



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

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Statement of  
**MARY ALICE EVANS**  
Director, Office of Planning and Sustainable Development  
before the  
**HOUSE COMMITTEE ON WATER AND LAND**  
Tuesday, February 8, 2022  
9:00 AM  
State Capitol, Conference Room 430

in consideration of  
**HB 1436**  
**RELATING TO DEVELOPMENT RIGHTS.**

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

The Office of Planning and Sustainable Development (OPSD) **supports** HB 1436. This measure would authorize the counties to expand the use of the transfer of development rights (TDR) to protect lands at risk from sea level rise, coastal erosion, storm surge, or flooding. Enabling the use of TDR for this purpose adds an important voluntary tool to the range of tools that will be needed to better manage impacted coastal and low-lying lands and avoid harm to life and property from the hazards posed by climate change and sea level rise.

OPSD recommends that HRS §46-161, Findings and purpose, also be amended to clarify and codify the legislative intent and purpose of the proposed amendment in broadening the use of TDR to protect lands that will be subject to climate-induced coastal and flood hazards from development.

Thank you for the opportunity to testify on this measure.

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**COUNTY COUNCIL**  
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February 5, 2022

TO: Honorable David A. Tarnas, Chair  
House Committee on Water and Land

FROM: Alice L. Lee  
Council Chair

DATE: February 5, 2022

SUBJECT: **SUPPORT FOR HB 1436, RELATING TO DEVELOPMENT RIGHTS**

Thank you for the opportunity to testify in **SUPPORT** of this important measure. The purpose of this measure gives counties authority to use the transfer of development rights to protect lands at risk from sea-level rise, coastal erosion, storm surge, or flooding.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I **SUPPORT** this measure for the following reasons:

1. Rising sea levels continue to pose a threat throughout the State, eroding beaches and damaging habitat, ecological processes, and public property.
2. This measure authorizes counties to use the transfer of development rights to help protect areas at risk of sea-level rise, coastal erosion, storm surge, or flooding, allowing the counties to direct development away from at-risk coastal areas.
3. The authority granted by this measure would help the County of Maui fulfill the General Plan's directive to "restrict development in areas that are prone to natural hazards, disasters, or sea-level rise."

For the foregoing reasons, I **SUPPORT** this measure.