

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
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IN REPLY REFER TO:

February 15, 2011

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 917

COMMITTEE ON WATER, LAND & OCEAN RESOURCE
AND
COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

The Department of Transportation (DOT) supports the intent of House Bill No. 917 to provide an exemption from county approval process for the Highways and Airports projects.

The DOT has always been willing to work collaboratively with the State Office of Planning and respective county agencies to streamline the permitting processes.

The Construction Task Force (2010) Recommendation No. 5 did not specifically give a broad exemption to the current Special Management Area process; it recommended that specific types of construction and development be identified that would qualify for a county exemption. The DOT is willing to work with the State Office of Planning and affected county agencies to identify such exemptions and effectuate those as soon as possible.

February 15, 2008

The Honorable Representative Jerry Chang, Chair
House Committee on Water, Land and Ocean Resources
The Honorable Representative Hermina Morita, Chair
House Committee on Energy and Environmental Protection
Hawai'i State Capitol
Honolulu, HI 96813

RE: Testimony opposing HB917 Relating to Transportation

Chairs Chang, Morita and members of the committees.

The Outdoor Circle (TOC) strongly opposes exempting from county permitting requirements, Department of Transportation (DOT) projects for highways and airports.

In essence this proposal will cover the overwhelming majority of all DOT construction projects, save for harbors, which already are exempt from county permits. But the impacts potentially will be much greater for highway and airport projects because of enormous costs of building and maintaining hundred of miles of highways, the outrageously high costs of building and maintaining airports and the fact that most of these projects are located on or very near shorelines in our island state.

The proximity of these projects to shorelines means that the overwhelming majority require Shoreline Management Permits which are issued by the Counties. That is the intent of the U.S. Coastal Zone Management Act of 1972 and the Hawaii Coastal Zone Management Act of 1977—to provide opportunities for local control over coastal land use decisions. In Hawaii that intent is codified in the Shoreline Management Area (SMA) permit system which extends to counties the authority to make decisions about certain projects which have substantial impacts on the social, economic and environmental on local populations. That is perhaps more true in Hawaii than any other place in the United States.

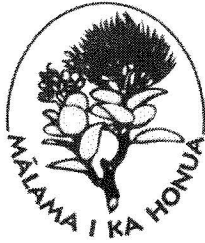
It is clear that the intent of this legislation is to remove hurdles that might impede highway and airport projects. While that no doubt is attractive to the construction industry and the airlines these are the types of short cuts that can lead to unintended and irreversible consequences that will most impact the people who live in the counties where these projects are implemented. That's why there is a long standing, time tested system for giving the counties decision making authority in these matters.

In short, this proposal is anti-home rule and anti-local involvement. It removes one complete and important level of project review, not only as it relates to environmental considerations, but a multitude of social and economic factors that are best known and best assessed by the people who live where the projects are planned. Removing them from having authority in this process is an idea whose time is not now....and hopefully will never come.

Please don't allow this misguided, special interest legislation from moving forward.

Respectfully,

Bob Loy
Director of Environmental Programs



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

February 15, 2011, 9:30 A.M.

(Testimony is 2 pages long)

TESTIMONY IN STRONG OPPOSITION TO HB 917

Aloha Chair Chang, Chair Morita, and Members of the Committees:

The Hawai'i Chapter of the Sierra Club, with 8,000 dues-paying members and supporters, ***strongly opposes*** HB 917, which would allow the Department of Transportation to ignore county regulations. Such a measure would allow environmentally damaging developments to escape the necessary oversight and analysis currently required in the Coastal Zone Management Act.

Because state and county agencies are typically more concerned with their mission than the environment, these agencies tend to marginalize environmental concerns. For example, the Department of Transportation attempted to issue a series of "finding of no significant impacts" with the Kahului Airport until the environmental community successfully sued. One could question how any agency could plausibly contend that the construction or expansion of an airport would have no significant environmental impacts . . . but DOT did, and now is seeking authority to avoid these types of bothersome regulations in the future.

It is because of this inability to objectively analyze all relevant factors that this Legislature has created a series of checks and balances (state and county approval) and public notification requirements. This measure proposes to eliminate this balance. It would eliminate regulations that ensure:

- the public is well informed of projects before they are authorized;
- that community members -- your constituents -- are able to participate in the planning process;
- that the public and the counties can suggest ways to improve projects to save money, protect natural resources, or satisfy community concerns; and

- save money in the long-term by preventing fool-hardy and short-sighted decisions.

This measure also wrongly justifies the removal of environmental regulations by electing a “growth at all costs” mentality. This is a silly rationale. Do we really want to encourage the development of highways and airports without examining the particularized impacts on the neighborhood or the marine environment? What about the counties’ interest in connecting sewage lines, county roads, and meshing any state plan with the counties long-term plan?

The economic benefit of this measure -- if any -- is not worth the destruction of our democratic process and the resulting risks to the communities we call home.

We hope you will defer this measure indefinitely. Thank you for the opportunity to testify.