

lowen2-Anosh

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 3:48 PM
To: waltestimony
Cc: ndavlantes@aol.com
Subject: *Submitted testimony for HB797 on Feb 1, 2013 08:00AM*

HB797

Submitted on: 1/29/2013

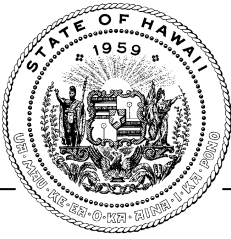
Testimony for WAL/OMH on Feb 1, 2013 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	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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DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

NEIL ABERCROMBIE
GOVERNOR
RICHARD C. LIM
DIRECTOR
MARY ALICE EVANS
DEPUTY DIRECTOR
JESSE K. SOUKI
DIRECTOR
OFFICE OF PLANNING

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

Statement of
JESSE K. SOUKI
Director, Office of Planning
Department of Business, Economic Development, and Tourism
before the
**HOUSE COMMITTEE ON WATER AND LAND
AND
HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES, AND
HAWAIIAN AFFAIRS**
Friday, February 1, 2013
8:00 AM
State Capitol, Conference Room 325

in consideration of
HB 797
RELATING TO COASTAL ZONE MANAGEMENT.

Chairs Evans and Hanohano, Vice Chairs Lowen and Cullen, and Members of the House Committees on Water and Land and Ocean, Marine Resources, and Hawaiian Affairs.

The Office of Planning (OP) administers Hawaii Revised Statutes (HRS) Chapter 205A, the Coastal Zone Management (CZM) law. The special management area (SMA) permitting system is part of the federal and state approved Hawaii CZM Program. The purpose of HRS Chapter 205A is to “provide for the effective management, beneficial use, protection, and development of the coastal zone.” L. 1997, c 188 §1.

OP supports the Administration's Bill, HB 797, Relating to CZM. HB 797 allows state agencies with developments on state land within the SMA to either self-certify compliance with HRS Chapter 205A, obtain a federal consistency concurrence pursuant to title 15 Code of

Federal Regulations part 930, or continue to go through the SMA permitting and shoreline setback variance processes if they prefer.

Last session, the Legislature and the Governor requested that OP examine streamlining for SMA permits for state projects. HB 797 provides a streamlined review process for developments by a state agency on state land within the SMA. The state consistency review and certification will help the state expeditiously deliver capital improvement projects and repair and maintenance projects, without sacrificing coastal resources.

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



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804
Web site: www.hawaii.gov/dbedt

Telephone: (808) 586-2355
Fax: (808) 586-2377

NEIL ABERCROMBIE
GOVERNOR

RICHARD C. LIM
DIRECTOR

MARY ALICE EVANS
DEPUTY DIRECTOR

Statement of
RICHARD C. LIM
Director
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON WATER AND LAND
AND
COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS
Friday, February 1, 2013
8:00 AM
State Capitol, Conference Room 325

in consideration of
HB 797
RELATING TO COASTAL ZONE MANAGEMENT.

Chairs Evans and Hanohano, Vice Chairs Lowen and Cullen, and Members of the Committees.

The Department of Business, Economic Development, and Tourism (DBEDT) supports the Administration's Bill, HB 797, relating to Coastal Zone Management (CZM).

House Bill 797 recognizes the State's preemptive authority over counties on developments on State lands within the special management areas, while ensuring consistency with Hawaii Revised Statutes Chapter 205A, the Hawaii CZM Act. This Administration Bill provides a streamlined review process for development by a State agency on State land within the special management area (SMA), in place of a county approved SMA permit and shoreline setback variance. We believe that HB 797 will help the State expeditiously deliver capital improvement projects and repair and maintenance projects without sacrificing coastal resources.

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

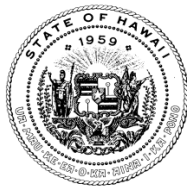
lowen1-Kyli

From: David.J.Rodriguez@hawaii.gov
Sent: Thursday, January 31, 2013 4:20 PM
To: waltestimony; omhtestimony
Cc: Ouida.K.Vincent-Harvest@hawaii.gov; Paz.N.Canilao@hawaii.gov
Subject: WAL/OMH Feb1@8am
Attachments: HB797 SMA.docx

The DOT submits testimony for HB797. NOTICE>
http://www.capitol.hawaii.gov/session2013/hearingnotices/HEARING_WAL-OMH_02-01-13_.HTM

Thank you for the opportunity to provide testimony.

David J. Rodriguez
Special Assistant
Department of Transportation
869 Punchbowl Street, Suite 504
Honolulu, Hawaii 96813
(808) 587-2165



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

IN REPLY REFER TO:

February 01, 2013
8:00 a.m.
State Capitol, Conference Room 224

HB 797
RELATING TO COASTAL ZONE MANAGEMENT

House Committee(s) on Water and Land & Ocean, Marine Resources,
and Hawaiian Affairs

Department of Transportation **supports** HB 797 because it provides an optional process for State agencies to acquire a Special Management Area permit.

The Department of Transportation strives to move its projects through the planning and permitting process to construction in a timely manner. Certain projects that require State agencies to acquire a Special Management Area Permit will benefit from this process to expedite projects from permitting to construction. DOT anticipates that projects that have minimal and negligible impact to the Special Management Area will take advantage of this optional process.

Thank you for the opportunity to provide testimony.



lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 31, 2013 12:20 PM
To: waltestimony
Cc: htf@lava.net
Subject: Submitted testimony for HB797 on Feb 1, 2013 08:00AM
Attachments: HB 797 HTF testimony.pdf

HB797

Submitted on: 1/31/2013

Testimony for WAL/OMH on Feb 1, 2013 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Hawaii's Thousand Friends	Hawaii's Thousand Friends	Oppose	Yes

Comments:

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25 Maluniu Ave., Suite 102., PMB 282 • Kailua, HI 96734 • Phone/Fax: (808) 262-0682 E-mail: htf@lava.net

February 1, 2013

COMMITTEE ON WATER & LAND

Rep. Cindy Evans, Chair

Rep. Nicole E. Lowen, Vice Chair

COMMITTEE ON OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS

Rep. Faye P. Hanohano, Chair

Rep. Ty J.K. Cullen, Vice Chair

HB 797 RELATING TO COASTAL ZONE MANAGEMENT

Committee Chairs and members:

Hawaii's Thousand Friends, a statewide non-profit land and water advocacy organization, *opposes* HB 797 that adds a new section to part II of Chapter 205A, Coastal Zone Management, to provide a process for state consistency review and certification for development by a state agency on state land within the special management area.

HB 797 is an automatic approval bill. Once a notice of state consistency certification is filed by a state agency and the state consistency certification published then a state project on state land **shall** proceed.

- Line 5 “the state agency **shall** file a notice of state consistency certification”
- Line 15 - “After publication of the state consistency certification, a development by a state agency on state land **shall be allowed** within a special management area without obtaining a permit or shoreline setback as otherwise required by this chapter”

HB 797 exempts any state agency development within the SMA with a state consistency certification from being consistent with county general plans and zoning, which is a requirement in section 205A-26 (2)(C).

HB 797 limits public participation. Under the proposed state consistency review there is only 1 opportunity for public input and that is during a 30-day comment period, which will be noticed in the Office of Environmental Control (OEQC) Environmental Notice. Currently notices of SMA applications are sent to Oahu Neighborhood Boards so that the community is aware of activities proposed within the coastal zone.

Under this new scheme once a person or organization has responded to the notice of state consistency certification the only way a person or organization can “retrieve” a response to

their comments is to read a notice listed *somewhere* giving instructions on how to retrieve electronic and printed copies of the state agency responses. In other words, the responding agency will not provide commentators with responses to their comments but leaves it up to the commenter to find the agencies response.

HB 797 is anti-home rule. Under Hawaii's federally recognized and financially supported Coastal Zone Management Law, HRS 205A, the Special Management Area Permitting process is the county's role in the protection of our islands sensitive coastal areas.

The SMA permit process provides many opportunities for public input on environmental and cultural impacts from development within the coastal zone - hearings before county Planning Commissions, the Honolulu City Council and public hearings in the community where the development is proposed.

HB 797 infers that somehow developments by state agencies on state land will be less harmful to Hawaii's coastal environment than other projects and thus should be excluded from county SMA review. This is an illogical assumption. Any development within Hawaii's coastal zone must be comprehensively reviewed for compliance with Hawaii's CZM Law to ensure adequate public access, to avoid substantial adverse environmental or ecological effects, prevent permanent losses of valuable resources, and ensure that development is consistent with the county general plans and zoning.

Eliminating the counties SMA review process, limiting public participation, and exempting compliance with county plans and zoning as proposed in HB 797 is irresponsible.

For the above reasons we urge the committees to not pass HB 797.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committees on
WATER AND LAND
and
OCEAN, MARINE RESOURCES AND HAWAIIAN AFFAIRS**

**Friday, February 1, 2013
8:00 A.M.
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 797
RELATING TO COASTAL ZONE MANAGEMENT**

House Bill 797 proposes statutory changes for a streamlined process for development by a state agency on state land within the Special Management Area. The Department of Land and Natural Resources (Department) supports this Administrative measure as it preserves the intent of the Coastal Zone Management law while facilitating the implementation of construction projects that will improve our deteriorated facilities and create jobs to improve the economy.

The Department further emphasizes that this measure is only applicable for development by a state agency on state land and is conditioned upon each project meeting consistency review requirements in accordance with Chapter 205A Hawaii Revised Statutes. This measure provides a reasonable process that balances the need to expedite the Department's projects while ensuring the protection of the environment, coastal resources, and public access.

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

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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COMMISSION ON WATER RESOURCE MANAGEMENT
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