

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  
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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**Testimony of**  
**SUZANNE D. CASE**  
**Chairperson**

**Before the Senate Committee on**  
**JUDICIARY**

**Friday, February 25, 2022**  
**9:30 a.m.**  
**Via Videoconference**

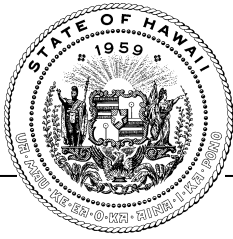
**In consideration of**  
**SENATE BILL 2764, SENATE DRAFT 1**  
**RELATING TO SPECIAL MANAGEMENT AREAS**

Senate Bill 2764, Senate Draft 1 proposes to expand exclusions from the definition of “development” under Section 205A-22, Hawaii Revised Statutes, 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 special management areas 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 bill 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. The Department believes 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.



**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  
**SENATE COMMITTEE ON JUDICIARY**  
Friday, February 25, 2022  
9:30 AM  
State Capitol, Via Videoconference

in consideration of  
**SB 2764 SD1**  
**RELATING TO SPECIAL MANAGEMENT AREAS.**

Chair Rhoads, Vice Chair Keohokalole, and Members of the Senate Committee on Judiciary.

We appreciate the amendments made by the prior committee. The purpose for the inclusion of activities that are considered excluded “development” under Hawaii Revised Statutes § 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 **supports SB 2764 SD1**, and **recommends** the following **amendments** to address additional activities and proposed clarifications. Deletions are stricken and bracketed, and additions are underlined for the following sections:

- (17) Installation, maintenance, repair, and replacement of public pedestrian and bicycle facilities, including sidewalks, paths, bikeways, crosswalks, stairs, ramps, traffic control barriers, signs, signals, and associated improvements;
- (19) Installation of fencing, including associated improvements and incidental structures, for invasive species control or preservation of native habitats on conservation land; [~~and~~]
- (20) Installation, maintenance, repair, and replacement of lighting, fixtures, and equipment to establish compliance with current standards at existing public [~~recreational~~] facilities; and

- (21) Installation, maintenance, repair, and replacement of security measures, including fencing, to existing public facilities;

Thank you for the opportunity to testify on this measure.

Council Chair  
Alice L. Lee

Vice-Chair  
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Gabe Johnson  
Kelly Takaya King  
Michael J. Molina  
Tamara Paltin  
Shane M. Sinenci  
Yuki Lei K. Sugimura



Director of Council Services  
Traci N. T. Fujita, Esq.

Deputy Director of Council Services  
David M. Raatz, Jr., Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

February 23, 2022

TO: Committee on Judiciary  
Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair

FROM: Kelly Takaya King, Maui County Councilmember

HEARING: February 25, 2022 at 9:30 a.m., Via Videoconference

SUBJECT: **Testimony in support of SB2764 SD1 RELATING TO SPECIAL  
MANAGEMENT AREAS**

Dear Honorable Chair Rhoads, Vice Chair Keohokalole, and Committee Members,

I am in support of SB2764 SD1 which would amend the definition of "development" in the context of special management areas. The current law's broad definition of "development" results in even relatively minor, routine or ancillary improvements having to undergo intensely rigorous review which often results in unnecessary and unwarranted delay and expense.

While special management area regulations serve an important purpose, the proposed amendments to the law would be beneficial to community improvements. The targeted exclusions would allow projects including repairs and improvements to sidewalks and bicycle lanes, removal of dilapidated seawalls, garbage removal, certain measures to control invasive weeds and species, improvements to lighting, inspections and maintenance of utilities and equipment, and others to be exempt from the special management area regulations.

I have been pressing for our county Department of Public Works to install sidewalks in the South Maui District that have been promised for years, and I am told that the holdup has to do with the challenges imposed by the current

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law. I would like to see the impediments to this and other relatively minor improvements removed, and this bill will accomplish that.

Please pass SB2764 SD1.

Mahalo nui loa,

A handwritten signature in cursive script that reads "Kelly T. King".

Kelly Takaya King, Maui County Councilmember  
Chair, Climate Action, Resilience and Environment Committee

**LATE**

# Hawai'i State Association of Counties (HSAC)

Counties of Kaua'i, Maui, Hawai'i, and City & County of Honolulu

Website: [hawaiicounties.org](http://hawaiicounties.org) | Email: [hsac@hawaiicounties.org](mailto:hsac@hawaiicounties.org)



Testimony of the  
**Hawai'i State Association of Counties**  
on  
S.B. No. 2764, S.D.1  
**Relating to Special Management Areas.**  
Committee on Judiciary  
Friday, February 25, 2022, 9:30 a.m.

The Hawai'i State Association of Counties (HSAC) supports S.B. 2764, S.D.1, with amendments. S.B. 2764, S.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; and
- Installation, maintenance, repair, and replacement of lighting fixtures and equipment at public recreational facilities.

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.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.

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.1, with the proposed amendment, and requests your favorable consideration of this measure.