



LATE TESTIMONY

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IN REPLY REFER TO:

February 10, 2012

HB 2154 HD1 RELATING TO SPECIAL MANAGEMENT AREA USE PERMITS

HOUSE COMMITTEE(S) ON WATER, LAND & OCEAN RESOURCES and
ENERGY & ENVIRONMENTAL PROTECTION

The Department of Transportation supports House Bill No. 2154, HD1. This bill will exempt development at airports from special management area permitting requirements if the development is necessary to comply with Federal Aviation Administration (FAA) regulations.

Securing special management area permits can be time consuming and delay projects from going to construction when funding and procurement have been completed. This bill will help the Department complete projects quicker to insure compliance with FAA regulations concerning requirements such as airfield safety and also assist with the ability to receive discretionary grants which are based on timely expenditure performance.

Thank you for the opportunity to provide testimony.





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HOUSE COMMITTEE ON WATER, LAND, & OCEAN RESOURCES HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

February 10, 2012, 9:00 A.M.
(Testimony is 1 page long)

TESTIMONY IN OPPOSITION TO HB 2154 (HD1)

Aloha Chair Chang, Chair Coffman, and Committee Members -

The Sierra Club, Hawai'i Chapter, with 9,000 dues-paying members and supporters, opposes HB 2154 (HD1). This bill would exempt airport projects from the coastal zone management act if it is "necessary to comply with Federal Aviation Administration regulations."

This bill is vague and unnecessary. First, all federal funded projects would still need to obtain a CZM consistency determination from the Office of Planning. Similarly, federally funded projects would need to show consistency with the federal coastal zone management act. This would shift the review burden from the counties to the Office of Planning. Does the Office of Planning have the staff and capacity to handle this responsibility? Would this add more delay to the process?

Second, the language "necessary to comply with Federal Aviation Administration" could unreasonably justify projects when there is an arbitrary determination that such a project is needed. Assuming the intent of this bill is to authorize emergency situations (comply with the federal regulations or "else"), the bill should reflect a determination by the FAA that state airport does not comport with pertinent regulations and particular changes are needed. *At the very least, this bill should require some emergency that would justify the exemption* -- otherwise, there cannot be harm with requiring DOT to interact with experts on how to mitigate potential impacts to the coastline and our reefs.

Proponents will likely call this an economic stimulus measure. As written, it is a penny-wise, pound-foolish proposal. Do we really want to encourage the development of airports without examining the particularized impacts on the neighborhood or the marine environment? The economic benefit -- if any -- is not worth the destruction of our democratic process and the resulting risks to our natural environment.

Mahalo for the opportunity to submit testimony.