



Sierra Club Hawai'i Chapter

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HOUSE COMMITTEE ON WATER & LAND

February 11, 2013, 8:30 A.M.
(Testimony is 2 pages long)

TESTIMONY IN OPPOSITION TO HB 1470

Aloha Chair Evans and Members of the Committee:

The Sierra Club, Hawai'i Chapter, with 10,000 dues-paying members and supporters, respectfully *opposes* HB 1470. This measure eliminates several of the statutory criteria that the Land Use Commission uses in considering a request for a district boundary amendment.

It is unclear what purpose or issue this measure is attempting to address. To the extent the bill attempts to prevent the LUC from considering impacts on cultural and natural resources, this would be an unconstitutional dereliction of agency responsibility and likely subject to collateral attack in court.

Moreover, the proposed amendments run counter to the intent of Hawai'i's Land Use Law, specifically to on control growth and protect resources:

By enacting HRS ch. 205 in 1961, the legislature intended, inter alia, to "[s]tage the allocation of land for development in an orderly plan," H. Stand. Comm. Rep. No. 395, 1st Haw. Leg., 2d Sess., reprinted House Journal 855-56, and to redress the problem of "inadequate controls [which] have caused many of Hawaii's limited and valuable lands to be used for purposes that may have a short-term gain to a few but result in long-term loss to the income and growth potential of our economy. Act 187, 1961 Haw. Sess. Laws 299.

Neighborhood Board v. State Land Use Commission, 64 Haw. 265, 272-3, 639 P.2d 1097 (1982).

In passing the Land Use Law, the Senate noted:

The purpose of this bill is to preserve and protect land best suited for cultivation, forestry and other agricultural purposes and to facilitate sound and economical urban development in order to promote the economy and general welfare of the state, and to insure the efficient expenditure of public funds. . . .

The state must protect its valuable land resources. There is a special need to protect agricultural land from urban encroachment, to prevent scattered and premature development, to limit land speculation of urban areas, and to protect the unique natural assets of the state. . . .

The most effective protection of prime agricultural lands, preservation of open space and direction of for urban growth, is through state zoning.

S. Stand.Comm.Rep. No.937, 1961 Senate Journal 883.

HRS Chapter 205 was enacted in an effort to manage growth on islands of limited resources:

Scattered subdivisions with expensive, yet reduced public services; the shifting of prime agricultural lands into non-revenue producing residential uses when other lands are available that could serve adequately urban needs . . . these are evidences of the need for public concern and action.

Act 187, 1961 Haw Sess. Laws 299.

In short, we believe the proposed amendments run counter to the intent of the Chapter 205 and potentially expose the state to unnecessary litigation as individuals protect their constitutional rights to preserve natural and cultural resources.

Mahalo for the opportunity to testify.