



DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

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Statement of
JESSE K. SOUKI
Director, Office of Planning
Department of Business, Economic Development, and Tourism
before the
SENATE COMMITTEE ON WAYS AND MEANS
Friday, February 24, 2012
9:00 AM
State Capitol, Conference Room 211

in consideration of
SB 3010 SD1
RELATING TO TRANSPORTATION.

Chair Ige, Vice Chair Kidani, and Members of the Senate Committee on Ways and Means.

The Office of Planning (OP) administers Hawaii Revised Statutes (HRS) Chapter 205A, the Coastal Zone Management (CZM) law. SB 3010 SD1 proposes to exempt the department of transportation and its contractors from a series of state requirements, including HRS Chapter 205A. In particular, the bill proposes to exempt 28 specific bridge projects from the series of state requirements.

Enacted in 1975, the Special Management Area (SMA) Permit is an essential part of the federal and state approved Hawaii CZM Program. SMA permits are only required for development within a narrow band of land along the coast stretching inland from the shoreline and generally to the first state highway. Certain developments are exempt because they have no substantial adverse environmental or ecological or cumulative effects.

Developments not in excess of \$500,000 require minor permits, which involve an assessment and no hearing. Developments that exceed \$500,000 require a public hearing. A description of the Hawaii CZM Program is attached.

OP opposes this bill for the following reasons:

- 1) The Hawaii CZM Program was enacted by the state legislature in 1977, and approved by the U.S. Department of Commerce in 1978. The CZM Program balances Hawaii's coastal resource use, economic development and protection of cultural and environmental areas in a sustainable manner so that Hawaii's residents and visitors will continue to benefit from the rich resources the coast and ocean provides. HRS §205A-5 requires that all agencies shall enforce the objectives and policies set forth in HRS §205A-2.
- 2) The proposed exemptions, including SMA permit exemption, conflict with the intent of HRS Chapter 205A, Part II - SMAs, which was established by the legislature.
- 3) At the administration's direction, OP is working on alternative project review processes for state projects within an SMA that are consistent with the federal and state CZM goals and objectives. Recommendations for alternative project review processes, in consultation with affected state agencies, will be completed before the next legislative session. The alternative processes to SMA permitting will (a) ensure that both federal grant and federal permitted projects are reviewed in the streamlined federal consistency process; and (b) create a streamlined state review process, with programmatic consistency review for similar project types

(e.g., bridge projects), for state projects within an SMA that are located on state land.

- 4) SB 3010 SD1 would jeopardize federal approval of the Hawaii CZM Program, and in turn, the State of Hawaii may lose approximately \$2 million of federal funds annually. This loss of federal funding translates to a loss of nine positions at OP, six positions at the planning department of Hawaii County, four positions at the planning department of Kauai County, and four positions at the planning department of Maui County. These positions perform CZM-related activities such as update and implementation of the Ocean Resources Management Plan, federal consistency reviews, coastal non-point pollution control activities, as well as administration of SMA permits and shoreline setback provisions and violation investigations thereof.

Thank you for the opportunity to provide testimony on this measure.



Hawaii CZM Program

Coastal Zone Management

Office of Planning, State of Hawaii



ABOUT THE PROGRAM

Partnering with Hawaii's communities to promote a sustainable coastal environment by building upon our heritage and inspiring island stewardship.

Hawaii's CZM Program was enacted to provide a common focus for state and county actions dealing with land and water uses and activities. As the State's resource management policy umbrella, it is the guiding perspective for the design and implementation of allowable land and water uses and activities throughout the state.

Unlike single-purpose programs, the Hawaii CZM Program focuses its work on the complex resource management problems of coastal areas in the part of the State that is under the highest stress. Within a framework of cooperation among federal, state and local levels, the Hawaii CZM program employs a wide variety of regulatory and non-regulatory techniques to address coastal issues and uphold environmental law. Among them are stewardship, planning, permitting, education and outreach, technical assistance to local governments and permit applicants, policy development and implementation, and identification of emerging issues and exploration of solutions.

PROGRAM COMPONENTS

FEDERAL CONSISTENCY

The national Coastal Zone Management Act requires derelict federal activities and development projects to be consistent with approved state coastal programs to the maximum extent practicable. Federally-permitted, licensed or assisted activities occurring in, or affective, the state's coastal zone must be in agreement with the Hawaii CZM Program's objectives and policies.

SPECIAL MANAGEMENT AREA (SMA) PERMITS

SMA Permits are management tools to assure that permitted uses and activities that are defined as developments in the SMA are designed and carried out in compliance with the CZM objectives and policies and SMA guidelines. It is independently implemented by each of the four counties according to their respective ordinances and rules.

OCEAN RESOURCES MANAGEMENT PLAN (ORMP)

The ORMP is a statewide plan mandated by Hawaii Revised Statutes ch. 205A. It is based on a three-perspective framework: Connecting Land and Sea; Preserving Our Ocean Heritage; and Promoting Collaboration and Stewardship. The plan builds upon traditional Hawaiian management principles and uses an integrated and area-based approach to natural and cultural resource management.

MARINE AND COASTAL ZONE ADVOCACY COUNCIL (MACZAC)

Composed of twelve advisory members statewide with diverse backgrounds in business, environment, native Hawaiian practices, terrestrial and marine commerce, recreation, research and tourism, MACZAC advises the Director of the Office of Planning on marine and coastal zone management planning, coordination, and facilitation of functions of the Hawaii CZM Program.

PROGRAM FACTS

Coastal Population in 2000:
1,211,537

Miles of Coastline:
1,052

Ocean Economy in 2009:
\$5,229,104,120*

CZMA Funds:
2010: \$2,065,000 / 2011: \$2,018,000

State and Other Matching Funds:
2010: \$1,891,000 / 2011: \$1,844,000

Total Funds:
2010: \$3,956,000 / 2011: \$3,862,000

CZM Partners:

Federal: NOAA, EPA, USACE, USN, USCG, USFWS, NMFS, HIHWNMS, PICCC, PaCiS, WPFMC

State/County: DBEDT, DOA, DOD, DOH, DLNR, DOT, OHA, HCDA, LUC, OEQC, OMPO, MACZAC, UH-SOEST, Sea Grant, the City and County of Honolulu, County of Kauai, County of Maui, County of Hawaii

Others: The Nature Conservancy

Federally Funded Hawaii CZM Program Staff: Office of Planning 8, Hawaii County 6, Kauai County 4, Maui County 4

* Based on available data provided by The National Ocean Economic Program <http://noep.mbari.org>. * All figures as of January 20, 2012

KEY ACCOMPLISHMENTS

- ORMP Policy and Working Group collaborated with the Sea Grant Hawaii, Center for Island Climate Adaptation (ICAP) to finalize *A Framework for Climate Change Adaptation in Hawaii*. The framework lays out a proposed step-by-step process for the State to develop plans and make informed decisions on climate change adaptation.
- Collaborated with the State Department of Health in the development of a Watershed Planning Guidance to promote the application of Coastal Nonpoint Pollution Control Program (CNPCP) management measures from the broader concept of watershed planning.
- Implemented CNPCP management measures for urban pollution prevention by funding a collaborate effort between the National NEMO Network and local partners to design and conduct a community workshop on low impact development and tools to reduce nonpoint source pollution.
- Funded hurricane wind speed studies and customized design standards which were incorporated into the State Building Code and adopted in 2010.
- Funded a partnership project between the County of Hawaii and community group Ka Ohana O Honuapo to develop an integrated habitat restoration plan for Honuapo estuary as a vital part of the broader resource management plan for the part and implementation of the CNPCP management measures for wetlands, riparian areas, and vegetated treatment systems.
- Provided funding towards technical support needed for certification of the Kawainui Marsh Levee. The levee protects the immediate Coconut Grove residential area of 1,425 housing units and the Greater Kailua area against flood events while perpetuating the 830 acre Kawainui Marsh as a wetland.
- Partnered with the Hawaii Community Development Authority (HCDA) to fund a collaborative planning process for the Mahua-hua Ai o Hoi project, which will restore the Heeia wetlands and reduce nonpoint source pollution at the shoreline, and return the lands to productivity by clearing alien vegetation, repairing environmental damage to the land and water, restoring taro fields, and develop economic opportunities such as selling of agricultural crops grown on the land.

FUTURE INITIATIVES

Since establishment in 1978, the Hawaii CZM Program has undertaken a number of initiatives in a variety of areas related to the coastal zone. Most recently, the program is involved in the following initiatives:

ADAPTING TO CLIMATE CHANGE

The Office of Planning, Hawaii CZM Program through its ORMP Policy and Working Groups, and other stakeholders development a state-wide climate change adaptation policy to be included as a Priority Guideline in Part III of the Hawaii State Planning Act (Hawaii Revised Statutes ch. 226). The Hawaii CZM Program is also partnering with ICAP and the USACE, Honolulu District to develop an adaptation planning process bringing together outreach and social marketing and technical analysis.

OCEAN RESOURCES MANAGEMENT PLAN (ORMP) UPDATE

The Hawaii CZM Program will be updating its Ocean Resource Management Plan in 2012-2013. The update will involve obtaining input from various stakeholders, including the public, on the current plan, with a goal to develop a revised plan that is functional in nature. Coordination will also be made with other ocean and coastal area stakeholders that are also updating their respective plans.

NATIONAL OCEAN POLICY

The Hawaii CZM Program was awarded a \$250,000 grant to develop the Hawaii Sub-regional Ocean Partnership in a manner that fosters meaningful engagement of partners and the public in order to ensure successful implementation of the priorities of the updated ORMP. The Office of Planning is also a partner in the grant awarded to the University of Hawaii's Social Science Research Institute (SSRI) on behalf of the U.S. Territories in the Pacific (American Samoa, Commonwealth of the Northern Marianas Islands (CNMI), Guam), and Hawaii. This grant will develop and establish the Pacific Regional Ocean Partnership.

The Office of Planning and Hawaii CZM Program will also continue to implement objectives of the National Ocean Policy through its existing ORMP, and examine new initiatives to promote ocean spatial planning.



Hawaii CZM Program
Coastal Zone Management

Office of Planning
State of Hawai'i
P.O. Box 2359
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<http://hawaii.gov/dbedt/czm>

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State of Hawaii Office of Planning
 @HawOfcPlanning



Hawaii Reserves, Inc.
A LAND MANAGEMENT COMPANY

February 22, 2012

Via E-Mail: WAMtestimony@capitol.hawaii.gov

Senate Committee on Ways & Means

Sen. David Y. Ige, Chair

Sen. Michelle N. Kidani, Vice Chair

Re: S.B.3010 S.D. 1 (Re: Transportation)

Testimony In Support

Hearing: Friday, February 24, 2012, 9 a.m., Conf. Rm. 211

Dear Chair Ige, Vice Chair Kidani and Committee Members:

Aloha, and thank you for the opportunity to testify in strong support of Senate Bill 3010, S.D. 1 on behalf of Hawaii Reserves, Inc., a land management company located in Laie, Oahu.

The purpose of this bill is to expedite the rehabilitation and replacement of failing bridges throughout the state. As noted in the report, hundreds of bridges throughout the state are either functionally obsolete or structurally deficient, and at the current pace "it will take well over fifty years to address all the deficient bridges."

This issue hits home for those who live in the community of Laie. The Laieloa bridge and canal, located on Kamehameha Highway, was constructed in 1932. It's capacity is 700 cubic feet per second (CFS) and the underlying canal is the ultimate low point of the community, where storm waters run to and enter the ocean. Heavy periodic rain events, as recent as December 2008, produce flows of up to 1,500+ CFS to this canal and bridge. The lack of capacity subjects the community to severe flooding. The 2008 storm flooded over 40 homes and several institutional buildings in the area, resulting in nearly \$4M in damages.

We, together with the Laie Community Association, have been working with the State Department of Transportation (DOT) on the Laieloa bridge replacement and widening project, which is on their normal schedule, and for which we are grateful. To help solve this issue, and to the extent that this bill would expedite this much needed community improvement, we respectfully urge you to pass out S.B. 3010, S.D. 1 with all due haste.

Sincerely,

R. Eric Beaver

President & Chairman



To: Sen. David Y. Ige, Chair
Sen. Michelle N. Kidani, Vice Chair
Committee on Ways and Means

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

Committee Date: Friday, February 24, 2012
9:00 a.m.
Conference Room 211

Subject: **SB 3010 SD1, Relating to Transportation**

On behalf of Historic Hawai'i Foundation (HHF), I am writing in **opposition to SB 3010 SD1**, Relating to Transportation. The bill would temporarily exempt the department of transportation and its contractors from certain state requirements for certain bridge rehabilitation or replacement projects.

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 Hawaii'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.

HHF believes that the exemptions proposed in SB 3010 SD1 are unnecessary and could put significant historic properties at risk. The State's historic preservation law, HRS 6E, is one the state laws that would be exempted. Under §§ 6E-7, 6E-8, 6E 43.5, State departments consult with the historic preservation division to review proposals and determine whether they could cause an adverse effect to historic property. The project may proceed with the written concurrence of the historic preservation division after measures are taken to avoid, minimize or mitigate any harm to the historic or cultural resource. This process provides a safeguard to protect the State's historic and cultural properties. Exemption from this process would mean that the historic and cultural significance of the bridges and their settings may not be fully considered during planning, design or construction. HHF also believes that exemption from environmental and cultural regulations sets a bad precedent. Such exemptions are contrary to the basic principle that the "quality of the environment is as important to the welfare of the people of Hawai'i as is the economy of the State" (HRS Chapter 341).

The State Department of Transportation is the steward and caretaker for many historic and cultural properties, including historic bridges. 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 requirement for review and

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.

concurrence on impacts to historic resources would expose Hawaii's heritage to irreversible harm and destruction of irreplaceable historic and cultural properties.

Furthermore, the State's historic preservation review process 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 comply with review and consultation procedures that result in obtaining SHPD concurrence prior to proceeding. Because most transportation projects in the state have a nexus to federal actions, federal compliance would continue to be required. It would indeed be unfortunate if only the federal government expressed concern for the well-being of Hawaii's historic and cultural properties, whereas passage of this measure would indicate that the state does not share that commitment.

The Department of Transportation is actively working with the State Historic Preservation Division to update its inventory of historic bridges and to develop a programmatic agreement that would address ways to avoid, minimize and mitigate adverse effects while simultaneously making the review process more efficient and effective. HHF supports this effort and feels that it is a more appropriate way to address the concern to ensure public safety, expedite processes, and protect Hawaii's heritage.

Therefore, Historic Hawai'i Foundation opposes SB3010 SD1.

Historic Hawai'i Foundation

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From: [Sara Collins](#)
To: [WAM Testimony](#)
Subject: Comments in OPPOSITION to SB 3010, SD 1 (Relating to Transportation)
Date: Thursday, February 23, 2012 8:19:54 AM

TO: Senator David Y. Ige, Chair
Senator Michelle N. Kidanie, Vice Chair
Senate Committee on Ways and Means

FROM: Sara L. Collins, Ph.D., Legislative Chair
Society for Hawaiian Archaeology
sara.l.collins.sha@gmail.com

HEARING: February 24, 2012, 9:00 AM, Conference Room 211

SUBJECT: Comments in Opposition to SB 3010, S.D.1 (Relating to Transportation)

I am Dr. Sara Collins, Chair of the Legislative Committee of the Society for Hawaiian Archaeology (SHA). We have over 150 members that include professional archaeologists and advocates of historic preservation in general. On behalf of SHA, I am submitting comments in opposition to SB 3010, SD 1 which proposes to temporarily exempt the Department of Transportation from certain state-level requirements when rehabilitating or replacing specified bridges. Thirty bridges, in addition to those specified in the Hana highway bridge preservation plan, are identified as needing rehabilitation or replacement and these projects are already in the design phase. The proposed temporary exemption would expedite these projects. We believe that the exemptions proposed in SB 3010, SD 1 are unnecessary and could put significant historic properties, including burials, at risk.

The state's historic preservation law, Chapter 6E, Hawaii Revised Statutes, is one of the state laws that would be temporarily exempted under SB 3010, SD 1. Specifically, this exemption would eliminate the need for the Department of Transportation to submit the project plans to the State Historic Preservation Division for review and written concurrence (§§ 6E-7, 6E-8, 6E-43.5). This means that the historic significance of these bridges may not be fully considered prior to their rehabilitation or replacement and that project related activities on land adjacent to the bridges could destroy archaeological sites, including subsurface deposits and burials. Most bridge projects require considerable alteration of the roadways and lands adjacent to the bridge or the creation of temporary bypasses.

We question the need to expedite the historic preservation review process for the bridges when considerable information already exists on the historic significance

of many of these bridges. National standards have been developed on how rehabilitate historic bridges to ensure public safety while still maintaining the historic character of bridges to the extent possible. Standards also exist to adequately record historic bridges if they cannot be preserved. This existing information should help expedite the review process while still allowing historic bridges to have the full consideration they deserve under the state historic preservation law. Equally as important, adequate review by SHPD will ensure that bridge rehabilitation or replacement doesn't damage or destroy other historic sites adjacent to the bridges. If there are concerns over delayed reviews by SHPD having an impact on these transportation projects, we respectfully suggest that providing adequate funding to that agency is a better remedy than creating exemptions from statutory review.

In view of the above, we respectfully request that your committee defer any action on the subject bill. Thank you for the opportunity to provide comments on SB 3010, SD1. Should you have any questions, you may reach me at the above email address.

--

Sara L. Collins, Ph.D.
Chair, Legislative Committee
Society for Hawaiian Archaeology
sara.l.collins.sha@gmail.com

OFFICE OF THE PRESIDENT



February 21, 2012

Via E-Mail: WAMtestimony@capitol.hawaii.gov

Senate Committee on Ways & Means
Sen. David Y. Ige, Chair
Sen. Michelle N. Kidani, Vice Chair

Re: S.B.3010 S.D. 1 (Re: Transportation)
Testimony In Support
Hearing: —, February —, 2012, — p.m., Conf. Rm. —

Dear Chair Ige, Vice Chair Kidani and Committee Members:

Aloha. As a university we wish to testify in support of Senate Bill 3010, H.D. 1. Brigham Young University–Hawaii is located in Laie on Oahu.

As we understand the bill, it proposes to expedite the rehabilitation and replacement of failing bridges throughout the state. The report indicates that it will take fifty years to address all the deficient bridges. We are particularly sensitive to this issue.

The Laieloa bridge and canal in Laie, located on Kamehameha Highway, was constructed in 1932. Due to the limited capacity of this waterway (only 700 cubic feet per second) the community experiences periodic flooding. The canal is a low point in the community. Back in December of 2008 flows of up to 1,500+ CFS were trying to get through the canal and bridge. Needless to say there was severe flooding. Most of the \$4 million in damages was sustained by homeowners, including a significant number of the University's faculty and staff as well as several student families living in married student housing.

We are grateful for the work that has been done but request your help to continue to address and solve this important issue in our community. We respectfully urge you to pass S.B. 3010, H.D. 1 as soon as possible.

Sincerely,

A handwritten signature in black ink that reads "Steven C. Wheelwright".

Steven C. Wheelwright
President
Brigham Young University–Hawaii
Laie, Hawaii



POLYNESIAN CULTURAL CENTER

55-370 Kamehameha Highway Laie, Hawaii 96762
Phone: 808-293-3000 Fax: 808-293-3022 www.polynesia.com

February 17, 2012

Via E-Mail: WAMtestimony@capitol.hawaii.gov

Senate Committee on Ways & Means

Sen. David Y. Ige, Chair

Sen. Michelle N. Kidani, Vice Chair

Re: S.B.3010 S.D. 1 (Re: Transportation)
Testimony In Support

Dear Chair Ige, Vice Chair Kidani and Committee Members:

Aloha, and thank you for the opportunity to testify in support of Senate Bill 3010, H.D. 1 on behalf of the Polynesian Cultural Center located on the North Shore of O'ahu.

The purpose of this bill is to expedite construction projects for the bridge rehabilitation and replacement program for failing bridges throughout the state. As noted in the report, there are 256 bridges that are functionally obsolete and 39 bridges that are structurally deficient. At the current rate of rehabilitation and replacement of these bridges, it will take well over fifty years to address the deficient bridges.

The La'ieloa bridge and canal, located on Kamehameha Highway, was constructed in 1932. Its capacity is 700 cubic feet per second (CFS) and the underlying canal is the ultimate low point of the community, where storm waters run to and enter the ocean. Heavy periodic rain events, as recent a December 2008, produce flows of up to 1,500+ CFS to this canal and bridge. The lack of capacity subjects the community of La'ie to severe flooding.

The Polynesian Cultural Center join hands with BYU-Hawaii, Hawaii Reserves Inc., La'ie Community Association, and the Department of Transportation in replacing and widening the La'ieloa bridge to help solve our flooding issues. We respectfully urge you to pass S.B. 3010.

Sincerely,

Von Orgill
CEO

A non-profit organization
dedicated to preserving the
cultural heritage of Polynesia
while providing educational
opportunities for students at
adjoining Brigham Young
University-Hawaii.

Founded in 1963 by the
Church of Jesus Christ
of Latter-day Saints.



February 22, 2012

Senate Committee on Ways & Means
Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair

RE: S.B. 3010 S.D. 1 – Testimony in Support
Hearing: Friday, February 24, 2012, 9 AM, Conference Room 211

Dear Committee Chair, Vice Chair and Committee Members:

On behalf of Brigham Young University–Hawaii, we appreciate the opportunity to add voice and comment in support of the legislation contained in Senate Bill 3010, S.D. 1.

We understand that there are many bridge replacement projects that need attention throughout the state. One such bridge replacement and widening project already on the Department of Transportation’s schedule is the Laieloa bridge on Kamehameha Highway in Laie. The waterway capacity below this bridge is not adequate and puts a large segment of the community at risk of flooding in the occurrence of significant heavy rain events. An affiliated land management company, Hawaii Reserves, Inc., will be submitting testimony for this Bill as well, which testimony will include a more detailed technical analysis of this project.

Because many of our employees and their families, as well as many of our students, live in the community of Laie, we feel strongly that this project should receive as much expedition as possible. In the combined interest of our employees and students, as well as our campus, we support legislation that would help accelerate the process of reducing the risk of flooding in our community.

On behalf of the administration of BYU–Hawaii, we appreciate your understanding and respectfully request your support in passing S.B 3010, S.D. 1.

Mahalo,



David Lewis
Vice President, BYU–Hawaii