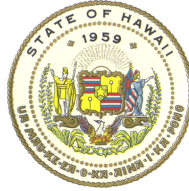
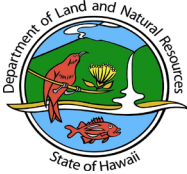


DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committees on
WATER AND LAND
and
GOVERNMENT OPERATIONS**

**Friday, April 1, 2022
1:10 PM**

State Capitol, Conference Room 229 & Videoconference

**In consideration of
SENATE CONCURRENT RESOLUTION 189/ SENATE RESOLUTION 182
URGING THE STATE AND COUNTIES TO CONSIDER THE HISTORY AND
REASONS WHY LANDS ARE ZONED A PARTICULAR WAY AND ENSURE THAT
THOSE LANDS ARE MAINTAINED TO PROTECT, SERVE, AND PROVIDE FOR
THE NATIVE HAWAIIAN COMMUNITIES.**

Senate Concurrent Resolution 189/ Senate Resolution 182 urge the State and Counties to consider the history and reasons why lands are zoned a particular way and ensure that those lands are maintained to protect, serve, and provide for the native Hawaiian communities, and requires copies of the same be provided to the Governor, Chairperson of the Board of Land and Natural Resources, State Land Use Commission, and the Mayors of the respective counties. **The Department of Land and Natural Resources (Department) respectfully opposes these resolutions and asks that they be held, and provides the following comments.**

The Department recognizes the State Land Use Law (Chapter 205, Hawaii Revised Statutes) is unique in the history of Hawaii land use planning. In 1961, the Hawaii State Legislature determined that a lack of adequate controls had caused the development of Hawaii's limited and valuable land for short-term gain for the few while resulting in long-term loss to the income and growth potential of our State's economy. Development of scattered subdivisions, creating problems of expensive yet reduced public services, and the conversion of prime agricultural land to residential use, were key reasons for establishing the state-wide land use system. To administer this state-wide land use law, the Legislature established the Land Use Commission (Commission). The Commission is responsible for preserving and protecting Hawaii's lands and encouraging those uses to which lands are best suited, including planning for future growth and development (i.e., the designation and development of Kapolei as Oahu's second City).

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

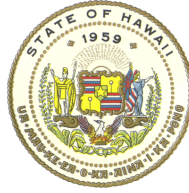
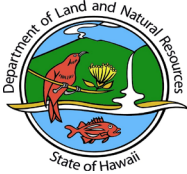
LATE

As to the lands that comprise the public land trust, there are five public trust purposes enumerated in Section 5 of the Admissions Act, one of which being the betterment of native Hawaiians. These resolutions disregard other important public trust purposes such as public use and improvements, farm and home ownership, and public education.

The Department's mission and focus is on conservation and natural resource protection programs, and not necessarily regulating land uses in the State, except on conservation lands. The overall authority for land use zoning and regulation lies with the Counties and the State Land Use Commission. These resolutions appear to misinterpret or overstate the Department's limited role in regulating conservation lands with the broader responsibility of land use planning and zoning for the State. Based on the foregoing the Department regrettably and respectfully asks that these resolutions be held.

Thank you for the opportunity to comment on these measures.

DAVID Y. IGE
GOVERNOR OF HAWAII



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DEPARTMENT OF LAND AND NATURAL RESOURCES**

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Thank you for the opportunity to comment on these measures.

DAVID Y. IGE
GOVERNOR



LAND USE COMMISSION

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT

DANIEL ORODENKER
EXECUTIVE OFFICER

235 S. Beretania Street, RM 406, Honolulu, Hawai'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804
Email Address: dbedt.luc.web@hawaii.gov

Telephone: (808) 587-3822
Fax: (808) 587-3827
Website: luc.hawaii.gov

March 30, 2022

Statement of
Daniel E. Orodener
Executive Officer
State Land Use Commission

Before the
**Senate Committee on
Water and Land
and
Senate Committee on
Government Operations**

Friday April 1, 2022
1:10 PM
State Capitol, Room 229 Virtual Video Conference

In consideration of
SCR 189

**URGING THE STATE AND COUNTIES TO CONSIDER THE HISTORY AND REASONS WHY
LANDS ARE ZONED A PARTICULAR WAY AND ENSURE THAT THOSE LANDS ARE
MAINTAINED TO PROTECT, SERVE, AND PROVIDE FOR THE NATIVE HAWAIIAN
COMMUNITIES**

Chairs Inouye and Moriwaki; Vice Chairs Keith-Agaran and Dela Cruz; and members of the Senate Committees on Water and Land; and, Government Operations:

The Land Use Commission ("LUC") opposes SCR189 as unnecessary. This measure urges the State Land Use Commission to consider the history and reasons why lands are zoned (classified) a particular way and ensure that those lands are maintained to protect, serve, and provide for Native Hawaiian communities.

Currently the Land Use Commission, and all state and county agencies, must apply the "Public Trust Doctrine" in rendering all decisions. Pursuant to numerous Hawaii Supreme Court decisions, this doctrine requires the Commission to consider the impact of a proposed action on cultural resources, cultural gathering rights, access to cultural resources and impacts on cultural activities among other things. Additionally, all proposals before the LUC are either required to be made pursuant to contested

case hearings or in a properly noticed public meeting. During these case hearings and meetings, there is opportunity for cultural practitioners and native Hawaiian groups to make known their concerns and require the LUC to protect their interests and resources for future generations.

I would emphasize that this obligation on the part of state and county entities is not a balancing act, but rather in the nature of a trust obligation. This means that if there is any evidence that the cultural resource or activity exists unless the applicant can prove that the cultural resource will not be harmed or restricted the government entity must protect the resource. We therefore believe that there are already sufficient safeguards in place to protect the Hawaiian and cultural community.

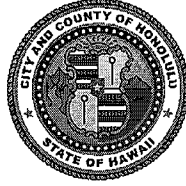
Thank you for the opportunity to testify on this measure.

Thank you for the opportunity to testify on this matter.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honoluluapp.org • CITY WEB SITE: www.honolulu.gov

RICK BLANGIARDI
MAYOR



DEAN UCHIDA
DIRECTOR

DAWN TAKEUCHI APUNA
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

April 1, 2022

The Honorable Lorraine R. Inouye, Chair
and Members of the Committee on Water and Land
The Honorable Sharon Y. Moriwaki, Chair
and Members of the Committee on Government Operations
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Inouye and Moriwaki, and Committee Members:

**Subject: Senate Concurrent Resolution 189
Senate Resolution 182**

The Department of Planning and Permitting **opposes** Senate Concurrent Resolution 189 and Senate Resolution 182, which urge the State and Counties to consider the history and reasons why lands are zoned a particular way and ensure that those lands are maintained to protect, serve, and provide for Native Hawaiian communities.

"Land use and zoning laws involve the regulation of the use and development of real estate. The most common form of land-use regulation is zoning. Zoning regulations and restrictions are used by municipalities to control and direct the development of property within their borders. The basic purpose and function of zoning is to divide a municipality into residential, commercial, resort, and industrial districts (or zones), that are for the most part separate from one another, with the use of property within each district being reasonably uniform." (Definition from Findlaw.com)

In Hawaii, the State Historic Preservation Division (SHPD) of the Department of Land and Natural Resources is the entity responsible for preserving and protecting historic resources. SHPD exercises its authority in all counties and in any zoning district.

We believe adequate safeguards exist in Hawaii to protect and preserve historic resources, and as such, SCR 189 and SR 182 are not necessary.

Thank you for the opportunity to testify.

Very truly yours,

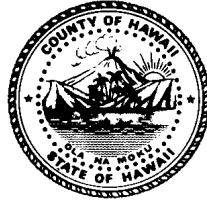
A handwritten signature in black ink, appearing to read "Dean Uchida".

Dean Uchida
Director

Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563



County of Hawai'i
PLANNING DEPARTMENT

Zendo Kern
Director

Jeffrey W. Darrow
Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

March 31, 2022

Testimony by
ZENDO KERN
Director, County of Hawai'i Planning Department
before the
Committee on Water and Land
Committee on Government Operations
Friday, April 1, 2022, 1:10 P.M.
State Capitol, Conference Room 229 & Videoconference

In consideration of
SR182

Honorable Chair Inouye, Vice Chair Keith-Agaran and Members of the Committee on Water and Land and Honorable Chair Moriwaki, Vice Chair Dela Cruz and Members of the Government Operations Committee

State and County law direct which impacts must be considered with regard to each type of land use approval, with changes to zoning being one of the most comprehensive. Nevertheless, if specific considerations are desired to be included in a certain land use approval evaluation, a resolution at the State level is not the appropriate vehicle for directing this effort. The Counties are required to follow the requirements set forth in the Hawai'i Revised Statutes, Hawai'i Administrative Rules, their respective County codes and all applicable rules of practice and procedure when evaluating any land use approval. While the County of Hawai'i applauds the State Legislature's concern for our Native Hawaiian communities and all those who struggle to find affordable housing - statute, code and rule changes are the correct and enforceable method to modify the requirements applicable to land use approvals.

SCR-189

Submitted on: 3/29/2022 6:15:50 PM

Testimony for WTL on 4/1/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Jody M Green	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support SCRI89. With our islands in such demand and so many wanting to move to Hawaii, it has become more important to watch carefully what happens to what little a'ina we have left. Please support this resolution.

Mahalo,

Jody Green

SCR-189

Submitted on: 3/29/2022 10:54:32 PM

Testimony for WTL on 4/1/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Kimeona Kane	Individual	Support	Written Testimony Only

Comments:

Aloha Nui,

Kimeona Kane, Native Hawaiian, lifelong Waimānalo resident in strong support of this resolution as it really helps to focus much needed attention on an ongoing issue facing many communities. Properly identified and zoned lands are an important and invaluable resource that is so easily mismanaged and often lost. Please help to ensure that these lands are kept in perpetuity.

Mahalo nui,
Kimeona Kane

SCR-189

Submitted on: 3/30/2022 12:20:13 PM

Testimony for WTL on 4/1/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Keke Manera	Individual	Support	Written Testimony Only

Comments:

Aloha kākou,

**It is extremely important to protect what
little is left of Hawai‘i. Period.**

I support SCR189

Mahalo for your time!