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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 2154 HD1
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.

HB 2154 HD1 is a sunset bill to exempt all structures and improvements to land, to be used for airport purposes from SMA permitting provided that the structures and improvements relating to airports are necessary to comply with Federal Aviation Administration (FAA) regulations.

OP supports HB 2154 HD1 for the following reasons:

- 1) Federal Aviation Administration (FAA) permits and licenses are identified on the National Oceanic and Atmospheric Administration (NOAA) approved list of "Federal Licenses and Permits Subject to Federal Consistency Certification," in accordance with 15 CFR 930.53. The FAA "permits and licenses for construction and operation of airports" are subject to Hawaii Coastal Zone Management (CZM) Program federal consistency review.
- 2) The requirements of the National Environmental Policy Act (NEPA) and Hawaii Revised Statutes (HRS) Chapter 343 Environmental Impact Statements (EIS) are applicable to structures and improvements relating to airports. The Office of Planning as the lead agency of Hawaii CZM Program will continue to review and comment on NEPA and EIS documents in that regard.
- 3) HB 2154 HD1, which amends HRS §261-4, will provide the department of transportation with sufficient authority to plan, design and construct airports, subject to Hawaii CZM Program federal consistency review, without sacrificing special controls on developments within an area along the shoreline in order to avoid permanent losses of valuable coastal resources.
- 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 state agencies, will be completed before the next legislative session.

Thank you for the opportunity to provide testimony on this measure.

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GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

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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. 2154, HD1 RELATING TO SPECIAL MANAGEMENT AREA USE PERMITS.** Adds a provisional exception to the Special Management Area Use Permit requirement for development by excluding airports when necessary to comply with Federal Aviation Administration regulations.

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. 2154, HD1, Relating to Special Management Area Use Permits.

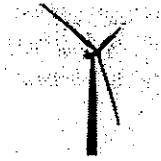
This bill would amend Section 261-4, Hawaii Revised Statutes to provide an exception to the Special Management Area Use Permit requirement relating to development to exclude airports, structures and improvements when such work is necessary to comply with Federal Aviation Administration (FAA) regulations.

GCA supports the passage of H.B. 2154, HD1 to insure that Hawaii's airport structures are safe for the traveling public. The tourist industry, as a vital part of Hawaii's economy depends on air travel to transport the majority of visitors. Air cargo constitutes a large part of the necessities for our citizens. We cannot afford to see any disruption in air traffic due to failure of our airports to comply with FAA regulations.

Since this exemption will be only for a period of less than two years, no major construction can be mounted in that time and therefore, we believe that it is a reasonable and prudent method to ensure compliance with federal regulation.

For these reasons, GCA supports the passage of H.B. 2154, HD1, and recommends its passage.

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



LIFE OF THE LAND

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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 2154 HD1 Shoreline Management Area

OPPOSE

Aloha Chairs Chang and Coffman, Vice Chairs Har and Kawakami, and Members of the Committees

My name is Henry Curtis and I am the Executive Director of Life of the Land, Hawai`i's own energy, environmental and community action group advocating for the people and `aina for four decades. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

There are two very different issues which this bill appears to deal with.

One is hindsight-oriented, recognizing that a past mistake was made, and now needing to do something as per federal requirements.

The second is to plan something new, knowing that federal regulations will require you to do something, and then turning around and saying that the coastal zones intrusions are beyond the control of the State because you had to follow federal regulations.

The bill is vague as to what is being covered, what FAA requirements are a problem, what other things can be done to mitigate the problem, whether this is an end run around state law, or whether the law isn't really needed now but its nice to have in your back pocket for future actions.

DOT also has less than a stellar record protecting natural resources, seeking instead to focus on expediency.

Please hold this bill

Mahalo

Henry Curtis