

HB2613, HD1

RELATING TO TRANSPORTATION.

Amends chapter 266, Hawaii Revised Statutes, to exempt the Department of Transportation, Harbors Division, from the permit and site plan approval requirements relating to submerged lands within the conservation district.
(HB2613 HD1)

NEIL ABERCROMBIE
GOVERNOR



GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

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

IN REPLY REFER TO:

March 14, 2012

**H.B. 2613, H.D. 1
RELATING TO TRANSPORTATION**

SENATE COMMITTEE(S) ON WATER, LAND & HOUSING
and TRANSPORTATION & INTERNATIONAL AFFAIRS

The Department of Transportation (DOT) strongly supports this administration bill to amend Chapter 266, Hawaii Revised Statutes. The bill provides an exemption for submerged lands within the State's commercial harbors system from the provisions of Chapter 183C, Hawaii Revised Statutes, relating to permits and site plans approvals for submerged lands within the conservation district.

DOT is already subject to the rigorous requirements of Chapter 343, Hawaii Revised Statutes, as well as the permit requirements by the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, and oversight by the State Department of Health for federal programs such as the Clean Water Act. Much if not all of the above requirements duplicate and even exceed what is required under the permit and site plan approvals for submerged lands in the conservation district within our commercial harbors system.

This bill, by exempting the need for a permit for submerged lands within the harbors' conservation district, will eliminate delays for harbor projects by removing redundant and duplicative data gathering and review processes that are in place and already adequately address environmental concerns and the public interest. This will allow the DOT Harbors Division to more timely and efficiently implement harbor projects that meet the growing needs of the maritime industry.

We urge your support for this bill.



HISTORIC HAWAII FOUNDATION

To: Senator Donovan M. Dela Cruz, Chair
Senator Mālama Solomon, Vice Chair
Committee on Water, Land and Housing

Senator J. Kalani English, Chair
Senator Will Espero, Vice Chair
Committee on Transportation and International Affairs

From: Kiersten Faulkner
Executive Director, Historic Hawai'i Foundation

Committee Date: Wednesday, March 14, 2012
1:15 p.m.
Conference Room 224

Subject: **HB 2613 HD1, Relating to Transportation**

On behalf of **Historic Hawai'i Foundation (HHF)**, I am writing in **opposition to HB 2613 HD1, Relating to Transportation**. The bill would exempt the Department of Transportation, Harbors Division, from the permit and site plan approvals requirements relating to submerged lands within the conservation district.

Since 1974, Historic Hawai'i Foundation has been a statewide leader for historic preservation. HHF's 850 members and numerous additional supporters work to preserve Hawai'i's unique architectural and cultural heritage and believe that historic preservation is an important element in the present and future quality of life, economic viability and environmental sustainability of the state.

The State Department of Transportation is the steward and caretaker for many historic and cultural properties, including sites and objects that may be located within submerged lands. These include culturally significant properties, as well as historic artifacts or objects that may be related to a specific setting or environment.

Under HRS 6E-8, State departments consult with the historic preservation division to review proposals and determine whether they could cause an adverse effect to a historic property, including those located on submerged lands, and the project may proceed with the concurrence of the historic preservation division. This process provides a safeguard to avoid, minimize or mitigate adverse effects to the State's historic and cultural properties. The process also works in conjunction with similar requirements under the National Historic Preservation Act and the National Transportation Act, which require that undertakings involving federal funding, permitting or approvals also obtain SHPD concurrence prior to proceeding.

HHF finds that these review and approval processes are critically important to avoid irreversible and permanent impairment to the historic and cultural properties that are entrusted to the State to ensure their preservation, interpretation and appropriate treatment for the enjoyment of present and future generations. Eliminating the permit and site plan approvals would expose Hawai'i's heritage to irreversible harm and destruction of irreplaceable historic and cultural resources.

Therefore, HHF opposes HB 2613 HD1.

Historic Hawai'i Foundation

680 Iwilei Road, Suite 690 • Honolulu, HI 96817 • Tel: 808-523-2900 • FAX: 808-523-0800 • www.historichawaii.org

Historic Hawai'i Foundation was established in 1974 to encourage the preservation of historic buildings, sites and communities on all the islands of Hawai'i. As the statewide leader for historic preservation, HHF works to preserve Hawai'i's unique architectural and cultural heritage and believes that historic preservation is an important element in the present and future quality of life, environmental sustainability and economic viability of the state.



25 Malunui Ave., Suite 102., PMB 282 • Kailua, HI 96734 • Phone/Fax: (808) 262-0682 E-mail: htf@lava.net

March 14, 2012

COMMITTEE ON WATER, LAND, AND HOUSING

Senator Donovan Dela Cruz, Chair
Senator Malama Solomon, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

Senator Kalani English, Chair
Senator Will Espero, vice Chair

HB 2613, HD1
RELATING TO TRANSPORTAION

Committee Chairs and members;

Hawaii's Thousand Friends, a statewide non-profit land and water use organization, opposes HB 2613, HD1 that exempts the Department of Transportation, Harbors Division, from the permit and site plan approval requirements relating to submerged lands within the conservation district.

Exempting DOT Harbors Division from permit site plan approval requirements for projects within submerged land undermines the purpose of HRS 183C – *to conserve, protect, and preserve the important natural resources of the state though appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare.*

Without a permit before the Board of Land and Natural Resources (BLNR) for a use of land for commercial purposes there is no opportunity for public involvement or input.

Exempting the Boating Division from the site plan approval requirement eliminates DLNR oversight and regulation of construction, reconstruction, demolition, or alteration of any structure, building, or facility.

With no one watching and no permits required resource rich ecosystems and culturally significant sites are extremely vulnerable to destruction and demolition. Exempting oversight of fragile environments is a very bad idea no matter who benefits.

The state should set the example on how to be good stewards of the land instead of finding ways to short cut their public trust responsibilities.

Lead by example and HOLD HB 2613, HD1 in committee.

March 13, 2012

The Honorable Senator Donovan M. Dela Cruz, Chair
Committee on Water, Land and Housing
The Honorable Senator J. Kalani English, Chair
Senate Committee on the Transportation and International Affairs
Hawai'i State Capitol

RE: Testimony in opposition to HB 2613 HD 1 relating to Transportation

Chairs Dela Cruz, English and Members of the Committees:

Thank you for this opportunity to present testimony opposing HB 2613 HD 1.

The **Outdoor Circle** opposes **HB2613 HD1**, which would exempt all work involving submerged lands used for state commercial harbor purposes from the permitting and site plan approval requirements established for conservation lands that are currently required under Chapter 183C, Hawai'i Revised Statutes (HRS).

Chapter 343, HRS, and federal permitting, with Chapter 183C are crucial for protecting Hawai'i's conservation lands. State law related to conservation lands requires the Department of Land and Natural Resources (DLNR) to regulate land use through permitting and regulate construction of structures through site plan approvals. Chapter 343, HRS, and federal permitting, without Chapter 183C, do not provide oversight for submerged lands and protection of individuals' due process rights. Chapter 343's Environmental Assessments and Environmental Impact Statements only require disclosure of the effects of a proposed action, suggested mitigation and alternatives. They do not result in the approval or denial of a project or a permit.

For submerged lands in the conservation district these determinations are made by the DLNR pursuant to Chapter 183C. Additionally, federally mandated permit requirements (e.g., U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency) do not ensure consideration and protection of rights conferred by the Hawaii State Constitution.

HB 2613 HD1 would exempt all activities on submerged lands for state commercial harbor purposes, regardless of size, scope or potential impacts. This would undermine the purpose for which Chapter 183C was enacted — to conserve, protect, and preserve important natural and cultural resources of the state and to promote their long-term sustainability and the public health, safety, and welfare. The Outdoor Circle urges this legislature to continue its support of responsible project planning and to reject one size fits all exemptions.

Mahalo.

Bob Loy

Director of Environmental Programs



HB 2613 HD1
RELATING TO TRANSPORTATION
Senate Committee on Water, Land, & Housing and
Senate Committee on Transportation & International Affairs

March 14, 2012

1:15 p.m.

Room 224

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB 2613 HD1, which would exempt all work involving submerged lands used for state commercial harbor purposes from the permitting and site plan approval requirements established for conservation lands that are currently required under Chapter 183C, Hawai'i Revised Statutes.

Although OHA recognizes the importance of maintaining and rehabilitating the State's commercial harbor systems in a timely manner, the guidelines contained in Chapter 183C are crucial for protecting Hawai'i's conservation lands. State law related to conservation lands requires the Department of Land and Natural Resources (DLNR) to regulate land use through permitting and regulate construction of structures through site plan approvals. This process ensures review of the proposed land use and related construction by a state agency that is constitutionally obligated to conserve and protect Hawai'i's natural resources for future generations and ensure protection of Native Hawaiian traditional and customary rights. Haw. Const. Art. XI Section 1, Haw. Const. Art. XII Section 7.

Chapter 343, Hawai'i Revised Statutes, and federal permitting, without Chapter 183C, do not provide sufficient oversight for submerged lands and adequate protection of individuals' due process rights. Chapter 343's Environmental Assessment and Environmental Impact Statement requirements only require disclosure of the effects of a proposed action, suggested mitigation, and alternatives. They do not result in the approval or denial of a project. Nor do they result in the approval or denial of a permit. For submerged lands in the conservation district, these determinations are made by the DLNR pursuant to Chapter 183C. Additionally, federally mandated permit requirements (e.g., U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency) do not ensure consideration and protection of rights conferred by the Hawai'i State Constitution.

HB 2613 HD1 would exempt *all* activities on submerged lands for state commercial harbor purposes, regardless of size, scope, or potential impacts. This would undermine the purpose for which Chapter 183C was enacted – to conserve, protect, and

preserve important natural and cultural resources of the state and to promote their long-term sustainability and the public health, safety, and welfare. OHA urges this legislature to continue its support of responsible project planning and to reject one size fits all exemptions.

Submerged lands are generally ceded lands and involve fragile environments and resources that require the additional scrutiny afforded by Chapter 183C. We should encourage their protection for Hawai'i's current and future generations. As such, OHA urges the committee to HOLD HB 2613 HD1. Mahalo for the opportunity to testify on this important measure.

Senators Dela Cruz and English, Chairs
Committees on Water, Land, & Housing and Transportation & International Affairs
March 14, 2012
HB 2613 HD1
BIA-Hawaii testimony

BIA-HAWAII
BUILDING INDUSTRY ASSOCIATION

Testimony to the Senate Committee on Water, Land, & Housing and Transportation & International Affairs

Wednesday, March 14, 2012
1:15 p.m.
State Capitol - Conference Room 224

RE: H.B. 2613 HD1- RELATING TO TRANSPORTATION

Dear Chairs Dela Cruz and English, Vice Chairs Solomon and Espero, and members of the Committees:

My name is Gladys 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 respectfully provides the following testimony on H.B. 2613 HD1. The bill proposes to amend Chapter 266, Hawaii Revised Statutes, to exempt the Department of Transportation, Harbors Division, from the permit and site plan approvals requirements relating to submerged lands within the conservation district.

BIA-Hawaii takes no position on this Administration bill; however, we question the need for an exemption from the Conservation District Use Application (CDUA) process for all commercial harbors.

In their justification for the exemption, the State Department of Transportation states that:

“Sufficient oversight already exists for submerged lands within the State commercial harbors system for the preservation of the ecosystem, flora and fauna as the Department of Transportation will continue to be subject to the requirements of chapter 343, HRS, as well as the permit requirements by the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, and oversight by the State Department of Health for federal programs such as the Clean Water Act.

This exemption will allow the Harbors Division to plan and more effectively and efficiently implement projects in a timely manner to meet the growing needs of the maritime industry.

Senators Dela Cruz and English, Chairs
Committees on Water, Land, & Housing and Transportation & International Affairs
March 14, 2012
HB 2613 HD1
BIA-Hawaii testimony

The "just in time" cargo system for Hawaii is dependent upon the State commercial harbors system as 98 percent of imported goods passes through its harbors. Significant impacts to facility operations and delivery of goods can occur if necessary capital projects are not completed or harbor facilities are not maintained and/or rehabilitated in a timely manner due to unnecessary permit delays."

Our understanding is that all submerged lands in the State are zoned Conservation. Any use of these lands requires an approved Conservation District Use Application (CDUA) from DLNR. The CDUA establishes the "land use" of the property, and once approved, the state-owned submerged lands are usually set aside through an executive order that allows the agency to manage these lands for the established land use. Once established, as long as the activities conducted on the property are consistent with the established land use, no additional CDUA is required. The process appears to have been set up to allow government agencies the flexibility to manage their on-going uses/activities on the property once the land use has been established through the CDUA process and further documented in the set aside of the lands to the agency.

As such, once the land use is established, we do not understand how the CDUA process would result in "Significant impacts to facility operations and delivery of goods can occur if necessary capital projects are not completed or harbor facilities are not maintained and/or rehabilitated in a timely manner due to unnecessary permit delays."

Furthermore, since the DOT proposes to comply with Chapter 343 HRS, as well as the permit requirements by the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, and oversight by the State Department of Health for federal programs such as the Clean Water Act, why was the CDUA process singled out as the only permit that would delay harbor projects?

There does not appear to be a public health or public safety need for this exemption. We believe that without identifying specific public benefits from these types of exemptions, other government agencies will request a similar exemption. For example, DOT Highways and DOT Airports could provide similar rationale for exempting their respective projects from the CDUA process.

Finally, if this legislation is approved, the legislature is essentially creating two different standards for harbor facilities. One would be for government harbors that would be exempt from the CDUA requirements, and one for all other harbors (i.e. DLNR Small Boat Harbors, commercial harbors, and private harbors).

Thank you for this opportunity to express our views.

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 5:48 AM
To: WLH Testimony
Cc: friendsoflanai@gmail.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Friends of Lana'i
Organization: Friends of Lana'i
E-mail: friendsoflanai@gmail.com
Submitted on: 3/14/2012

Comments:

We need the environmental safeguards this bill would eliminate. Please do NOT support this legislation.

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 6:23 AM
To: WLH Testimony
Cc: mohalaway@hawaii.rr.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Linda Legrande
Organization: Individual
E-mail: mohalaway@hawaii.rr.com
Submitted on: 3/14/2012

Comments:

please vote no against HB2613 HD1. to eliminate public input and public hearing is not in the best interest of good government. NO EXEMPTIONS FROM SITE PLAN APPROVALS PERIOD. Too many special interest groups here in Hawaii for public input to be denied. thank you !
linda legrande

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 5:58 AM
To: WLH Testimony
Cc: octopus@maui.net
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Rene Umberger
Organization: For the Fishes
E-mail: octopus@maui.net
Submitted on: 3/14/2012

Comments:

There is just no good reason to exempt these activities and EVERY good reason to give careful consideration, including listening to public input, when coral reefs are potentially impacted.

Mahalo,
Rene Umberger

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 5:47 AM
To: WLH Testimony
Cc: rkaye@mdi.net
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Robin Kaye
Organization: Individual
E-mail: rkaye@mdi.net
Submitted on: 3/14/2012

Comments:

This is a really, really bad bill. Please do NOT support this legislation.

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 3:24 AM
To: WLH Testimony
Cc: Specter@hawaii.rr.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Caley Like
Organization: Individual
E-mail: Specter@hawaii.rr.com
Submitted on: 3/14/2012

Comments:

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 12:47 AM
To: WLH Testimony
Cc: smassad@me.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Sunny Massad, Ph.D.
Organization: Individual
E-mail: smassad@me.com
Submitted on: 3/14/2012

Comments:

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 12:25 AM
To: WLH Testimony
Cc: mshappyselena@yahoo.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: **Oppose**
Testifier will be present: No
Submitted by: **Selena Maka'ena**
Organization: Individual
E-mail: mshappyselena@yahoo.com
Submitted on: 3/14/2012

Comments:

As a Hawaiian and a Hawai'i resident and I am opposed to HB2613. It is our responsibility to protect our aina and this bill is wrong. Please do the right thing by opposing this bill. We, the People should not be removed from the process of determining the fate of conservation lands and these fragile coastal & ocean resources we call Hawai'i nei.

Mahalo,
Selena Maka'ena

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 11:22 PM
To: WLH Testimony
Cc: bkahana@hula.net
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: barbara kahana
Organization: Individual
E-mail: bkahana@hula.net
Submitted on: 3/13/2012

Comments:
STRONGLY OPPOSE THIS BILL.
Please vote NO against HB2613 HD1.

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 10:18 PM
To: WLH Testimony
Cc: annmarie@hawaii.rr.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Ann Marie Kirk
Organization: Individual
E-mail: annmarie@hawaii.rr.com
Submitted on: 3/13/2012

Comments:
HB 2613 HD1 Relating to Transportation

Aloha to the Senate Water, Land and Housing Committee and the Transportation and International Affairs Committee,

I am writing in STRONG OPPOSITION to HB 2613 HD1 which seeks to provide an exemption to the Department of Transportation, Harbors Division, from the permit and site plan approval requirements relating to submerged lands within the conservation district.

I truly understand the need to improve our Harbor areas in Hawai'i and to support our important maritime industry. Yes, exempting the DOT from the permit and site plan approval process will make work/construction move in a more timely manner for the DOT, but this does not address the most important issue raised by this bill - is this the right to do? Is it right to allow the DOT to go into fragile coastal areas without going through the process to get a permit and site plan approval for work/construction? Is this right for the proper protection and preservation of our precious coastal areas? And If this happens it will take away the requirement for a public hearing - is it right to silence the very community being affected by a proposed DOT project - to silence their voices in favor of, or against, or to even have their concerns heard regarding a proposed DOT project? Is this what democracy is - silencing the voice of community members on matters that directly affect where they live and the coastal environments and ocean areas of Hawai'i that we love? Is this the right thing to do?

In addition, I cite the DOT testimony "sufficient oversight already exists for submerged lands." I believe there can never be enough oversight to make sure our precious, irreplaceable natural and cultural resources are protected and preserved for future generations. And when is "sufficient" acceptable? As a community member, and a Hawaiian, I don't want what is "sufficient" for Hawai'i. I want what is BEST for Hawai'i. This means holding the current permit and site plan approval requirements in place so the standard of what is BEST for Hawai'i is met across the board by everyone in the public and private sector. Once exemptions are made, there is no turning back and what should be the BEST for Hawai'i now becomes "sufficient."

Senators, I ask your committee to do what is right for the precious natural and cultural resources of Hawai'i in our ocean and coastal areas and submerged lands within our conservation districts by upholding to the highest degree their protection statewide for they are irreplaceable. No exceptions. No exemptions. You, Senators, are their guardians. To

quote from HRS 183 C9 "It is therefore, the intent of the LEGISLATURE to conserve, protect, and preserve the important natural resources of the state through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare."

Please vote NO on HB 2613 HD 1.

Mahalo for your consideration,
Ann Marie Kirk

Maunaloa, O'ahu

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 10:16 PM
To: WLH Testimony
Cc: waynetakamine@hawaii.rr.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Wayne Takamine
Organization: Individual
E-mail: waynetakamine@hawaii.rr.com
Submitted on: 3/13/2012

Comments:
TESTIMONY In Strong Opposition to HB2613

THE SENATE
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

COMMITTEE ON WATER, LAND, AND HOUSING Senator Donovan M. Dela Cruz, Chair Senator Malama Solomon, Vice Chair COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS Senator J. Kalani English, Chair Senator Will Espero, Vice Chair NOTICE OF HEARING
DATE: Wednesday, March 14, 2012 TIME: 1:15 p.m. PLACE: Conference Room 224, State Capitol, 415 South Beretania Street
Aloha Senators,

Please accept this testimony in strong opposition to HB2613. This bill would allow unrestricted development of important public lands.

- HB2613 HD1 exempts the Department of Transportation, Harbors Division, from the permit and site plan approval requirements relating to submerged lands within the conservation district, which contains fragile coastal and ocean resources.
- HB2613 HD1 eliminates public input. Without a permit before the Board of Land and Natural Resources (BLNR) the public hearing requirement is gone.
- HB2613 HD1 eliminates DLNR oversight and regulation of construction, reconstruction, demolition, or alteration of any structure, building, or facility by being exempt from a site plan approval.

Purpose of the conservation district (from the Hawai'i Revised Statutes (HRS-183c): "The legislature finds that lands within the state land use conservation district contain important natural resources essential to the preservation of the State's fragile natural ecosystems. It is therefore, the intent of the legislature to conserve, protect, and preserve the important natural resources of the state through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare."

Respectfully,

Wayne Takamine
Honolulu

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 10:12 PM
To: WLH Testimony
Cc: salinavaughn@mac.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Salina Vaughn
Organization: Individual
E-mail: salinavaughn@mac.com
Submitted on: 3/13/2012

Comments:

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 9:57 PM
To: WLH Testimony
Cc: jeannine@hawaii.rr.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Jeannine Johnson
Organization: Individual
E-mail: jeannine@hawaii.rr.com
Submitted on: 3/13/2012

Comments:

I strongly oppose HB 2613 HD1 which amends Chapter 266, Hawaii Revised Statutes, to exempt the Department of Transportation, Harbors Division, from the permit and site plan approval requirements relating to submerged lands within the conservation district.

Under Article XI, Section 1 of the State Constitution, the State is required to "conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals and energy resources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the State." Submerged lands are resources that should be protected for Hawai'i's current and future generations.

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 9:49 PM
To: WLH Testimony
Cc: leioakes@msn.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Lei Oakes
Organization: Individual
E-mail: leioakes@msn.com
Submitted on: 3/13/2012

Comments:

We need to protect our conservation lands. We need to put boundaries so it does not get our of hand! Let's keep what pure land we have left. As you can see, the hawaiian islands are not very big.... this is it, it's all we have.... we are the people must do all to protect our lands and not build on it without a fight! Don't pass this law! Lets not lose what we purely posses in the name of money!! STOP!

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 9:46 PM
To: WLH Testimony
Cc: manoamac@gmail.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Chris McLachlin
Organization: Individual
E-mail: manoamac@gmail.com
Submitted on: 3/13/2012

Comments:
Please vote no on HB 2631 HD1. Thank you, Chris McLachlin

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 9:43 PM
To: WLH Testimony
Cc: denisedrake@gmail.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Denise Drake
Organization: Individual
E-mail: denisedrake@gmail.com
Submitted on: 3/13/2012

Comments:

Aloha Legislate and State Representatives:

I appreciate your taking the time to read the opinion of the people from the State of Hawaii. I was raised in Hawaii since I was 9 years old. I am from the Windward Side and have been in Real Estate for the last 10 years. My business is one that I constantly have to be in check with in regards to making decisions on, growth (change) vs Integrity (care taking) of the Islands of Hawaii. I many times have had to back away from business as I do not feel developments have been created with my objective and that is as a care taker of what sustains and continues to keep Hawaii's gifts abundant. Please take this into consideration that we must make decisions that continues to preserve our islands. We have a choice of what's best! Please continue to support that less growth and more maintenance, preservation, conservation, and education needs to be of utmost importance.

Mahalo and Aloha,
Denise Drake
Keller Williams Realty

Denise Drake

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 9:42 PM
To: WLH Testimony
Cc: kumemoto@yahoo.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Karen Umemoto, Ph.D.
Organization: Individual
E-mail: kumemoto@yahoo.com
Submitted on: 3/13/2012

Comments:

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 9:16 PM
To: WLH Testimony
Cc: nedimcknight@gmail.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Nedi McKnight
Organization: Individual
E-mail: nedimcknight@gmail.com
Submitted on: 3/13/2012

Comments:

Hawaii's ocean and coastlines are precious and must be protected from development. I strongly oppose relaxing or modifying any requirements regarding conservation lands. We should be preserving ocean, coastline, beaches and harbors in their natural state.

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 8:58 PM
To: WLH Testimony
Cc: kokochako@gmail.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Jade Sun
Organization: Individual
E-mail: [kokochako@gmail.com](mailto:kochako@gmail.com)
Submitted on: 3/13/2012

Comments:

If you keep developing, you will take away the beauty and magic of Hawaii. Many rare plants and animals will be affected possible decimated and our children will not have a Hawaii to call home. We are not the mainland. We do not need any more hotels or houses. Why not improve on what is already here? We do not need any more big builds in Hawaii.

MALAMA KA AINA!

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 8:51 PM
To: WLH Testimony
Cc: audreykeesing@gmail.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: **Oppose**
Testifier will be present: No
Submitted by: **Audrey Keesing**
Organization: Individual
E-mail: audreykeesing@gmail.com
Submitted on: 3/13/2012

Comments:

As an anthropologist and a humanitarian who supports EIS,, and the UNDRIP (Indigenous Human Rights), I do not wish to see such environmental and indigenous laws swept aside. DOT does and will continue to condemn land and move people from their houses to meet it's end. Federal lawsuits will ensue when such laws as this are legislated which will tie up time and money. It is better to do what is right and lawful, than to create bad laws that will fail because the intention was wrong from the beginning. Historic preservation has been underfunded deliberately from what I understand. Imagine if we had invited National Geographic to photograph the burials we discovered in Waikiki!? Imagine the wonderful treasures of knowledge and the boost to tourism we could have had if we followed archaeological laws already in place, instead of preventing society from learning from the past. What if something great is discovered and learned in the digging process? If we found an extinct animal, do you want to forget about this? Choose wisely.

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 8:42 PM
To: WLH Testimony
Cc: nolaconn@hotmail.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Nola Conn
Organization: Individual
E-mail: nolaconn@hotmail.com
Submitted on: 3/13/2012

Comments:

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 8:15 PM
To: WLH Testimony
Cc: carolphilips1@gmail.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Carol Philips
Organization: Individual
E-mail: carolphilips1@gmail.com
Submitted on: 3/13/2012

Comments:

Dear Honorable Legislatures,

I'm writing to ask you to vote no on this measure. To exempt submerged lands from conservation permitting and site plan approval would show an ignorance of the complex nature of the undersea world.

Respectfully,
Carol

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 8:07 PM
To: WLH Testimony
Cc: kamuela_vance@yahoo.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Vance Viveiros
Organization: Individual
E-mail: kamuela_vance@yahoo.com
Submitted on: 3/13/2012

Comments:

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 8:07 PM
To: WLH Testimony
Cc: kmbrenton@gmail.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Kate Brenton
Organization: Individual
E-mail: kmbrenton@gmail.com
Submitted on: 3/13/2012

Comments:

Dane Wicker

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 7:39 PM
To: WLH Testimony
Cc: makana@kevcom.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224

Testifier position: Oppose

Testifier will be present: No

Submitted by: Matthew Swalinkavich

Organization: Individual

E-mail: makana@kevcom.com

Submitted on: 3/13/2012

Comments:

Please vote NO against HB2613 HD1

~~Dane Wicker~~

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 9:27 AM
To: WLH Testimony
Cc: brilana@gmail.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Brilana Silva
Organization: Individual
E-mail: brilana@gmail.com
Submitted on: 3/12/2012

Comments:

Jane Wicke

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 1:19 PM
To: WLH Testimony
Cc: redahi@hawaii.rr.com
Subject: Testimony for HB2613 on 3/14/2012 1:15:00 PM

Testimony for WLH/TIA 3/14/2012 1:15:00 PM HB2613

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: B.A. McClintock
Organization: Individual
E-mail: redahi@hawaii.rr.com
Submitted on: 3/12/2012

Comments:

No one should be exempted from environmental protection, or find loopholes to get around them. In the long run, we, the taxpayers, end up paying for the problems created. Please OPPOSE this bill!