

LATE

From: [REDACTED]
To: [REDACTED]
Subject: Testimony - SB 2335 Relating to Special Management Areas
Date: Tuesday, February 07, 2012 12:40:35 PM

Chairs Dela Cruz and Espero, Vice Chairs Solomon and Kidani, and Members of the Senate Committees on Water, Land, and Housing and Public Safety, Government Operations, and Military Affairs:

The County of Maui Department of Public Works, Subdivision Section administers Maui County Code, Title 18 Subdivision Ordinance and is in support of SB2335, amending the definition of "development" under HRS 205A-22 to exclude "tentative or preliminary subdivision approval".

We appreciate the opportunity to provide testimony on the subject matter. Should you have any questions, please do not hesitate to call our office at (808) 270-7845. You may ask for Director David Goode or myself.

Aloha,
Rowena M. Dagdag-Andaya
Deputy Director, County of Maui Department of Public Works



LATE

SB 2335
RELATING TO SPECIAL MANAGEMENT AREAS
Senate Committee on Water, Land, and Housing
Senate Committee on Public Safety, Government Operations, and Military Affairs

February 7, 2012

1:15p.m.

Room 225

The Office of Hawaiian Affairs (OHA) **OPPOSES** SB 2335, which would exclude “tentative or preliminary” subdivision approval from the definition of development with regards to special management area (SMA) permits.

SMA's are the coastal lands of Hawai'i. The current language contained in Hawaii Revised Statutes (HRS), Sections 205A-21 to -33 requires a project proponent to seek a SMA permit early in the process of planning for a project in an SMA. An SMA permit must be received before “development” may occur, which is defined by statute as, among other things, a “change in density or intensity of land, including but not limited to the division or subdivision of land.” (HRS § 205A-22) Currently, an SMA permit is required prior to preliminary subdivision review. In contrast, some actions are explicitly excluded from the definition of “development,” such as *final* subdivision approval, which is granted after the preliminary subdivision review conditions are met. Through this distinction, the Legislature sought to regulate actions in the SMA through proper planning, while excluding actions with a lower potential for negative impacts.

Actions deemed as development must meet certain guidelines unique to the SMA from other areas, including public recreation access and proper solid/liquid waste disposal. SMA approval also requires certain environmental impacts to be minimized before a project can be approved, including changes that would reduce the size of public beaches, restrict coastal access, block of lines of sight to the ocean, and adversely affect water quality, fisheries, or wildlife habitat.

The guidelines considered under Chapter 205A, such as line of sight, beach access, and waste disposal, affect the basic planning and layout for a subdivision in the SMA. As such, SMA considerations should be first considered at the beginning of the subdivision approval process, with a SMA permit needed ahead of preliminary subdivision review and comment by government agencies. The changes proposed by SB 2335 would dilute the protections established for SMA's, delay the consideration of SMA guidelines during a crucial part of planning, and complicate development.

Therefore, OHA urges the committees to HOLD SB 2335. Mahalo for the opportunity to testify on this measure.