

SB 2639

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

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**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committees on
WATER, LAND & AGRICULTURE
and
ECONOMIC DEVELOPMENT, ENVIRONMENT & TECHNOLOGY**

**Friday, February 12, 2016
2:00 P.M.
State Capitol, Conference Room 414**

**In consideration of
SENATE BILL 2639
RELATING TO CONSERVATION DISTRICTS**

Senate Bill 2639 proposes to extend the one hundred and eighty day processing period for Conservation District Use Applications under Chapter 183C, Hawaii Revised Statutes (HRS), an additional ninety days beyond the time necessary to complete the requirements of Chapter 343 or Chapter 91, HRS. **The Department of Land and Natural Resources supports this measure.**

Section 183C-6 HRS requires the Board of Land Natural Resources (BLNR) to make a final decision on a Conservation District Use Permit within 180 days of the application being received and accepted as complete. If the BLNR fails to do so, the applicant may “automatically” put the land to the use requested, unless the applicant requests a time extension.

The proposed measure ensures that adequate time will be automatically granted if a contested case hearing or environmental impact statement is required in order to avoid an automatic default approval of a Conservation District Use Application.

Thank you for the opportunity to testify on this measure.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
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



**Testimony to the Senate Committee on Water, Land, & Agriculture and
Committee on Economic Development, Environment, & Technology
Friday, February 12, 2016 at 2:00 P.M.
Conference Room 414, State Capitol**

RE: SENATE BILL 2639 RELATING TO CONSERVATION DISTRICTS

Chairs Gabbard and Wakai, Vice Chairs Nishihara and Slom, and Members of the Committees:

The Chamber of Commerce Hawaii ("The Chamber") **supports** SB 2639, which requires a ninety day extension of the conservation district permit decision deadline beyond the time necessary to complete an environmental impact statement or contested case hearing.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 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 members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

The Chamber supports this bill as it provides the applicant time to complete requirements of HRS Chapter 341 and 91 and continue its use. We believe that this is helpful both for the applicant and the department in the management of conservations areas.

Thank you for the opportunity to testify.

Testimony In Support of SB 2639 – Relating to Conservation Districts

I would like to offer testimony in support of SB 2639 (companion bill to HB 2036), which would mandate a 90-day extension of a conservation district use permit decision deadline beyond the time necessary to complete an environmental impact statement or contested case hearing.

The bill introduces a minor but common sense modification of Section 183C-6 of the Hawaii Revised Statutes on Conservation Districts. The current statute law nominally does mandate a “decision on a completed application for permit” within 180 days “of its acceptance. However, when either an environmental impact statement or contested case hearing is required, the current law is murkier, stating only that an extension “may” be extended for 90 days in these two cases “at the request of the applicant”. The bill thus streamlines and provides clarity for this statute law where it is currently lacking.

As a resident of Hawai'i, I am deeply concerned about the state's poor reputation for being receptive to business investment and its ability to provide future generations with brighter employment prospects. No doubt a major contributor to Hawai's seemingly hostile business climate is the highly inefficient and protracted legal process that any innovator faces. To many investors, Hawai'i is just not worth the effort.

Residents of Hawai'i, regardless of whether they are for or against a particular project, deserve a fair permitting process with clear expectations for when a decision will be handed down IN ALL CASES. Absent this bill, some permit decisions could in principle take years to reach.

As SB 2639 sets a clear timeline for permit decisions when an environmental impact statement or contested case hearing is required, I strongly support it.

Thank you for considering my testimony.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: hula.clay@gmail.com
Subject: Submitted testimony for SB2639 on Feb 12, 2016 14:00PM
Date: Thursday, February 04, 2016 8:36:33 PM

SB2639

Submitted on: 2/4/2016

Testimony for WLA/EET on Feb 12, 2016 14:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Veronica Ohara	Individual	Support	No

Comments: I am offering testimony to HB2036, companion SB2639, relating to conservation districts. I support HB2036 which would require a 90-day extension of a conservation district use permit decision deadline beyond the time needed to complete an environmental impact statement or contested case hearing. This bill will be a small but sensible change of section 183C-6 of the Hawaii Revised Statutes on Conservation Districts in regards to environmental impact statements or contested case hearings. The current law is not clear, stating only that an extension "may" be extended for 90-days. As a Native Hawaiian living overseas I am troubled by what appears to be difficult, if not hostile environment for business development or investors from out of state or country. A fair permit process would be helpful so that everyone understands when a decision is handed down in all cases. HB2036 sets a clear time line which will be helpful for everyone involved. Respectfully submitted, Veronica Ohara

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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Testimony In Support of SB 2639 – Relating to Conservation Districts

Greetings,

Please accept this testimony in support of SB 2639, which would require a 90-day extension of the conservation district permit decision deadline beyond the time necessary to complete an environmental impact statement or contested case hearing.

In the last several years, the mass media has portrayed the State of Hawaii in a far-from-favorable light with regard to its business environment and the perceived hostility toward investment in our future. Some of this is surely due to the pattern of lengthy, costly, and inefficient legal proceedings that accompany virtually every innovative venture that attempts to launch in our state.

I believe that in order to thwart this pattern, it is now time that limitations be placed on the process so that all parties can be aware of them at the start of a contested case or EIS, and more importantly not dragged out for years. The current process is costly and inefficient, and it enables contested cases to take years to complete. This is not fair to any of the parties involved, it is harmful to the economy, and if allowed to continue it will only serve to validate the media reports on our State's economic climate.

It is for these reasons that I support the efforts of the legislature to improve the process and timely decision making for all.

Sincerely and respectfully,

Chris D. Stark