMAs). State law requires all "development" within the county-defined SMAs to obtain an SMA permit. Due to the proximity of the SMAs to the ocean and shore, an SMA permit requires an applicant to meet certain unique guidelines, including planning for public beach access, proper solid/liquid waste disposal, and natural disaster resilience. SMA permit issuance also requires that certain environmental impacts need to be *minimized* before a project can be approved, including acts that would result in reductions to the size of public beaches, restrictions on coastal access, blocking lines of sight to the ocean, and adverse effects on water quality, fisheries, or wildlife habitat. The SMA process is where the unique coastal environment is given the attention it deserves.

HB 1813 would exempt from Chapter 205A a project of any size, with any amount of state or county funding, that takes place on state or county land. Factors like line of sight, beach access, and impacts to fisheries, wildlife habitat, or agricultural uses would no longer be reviewed as part of the SMA permit process in a wide, and near limitless, range of projects that involve the State or the counties. HB 1813 also ignores compromises already built into the existing law. Although an SMA permit can require considerable analysis for a large project, Chapter 205A also explicitly excludes some projects, including the maintenance of existing structures, road/underground utility repair, installation of underground and aboveground utility lines and fixtures, and many agriculture purposes. Chapter 205A also provides for separate permits for small projects and emergency needs.

The State and counties should maintain their roles in supporting responsible project planning and not exempt local government from state laws meant to protect our fragile coastal areas. Therefore, OHA urges the committees to HOLD HB 1813. Mahalo for the opportunity to testify on this measure.

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Website: www.gcahawaii.org



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded via Capitol Website

February 10, 2012

TO: HONORABLE REPRESENTATIVES JERRY CHANG, SHARON HAR, VICE
CHAIR AND MEMBERS OF THE HOUSE COMMITTEE ON WATER, LAND
& OCEAN RESOURCES

HONORABLE REPRESENTATIVES DENNY COFFMAN, CHAIR, DEREK
KAWAKAMI, VICE CHAIR AND MEMBERS OF THE HOUSE
COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

SUBJECT: **SUPPORT OF H.B. 1813, RELATING TO SPECIAL MANAGEMENT
AREAS.** Exempts any state or county CIP from special management area
guidelines and requirements.

HEARING

DATE: Friday, February 10, 2012

TIME: 9:00 A.M.

PLACE: Conference Room 325

Dear Chairs Chang and Coffman, Vice Chairs Har and Kawakami and Members,

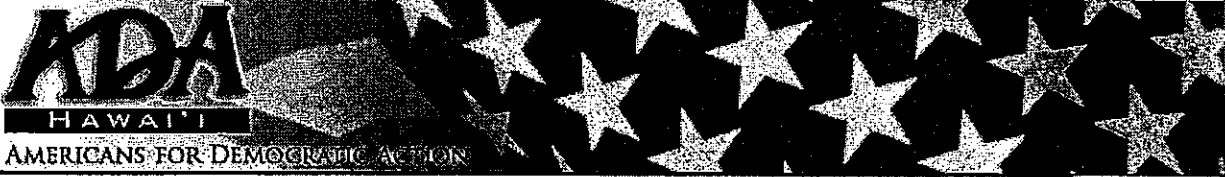
The General Contractors Association (GCA) is an organization comprised of over six hundred (600) general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is celebrating its 80th anniversary this year; it remains the largest construction association in the State of Hawaii. GCA is in support of H.B. 1813, Relating to Special Management Areas.

H.B. 1813 proposes to add a new section to Chapter 205A of the Hawaii Revised Statutes, which would make Special Management Area Use Permits (SMA) inapplicable to any capital improvement projects (CIP) within a special management area funded by state or county appropriations.

GCA supports the passage of H.B. 1813, which will allow state and county CIP projects, previously identified in areas subject to SMA's, to move forward. GCA supports the enactment of H.B. 1813 which will result in further improving the state's existing lands, which will in turn benefit the public's ability to utilize those select facilities. Other federal and state laws, already in place, will provide the necessary protection, if any, to address any cultural or environmental concerns. Additionally, the increased progression of these CIP projects will provide much needed jobs for our local citizens, while at the same time addresses the long backlog of projects held up due to procedural stalls.

For these reasons, GCA supports the passage of H.B. 1813, and recommends its passage.

Thank you for the opportunity to provide our support on this measure.



OFFICERS		DIRECTORS		MAILING ADDRESS
Guy Archer, President	John Bickel	Jan Lubin		PO. Box 617
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Chuck Huxel, Secretary	Nancy Bey Little	George Simson	Marsha Schweitzer (Alt)	

February 8, 2012

Rep. Jerry L. Chang, Chair
 Rep. Sharon E. Har, Vice Chair
 House Committee on Water, Land, & Ocean
 Resources

Rep. Denny Coffman, Chair
 Rep. Derek S. K. Kawakami
 House Committee on Energy & Environmental
 Protection

HB 1813 Relating to Special Management Areas

Public Hearing: Friday, February 10, 2012, 9:00 a.m. Conference Room 325, State Capitol

Dear Chairs Chang and Coffman and Vice Chairs Har and Kawakami:

On behalf of Hawai'i Americans for Democratic Action, I oppose HB 1813, which would exempt any state or county-funded capital improvement project from obtaining a special management area permit pursuant to our Coastal Zone Management (CZM) law contained in HRS Chapter 205A. Our CZM program is funded in part by the federal government and subject to annual federal review.

The objectives of the CZM include: Protecting (i) valuable coastal ecosystems and reefs from disruption, (ii) beaches for public use and recreation, and (iii) historic resources. Other objectives seek to reduce hazard to life and property from tsunami, storm waves, and floods; to improve public participation in management of coastal resources; to provide coastal recreational opportunities to the public; and to promote the protection, use, and development of marine and coastal resources to assure sustainability.

CZM objectives are consistent with Article XI, Section 1, of our State Constitution: "For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State. All public natural resources are held in trust by the State for the benefit of the people." [Add Const Con 1978 and election Nov 7, 1978]

Article XI, Section 9, of our State Constitution states: "Each person has the right to a clean and healthful environment, as defined by laws relating to environmental quality, including control of pollution and conservation, protection and enhancement of natural resources. Any person may enforce this right against any party, public or private, through appropriate legal proceedings, subject to reasonable limitations and regulation as provided by law." [Add Const Con 1978 and election Nov 7, 1978]

HB 1813 would exempt state and county agencies from the CZM Special Management Area permit process, leaving aggrieved parties with no alternative but to pursue burdensome litigation under Article XI, Section 9. The fact that we are currently experiencing an economic slowdown does not justify undermining legal standards that keep our communities and shoreline resources safe and sustainable.

Thank you for your kind attention and review, Guy Archer



LIFE OF THE LAND

76 North King Street, Suite 203
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COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

Rep. Jerry L. Chang, Chair
Rep. Sharon E. Har, Vice Chair

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Denny Coffman, Chair
Rep. Derek S.K. Kawakami, Vice Chair

DATE: Friday, February 10, 2012
TIME: 9:00 a.m.
PLACE: Conference Room 325
BILL: HB 1813 Shoreline Management Area **OPPOSE**

Aloha Chairs Chang and Coffman and Members of the Committees

This bill states that if a state or county contributes 0.1% of the financing to a project on state or county land, the developer trumps the people, the counties and the natural resources of this State.

HB 1813 is yet another attempt to carve away at protections in order to ram through projects that have administrative support.

Sensitive coastal areas deserve the extra layer of protection as codified in the Special Management Area review process and the Coastal Zone Management program.

It is irresponsible to look at economic issues without looking simultaneously at environmental issues. We should be looking for win-win scenarios.

Please hold this bill

Mahalo
Henry Curtis

February 8, 2012

The Honorable Representative Jerry Chang
House Committee on Water, Land and Ocean Resources
The Honorable Representative Denny Coffman
House Committee on Energy and Environmental Protection
Hawai'i State Capitol
Honolulu, HI 96813

RE: Testimony opposing HB1813 relating to Special Management Areas

Chairs Chang, Coffman and Committee Members:

The Outdoor Circle (TOC) opposes this proposed legislation.

HB1813 is another in a string of ill-advised legislation presented at the Capitol this year, all of which have one common thread—watering down or eliminating long-standing safeguards designed to protect our most valuable and desirable lands and natural resources...all in the name of making it easier for development project to move forward.

In this case it's not private developers seeking shortcuts to building commercial projects in sensitive areas...this legislation would exempt our State and county governments from the Special Management Area permit system.

This SMA permit is a management tool to assure that certain developments near Hawaii's priceless shoreline are designed and carried out in compliance with the objectives of Hawaii's Coastal Zone Management program. Hawaii's CZM program was created by the 1977 Hawaii legislature. It has been a proven catalyst for protecting, restoring and responsibly developing Hawaii's important and diverse coastal communities and resources. And the SMA permit is the cornerstone of Hawaii's CZM program.

The potential impacts of government CIP projects are no different from the potential impacts of any other type of development. In our sensitive coastal area they both deserve more attention and scrutiny than projects elsewhere. That's why the legislature created the Coastal Zone Management program and the Special Management Area review process. And that's why this legislation is a threat to Hawaii's fragile coastal environment and the best interests of the people of our islands.

On behalf of thousands of statewide members of The Outdoor Circle we ask you to please hold this toxic legislation.

Respectfully,

Bob Loy
Director of Environmental Programs

BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

Testimony to the House Committees on Water, Land & Ocean Resources And, Energy and Environmental Protection

Friday, February 10, 2012

9:00 a.m.

State Capitol - Conference Room 325

RE: H.B. 1813 RELATING TO SPECIAL MANAGEMENT AREAS

Chairs Coffman and Chang, Vice Chairs Kawakami and Har, and members of the committees:

My name is Gladys Quinto Marrone, Government Relations Director for the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

BIA-HAWAII **supports the intent** of H.B. 1813 and provides comments. The bill proposes to exempt any state or county Capital Improvement Project (CIP) from special management area guidelines and requirements

The bill proposes to amend Chapter 205A HRS by adding the following section:

Exemption for state projects. This part shall not apply to any capital improvement project within a special management area that is funded, wholly or partially, by state or county funds and located on state or county land.

We understand that the State Office of Planning, in a separate bill (HB 2154), indicated that they have developed an alternative permitting process for state projects that is consistent with the coastal zone management program and will present its findings to the Legislature prior to the Regular Session of 2013.

The BIA supports the legislative intent of H.B. 1813; however, given the position of the State Planning Office, we suggest that more details of the proposed "alternative permitting process" proposed by the State Planning Office be provided in order to determine if the legislation proposed in H.B. 1813 is required.

Thank you for the opportunity to share with you our views.



**Testimony to the House Committees on Water, Land & Ocean Resources
And, Energy and Environmental Protection**

Friday, February 10, 2012

9:00 a.m.

State Capitol - Conference Room 325

RE: HOUSE BILL NO. 1813 RELATING TO SPECIAL MANAGEMENT AREAS

Chairs Chang and Coffman, Vice Chairs Har and Kawakami, and members of the committees:

The Chamber of Commerce of Hawaii supports the intent of H.B. No. 1813. The bill proposes to exempt any state or county Capital Improvement Project (CIP) from special management area guidelines and requirements

The Chamber is the largest business organization in Hawaii, representing more than 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

The bill proposes to amend Chapter 205A HRS by adding the following section:

Exemption for state projects. This part shall not apply to any capital improvement project within a special management area that is funded, wholly or partially, by state or county funds and located on state or county land.

We understand that the State Office of Planning, in a separate Bill (HB 2154) indicated that they have developed an alternative permitting process for state projects that is consistent with the coastal zone management program and will present its findings to the Legislature prior to the Regular Session of 2013.

The Chamber supports the legislative intent; however, given the position of the State Planning Office, we suggest that more details of the proposed "alternative permitting process" proposed by the State Planning Office be provided in order to determine if the legislation proposed in HB 1813 is required.

Thank you for this opportunity to express our views.



Marine and Coastal Zone Advocacy Council *Ke Kahu O Na Kumu Wai*

MACZAC Members:

Hawaii Island

Michael Gleason
Roy Takemoto

Kauai

Rhoda Makanani Libre
Bryan Mamaclay

Lanai

Robin Kaye

Maui

Donna L. Brown
James E. Coon

Henry T.S. Lau

Molokai

Michael Sabas

Oahu

Susan A. Sakai
Kimbal Thompson

Testimony of
Susan A. Sakai, Chair
Marine and Coastal Zone Advocacy Council

House Committee on Water, Land and Ocean Resources
and
House Committee on Energy and Environmental Protection
Friday, February 10, 2012, 9:00 AM
State Capitol, Conference Room 325

**HB 1813
RELATING TO SPECIAL MANAGEMENT AREAS**

I am chair of the Marine and Coastal Zone Advocacy Council (MACZAC), representing a group of 12 volunteers from six islands. Established by statute HRS §205A-3.5, MACZAC serves in an advisory capacity to the Hawaii Coastal Zone Management (CZM) Program in the Office of Planning, Department of Business, Economic Development and Tourism (DBEDT). We advocate for the public on coastal and marine issues.

MACZAC concurs with the position taken by the Office of Planning on HB 1813. We oppose exempting state and county CIP projects from SMA permit requirements. Such an exemption would be too broad, bypassing a process designed to protect coastal and marine resources. We believe that this exemption would jeopardize federal funding received by the Hawaii CZM Program, and notably positions in the Office of Planning and in the Hawaii, Kauai, and Maui County planning departments.

A proper solution is to consider alternative processes to expedite county and state projects in the SMA and yet insure consistency with the intent and objectives of the Hawaii CZM law.

Thank you.

COMMITTEE ON WATER, LAND & OCEAN RESOURCES

Rep. Jerry L. Chang, Chair
Rep. Sharon E. Har, Vice Chair

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Denny Coffman, Chair
Rep. Derek S.K. Kawakami, Vice Chair

In Opposition to HB1813, Relating to SMA exemptions for CIP projects
Hearing: February 10, 2012, 9:00 a.m

Dear Honorable Chairs Chang and Coffman

and Members of the Committees:

I strongly **OPPOSE** HB1813 which would exempt capital improvement projects from the provisions and safeguards of Chapter 205A (SMA), if located on state or county lands and funded "partially or wholly" by state or county funds.

The bill is intended to streamline capital improvement projects (CIP) which would help improve our State's infrastructure and create construction jobs. Both of these objectives are worthwhile. However, the bill places certain jobs in jeopardy and could result in job losses, including my own, as well as that of my colleagues. The positions listed in Table 1 could experience work load reductions and thus not be needed should the bill be enacted.

Table 1: Jobs placed at risk with the exemption of CIP projects from SMA permitting

Administrative Staff who transcribe oral into written testimony from Planning Commission meetings	County Clerks who submit notices of the SMA application and hearing notices to the newspaper
Clerks who file and enter SMA application into County computer data bases	Attorneys who represent the Planning Commission during public hearings.
Traffic Engineers who analyze line-of-sight and traffic flow impacts	Traffic Counters who count and forecast traffic
Archaeologists who develop Inventory Surveys and Monitoring Plans	State Historic Preservation staff who review inventory surveys and monitoring plans
Coastal Consultants who evaluate flood hazards and shoreline resource impacts	Environmental Analysts who develop site-specific mitigation measures
County Planning Staff who process SMA applications and develop SMA reports for the Planning Commissions	... and many other positions that are tangential, but an integral part of the planning and permitting process

Furthermore, should a CIP project involve federal funds in any manner, it would likely require a determination by the Office of Planning (OP) that the project is consistency with the federal Coastal Zone Management Act. As such, OP could experience a substantial increase in workload but many projects could encounter long delays given current OP staffing levels.

In summary, HB1813 is unlikely to achieve its objectives of streamlining and job creation. Instead, it could cost jobs, delay projects, and overwhelm at least one government agency. I strongly encourage you to vote against the bill and remove it from further consideration.

Mahalo for the opportunity to comment and participate!

Thorne Abbott

Wailuku - Maui / Waikiki - Oahu

COMMITTEE ON WATER, LAND & OCEAN RESOURCES

Rep. Jerry L. Chang, Chair
Rep. Sharon E. Har, Vice Chair

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Denny Coffman, Chair
Rep. Derek S.K. Kawakami, Vice Chair

In Opposition to HB1813, Relating to SMA exemptions for CIP projects
Hearing: February 10, 2012, 9:00 a.m.

Aloha kakou, Chairs Chang and Coffman and Members of the Committees:

I strongly OPPOSE HB1813 which would permanently exempt capital improvement projects from the provisions and safeguards of Chapter 205A (SMA), if located on state or county lands and funded even "partially" by state or county funds.

Let's count the ways this measure would remove protections in the special management areas of our state, and detail a few of the questions adopting this measure would raise:

- 1) It would reject prior legislative findings that "special controls on developments within an area along the shoreline are necessary to avoid permanent losses of valuable resources and the foreclosure of management options;"
- 2) An exempted CIP project would no longer have to insure that "adequate access, by dedication or other means, to public owned or used beaches, recreation areas, and natural reserves is provided;"
- 3) It would exempt a CIP project from the state's policy "to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawaii;"
- 4) It would strip all authority over such exempted projects from local planning commissions, which on islands such as Lana'i is the only home rule residents have;
- 5) It would strip the local planning commissions from consideration of any "cumulative" effect such exempted CIP projects would have in the SMA areas they know best;
- 6) It would strip the ability to impose penalties and injunctive relief over exempted projects from local communities;

-
- Who would insure that waste treatment, disposition and management have minimal adverse effect upon special management area resources, such as water, scenic and recreational amenities?

- Who would insure that the exempted CIP project will not have any “substantial adverse environmental or ecological effect,” including the assessment of potential “cumulative impacts”?
- Would an exempted CIP project no longer have to be consistent with a county’s duly-adopted “general plan and zoning?”
- If a privately funded CIP project on state/county land applies for and receives a state solar tax credit, is that the equivalent of “partial state funding” sufficient to qualify for the exemption? Could this measure set a precedent creating a rush of what in truth are privately funded projects seeking wholesale exemption from SMA oversight?
- Chapter 205A, HRS, was enacted to comply with the Federal Coastal Zone Management Act of 1972; could this attempt to exempt state and county projects from review be considered an impermissible preemption of federal law?
- If federal activities must be “fully consistent” with the provisions of Hawaii’s state coastal management program, how can state and county CIP projects, funding for which could include a “federal” contribution, be exempt?
- Do the Committees really think county governments and planning commissions will stand idly by while the state strips them of oversight in the development of their SMAs on their respective islands?

I hope not.

HB1813 would set a dangerous precedent and rob the counties and local planning commissions of the ability to govern/oversee development in their own SMAs. Nothing good ever comes from wholesale and permanent exemptions from duly enacted laws. Times of stress, in this case economic, are most susceptible to poorly-conceived attempts to “fast-track” projects. It is also the most dangerous time to take such actions. This bill constitutes an attempt to preempt Federal law and would have one certain consequence: much litigation.

Please HOLD this bill.

Mahalo for the opportunity to comment,

Sally Kaye
Lana'i City

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 2:54 PM
To: WLOtestimony
Cc: beverlyzigmond@juno.com
Subject: Testimony for HB1813 on 2/10/2012 9:00:00 AM

Testimony for WLO/EEP 2/10/2012 9:00:00 AM HB1813

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: beverly zigmond
Organization: Individual
E-mail: beverlyzigmond@juno.com
Submitted on: 2/8/2012

Comments:

As a resident of Lana`i, and a former member of the Lana`i Planning commission, I OPPOSE this bill. The SMA rules are one of few true home rules in that the local planning commission has review. The SMA was created to place special controls on developments within an area along the shoreline, deemed necessary to avoid permanent losses of valuable resources. This bill would undermine the intent of the SMA. I urge you to OPPOSE this bill. Mahalo. Beverly Zigmond, Lana`i City