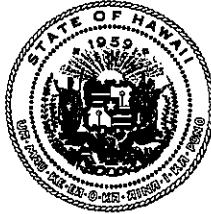
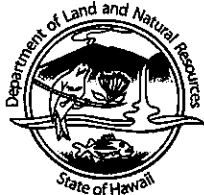


NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

GUY H. KAULUKUKUI  
FIRST DEPUTY  
WILLIAM J. AILA, JR.  
DEPUTY DIRECTOR WATER

## LATE TESTIMONY

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
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KAAHOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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

**Before the House Committee on  
ECONOMIC REVITALIZATION & BUSINESS**

**Tuesday February 7, 2012  
8:30AM  
State Capitol, Conference Room 312**

**In consideration of  
HOUSE BILL 2325  
RELATING TO BROADBAND**

House Bill 2325 proposes to require the approval of state permits for broadband related permits within forty-five days of submission of a complete permit application. If on the forty-sixth day an application is not approved, approved with modifications, or disapproved, it shall be deemed approved by the State. The Department of Land and Natural Resources (Department) offers the following concerns.

The proposed measure does not contain a list of state or county permits for broadband facilities that would be subject to expedited review and/or automatic approval. In addition, if broadband facilities are subject to Chapter 343, Hawaii Revised Statutes (HRS) (Chapter 343, HRS, is not a permit function), it is unclear how this function would be completed, under such a stringent permit processing timeframe. The measure also stipulates that "the term [broadband related permits] does not include any state permit for which the approval of a federal agency is explicitly required..." In general, this measure lacks specificity and would be difficult to implement in its present form as there would likely be confusion or disagreement over what permits would actually be affected, and how Chapter 343, HRS, process would be completed. Also the term "broadband related permits" is vague. Specifically, the term "related" should not be used in this context as it could be construed to be related to almost anything.

As an alternative to this measure, the Legislature should endeavor to create a single permitting authority for "broadband permits" and exempt broadband facilities from other permits. This process needs to be articulated in state law with specific details about the single permitting authority and guidelines for the processing of permits. The single permitting authority would coordinate permit processing with other agencies and stakeholders. A more reasonable timeframe than forty-five days is required to complete the process.

NEIL ABERCROMBIE  
GOVERNOR



GLENN M. OKIMOTO  
DIRECTOR

**LATE TESTIMONY**

Deputy Directors  
FRED S. PUNJOSAMI  
JADE BUTAY  
RANDY GRUNE  
JADINE URASAKI

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

February 7, 2012

**HB 2325**  
**RELATING TO BROADBAND**

COMMITTEE ON ECONOMIC REVITALIZATION & BUSINESS

The Department of Transportation *support* this bill.

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.

