

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

**DAVID Y. IGE**  
GOVERNOR

**MARY ALICE EVANS**  
DIRECTOR

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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 1655**  
**RELATING TO COASTAL ZONE MANAGEMENT.**

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

The purpose of for the inclusion of activities that are excluded “development” under Hawaii Revised Statutes (HRS) § 205A-22 is to streamline the special management area (SMA) permitting procedures for those proposed actions that have no adverse environmental impacts on the SMAs. As the lead agency of the Hawaii Coastal Zone Management Program, the Office of Planning and Sustainable Development respectfully offers the following amendments for consideration to the proposed additions in **HB 1655**, to ensure that the proposed language complies with the purposes of excluded “development” under HRS § 205A-22:

- (7) Demolition or removal of structures, [~~or improvements,~~] except those structures [~~or improvements~~] located on any historic site as designated in national or state registers;

The term “improvements” is unclear at this time and therefore we suggest that the language remain unamended.

- (17) [~~Construction,~~] Installation, maintenance, repair, and replacement of public pedestrian and bicycle facilities including sidewalks, paths, bikeways, crosswalks, stairs, ramps, signs, signals, and associated improvements[~~, including the placements of barriers for the control of vehicle movement~~];

Please note that placement of barriers for the control of vehicle movement (parking) without a SMA permit in the vicinity of Laniakea Beach, Haleiwa, Oahu, resulted in a lawsuit.

(18) Trash removal [~~which will result in incidental ground disturbance~~] and invasive vegetation removal or control, excluding the use of herbicides;

~~(19) Invasive vegetation control with subsurface stump removal, excluding the use of the pesticides;~~

We recommend that items 18 and 19 be combined and suggest a technical amendment replacing the word “pesticides” with “herbicides” as a control mechanism to utilized for invasive vegetation.

(20) Installation of fencing for invasive species control or preservation of native habitat on a conservation land, including associated improvements and incidental structures;

~~(21) Removal of fences, walls, or barriers and replacement with gates or other access devices and associated minor improvements for inspection and maintenance of utilities; and~~

This proposed item (21) is covered by existing “(7) Demolition or removal of structures, except those structures located on any historic site as designated in national or state registers.”

(22) Installation, maintenance, repair, and replacement of [~~existing~~] lighting, fixtures, and equipment to establish compliance with current standards at existing public recreation facilities;

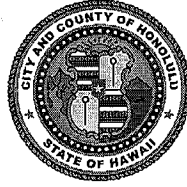
Thank you for the opportunity to testify on this measure.

LATE \*Testimony submitted late may not be considered by the Committee for decision making purposes.

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

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RICK BLANGIARDI  
MAYOR



DEAN UCHIDA  
DIRECTOR

DAWN TAKEUCHI APUNA  
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI  
DEPUTY DIRECTOR

February 1, 2022

The Honorable David A. Tarnas, Chair  
and Members of the Committee on Water & Land  
Hawaii House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Tarnas and Committee Members:

**Subject: House Bill No. 1655  
Relating to Special Management Areas**

The Department of Planning and Permitting (DPP) **supports** House Bill No. 1655, which would exempt certain types of activities from the definition of "development" that are subject to Special Management Area (SMA) review and permitting. The DPP believes that an additional exemption should be added to allow government agencies to construct, maintain and repair, including the installation of security measures, to existing government facilities located in the SMA.

Currently, work on existing government facilities located in the SMA is not excluded as "development." Based on the current law, the City and County of Honolulu, Board of Water Supply (BWS) was required to obtain an SMA permit, which included the preparation of an Environmental Assessment and a public hearing, to construct a security fence around one of its existing pump stations. The security fencing was necessary to prevent ongoing vandalism of the BWS facilities.

The additional time and funds required to secure an SMA permit for these much-needed security measures to an existing facility for public health and safety are excessive and counterproductive to the role of government agencies. We believe the proposed amendment would not compromise the need to manage activities within the SMA in Hawaii.

Thank you for this opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dean Uchida".

Dean Uchida  
Director

MICHELE CHOUTEAU MCLEAN, AICP  
DIRECTOR  
JORDAN E. HART  
DEPUTY DIRECTOR



DEPARTMENT OF PLANNING  
COUNTY OF MAUI  
ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315  
WAILUKU, MAUI, HAWAII 96793

January 31, 2022

TESTIMONY OF MICHELE CHOUTEAU MCLEAN, AICP  
PLANNING DIRECTOR  
COUNTY OF MAUI

BEFORE THE HOUSE COMMITTEE ON WATER & LAND  
Tuesday, February 1, 2022, 8:30 A.M.  
Videoconference / Conference Room 430

**HB1655 RELATING TO SPECIAL MANAGEMENT AREAS**

Representative David A. Tarnas, Chair  
Representative Patrick Pihana Branco, Vice Chair  
Honorable Members of the House Committee on Water & Land

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Thank you for this opportunity to testify in **SUPPORT** of HB1655.

Please accept this testimony in support of HB1655, which adds to the list of actions that can be exempt from having to obtain a Special Management Area (SMA) permit. These additional items include actions that are typically conducted by government agencies and conservation organizations which, to date, have had to obtain SMA permits for public benefit projects, such as constructing a sidewalk, adding a bike lane, or controlling invasive vegetation.

By adding these actions to the list of exemptions in HRS 205A-22, the county planning departments will still have to assess them to ensure that they will not have a “cumulative impact” or “significant environmental or ecological effect” before determining that they are exempt. For the most part, the agencies and organizations that conduct these activities know to implement project- and site-specific Best Management Practices (BMPs) to ensure that there will not be detrimental impacts to the SMA or coastal zone. HB1655 will make it easier for these public benefit projects to be implemented with BMPs.

Mahalo for your consideration.

**HB-1655**

Submitted on: 1/31/2022 4:37:18 PM

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

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

Comments:

Support

MICHAEL P. VICTORINO  
Mayor

ROWENA M. DAGDAG-ANDAYA  
Director

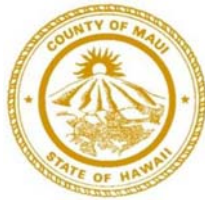
JORDAN MOLINA  
Deputy Director

WADE SHIMABUKURO, P.E.  
Development Services Administration

RODRIGO "CHICO" R. RABARA, P.E.  
Engineering Division

JOHN R. SMITH, P.E.  
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COUNTY OF MAUI  
**DEPARTMENT OF PUBLIC WORKS**  
200 SOUTH HIGH STREET, ROOM NO. 434  
WAILUKU, MAUI, HAWAII, 96793

TESTIMONY  
OF  
ROWENA M. DAGDAG-ANDAYA, DIRECTOR OF PUBLIC WORKS  
COUNTY OF MAUI

TO THE HOUSE COMMITTEE  
ON  
WATER & LAND  
THURSDAY, FEBRUARY 01, 2022, 8:30 A.M.

HOUSE BILL 1655  
RELATING TO STORMWATER FEES

Honorable David A. Tarnas, Chair,  
Honorable Patrick Pihana Branco, Vice Chair,  
and Members of the WAL Committee

Thank you for the opportunity to submit testimony on HB 1655. The County of Maui Department of Public Works **SUPPORTS** the proposed measure.

The bill seeks to exclude new pedestrian and bicycle facilities from the definition of "development". Every year, in the spirit of Act 54 (SLH 2009), the County undertakes complete streets improvement to fill gaps in the existing pedestrian and bicycle facility networks. Unfortunately, complete street improvements in the special management areas are significant more costly and take longer to implement because of the effort required to obtain special management area approvals. This proposed measure would significantly reduce the County's cost to construct these facilities and aid in expediting the implementation of complete street improvements within our county rights-of-way.

Sincerely,

JORDAN MOLINA  
Deputy Director of Public Works