



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

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Coastal Zone
Management
Program

Environmental Review
Program

Land Use Commission

Land Use Division

Special Plans Branch

State Transit-Oriented
Development

Statewide Geographic
Information System

Statewide
Sustainability Program

Statement of
MARY ALICE EVANS
Director, Office of Planning and Sustainable Development
before the
HOUSE COMMITTEE ON WATER AND LAND
Tuesday, February 1, 2022
8:30 AM State Capitol, Conference Room 430

in consideration of
HB 1431
RELATING TO SPECIAL MANAGEMENT AREAS.

Chair Tarnas, Vice Chair Branco, and Members of the House Committee on Water and Land.

The Office of Planning and Sustainable Development (OPSD) serves as the lead agency of the Hawaii Coastal Zone Management (CZM) Program, pursuant to Hawaii CZM Law, Hawaii Revised Statutes (HRS) Chapter 205A. The OPSD respectfully offers the following comments on the proposed amendments to HRS § 205A-22 from **HB 1431**.

Adding the term “Public facilities” is unclear as the term is not defined and is too broad for the purposes of excluded “development” under HRS § 205A-22. Pursuant to HRS § 206E-2, for example, *“Public facilities” includes streets, utility and service corridors, and utility lines where applicable, sufficient to adequately service developable improvements in the district, sites for schools, parks, parking garage, sidewalks, pedestrian ways, and other community facilities. “Public facilities” shall also include public highways, as defined by statute, storm drainage systems, water systems, street lighting systems, off-street parking facilities, and sanitary sewerage systems.*

The proposal to add the broad term “public facilities” to the list of excluded “development” under HRS § 205A-22 includes a wide range of potential actions and opens the door to exempt those developments that may have significant environmental or ecological effects on the special management areas (SMAs) from the requirement of SMA permitting.

Thank you for the opportunity to testify on this measure.

HB-1431

Submitted on: 1/31/2022 4:38:06 PM

Testimony for WAL on 2/1/2022 8:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Zendo Kern	County of Hawaii Planning Department	Support	Yes

Comments:

Support

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Testimony Opposing HB 1431, Relating to Special Management Areas

Submitted to House Committee on Water and Land
8:30 AM, February 1, 2022 Videoconference Hearing

Please hold this bill.

Sea level is rising, beaches and sedimentary shorelines are retreating, and waves are washing further inland. Sooner or later we will have to choose how to protect practically all of the State's low-lying coastal highways. If the decision is left to the State DOT, then the DOT will incrementally eliminate safe public access to and along the ocean makai of low-lying coastal highways. And this is what Hawaii's shoreline will look like makai of low-lying coastal highways.



SHORELINE REVETMENT PREVENTS SAFE PUBLIC ACCESS TO AND ALONG THE OCEAN

If public hearings and county permits are required for public facilities in the special management area, the counties will have the option to impose permit conditions to preserve safe public access to and along the shoreline. Although the DOT would be opposed, potentially this is what Hawaii's shoreline could look like makai of low-lying coastal highways.



SHORELINE REVETMENT ALLOWS SAFE PUBLIC LATERAL ACCESS ALONG THE OCEAN



SHORELINE REVETMENT ALLOWS SAFE PUBLIC OCEAN ACCESS