

[REDACTED]

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**From:** darakawa@lurf.org  
**Sent:** Thursday, February 23, 2012 10:56 AM  
**To:** [REDACTED]  
**Cc:** David Z. ARAKAWA  
**Subject:** SB 2908 re CZM LURF Testimony in Opposition (WLH-PGM 2/23/2012 1:20 PM)

LATE

-----Original Message-----

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WLHtestimony@capitol.hawaii.gov](mailto:WLHtestimony@capitol.hawaii.gov)  
**Cc:** David Z. ARAKAWA  
**Subject:** Testimony for SB2908 on 2/23/2012 1:20:00 PM  
**Sent:** Feb 23, 2012 8:54 AM

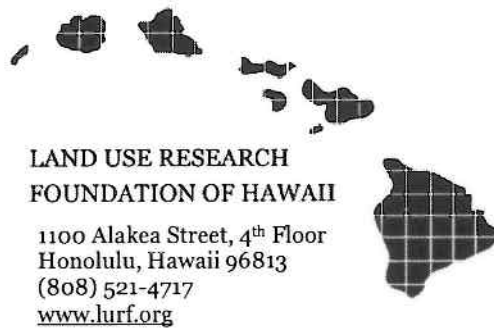
Testimony for WLH/PGM 2/23/2012 1:20:00 PM SB2908

Conference room: 225  
Testifier position: Oppose  
Testifier will be present: Yes  
Submitted by: David Arakawa  
Organization: Land Use Research Foundation of Hawaii  
E-mail: [darakawa@lurf.org](mailto:darakawa@lurf.org)  
Submitted on: 2/23/2012

Comments:

While LURF appreciates that SB 2908 may have been well-intended, we must OPPOSE SB 2908, based on, among other things, (1) More comprehensive vehicles exist. We support SB 2745 and HB 2483, which are the Governor's bills proposing to develop and implement a comprehensive Climate Change Adaption Policy, based on broad input from the counties, experts and major stakeholders, including new ideas and technology to protect shoreline uses. (2) Technical Expertise. We expect that the Climate Change Adaption Policy will be based on technical expertise and will more comprehensively address the issues which are the subject of SB 2908. (3) Lack of broad Stakeholder consultation and input. The State Climate Change Adaption Policy will include input from, among others, scientific experts, State agencies, the counties, the military, businesses and large land owners and others who will be most affected by the laws relating to the CZM and shoreline areas. We do not believe that there was such broad consultation and input with respect to SB 2908.

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February 23, 2012

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

Senator Will Espero, Chair  
Senator Michelle N. Kidani, Vice Chair  
Committee on Public Safety, Government Operations, and Military Affairs

**Opposition to SB 2908, Relating to Coastal Zone Management. (Requires counties to more strongly consider negative impacts on beaches when assessing developments within special management areas and shoreline setback variance applications and to establish guidelines for the granting of variances; and unnecessarily alters existing laws, county rules and longstanding precedent and practice based on those existing law and rules.)**

**Thursday, February 23, 2012, 1:20 p.m., in CR 225.**

My name is Dave Arakawa, and I am the Executive Director of the Land Use Research Foundation of Hawaii (LURF), a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF's missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources and public health and safety.

LURF **strongly opposes SB 2908**, because it creates unnecessary inconsistencies and confusion, which could **impede, delay and stop the projects relating to the Public Lands Development Corporation and the Senate's flagship bill, SB 2012**, which is intended to stimulate direct and indirect job creation at developments along the shoreline; implement needed repair and maintenance projects as well as new capital improvement projects relating to State harbors as well as private projects along the shoreline; and the development sustainable and renewable energy resources, such as the undersea electric transmission cable.

**SB 2908.** This bill, which appears to be well-intended, purports to require counties to more strongly consider negative impacts on beaches when assessing developments within special management areas and shoreline setback variance applications and to establish guidelines for the granting of variances.

**LURF's Position.** While the bill purports to address "considerations," it will have unanticipated consequences which unnecessarily alter existing laws, county rules and longstanding precedent and practice based on those existing law and rules.



LURF **strongly opposes SB 2908**, based on, among other things:

- **SB 2908 is not based on any consensus with the key stakeholders who deal with the Coastal Zone Management.** It appears that this bill lacks any substantive prior consultation with the Coastal Zone Management Program within the Office of Planning, the Department of Land and Natural Resources, the Department of Transportation, Harbors Division, the respective County agencies, the building industry and landowners of shoreline properties and developments.
- **The portion of the SB 2980 relating to variances is inconsistent with existing county shoreline setback rules which have been adopted by the respective counties pursuant to HRS Chapter 91 public hearings.**
- **Certain portions of SB 2908 are unnecessary, repetitive, redundant and duplicative with the existing law and confusing.** Shoreline Management Area guidelines, as set forth in HRS §205A-26, already addresses beach protection, and applications for shoreline variances are already addressed by county rules and HRS Chapter 343.
- **SB 2908 seems to include an “unfunded mandate” for the counties, by requiring all counties to “identify, categorize and prioritize zones within the SMA.”** The SMA zones have been established by the counties for decades. However, SB 2908 appears to require the counties to re-establish all of the SMA zones within the counties, which would require substantial funding for more staff and/or consultants. Important repair and maintenance and other construction projects proposed by SB 2012 would be delayed or stopped until these SMA zones are re-established by the counties.
- **SB 2908 proposes a law which includes “assumptions” which require more research and data, and assumptions which may change based on further research and data.** The bill includes the requirement that “The authority shall presume that one foot of sea level rise will occur by 2050, and three feet of sea level rise will occur by 2100,” however, this assumption could change based on further research and data over the next few years.
- **SB 2908 creates unnecessary confusion by its provision to allow the counties to delegate SMA authority to “any authority, as defined in section 205A-22, as necessary.”** The bill does not describe what “any authority” could be.
- **SB 2745, which proposes to create a State Climate Change Adaption Policy, would better address the shoreline and broader issues raised in SB 2908.** SB 2745, which has been proposed by the Governor, would encourage collaboration and cooperation among county, state, and federal agencies, policy makers, businesses, and other community partners to plan for the impacts of climate change (including changes on the shoreline) and avoid, minimize, or mitigate the loss of life, land, and property of future generations.

For the reasons stated above, LURF is in **opposed to SB 2908**, and respectfully urges your Committees to **hold this bill**. Thank you for the opportunity to present our testimony regarding this matter.