

**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 WATER AND LAND
Tuesday, March 15, 2022
8:30 AM
Via Videoconference, State Capitol Conference Room 430

in consideration of
SB 2764 SD2
RELATING TO SPECIAL MANAGEMENT AREAS.

Chairs Tarnas, Vice Chair Branco, and Members of the House Committees on Water & Land.

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

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.

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
WATER & LAND

Tuesday, March 15, 2022
8:30 a.m.
State Capitol, Conference Room 430 & Videoconference

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

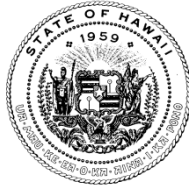
Senate Bill 2764, Senate Draft 2 proposes to expand exclusions from the definition of “development” as it applies to special management areas to reduce the need for special management area permits for certain activities. **The Department of Land and Natural Resources (Department) supports the bill.**

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 Act 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 15, 2022
8:30 A.M.
State Capitol, Room 430

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

House Committee on Water and Land

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.

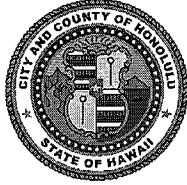
The DOT appreciates that this bill will streamline the development of projects that include controlling the spread of invasive species and protecting the native seabird population.

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 15, 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: Senate Bill No. 2764, SD 2
Relating to Special Management Areas**

The Department of Planning and Permitting (DPP) **supports** Senate Bill No. 2764, SD 2, 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, be passed out of your Committee.

Thank you for this opportunity to testify.

Very truly yours,

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

Dean Uchida
Director

Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

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County of Hawai'i
PLANNING DEPARTMENT

Zendo Kern
Director

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Deputy Director

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March 14, 2022

Testimony by
ZENDO KERN
Director, County of Hawai'i Planning Department
before the
Committee on Water & Land
Tuesday, March 15, 2022, 8:30 A.M.
State Capitol, Conference Room 430

In consideration of
SB 2764 SD2
Relating to Special Management Areas

Honorable Chair Tarnas, Vice Chair Branco and Members of the Housing Committee

Thank you for the opportunity to provide on Senate Bill 2764, Senate Draft 2, which proposes to expand exclusions from the definition of "development" under Section 205A-22, Hawai'i Revised Statutes, as it applies to special management areas to reduce the need for special management area permits for certain activities.

The Hawai'i County Planning Department is in SUPPORT of this bill and recommends the following amendments to ensure that: 1) vegetation, including trees, are not removed that may have an adverse impact on the SMA per HRS205A-36(1)(D), and 2) public access to and along the shoreline is not blocked by fencing, which is one of the main guidelines of HRS 205A-26(3)(C). Deletions are stricken and bracketed, and additions are underlined for the following sections.

(18) Trash removal or invasive vegetation removal or control, excluding the use of herbicides, outside of the shoreline area;

(19) Installation of fencing, including associated improvements and incidental structures, for invasive species control or preservation of native habitats on conservation land, provided that the fencing does not prevent public access to and along the shoreline area;

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Committee on Water & Land
March 14, 2022
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(21) Installation, maintenance, repair, and replacement of security measures, including fencing, to existing public facilities, provided that the fencing does not prevent public access to and along the shoreline area.

We appreciate the opportunity to provide testimony on this bill.