

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

**DAVID Y. IGE**  
GOVERNOR

**MARY ALICE EVANS**  
DIRECTOR

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Statement of  
**MARY ALICE EVANS**  
Director, Office of Planning and Sustainable Development  
before the  
**HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS**  
Monday, March 21, 2022  
2:00 PM  
Via Videoconference, State Capitol Conference Room 325  
  
in consideration of  
**SB 2764 SD2 HD1**  
**RELATING TO SPECIAL MANAGEMENT AREAS.**

Chair Nakashima, Vice Chair Matayoshi, and Members of the House Committee on Judiciary & Hawaiian Affairs.

As the lead agency of the Hawaii Coastal Zone Management Program, the Office of Planning and Sustainable Development respectfully **supports SB 2764 SD2 HD1.**

We appreciate the amendments made by the prior committees. These amendments are intended to streamline the special management area (SMA) permitting procedures for those proposed actions that have no adverse environmental impacts on the SMAs.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
OFFICE OF CONSERVATION AND COASTAL LANDS  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
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 of**  
**SUZANNE D. CASE**  
**Chairperson**

**Before the House Committee on**  
**JUDICIARY & HAWAIIAN AFFAIRS**

**Monday March 21, 2022**  
**2:00 p.m.**  
**State Capitol, Conference Room 325 & Videoconference**

**In consideration of**  
**SENATE BILL 2764, SENATE DRAFT, 2 HOUSE DRAFT 1**  
**RELATING TO SPECIAL MANAGEMENT AREAS**

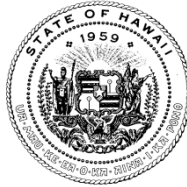
Senate Bill 2764, Senate Draft 2, House Draft 1 proposes to expand exclusions from the definition of “development” as it applies to special management areas to reduce the need for special management area permits for certain activities. **The Department of Land and Natural Resources (Department) supports the bill.**

Many parts of the State fall both within the Special Management Area and the State Land Use Conservation District, and land uses in these areas might require both Special Management Area permits and Conservation District Use Permits.

The Department appreciates that this measure will exclude from the definition of “development” invasive species control and the installation of fencing for invasive species control or the preservation of native habitats. We believe that this will help facilitate projects that are intended to preserve and protect the State’s natural and cultural resources.

Thank you for the opportunity to comment on this measure.

DAVID Y. IGE  
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY  
DIRECTOR

Deputy Directors  
ROSS M. HIGASHI  
EDUARDO P. MANGLALLAN  
PATRICK H. MCCAIN  
EDWIN H. SNIFFEN

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

March 21, 2022  
2:00 P.M.

State Capitol, Conference Room 325/Teleconference

**S.B. 2764 S.D. 2, H.D. 1  
RELATING TO SPECIAL MANAGEMENT AREAS**

House Committee on Judiciary and Hawaiian Affairs

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The Department of Transportation (DOT) **supports** this measure that seeks to expand exclusions from the definition of "development" as it applies to special management areas to reduce the need for special management area permits for certain activities.

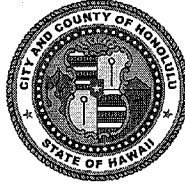
The DOT appreciates that this bill will streamline the development of projects that include controlling the spread of invasive species and protecting the native seabird population.

Thank you for the opportunity to provide testimony.

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

March 21, 2022

The Honorable Mark M. Nakashima, Chair  
and Members of the Committee on Judiciary  
and Hawaiian Affairs  
Hawaii House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Nakashima and Committee Members:

**Subject: Senate Bill No. 2764, SD 2, HD 1  
Relating to Special Management Areas**

The Department of Planning and Permitting (DPP) **supports** Senate Bill No. 2764, SD 2, HD 1, which would exempt certain types of activities from the definition of "development" that are subject to Special Management Area (SMA) review and permitting.


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 appreciate the current version of this Bill that would exclude from the SMA definition of development the "installation, maintenance, repair, and replacement of security measures, including fencing, to existing public facilities."

For the reasons stated above, we ask that Senate Bill No. 2764, SD 2, HD 1, be passed out of your Committee.

Thank you for this opportunity to testify.

Very truly yours,

  
for Dean Uchida  
Director

**LATE**

**SB-2764-HD-1**

Submitted on: 3/21/2022 1:24:12 PM

Testimony for JHA on 3/21/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jordan E. Hart	County of Maui, Department of Planning	Support	In Person

Comments:

I apologize that this is tardy. I will appear in person.



Testimony of the

**Hawai'i State Association of Counties**

on

**S.B. No. 2764, S.D.2 H.D.1**

**Relating to Special Management Areas.**

Committee on Judiciary & Hawaiian Affairs

Monday, March 21, 2022, 2:00 p.m.

The Hawai'i State Association of Counties (HSAC) supports S.B. 2764, S.D.2 H.D.1, with amendments. S.B. 2764, S.D.2 H.D.1, expands the exclusions from what is considered "development" in the special management area to include:

- Public pedestrian and bicycle facilities;
- Trash removal or invasive vegetation removal;
- Installation of fencing;
- Installation, maintenance, repair, and replacement of lighting fixtures and equipment at public recreational facilities; and
- Installation, maintenance, repair, and replacement of security measures.

The proposed amendments are meant to "streamline the special management area permitting procedures for ...proposed actions *that have no adverse environmental impacts on the SMAs.*"

HSAC supports the exemptions proposed in S.B. 2764, S.D.2 H.D.1, and requests that it be further amended to exempt from the definition of "development" single-family residences less than 5,000 square feet of floor area not:

- Situated on a shoreline parcel;
- A parcel impacted by waves, storm surges, high tide, or shoreline erosion; or
- Part of a larger development.

The proposal is to amend page 3, paragraph (1) to read:

"(1) Construction or reconstruction of a single-family residence that is less than [~~seven thousand five hundred~~] five thousand square feet of floor area, is not situated on a shoreline parcel or a parcel that is impacted by waves, storm surges, high



tide, or shoreline erosion, and is not part of a larger development;"

With the anticipated changes to sea levels and coastal erosion caused by climate change, the proposed change to 5,000 square feet from 7,500 square feet will allow the county planning authority to review more residential development in the special management area for conformance with the development guidelines for the area.

The Hawai'i State Association of Counties strongly supports S.B. 2764, S.D.2 H.D.1, with the proposed amendment, and requests your favorable consideration of this measure.