

SB 1027

SB1027

Measure Title: RELATING TO COASTAL ZONE MANAGEMENT.

Report Title: Coastal Zone Management

Description:

Adds a new section to part II of chapter 205A, Hawaii Revised Statutes, 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, 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.

Companion: [HB797](#)

Package: Gov

Current Referral: WTL/EGH, WAM

Introducer(s): KIM (Introduced by request of another party)

<u>Sort by Date</u>		Status Text
1/24/2013	S	Introduced.
1/24/2013	S	Passed First Reading.
1/24/2013	S	Referred to WTL/EGH, WAM.
2/1/2013	S	The committee(s) on WTL/EGH has scheduled a public hearing on 02-05-13 1:30PM in conference room 225.

S = Senate | H = House | D = Data Systems | \$ = Appropriation measure | ConAm = Constitutional Amendment
Some of the above items require Adobe Acrobat Reader. Please visit [Adobe's download page](#) for detailed instructions.

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 Senate Committees on
WATER AND LAND
and
ECONOMIC DEVELOPMENT, GOVERNMENT OPERATIONS AND HOUSING**

**Tuesday, February 5, 2013
1:30 P.M.
State Capitol, Conference Room 225**

**In consideration of
SENATE BILL 1027
RELATING TO COASTAL ZONE MANAGEMENT**

Senate 1027 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.

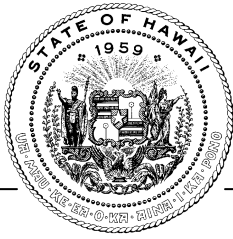
Thank you for the opportunity to provide testimony on this measure.

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
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



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
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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 WATER AND LAND
AND
SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, GOVERNMENT
OPERATIONS AND HOUSING**
Tuesday, February 5, 2013
1:30 PM
State Capitol, Conference Room 225

in consideration of
SB 1027
RELATING TO COASTAL ZONE MANAGEMENT.

Chairs Malama and Dela Cruz, Vice Chairs Shimabukuro and Slom, and Members of the Senate Committees on Water and Land and Economic Development, Government Operations and Housing.

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, SB 1027, Relating to CZM. SB 1027 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. SB 1027 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.

**Office of Planning, State of Hawaii
Frequently Asked Questions
State Consistency Review and Certification
SB1027/HB797**

2013 Legislative Session

1. **QUESTION:** What is the purpose of bills SB1027 and its companion HB797?

ANSWER: The purpose of these bills is to provide a streamlined 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. In light of scarce resources, reductions in staff, and reduced funding support for state programs, 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.

2. **QUESTION:** What is an SMA permit?

ANSWER: The SMA permit process is a part of Hawaii’s state and federally approved Coastal Zone Management (“CZM”) Program. The SMA is a specific, delineated area extending inland from the shoreline to a boundary determined by each county. The SMA is a subset of Hawaii’s coastal zone, which includes all lands of the state and the area extending seaward from the shoreline to the limit of the state’s police power and management authority, including the United States territorial sea.

3. **QUESTION:** Isn’t this just another exemption?

ANSWER: No, projects will not be exempt from the CZM law. This is a streamlining effort to make the process simpler and more efficient, while still achieving the purpose of Hawaii’s CZM law to “provide for the effective management, beneficial use, protection, and development of the coastal zone.” See L. 1977, c 188, § 1.

4. **QUESTION:** Why is consistency with the CZM law important?

ANSWER: In 1975, our legislature found that “special controls on developments within an area along the shoreline are necessary to avoid permanent losses of valuable resources and the foreclosure of management options, and to ensure that adequate access, by dedication or other means, to public owned or used beaches, recreation areas, and natural reserves is provided.” Furthermore, our legislature declared “that it is the state policy to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawaii.” This was codified in HRS § 205A-21 and is still important to current and future generations. Consistency is also required for continued federal funding support of the Hawaii CZM Program. See CZM Act of 1972, codified as 16 U.S.C. §§ 1451-1465, available at <http://goo.gl/SQ2F8>.

5. **QUESTION:** Why is the Office of Planning proposing this bill?

ANSWER: During the 2012 legislative session, legislators and the Governor requested that the Office of Planning, as the lead agency for the Hawaii CZM Program, consider streamlining SMA permitting for state projects.

6. QUESTION: Who was consulted in drafting this bill?

ANSWER: Drafting of the bill was done in consultation with various stakeholders who have jurisdiction and regulatory responsibility over CZM Act implementation. The Office of Planning sought comments from: Department of Land and Natural Resources, Division of Forestry and Wildlife, Division of State Parks, Division of Boating and Ocean Recreation, Office of Conservation and Coastal Lands; Department of Transportation, Airports Division, Harbors Division, Highways Division, Statewide Transportation Planning Office; Office of Hawaiian Affairs; all four county planning departments; and the Marine and Coastal Zone Advocacy Council (a 12-member public advisory board with at least two members from each county). The director also discussed the Office of Planning’s proposal at various presentations before such audiences as the 2012 Hawaii Congress of Planning Officials, the Environmental Caucus of the Democratic Party of Hawaii, and members of the Environmental Council.

7. QUESTION: Who decides whether a proposed action by a state agency on state land within the SMA is a “development” subject to state consistency review and certification?

ANSWER: “Development” is defined under HRS § 205A-22. State agencies will decide whether or not an action is a development in consultation with the Office of Planning.

8. QUESTION: How is the bill structured, and how can the public participate?

ANSWER: The bill proposes adding a new section to Part II of HRS Chapter 205A. This new section sets forth the process for state consistency review and certification. In short, the process is as follows: (1) The state agency files a notice of the state consistency review with the Office of Environmental Quality Control (OEQC), and allows a thirty-day public comment period; (2) The state agency provides a copy of its notice to the Office of Planning; and (3) The state agency files a notice of state consistency certification attesting that it has consulted and it is consistent with the CZM law. Public comments and responses thereto are made available to the public. In addition, the public may seek judicial remedies under HRS § 205A-33.

9. QUESTION: Does the bill preclude state agencies from following the current process?

ANSWER: No. A state agency may choose to follow the existing SMA.

10. QUESTION: How can I learn more about the CZM Program?

ANSWER: Visit the CZM Program’s SMA web page at <http://www.state.hi.us/dbedt/czm/program/sma.php>.

To follow Office of Planning initiatives and projects, join us on Facebook (www.facebook.com/OfficeofPlanning.HIgov) and Twitter (twitter.com/PlanningHIgov).



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

NEIL ABERCROMBIE
GOVERNOR

RICHARD C. LIM
DIRECTOR

MARY ALICE EVANS
DEPUTY DIRECTOR

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Statement of
RICHARD C. LIM
Director
Department of Business, Economic Development, and Tourism
before the
**SENATE COMMITTEE ON WATER AND LAND
AND
SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, GOVERNMENT
OPERATIONS AND HOUSING**

Tuesday, February 5, 2013
1:30 PM
State Capitol, Conference Room 225

in consideration of
SB Bill No. 1027
RELATING TO COASTAL ZONE MANAGEMENT.

Chairs Solomon and Dela Cruz, Vice Chairs Shimabukuro and Slom, and Members of the Committees.

The Department of Business, Economic Development, and Tourism (DBEDT) supports the Administration's Bill, SB 1027, relating to Coastal Zone Management (CZM).

Senate Bill 1027 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 SB 1027 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.



SB1027
RELATING TO COASTAL ZONE MANAGEMENT

Senate Committee on Water and Land
Senate Committee on Economic Development, Government Operations and Housing

February 5, 2013

1:30 p.m.

Room 225

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on SB1027, which would provide for state administration of state projects involving activities in the special management areas and shoreline setback areas throughout the various counties.

This bill allows state shoreline development projects to move forward outside of the county-administered special management area permitting process, and without a county-approved shoreline setback variance as currently required under the state Coastal Zone Management Act (CZMA). The proposed “streamlined” process does provide for state review of projects for “consistency” with certain selected provisions of the CZMA, that are currently administered and implemented by the counties.¹ However, it is unclear whether or how such “consistency” certification will reflect the application of subjective standards, such as “reasonable” minimization of dredging or reduction of beach or public access, or the minimization of substantial adverse environmental impacts “to the extent practicable.”² Insofar as such subjective standards, which are currently implemented by individual counties, would be applied by the state, **this bill raises questions as to whether or how Honolulu-based state agencies will adopt subjective permitting and variance standards that may vary across the four counties.**

Ideally, any state projects that occur under this bill will reflect a recognition of the local county standards and norms for “reasonable” minimization of harmful activities, and the minimization of impacts “to the extent practicable,” among other subjective requirements within the CZMA.

Mahalo for the opportunity to testify on this measure.

¹ Such “consistency certification” does not appear to take into account current requirements relating to aesthetic illumination of beaches and shoreline areas, county general plans or zoning districts, or the taking or mining of sand, dead coral, or rubble. See HRS §§ 205A-26(2)(C), -30.5, -44; cf. H.B. 797 page 3 lines 11-19.

² HRS § 205A-26(2)(A).



**Testimony to the Senate Committees on Water and Land, and
Economic Development, Government Operations and Housing
Tuesday, February 5, 2013, 1:30 p.m.
State Capitol - Conference Room 225**

RE: SENATE BILL NO. 1027, RELATING TO COASTAL ZONE MANAGEMENT

Chairs Solomon and Dela Cruz and Vice Chairs Shimabukuro and Slom, and members of the committees:

The Chamber of Commerce of Hawaii **strongly supports S.B. 1027**. The bill proposes to add a new section to part II of chapter 205A, Hawaii Revised Statutes, 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, 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.

The Chamber is the largest business organization in Hawaii, representing more than 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

Chapter 205A HRS was created by the Legislature and allowed for "... special controls on developments within an area along the shoreline are necessary to avoid permanent losses of valuable resources and the foreclosure of management options, and to ensure that adequate access, by dedication or other means, to public owned or used beaches, recreation areas, and natural reserves are provided. The legislature finds and declares that it is the state policy to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawaii."

It would appear that the time to address the shoreline management issues would be when the facility, such as a government airport, is first being proposed. Logically, then if there is an impact, the airport should not be built. Once it is built, it would appear to be overly redundant to issue a SMA permit each time any work is being done within the airport facility.

To require and/or limit SMA permits for existing State facilities based on interior or renovation work seems to be unnecessary especially if the facility is already approved within the SMA. The bill would allow the Office of Planning to remove some of the redundancy in the permitting process. Perhaps, given the original intent of Chapter 205A, HRS, the entire state facility should be exempt or at the very least grant a SMA permit for the entire facility.

Thank you for this opportunity to express our views.

BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

"Building Better Communities"

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Complete Construction Services Corp.

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Pacific Rim Partners

W. Bruce Barrett

Castle & Cooke Homes Hawaii, Inc.

Testimony to the Senate Committees on Water and Land, and Economic Development, Government Operations, and Housing
Tuesday, February 5, 2013
1:30 p.m.
State Capitol - Conference Room 225

RE: S.B. 1027, RELATING TO COASTAL ZONE MANAGEMENT

Dear Chairs Solomon and Dela Cruz, Vice-Chairs Shimabukuro and Slom, and members of the Committees:

My name is Gladys Marrone, Director of Government Relations for the Building Industry Association of Hawaii (BIA-Hawaii), the voice of the construction industry. BIA-Hawaii promotes its members through advocacy and education, and provides community outreach programs to enhance the quality of life for the people of Hawaii. BIA-Hawaii is a not-for-profit professional trade organization, chartered in 1955, and affiliated with the National Association of Home Builders.

BIA-Hawaii **strongly supports** S.B. 1027. The bill proposes to add a new section to part II of chapter 205A, Hawaii Revised Statutes, 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, a development by a state agency on state land shall be allowed within a special management area ("SMA") without obtaining a special management area permit or shoreline setback variance as otherwise required by chapter 205A.

Chapter 205A HRS was created by the Legislature and allowed for ". . . special controls on developments within an area along the shoreline are necessary to avoid permanent losses of valuable resources and the foreclosure of management options, and to ensure that adequate access, by dedication or other means, to public owned or used beaches, recreation areas, and natural reserves are provided. The legislature finds and declares that it is the state policy to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawaii."

It would appear that the time to address the shoreline management issues would be when the facility, such as a government airport, is first being proposed. Logically, if there is an impact, the airport should not be built. Once it is built, however, it would appear overly redundant to issue a SMA permit **each time** any work is being done **within** the airport facility.

Senate Committees on Water and Land, and Economic Development, Gov't Operations, and Housing
Tuesday, February 5, 2013
1:30 p.m.
Testimony of BIA-Hawaii

To require and/or limit SMA permits for existing State facilities based on interior or renovation work seems to be unnecessary, especially if the facility is already approved within the SMA. The bill would allow the Office of Planning to remove some of the redundancy in the permitting process. Perhaps, given the original intent of Chapter 205A, HRS, the entire state facility should be exempt or, at the very least, granted a SMA permit for the entire facility.

For the foregoing reasons, BIA-Hawaii **strongly supports** S.B. 1027.

Thank you for the opportunity to express our views on this matter.



Marine and Coastal Zone Advocacy Council

Ke Kahu O Na Kumu Wai

MACZAC Members:

Hawaii Island

Philip Fernandez

Kauai

Rhoda Makanani Libre

Lanai

Robin Kaye

Maui

Donna L. Brown

James E. Coon

Molokai

Michael Sabas

Oahu

Dawn T. Hegger

Susan A. Sakai

Kimbal Thompson

Senate Committee on Water and Land and Senate Committee on Economic Development, Government Operations, and Housing

Tuesday, February 5, 2013; 1:30 PM; Conference Room 225

TESTIMONY IN SUPPORT OF SB 1027

RELATING TO COASTAL ZONE MANAGEMENT

Chairs Solomon and Dela Cruz, Vice Chairs Shimabukuro and Sloam and Members of the Committees:

My name is James E. Coon, I am a charter member of Ke Kahu O Na Kumu Wai and MACZAC and I speak **In Support of SB 1027**. MACZAC supports the Administration's Bill, SB 1027, Relating to CZM. SB 1027 allows state agencies with developments on state land within the SMA to either self-certify compliance with SB1027_BED-OP_02-05-13_WTL-EGH - 2 - 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.

SB 1027 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.

I humbly ask you to please pass SB 1027.

Sincerely,

James E. Coon, Representative



Indigenous Consultants, LLC

Mililani B. Trask, Principal

P.O.Box 6377 ❖ Hilo, HI 96720

Mililani.trask@gmail.com



Date: Tuesday, February 5, 2013

Time: 1:30 pm

Place: Conference Room 225

Committees: WTL/EGH



Re: SB 1027 – Coastal Zone Management



Aloha Legislators,

The Indigenous Consultants (IC) is a Hawaii based, indigenous LLC owned and operated by Native Hawaiians. It was created to assist indigenous peoples in developing their renewable energy resources in ways that are: Culturally appropriate, environmentally green and sustainable, socially responsible and economically equitable and affordable. For several years the IC has worked with Innovations Development Group in New Zealand and indigenous Maori developing geothermal resources, which are trust assets of Maori Land Trusts. In addition, the IC has acted as a consultant to other indigenous people in Hawaii and Asia who are addressing development of their trust renewable energy resources in ways that; directly benefit their people, bring in revenues, create small business opportunities and ensure fair & affordable rates to consumers, including themselves and their communities.

The Innovations Development Group (IDG) is a Hawaii based renewable energy Development Corporation owned by Native Hawaiians. It was created to facilitate the development of renewable energy resources of native people, and in summer 2011 presented its development model to legislators of the Energy & Land Committees.

The Innovations Development Group and Indigenous Consultants support this measure.

IDG & IC support this measure because it maintains the protections of the federally approved Hawaii Coastal Zone management program but gives the State agencies interfacing with the federal CZM requirements a more streamlined process to use when they are developing state land.

Background:

The SMA permitting system is currently managed by the Counties and overseen by the State Office of planning. It is applicable to State agencies developing state land for state projects. Under the existing procedure, the County Planning Commissions or County Council (Honolulu) are involved in the permitting process that includes contested case hearings & litigation.

This measure creates other options for State agencies developing state projects on state lands. It would allow these state agencies to #1. Self-certify compliance with chapter 205A; #2. Obtain a federal consistency concurrence (under Title 15 CFR 930) or #3: Use the existing SMA permit process.

Need:

There is a critical need for our State to repair, maintain & upgrade its shoreline public facilities, and to do so in the most affordable & practical manner. This critical need is most evident on neighbor islands. This measure will ensure that shoreline protections are in place while expediting the capitol improvement needs of the State, and keeping the costs down. It is common knowledge in our State that environmental groups, as a matter of practice, sue to stop or delay development because they want to prevent development from proceeding for political & not environmental purposes. This problem was recently the focus of an "Insight" article by professor David Callies, (UH Law school) whose research documented that 80% of the cases are decided (by the Hawaii Supreme Court) in favor of environmentalists, but that 70% of those cases are later overturned by the Intermediate Court of Appeals! This research documents an ongoing bias by environmental groups and the Supreme Court against development and the fact that this bias is illegal & a violation of the right of property owners to develop & use their lands productively. See Insight Honolulu Star-Advertiser 1/11/13, at page A16.

It is common knowledge that the anti-development cases brought by environmental groups are undertaken in order to delay projects & drive costs up so that the projects are no longer financially feasible. These groups achieve their goals, despite the fact that in 70% of the time their specious arguments are found to be baseless by the Appellate Court. This practice has prevented badly needed repairs for public facilities and earned Hawaii the reputation as an anti-business State that provides little by way of public services & facilities to its residents.

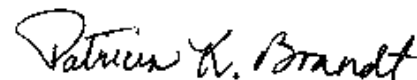
This measure needs support, without it, it is doubtful that the state will ever repair & maintain neighbor island public facilities.

Regards,



Mililani B. Trask – Indigenous Consultants LLC

Sincerely,



Patricia K. Brandt
CEO IDG Hawaii

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: Barb@punapono.com
Subject: Submitted testimony for SB1027 on Feb 5, 2013 13:30PM
Date: Sunday, February 03, 2013 11:55:21 PM

SB1027

Submitted on: 2/3/2013

Testimony for WTL/EGH on Feb 5, 2013 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Cuttance	Individual	Oppose	No

Comments: Please do not pass this bill, it is not good for Hawaii. 14/266 Papaya Farms Road, Pahoia, Hawaii, 96778.

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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SB1027

Submitted on: 2/2/2013

Testimony for WTL/EGH on Feb 5, 2013 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Elaine D.	Individual	Oppose	No

Comments: SB 1027 is misguided and appears to circumvent federal consistency reviews. It is basically a fast tracking bill to shortcut private development on state land and skips several important steps of the state processes attempting to be eligible to satisfy requirements on the federal level which will result in automatic disqualification at the federal level. The catalog of Federal Domestic Assistance (CFDA) provides a full listing of all Federal programs available to State and local governments (including the District of Columbia); federally-recognized Indian tribal governments; Territories (and possessions) of the United States; domestic public, quasi- public, and private profit and nonprofit organizations and institutions; specialized groups; and individuals. What the state is proposing ignores the intents and purposes of Title 15, part 930. The state would be subverting the federal code. “..need not obtain a permit or shoreline setback variance as otherwise required by this chapter..” This is an Act 55 action that is illegal under the Hawaii State Constitution regardless of the erroneous passage by the Hawaii State Legislature in 2012. “..After state agency responses to relevant public comments..” This section is discretionary and has the immediate effect of eliminating public input. “..Except as otherwise provided by law, printed copies of responses and public comments shall be provided upon request, provided that the state agency may require the payment of the reasonable cost of providing paper copies.” This creates an undue hardship on the public, which has a right to copies of these responses being provided especially since it is the public land. It thwarts the public’s ability to participate in decisions. “(d) Subsection (a) shall not apply to a development by a state agency that is subject to federal consistency review pursuant to title 15 Code of Federal Regulations part 930. Upon issuance of a federal consistency concurrence pursuant to title 15 Code of Federal Regulations part 930, a development by a state agency on state land shall be allowed within a special management area without obtaining a permit or shoreline setback variance as otherwise required by this chapter.” This is an Act 55 action that is illegal under the Hawaii State Constitution regardless of the erroneous passage by the Hawaii State Legislature in 2012 and will be considered illegal under federal rules as well. Unless of course, the PLDC and proponents/writers of this legislation have news regarding Global Warming that the federal government is not aware of? “They received either a building permit, board approval, or shoreline setback variance prior to June 16,

1989;..” This constitutes an Act 55 action that is illegal under the Hawaii State Constitution regardless of the erroneous passage by the Hawaii State Legislature in 2012. Please Kill this poorly written bill.

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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Subject: *Submitted testimony for SB1027 on Feb 5, 2013 13:30PM*
Date: Saturday, February 02, 2013 9:23:14 AM

SB1027

Submitted on: 2/2/2013

Testimony for WTL/EGH on Feb 5, 2013 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Kerri Marks	Individual	Oppose	No

Comments:

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SB1027

Submitted on: 2/1/2013

Testimony for WTL/EGH on Feb 5, 2013 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Oppose	No

Comments:

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