



SIERRA CLUB OF HAWAII
MĀLAMA I KA HONUA. Cherish the Earth.

LATE

SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

Wednesday February 17, 2016 2:45PM Room 224

In Support SB2355 Relating to Land Use Commission

Aloha Chairman Gabbard and members of the Senate WLA Committee,

On behalf of our 12,000 members and supporters, the Sierra Club of Hawai'i **strongly supports SB2355** to authorize the Land Use Commission to enforce its decisions related to land use boundary designations. We also offer several friendly amendments.

What SB2355 will do

In the face of several recent court decisions casting doubt on the extent of the LUC's authority, this bill provides certainty to developers, as well as advocates for the public interest, by clarifying that the LUC has the power to enforce its own decisions.

Amendment 1: increase fines

The penalty structure is insufficient to ensure compliance. The Sierra Club is concerned about large construction projects that could earned developers millions upon millions of dollars. To avoid become a simple cost of doing business, penalties imposed by the LUC should be a percentage of the projected value of the project.

Amendment 2: define substantial commencement

As it is currently worded, there is insufficient guidance as to what the LUC, a court, or the community should consider as "substantial commencement" of a project. This Committee should provide guidelines to assess whether a developer has done enough to avoid penalties for failure to act on a boundary designation amendment. This guidance should include completion of all public use improvements (such as roads and utilities), and more than half of the actual private improvements approved by the LUC (such as the housing subdivision). Without this guidance, it would be possible for developers to contend that any dollar spent on improving a project site demonstrates "substantial commencement" of a project.

This is an important measure to improve the functioning of our land use system. That is why we urge you to advance this bill to the next joint committee. Thank you for the opportunity to testify on this measure.

Mahalo,

Martha Townsend

Director