



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

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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 FINANCE

Monday, February 27, 2012
1:00 PM
State Capitol, Conference Room 308

in consideration of
HB 2325 HD1
RELATING TO BROADBAND.

Chair Oshiro, Vice Chair Lee, and Members of the House Committee on Finance.

The Office of Planning (OP) administers Hawaii Revised Statutes (HRS) Chapter 205A, Hawaii's Coastal Zone Management (CZM) law, which implements the CZM Act passed by the U.S. Congress in 1972. The special management area (SMA) permitting system is part of the federal and state approved Hawaii CZM Program. The SMA, a subset of the larger coastal zone, generally extends inland from the shoreline to the nearest highway. This is the most sensitive area of the coastal zone, within which the legislature determined that special controls on developments were needed to (1) avoid permanent losses of valuable resources and the foreclosure of management options, (2) ensure that adequate access, by dedication or other means, to public owned or used beaches, recreation areas, and natural reserves is provided, and (3) preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawaii. See HRS §205A-21. Within this narrow band around the coast, proposed "development" is required to obtain an SMA permit from the respective county within which it is located.

HB 2325 HD1 proposes to add a new section to HRS Chapter 27, part VII, that provides for automatic approval of state permit applications for broadband related permits if action on the permit is not taken within 45 days of a complete permit application and full payment of any applicable fee. State permits for which approval of a federal agency is explicitly required pursuant to federal law, rule or regulation, prior to granting final permit approval by the State are not subject to the 45 day action deadline.

The bill also adds similar provisions above to HRS Chapter 46 for broadband related county permits.

OP supports the intent of this bill to streamline permitting for development of broadband facilities. However, to provide state agencies with adequate time to properly review and act upon broadband related permit applications, we recommend that the review and action be made on state permit applications within 120 days of submission of a complete application and full payment of any application fee, consistent with 120 day action deadline proposed in Section 3 (a) HB 2653 HD1, Relating to Telecommunications.

OP is working with state agencies to develop a streamlined process that maintains consistency with the federal and state approved CZM Program. However, we still need to formalize the process, coordinate with other affected state agencies, and confer with the National Oceanic and Atmospheric Administration (the federal agency which funds the state's CZM Program). The Administration will have a proposed bill to address these issues in the next legislative session.

In the interim, OP supports certain stop-gap bills that exempt certain state projects from SMA permitting, because those bills include a sunset date, do not change HRS Chapter 205A, and provide that the affected agencies will consult with the CZM Program on consistency.

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

NEIL ABERCROMBIE
GOVERNOR



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IN REPLY REFER TO:

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869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 27, 2012

**H.B. 2325 H.D. 1
RELATING TO BROADBAND**

HOUSE COMMITTEE ON FINANCE

LATE TESTIMONY

The Department of Transportation supports House Bill 2325, House Draft 1.

This bill proposes to exempt the installation, improvement, construction, or development of infrastructure relating to broadband service or broadband technology if an application is not approved within forty-five days. The Department will have an opportunity to review planned work and will not be held liable for any non-approval.

Thank you for the opportunity to provide testimony.





Sierra Club Hawai'i Chapter

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LATE TESTIMONY

HOUSE COMMITTEE ON FINANCE

February 26, 2012, 1:00 P.M.
(Testimony is 1 page long)

TESTIMONY IN OPPOSITION TO HB 2325 (HD1)

Aloha Chair Oshiro and Members of the Committees:

The Sierra Club of Hawai'i strongly *opposes* HB 2324 (HD1). This bill requires all permits to be acted upon within forty-five days or be considered automatically approved. It also eliminates any judicial remedy.

First, the "automatic approval" of any project is simply poor policy. Permits should be granted on their merits, not by mistake or governmental inefficiency. No community should suffer because government failed to perform.

Second, this bill is *per se* unconstitutional. We suggest the State save itself and any projects it wants to advance from a resulting lawsuit by holding this bill.

Mahalo for the opportunity to testify.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2012 8:16 AM
To: FINTestimony
Cc: valriegriffith@yahoo.com
Subject: Testimony for HB2325 on 2/27/2012 1:00:00 PM

Testimony for FIN 2/27/2012 1:00:00 PM HB2325

Conference room: 308
Testifier position: Oppose
Testifier will be present: No
Submitted by: valrie
Organization: Individual
E-mail: valriegriffith@yahoo.com
Submitted on: 2/27/2012

LATE TESTIMONY

Comments:

pls don't pass this bill. time to review is very important. with no time to review bill things can get rejected and bad things can get accepted. mahalo

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2012 9:10 AM
To: FINTestimony
Cc: JenvVo@gmail.com
Subject: Testimony for HB2325 on 2/27/2012 1:00:00 PM

Testimony for FIN 2/27/2012 1:00:00 PM HB2325

Conference room: 308
Testifier position: Oppose
Testifier will be present: No
Submitted by: Jennifer Ungacta
Organization: Individual
E-mail: JenvVo@gmail.com
Submitted on: 2/27/2012

LATE TESTIMONY

Comments:

To have the project automatically approved after 45 days - especially when we all know the government can get very busy and things put on hold - smacks of special interest trying to slide one by the people. This should absolutely NOT be approved. If anything, the proposal should either be denied after 45 days or placed in stasis until it's able to be decided upon by the government. Don't let corporations take advantage of Hawaii's people!

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2012 9:15 AM
To: FINTestimony
Cc: Balana8@gmail.com
Subject: Testimony for HB2325 on 2/27/2012 1:00:00 PM

Testimony for FIN 2/27/2012 1:00:00 PM HB2325

LATE TESTIMONY

Conference room: 308
Testifier position: Oppose
Testifier will be present: No
Submitted by: Alana Bryant
Organization: Individual
E-mail: 8alana8@gmail.com
Submitted on: 2/27/2012

Comments:

I strongly oppose HB 2325. This bill is just unfair and counter-intuitive. Automatically approving project that has not been decided on after 45 days does not create a level playing field. Broadband projects would be more likely to be approved without allowing the public—the people who the projects would actually impact—have a say. Automatic approval after 45 days would prevent any lawsuits or challenges by ordinary citizens. Broadband projects like undersea boring, grading of land, and construction of towers are the exact type of project that should be thought about and talked about, not automatically pushed through. How reckless. We need to think about how these projects impact locals, tourists, the land, and the ocean. Please do not allow more reckless development, and oppose HB 2325.

Mahalo nui,
Alana Bryant

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2012 1:08 PM
To: FINTestimony
Cc: shawdm@alum.uroc.rochester.edu
Subject: Testimony for HB2325 on 2/27/2012 1:00:00 PM

Testimony for FIN 2/27/2012 1:00:00 PM HB2325

LATE TESTIMONY

Conference room: 308
Testifier position: Oppose
Testifier will be present: No
Submitted by: Diana Shaw
Organization: Individual
E-mail: shawdm@alum.uroc.rochester.edu
Submitted on: 2/27/2012

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2012 1:22 PM
To: FINTestimony
Cc: Osako@wave.hicv.net
Subject: Testimony for HB2325 on 2/27/2012 1:00:00 PM

LATE TESTIMONY

Testimony for FIN 2/27/2012 1:00:00 PM HB2325

Conference room: 308
Testifier position: Oppose
Testifier will be present: No
Submitted by: Warren Osako
Organization: Individual
E-mail: Osako@wave.hicv.net
Submitted on: 2/27/2012

Comments:

I oppose this bill. Our environmental review laws should not be bypassed.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2012 1:21 PM
To: FINTestimony
Cc: brilana@gmail.com
Subject: Testimony for HB2325 on 2/27/2012 1:00:00 PM

LATE TESTIMONY

Testimony for FIN 2/27/2012 1:00:00 PM HB2325

Conference room: 308
Testifier position: Oppose
Testifier will be present: No
Submitted by: Brilana Silva
Organization: Individual
E-mail: brilana@gmail.com
Submitted on: 2/27/2012

Comments: