

lowen2-Lanaly

From: Robin Kaye <rkayelny@gmail.com>
Sent: Saturday, February 01, 2014 5:49 AM
To: waltestimony
Subject: HB1586

This is a bad bill. Please do NOT move it forward.

Mahalo,

Robin Kaye

--

Robin Kaye
P.O. Box 631313
Lana'i City, HI 96763
808-559-6124 (m)
rkayelny@gmail.com

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 04, 2014 6:32 PM
To: waltestimony
Cc: mauibrad@hotmail.com
Subject: *Submitted testimony for HB1586 on Feb 7, 2014 08:30AM*

HB1586

Submitted on: 2/4/2014

Testimony for WAL on Feb 7, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Brad Parsons	Individual	Oppose	No

Comments:

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1065 Ahua Street
Honolulu, HI 96819
Phone: 808-833-1681 FAX: 839-4167
Email: info@gcawhawaii.org
Website: www.gcawhawaii.org



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded via Capitol Website

February 7, 2014

TO: HONORABLE CINDY EVANS, CHAIR, HONORABLE NICOLE LOWEN, VICE CHAIR AND MEMBERS OF THE HOUSE COMMITTEE ON WATER AND LAND

SUBJECT: **SUPPORT OF H.B. 1586, HD1. RELATING TO TRANSPORTATION.** Allows Department of Transportation to plan, design, construct, operate, and maintain land improvements for airport and highway purposes without the approval of county agencies. (HB1586 HD1)

HEARING

DATE: Friday, February 7, 2014
TIME: 8:30 a.m.
PLACE: Conference Room 325

Dear Chair Evans, Vice Chair Lowen and Members of the Committee,

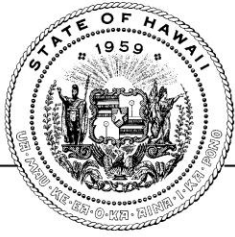
The General Contractors Association of Hawaii (GCA) is an organization comprised of over six hundred general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is the largest construction association in the State of Hawaii. The GCA's mission is to represent its members in all matters related to the construction industry, while improving the quality of construction and protecting the public interest.

The GCA is **in support** of H.B. 1586, HD1 which would exempt certain improvements for department of transportation, and for state and county highways, from county approval and permitting requirements.

H.B. 1586, HD1 would permit the airports and highway divisions to follow the harbors approval process with regard to county approvals. H.B. 1586, HD1 would allow necessary infrastructure projects for airports on all islands and certain state and county highway projects to be delivered in compliance with related laws and regulations and in a timely fashion.

In 2009, the legislature passed Senate Concurrent Resolution No. 132, S.D.1 which established the Construction Industry Task Force. The Task Force was tasked to develop and propose state actions, for the purpose of preserving and creating new jobs in the local construction industry. One of the main areas of concern was expediting the delivery of necessary infrastructure projects, including main entry points into the state, like our airports.

GCA supports H.B. 1586, HD1 and requests this Committee pass this measure.



**OFFICE OF PLANNING
STATE OF HAWAII**

NEIL ABERCROMBIE
GOVERNOR

JESSE K. SOUKI
DIRECTOR
OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <http://planning.hawaii.gov/>

Statement of
JESSE K. SOUKI
Director, Office of Planning
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON WATER AND LAND
Friday, February 7, 2014
8:30 AM
State Capitol, Conference Room 325

in consideration of
HB 1586 HD1
RELATING TO TRANSPORTATION.

Chair Evans, Vice Chair Lowen, and Members of the House Committee on Water and Land.

The purpose of HB 1586 HD1 is to extend to the airports and highways division of the State Department of Transportation (DOT) the same exemptions from special management area permit (SMA) requirements that are provided to the harbors division. HB 1586 HD1 amends Hawaii Revised Statutes (HRS) §§ 261-4 and 264-7 to allow the DOT to plan, design, construct, operate, and maintain land improvements for airport and highway purposes without the approval of county agencies.

The Office of Planning (OP) administers HRS Chapter 205A, the Coastal Zone Management (CZM) law. The Hawaii CZM implementation framework was designed by the legislature to build upon existing agency functions. The SMA permitting system is part of the federal and state approved Hawaii CZM Program.

OP prefers the Administration's Bills HB 797 and SB 1027 carried over from the last legislative session, but appreciates that HB 1586 HD1 considers OP's comments on HB 1586 by using similar language from HRS § 266-2(b) to extend the same exemptions that are provided to the harbors division to the State DOT airports and highways divisions.

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

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 05, 2014 10:11 PM
To: waltestimony
Cc: amyhodes1@gmail.com
Subject: *Submitted testimony for HB1586 on Feb 7, 2014 08:30AM*

HB1586

Submitted on: 2/5/2014

Testimony for WAL on Feb 7, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Hidges	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 05, 2014 10:53 PM
To: waltestimony
Cc: pbc5@mac.com
Subject: Submitted testimony for HB1586 on Feb 7, 2014 08:30AM

HB1586

Submitted on: 2/5/2014

Testimony for WAL on Feb 7, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Cadiz	Individual	Oppose	No

Comments: I feel that it is very important to let the County and the citizens have a voice in these matters. The Highway project at Ukumehame could have been conducted with far less deleterious consequences if the County Planners would have had a voice on the BMPs. Please do not pass this measure. Respectfully submitted.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 12:15 AM
To: waltestimony
Cc: gkama@hawaii.edu
Subject: *Submitted testimony for HB1586 on Feb 7, 2014 08:30AM*

HB1586

Submitted on: 2/6/2014

Testimony for WAL on Feb 7, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Gwen Morinaga-Kama	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 12:19 AM
To: waltestimony
Cc: adeleonmaui@yahoo.com
Subject: Submitted testimony for HB1586 on Feb 7, 2014 08:30AM

HB1586

Submitted on: 2/6/2014

Testimony for WAL on Feb 7, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
adele rugg	Individual	Comments Only	No

Comments: Aloha .. please OPPOSE this bill .. we must be able to have a say in what happens on our respective islands .. we do NOT need the State making the decisions for us ! I hope you will listen to my plea !!

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 1:06 AM
To: waltestimony
Cc: stephtino@yahoo.com
Subject: *Submitted testimony for HB1586 on Feb 7, 2014 08:30AM*

HB1586

Submitted on: 2/6/2014

Testimony for WAL on Feb 7, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
stephanie	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 6:24 AM
To: waltestimony
Cc: lfstevens@earthlink.net
Subject: Submitted testimony for HB1586 on Feb 7, 2014 08:30AM

HB1586

Submitted on: 2/6/2014

Testimony for WAL on Feb 7, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Larry Stevens	Individual	Oppose	No

Comments: The disastrous mess that at Ukumehame and the decision to locate jet fuel tanks next to a wetland in a flood and tsunami zone demonstrate that SMA and other review processes are necessary to protect the state from the consequences of snap decisions like these. Institutionalizing bad processes makes no sense.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 7:48 AM
To: waltestimony
Cc: reeflections.maui@gmail.com
Subject: Submitted testimony for HB1586 on Feb 7, 2014 08:30AM

HB1586

Submitted on: 2/6/2014

Testimony for WAL on Feb 7, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Roberts	Individual	Oppose	No

Comments: Sunlight cure all.

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Alyson N Barrows

February 6, 2014

BILL: **HB1586 HD1**

Waihe'e Limu Restoration
P.O. Box 1315
Wailuku, Hawai'i 96793

H.B. No. 1586 H.D. (C) Structures and improvements. Notwithstanding any law or provision to the contrary, the department of transportation is authorized to plan, design, construct, operate, and maintain structures and improvements to land, to be used for airport purpose, without ~~(may be planned, designed, and constructed by the department.)~~ **without the approval of county agencies.**

I oppose this bill based on Department of Transportation is exempt from providing a EIS, approval from county agency, community input, and especially from the Host culture people's input. The **State of Hawai'i is a trustee** to govern the Hawaiian people and their entirety including land, natural resources, and assets. Therefore approval must come from the Hawaiian people or through an entity such as Office of Hawaii Affairs.

The law requires EIS and no one; agency, government, and or individual should be exempt. In addition, the community and county agency should have a voice on the issues that will impact their area, communities, homes, cultural sites, and way of life that hold strong cultural practices and resources.

Thank you

Alyson N Barrows
Founder of the Waihe'e Limu Restoration

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 9:45 AM
To: waltestimony
Cc: coops10maui@gmail.com
Subject: *Submitted testimony for HB1586 on Feb 7, 2014 08:30AM*

HB1586

Submitted on: 2/6/2014

Testimony for WAL on Feb 7, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kim Cooper	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 9:47 AM
To: waltestimony
Cc: robin@mauirobin.com
Subject: *Submitted testimony for HB1586 on Feb 7, 2014 08:30AM*

HB1586

Submitted on: 2/6/2014

Testimony for WAL on Feb 7, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Newbold	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 9:49 AM
To: waltestimony
Cc: blake@pacificwhale.org
Subject: Submitted testimony for HB1586 on Feb 7, 2014 08:30AM

HB1586

Submitted on: 2/6/2014

Testimony for WAL on Feb 7, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Blake Moore	Individual	Oppose	No

Comments: This is a step in the wrong direction. County agencies are the most "in touch" with local wishes and should always be considered in these matters.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 9:53 AM
To: waltestimony
Cc: rittew@hotmail.com
Subject: Submitted testimony for HB1586 on Feb 7, 2014 08:30AM

HB1586

Submitted on: 2/6/2014

Testimony for WAL on Feb 7, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Walter Ritte	Individual	Oppose	No

Comments: My name is Walter Ritte from the island of Molokai and I oppose this bill. Over crowding and environmental degradation demands we protect our quality of life and environment, to be dismantling protections already in place with these exemptions is a bad idea, in fact we should be even stricter in our rules to protect with greater penalties.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 10:13 AM
To: waltestimony
Cc: mclane@makaliigroup.com
Subject: Submitted testimony for HB1586 on Feb 7, 2014 08:30AM

HB1586

Submitted on: 2/6/2014

Testimony for WAL on Feb 7, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Sarah McLane	Individual	Oppose	No

Comments: We have seen the effects of letting the DOT work on highways in Maui County lead to disaster for our nearshore waters - with no local knowledge going into the planning or execution of work this could become a common place event. Maui now has more impaired waters than any other island in the state, and most of our highways run directly adjacent to these waters. We don't want to allow changes to the land without local oversight, best management practices or environmental impact statements! This bill could have huge environmental and cultural impacts. Please **OPPOSE** this bill. We know from past experience (when DOT came in to move the highway at Ukumehame) that almost every environmental impact there **COULD** have been avoided if County officials had been consulted with ahead of time. Our island is not the same as Oahu - we still have reef to protect and I am **NOT** ok with this bill.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 10:37 AM
To: waltestimony
Cc: COASTLINEKAHANA@YAHOO.COM
Subject: Submitted testimony for HB1586 on Feb 7, 2014 08:30AM

HB1586

Submitted on: 2/6/2014

Testimony for WAL on Feb 7, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
SEBASTIAN	Individual	Oppose	No

Comments: ALOHA My FAMILY and I OPPOSE the bill with ALL of our HEARTS and ALOHA SOUL Mahalo for listening !

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 11:07 AM
To: waltestimony
Cc: terez_lindsey@yahoo.com
Subject: *Submitted testimony for HB1586 on Feb 7, 2014 08:30AM*

HB1586

Submitted on: 2/6/2014

Testimony for WAL on Feb 7, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Terez Lindsey	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 11:13 AM
To: waltestimony
Cc: foodsovereigntynow@gmail.com
Subject: Submitted testimony for HB1586 on Feb 7, 2014 08:30AM

HB1586

Submitted on: 2/6/2014

Testimony for WAL on Feb 7, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mitsuko Hayakawa	Individual	Oppose	No

Comments: Local officials should have a say on how their land would be managed.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 12:34 PM
To: waltestimony
Cc: phredwise@hotmail.com
Subject: *Submitted testimony for HB1586 on Feb 7, 2014 08:30AM*

HB1586

Submitted on: 2/6/2014

Testimony for WAL on Feb 7, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Freddy Von Essen	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 12:42 PM
To: waltestimony
Cc: jessicamitchell51@yahoo.com
Subject: *Submitted testimony for HB1586 on Feb 7, 2014 08:30AM*

HB1586

Submitted on: 2/6/2014

Testimony for WAL on Feb 7, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica Mitchell	Individual	Oppose	No

Comments:

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NEIL ABERCROMBIE
GOVERNOR



Testimony of
GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
FORD N. FUCHIGAMI
RANDY GRUNE
AUDREY HIDANO
JADINE URASAKI

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 7, 2014
8:30 a.m.
State Capitol, Room 325

H.B. 1586 H.D. 1
RELATING TO TRANSPORTATION

House Committee on Water and Land

The Department of Transportation (DOT) **supports** this bill, which authorizes the DOT Airports and Highways Divisions to plan, design, construct, operate, and maintain structures and improvements to land without the approval of county agencies. This is in accord with the construction industry task force's recommendation.

By exempting airport and highway projects from county approvals, it removes additional layers of permitting for our Divisions and allows us to accelerate the delivery of projects. This will not preclude us from coordinating our efforts with the appropriate state and County agencies to ensure that our construction projects consider their concerns.

Thank you for the opportunity to provide testimony.



HB1586 HD1
RELATING TO TRANSPORTATION
House Committee on Water and Land

February 7, 2014

8:30 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB1586 HD1, which will remove important regulatory safeguards and mechanisms for public review and input, including opportunities for Native Hawaiians to identify and protect their constitutionally-recognized rights, with regards to nearly any project carried out by the Department of Transportation (DOT).

Appropriate development of Hawai‘i’s lands requires comprehensive planning safeguards and meaningful opportunities for community input. Many county regulatory processes, such as those involving zoning variances, land use district boundary amendments and special management area (SMA) permits, provide standards that safeguard public health, safety and the environment. These regulatory processes include opportunities for local community review, input and accountability; such opportunities also provide an important mechanism for Native Hawaiians to identify and protect their constitutionally-recognized rights.¹ OHA notes that many of these laws arose after the post-statehood development boom, in which unprecedented levels of development had devastating and costly long-term impacts to Native Hawaiian and local communities, as well as to Hawai‘i’s natural environment. As such, these laws provide key assurances that our lands are planned and used in the best and most appropriate manner.

Exempting all DOT highways and airports projects from county planning safeguards may result in significant, avoidable impacts to health, safety and the environment, and limit public participation in the development of our lands and natural resources. The broad county permitting and approval exemptions within this bill raise significant concerns as to whether and how the aforementioned county-level safeguards will be replicated or replaced, particularly by an agency without the necessary expertise to ensure appropriate standards for health, safety and the environment. In addition, this bill would eliminate important public transparency and accountability mechanisms, including public hearings and agency decisions that are subject to state Sunshine Law requirements. Such public hearings provide important opportunities for local community input, including testimony and other evidence identifying Native Hawaiian traditional and customary practices that state and county agencies are obligated to protect and enforce.

¹ See, e.g., *Ka Pa‘akai o ka ‘Āina v. Land Use Comm’n*, 94 Hawai‘i 31 (2000); *Public Access Shoreline Hawai‘i v. Hawai‘i County Planning Commission*, 79 Haw. 430 (1995); *Pele Defense Fund v. Paty*, 73 Haw. 578 (1992).

Notably, the DOT is not governed by a public board or commission, and would therefore not be subject to most Sunshine Law requirements in its administrative decision-making processes. Accordingly, the county exemptions under this bill may risk unnecessary or inadvertent impacts to health, safety and the environment, and prevent important information from being considered in DOT project planning.

Similarly, exempting an untold number of DOT airports and highways projects from the SMA permitting process raises the risk of inappropriate, inadvertent or otherwise avoidable impacts to our beaches and coastal areas, which hold substantial cultural significance to Native Hawaiians. County-administered SMA permits require projects to minimize dredging and other adverse impacts to our culturally, socially and economically significant shoreline areas, including impacts to public shoreline access. County administration of these permits also facilitates local, county-level community input as to what may be considered “reasonable” uses and protective measures for their beaches and coastal areas. Such input may again include highly localized information as to what and how place-specific Native Hawaiian traditional and customary practices may be affected by proposed shoreline development projects. The SMA permit exemption for DOT construction projects within this bill therefore raises particular concerns as to whether and how the environmental, cultural and socioeconomic safeguards embodied in our Coastal Zone Management Act, as implemented through the SMA permitting process, will be replicated or replaced.

Accordingly, the OHA Administration urges the committee to **HOLD** HB1586 HD1. Mahalo for the opportunity to testify on this measure.

COMMITTEE ON WATER & LAND

Rep. Cindy Evans, Chair

Rep. Nicole E. Lowen, Vice Chair

In Opposition to

- **HB1586**, Exempts State Department's of Transportation and Land and Natural Resources from Environmental and Special Management Area Review

Hearing: Friday February 7, 2014, 8:30 a.m.

Dear Honorable Chairs Evans and Lowen and Members of the Committees:

I strongly **OPPOSE** HB1586

The bill is similar to the defeated SB755 in 2012 and other 'streamlining' measures introduced in both 2012 and 2011 for the Department Of Transportation Highways Division (DOTH). Past evidence **clearly** indicates that this bill would result in severe damage to coastal ecosystems, erosion and loss of beaches which generate economic revenue, and minimal increases in protecting our transportation network. Past 'exemptions' for DOTH have destroyed coral habitat and created severe water pollution at Ukemahame, Maui and many other locations on our islands. In another example, the SMA prevented DOTH from situating jet fuel tanks within the tsunami and flood inundation zones near a wetland that harbors federally-protected endangered Hawaiian Stilts adjacent to the Kahului Airport. A substantial archive of photographs of the environmental damage caused by DOTH using exemptions is available and was provided for the aforementioned bills in 2011 and 2012.

The Legislature helped both DOTH and the Contractor's Associations when it increased the discretionary threshold of the SMA permit from \$125,000 to \$500,000 in 2011. Now, the Director of each County's Planning Department can approve projects up to \$½ million with no public hearing and minimal public oversight. This "Streamlining" measure allows DOTH to complete many maintenance and repair projects of critical infrastructure without usurping local place-based knowledge, county oversight and home rule functions. The Director's can quickly approve DOTH projects and the increased financial limit has accommodated numerous projects with a minimal amount of time gaining government approval of the SMA.

In truth, projects greater than \$½ million that ***propose moving critical infrastructure out of harm's way are readily approved by the Planning Commissions during public hearings.*** There is very little delay in gaining approval for prudent transportation projects. In contrast, project's that don't adapt and attempt to harden the shoreline to prevent chronic, long-term coastal erosion of roads or their substrate take a long time to get approved. This is because they have negative impacts on beaches, push wave energy towards the ends of the hardening structure, creating the need for another seawall or revetment. This domino effect of one seawall/revetment after another is evident along many coastal roads in Hawaii.

The solution is to move inland. If DOTH presented projects that retreated from the shoreline, they would be approved expeditiously. For example, Maui County spent \$1 million of its tax payer money on a 1.5-mile long, 600 feet deep coastal parcel in order to move the Honoapiilani Highway inland.

Under an 'emergency exemption' one year after the March 2011 tsunami, the DOTH built a 1200 feet long seawall just to the right of the "A" in Figure 1. Yet there was minimal damage and no development (houses) threatened by the tsunami in this area. Ironically, the DOTH built a

new traffic lane inland of the existing roadway and relocated electrical poles to create sufficient space to stage equipment for the seawall. It would have been more prudent to simply use the new lane and retire the portion of the highway jeopardized by long-term coastal erosion. The contractor failed to use best management practices such as silt fences and as a result a massive clay sediment plume was released that polluted the coral reef, manta ray cleaning station, and popular surfing spot at the State Beach Park.

The DOT is finishing construction of a massive seawall Lahaina side of Launiupoko Park and has another planned at Olawalu, rather than moving the highway inland, out of the flood zone, away from regular wave over-topping and sheet flow onto the highway during high surf events, and out of the tsunami zone.

Exemptions will not speed protection and the long-term investments in critical highway infrastructure, moving out of harms way and adapting to local circumstances will. The SMA permit system provides a viable avenue to gain local knowledge, input and wise prudent planning.

In summary, planning rather than permitting is the best strategy and approach to protect our transportation infrastructure. The SMA permitting process ensures planning. I therefore strongly encourage you to vote against the bills and remove them from further consideration.

Mahalo for the opportunity to comment and participate!



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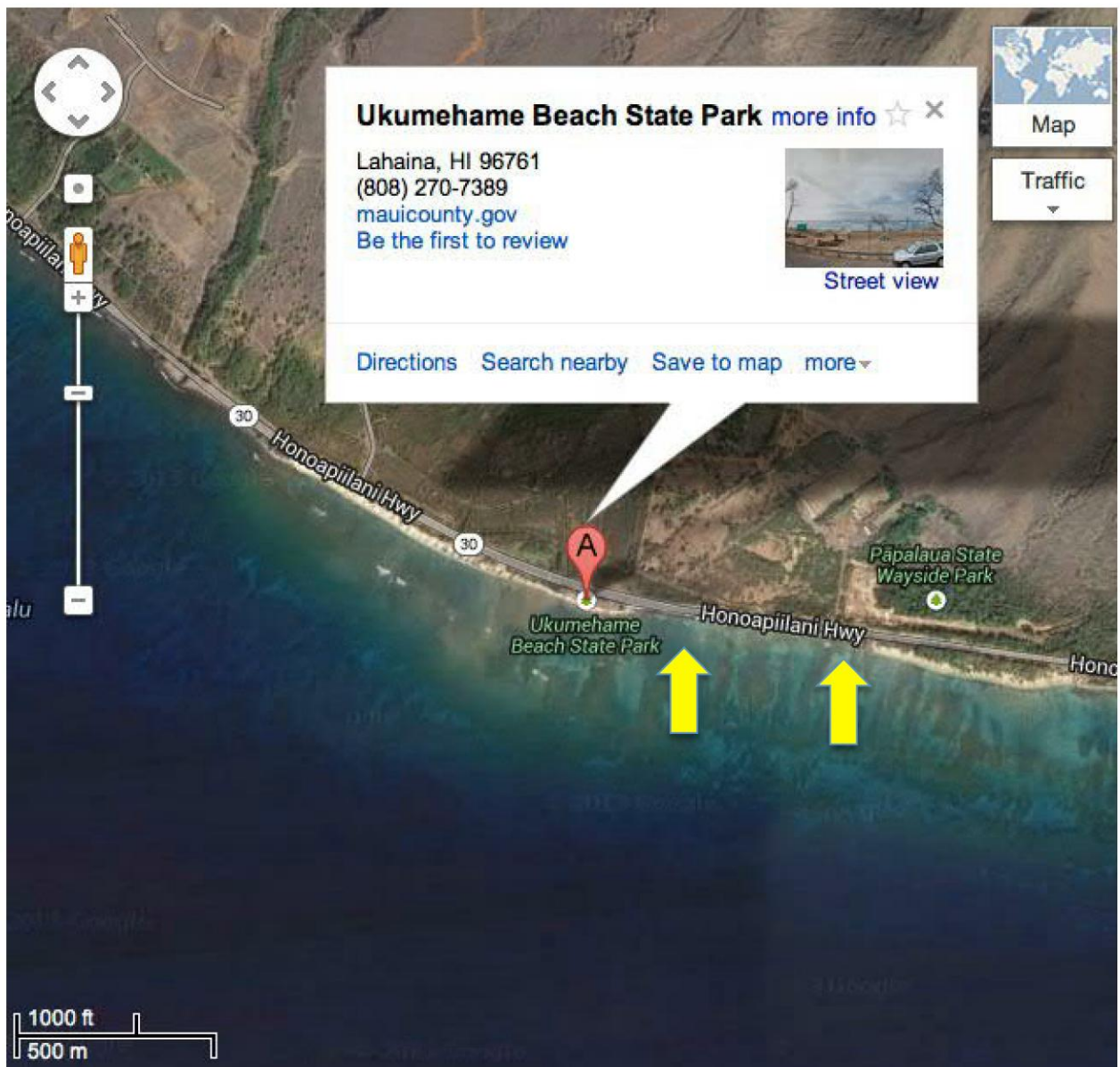


Figure 1 – A seawall/revetment built with an exemption (beginning and end points noted) along a landward migrating beach at Ukemahame is one of a number of planned or under construction seawalls by DOT along the Honoapiilani Highway between Maalaea and Lahaina, Maui, HI. Failure to plan and use promised best management practices resulted in measurable water pollution and damage to near shore reefs, manta ray cleaning stations, and surfing opportunities.



HOUSE COMMITTEE ON WATER & LAND

February 7, 2014, 8:30 A.M.
(*Testimony is 2 pages long*)

TESTIMONY IN STRONG OPPOSITION TO HB 1586 HD1

Aloha Chair Evans and Members of the Committees:

The Sierra Club of Hawai'i, with over 12,000 members and supporters, ***strongly opposes*** HB 1586 HD1, which would allow the Department of Transportation to ignore the Coastal Zone Management act/special management area guidelines and requirements. It would also exempt DOT from ***all*** county approval.

Further, in many cases the SMA is the discretionary action that necessitates a state environmental review (*see* the Maui International Airport example below). Thus, this measure would likely exempt a significant number of airport and highway projects from state environmental review. As well as the concurrent Hawai'i cultural review requirements.

This is a perennial bill. It is disappointing DOT consistently focuses on getting around environmental regulations, rather than attempting to improve its environmental stewardship. The wrong lessons are being learned from situations like the molasses spill at Honolulu Harbor, the failure to conduct an EIS when trying to expand the Maui Airport, and the failure to properly remove asbestos from the Honolulu International Airport. 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. A key issue in that case was the necessity of a SMA approval by the County. It's frankly ludicrous that any agency would contend that the construction or expansion of an airport would have no significant environmental impacts . . . but DOT did, and now this bill proposes to avoid these types of bothersome regulations in the future.

Because of the fear that agencies would fail to objectively analyze all relevant factors, our legal system 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 public hearings and participation. It would remove 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.

Do we really want to encourage the development of highways and airports without examining the particularized impacts on the neighborhood or the marine environment? The economic benefit -- if any -- is not worth the destruction of our democratic process and the resulting risks to our natural environment.

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

lowen2-Lanaly

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 2:46 PM
To: waltestimony
Cc: sarahshew79@gmail.com
Subject: *Submitted testimony for HB1586 on Feb 7, 2014 08:30AM*

HB1586

Submitted on: 2/6/2014

Testimony for WAL on Feb 7, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
sarah shewmaker	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Cc: fitzformai@gmail.com
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HB1586

Submitted on: 2/6/2014

Testimony for WAL on Feb 7, 2014 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
John Fitzpatrick	Individual	Oppose	No

Comments: Aloha Kakou, My name is John Fitzpatrick and I am running for county council here on Maui, I have my masters degree in zoology with an emphasis in coral reef ecology, evolution, and conservation. Although I support providing transportation, I oppose this bill because counties should have to approve development projects that potentially affect our island and make sure they are done properly. On Maui, the hard stabilization fiasco at Launiapoko is a prime example of what can happen if the state acts with out professionals working at the county level. I urge you to work with county partners to ensure that all development is done correctly and responsibly! Mahalo, Fitz

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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