



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

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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 Branch

Statement of
MARY ALICE EVANS
Director, Office of Planning and Sustainable Development
before the
SENATE COMMITTEE ON WATER AND LAND
Friday, February 4, 2022
1:15 PM
State Capitol, Conference Room 229 & Videoconference

in consideration of
SB 2764
RELATING TO SPECIAL MANAGEMENT AREAS.

Chair Inouye, Vice Chair Keith-Agaran, and Members of the Senate
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 **SB 2764**,
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 [~~that will result in incidental ground disturbance~~] or 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, including associated improvements and incidental structures, for invasive species control or preservation of native habitat on a conservation land;
- ~~(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 recreational facilities;

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
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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
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CONSERVATION AND COASTAL LANDS
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
WATER AND LAND

Friday, February 4, 2022
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In consideration of
SENATE BILL 2764
RELATING TO SPECIAL MANAGEMENT AREAS

Senate Bill 2764 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 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 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.

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