

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 14, 2013 5:10 PM
To: waltestimony
Cc: skaye@runbox.com
Subject: *Submitted testimony for SB1027 on Mar 15, 2013 08:30AM*

SB1027

Submitted on: 3/14/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Sally Kaye	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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lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 14, 2013 6:03 PM
To: waltestimony
Cc: katiehorgan@me.com
Subject: *Submitted testimony for SB1027 on Mar 15, 2013 08:30AM*

SB1027

Submitted on: 3/14/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Katie Horgan	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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Sierra Club Hawai'i Chapter

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HOUSE COMMITTEE ON WATER & LAND HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

March 15, 2013, 8:30 A.M.
(Testimony is 2 pages long)

TESTIMONY IN OPPOSITION TO SB 1027 SD1

Aloha Chair Evans, Chair Hanohano, and Members of the Committees:

The Sierra Club, Hawai'i Chapter, with 10,000 dues-paying members and supporters, respectfully *opposes* SB 1027 SD1. This measure would put the state in charge of certifying its own Coastal Zone Management permits without existing safeguards and public input.

Existing law protecting Hawaii's fragile coastline should not be weakened. Consider the impacts of this measure:

- Counties would lose substantive control over their own coastal resources and decisions that substantively impact their own infrastructure and long-range plans;
- Allow O'ahu to dictate decisions for neighbor islands;
- Deny the public of the ONLY public hearing on many state projects;
- The Office of Planning would only have to "consider" public comments, without consequence for ignoring them;
- The Office of Planning would have no enforcement capacity, no administrative process for violations, or clear ability to levy fines under Chapter 205A; and
- Elimination of county-established setback laws.

It must be noted that the State of Hawaii has a poor record of protecting our coastal resources. Because state and county agencies are typically more concerned with their mission than the environment, these agencies tend to marginalize environmental concerns.

For example, less than a year ago the State Department of Transportation approved the construction of the Olowalu Highway near the coastline, despite the fact that residents and the County of Maui wanted the highway to be built more mauka. In fact, the County had purchased land specifically for this purpose. The State's poorly-planned highway caused a plume of mud to

cover the coral reef up to a half-mile past the shoreline. Today the coastline is hardened and residents of West Maui will never be able to enjoy a popular beach again.

The special management area process works to protect Hawaii's coastal zone area by ensuring public input and environmental oversight. This measure proposes to eliminate this balance. It would eliminate 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.

Exempting the State from a carefully thought-out process that has a cumulative or significant impact on the coastal zone area does not make sense, especially when Hawaii's coastal areas are a primary attribute attracting visitors to the state.

Mahalo for the opportunity to testify



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GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded via Capitol website

March 15, 2013

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

HONORABLE FAYE HANOHANO, CHAIR, HONORABLE TY CULLEN,
VICE CHAIR AND MEMBERS OF THE HOUSE COMMITTEE ON OCEAN,
MARINE RESOURCES & HAWAIIAN AFFAIRS

SUBJECT: **SUPPORT OF S.B. 1027, SD1, RELATING TO COASTAL ZONE
MANAGEMENT.** Adds a new section to part II of chapter 205A, HRS, to
provide a process for state consistency review and certification for development
by a state agency on state land within the special management area. After a notice
of state consistency certification is published in the periodic bulletin by the office
of environmental quality control, or upon issuance of federal consistency
concurrence, a development by a state agency on state land shall be allowed
within a special management area without obtaining a special management area
permit or shoreline setback variance as otherwise required by chapter 205A, HRS.
Effective 07/01/2050. (SD1)

HEARING

DATE: Friday, March 15, 2013
TIME: 8:30 a.m.
PLACE: Conference Room 325

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

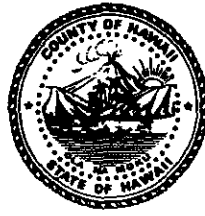
The General Contractors Association (GCA) is an organization comprised of over six hundred
(600) general contractors, subcontractors, and construction related firms. The GCA was
established in 1932 and is the largest construction association in the State of Hawaii. The GCA's
mission is to represent its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

S.B. 1027, SD1 proposes to provide an improved state consistency review process for
development by a state agency on state land within a special management area ("SMA") in place
of a county approved SMA permit and shoreline setback variance. The state consistency review
and certification process (1) allows the Hawaii CZM Program to remain consistent with the state
and federally approved CZM Program, and (2) helps the state expeditiously deliver capital
improvement and repair and maintenance projects.

This bill provides an opportunity to improve the efficiency in the SMA permitting process. This bill would preserve the importance of the Coastal Zone Management Act to provide for effective management, beneficial use, protection and development of the coastal zone, while making the process simpler and more efficient.

For these reasons, we respectfully request the passage of this bill. Thank you for this opportunity to present our views on this measure.

Margaret Wille
Council Member
District 9 - North and South Kohala



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HAWAI'I COUNTY COUNCIL

County of Hawai'i

*Hawai'i County Building
25 Aupuni Street
Hilo, Hawai'i 96720*

*Holomua Center
64-1067 Mamalahoa Highway, Suite C-5
Waimea, Hawai'i 96743*

*West Hawai'i Civic Center Bldg. A
74-5044 Ane Keohokalole Hwy.
Kailua-Kona, Hawai'i, 96740*

COMMENTS WITH SUGGESTED AMENDMENTS

for SB1027 Relating to Coastal Zone Management
Joint House Committees on Water & Land
and Ocean, Marine Resources and Hawaiian Affairs
Friday March 15th, 2013 8:30am Rm 325

Aloha Chairs Evans and Hanohano, Vice Chairs Lowen and Fale and members of the Committee, my name is Margaret Wille, Chair of the Hawai'i County Council Committee on Agriculture, Water and Energy Sustainability, testifying with **COMMENTS AND SUGGESTED AMENDMENTS** on SB1027 Relating to Coastal Zone Management.

DESCRIPTION:

THIS STATE LEGISLATION IS ANOTHER ATTACK ON THE PRINCIPLE OF HOME RULE AND LOCAL SAY-SO.

The proposed measure adds a new section to part II of chapter 205A, HRS, to provide a state consistency review and self-certification of developments by a state agency on state land within the special management area now under the jurisdiction of the counties.

Under this proposal, after a "notice of state consistency certification" is published by the office of environmental quality control, or upon issuance of federal consistency concurrence, a development by a state agency on state land shall be allowed within a special management area without obtaining a special management area permit or shoreline setback variance as otherwise required by chapter 205A, HRS.

County CZM specialists are experienced at this SMA review and are available to help applicants and contractors to avoid, minimize, and mitigate environmental damage. As highlighted in testimony delivered to WAM, the recent SMA-exempted West Maui DOT project that caused the tragic erosion event that hurt the reef there could have been averted had the right info about the reef ecosystems been raised during the SMA permit application, and mitigating actions suggested. The citizen's firsthand account that the contractor was told there was simply "no reef there" caused a self-fulfilling negative impact, as the picture illustrated. Auwe!

*Serving the Interests of the People of Our Island
Hawai'i County Is An Equal Opportunity Provider And Employer*

March 14, 2013

Page 2 of 2

This self-certification process does not require adherence to county general plans, zoning districts, or Community Development Plan, nor does it take into account restrictions on aesthetic illumination on beaches affecting our endangered heritage fauna, or the taking or mining of sand, rubble and dead corals. Under this bill, agencies can allow the killing of the reef and the taking of the dead coral, too!

Honolulu-based decision makers do not have the kuleana - the local knowledge and expertise of the neighbor islands which confers the rights and responsibility to act appropriately - to self-certify compliance with their own development projects.

Pending the outcome of the bills repealing or amending the PLDC, this bill would also potentially mandate that state/private partnership developments on state land "shall" be allowed within a special management area without obtaining a permit or shoreline setback as otherwise required by law.

STOP GUTTING LOCAL GOVERNMENT REVIEW.

Mahalo for the opportunity to testify,

Margaret Wille
Council Member District 9
North & South Kohala