

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committee on
WATER AND LAND

Wednesday, February 1, 2023
1:00 p.m.

State Capitol, Conference Room 229 & Videoconference

In consideration of
SENATE BILL 69
RELATING TO COASTAL ZONE MANAGEMENT

Senate Bill 69 proposes to amend Section 205A, Hawai'i Revised Statutes (HRS), the Coastal Zone Management Act, to expand the objectives of the Act to protect private shoreline property, and to remove limitations for individuals to build in and repair structures in the special management areas and in the shoreline area. Though it may not have been the intent of this Bill, the Department must oppose as its result would be to elevate private property rights at the expense of the public trust resources. **The Department of Land and Natural Resources (Department) opposes the bill, and offers the following comments:**

The amendments proposed in this bill are contradictory to objectives (3A), (4A), (6A), (7A), (9A), (9B) and (10) of HRS 205A, the Coastal Zone Management Act. Removing the discretion of the agencies to set site-specific Special Management Area (SMA) and shoreline setback policies will have the overall effect of reducing their ability to effectively manage development, as required by statute, and will have a net negative impact on the public trust resources.

Several of the amendments proposed in the bill are already included in the statutes and rules of both the Office of Planning and Sustainable Development, and this Department. For example, the proposed amendment to 205-A2 (c) (9D) allowing for the construction of beach stabilization structures where appropriate is already addressed and allowed in Conservation District rules and is an unnecessary addition to the CZMA. Furthermore, in 2020, the legislature amended HRS 205A via Act16, to prohibit the construction of shoreline hardening structures at sites having sand beaches due to the well-studied and known negative impacts such structures, such as seawalls and revetments, have on sandy beaches. This bill would revise that prohibition to enable landowners to apply for private hardening structures if they are "determined to preserve, protect or rehabilitate the beach or vital development". Shoreline hardening

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

LAURA H.E. KAAKUA
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

will not preserve or protect sandy beaches and can only serve to protect private development at the cost of the public trust. HRS 205A already includes an avenue for the consideration and approval of public shoreline hardening structures when needed for public health and safety, or to protect public infrastructure.

The proposed amendments to 205A-26 Special Management Area guidelines would serve to make the enforcement of conservation district rules more onerous and difficult for the Department. Enabling property owners to build and repair structures in the shoreline area, and requiring the agencies to approve such construction will increase the number of emergency shoreline protection permits sought by private landowners as coastal erosion hazards threaten development. Unpermitted sandbags and other “soft” protection strategies will similarly increase the enforcement burden on the Department and further reduce lateral access to the beaches and erode the public trust resource. Additionally, the proposal to allow development on shorelines that are “not erodible”, such as rocky headlands, does not provide protection against sea level rise threats such as increased inundation and wave runup.

Continued private development cannot be allowed within the sea level rise exposure area and shoreline setbacks as proposed by the bill without significant harm to the natural resources and exposure of that development to coastal hazards. The one-size fits all nature of the proposed amendments which remove agency discretion in approving variances and enable continued development in the special management area and sea level rise exposure area ignores the variable nature of coastal erosion and accretion, both on a seasonal and interannual scale, not just from county to county, but between even adjacent locations within each county.

The proposed amendments to 205A-45 which prohibit the use of projections or models based on sea level rise for the determination of shoreline setbacks requires that the agency look backwards at historical erosion rates, despite documented evidence of rising sea level and the scientific consensus that sea level and associated erosion will not follow historical trends. The overall justification for these amendments as presented in the preamble are based on outdated reports and resources.

As stated in the 2022 Update to the 2017 Sea Level Rise Vulnerability and Adaptation report “Since completion of the 2017 Report, peer-reviewed scientific literature as well as government and multinational reports increasingly point to 3 to 4 feet of sea level rise by 2100 as a mid-range, rather than high-end, scenario for Hawai‘i. Long-term observational data from local tide gauge stations show that sea level is rising around Hawai‘i. Models indicate that Hawai‘i and other tropical Pacific sites will experience sea level rise that is 16% to 20% higher than the global average (Sweet. et al. 2022). As the science progresses towards increasingly concerning rates of sea level rise for Hawai‘i, it remains imperative that the legislature and state and county agencies maintain a long-term focus on building resiliency to rising seas by reducing overall vulnerability of infrastructure and implementing adaptation measures to allow our state to continue to thrive with higher seas.¹”

Thank you for the opportunity to comment on this measure.

¹ These updated projections are based on the 2022 NOAA Technical Report NOS 01, Global and Regional Sea Level Rise Scenarios for the United States: Updated Mean Projections and Extreme Water Level Probabilities Along U.S. Coastlines.



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
Senate Committee on Water and Land
Wednesday, February 1, 2023 at 1:00 p.m.

By

Charles “Chip” Fletcher, PhD
Dean, School of Ocean and Earth Science and Technology

And

Michael Bruno, Provost
University of Hawai'i at Mānoa

SB 69 – RELATING TO COASTAL ZONE MANAGEMENT

Chair Inouye, Vice Chair Elefante, and Members of the Committee:

The University of Hawai'i Climate Resilience Collaborative (CRC) opposes Senate Bill 69 and its intent.

In short, this measure would:

1. Increase coastal development, putting homes and community assets at risk of flooding, erosion, and storm damage;
2. Increase coastal hardening, leading to further beach loss, accelerated erosion, and violation of the public trust;
3. Preempt home-rule, preventing the Counties from applying more-localized regulatory oversight;
4. Walk back progress made by the State in Act 16 (2020); and
5. Ignore guidance from the State Climate Commission regarding the trajectory of sea level rise.

These points are discussed in more detail below.

The measure's stated purpose to “balance... public and private interest in implementing sea level rise adaptation,” is code for abdicating long established protections for beaches and public access to the ocean. The proposed “balancing” would in reality lead to increased coastal development and shoreline hardening in the very locations where we need, instead, to be developing strong and innovative exit strategies. Further, we find no justification in promoting the strategy to “advance” against the rising ocean instead of retreat.

We appreciate the measure's discussion of sea level rise science, and would like to use this opportunity to provide updated information about sea level rise science and projections.

Research and modeling by a federal task force (Sweet et al., 2022) indicate the following:

1. Hawai'i will experience sea level rise that is 15% to 30% higher than the global average.
2. Sea level around Hawai'i is projected to rise about 1 foot by 2050 and about 4 feet by 2100.

In the Hawai'i State Climate Change Mitigation and Adaptation's 2022 report to the Legislature as required by Act 32 (2017), the Commission recommended that:

"...the state should set a revised planning and policy benchmark of 4 ft as the minimum scenario for all planning and design based on the report's Intermediate (mid-range) scenario for Hawai'i of 3.9 feet of sea level rise by 2100, and apply a 6 ft benchmark for planning and design of public infrastructure projects and other projects with low tolerance for risk based on the report's Intermediate High scenario for Hawai'i of 5.9 feet of sea level rise by 2100. The latest science suggests that the SLR-XA for 3.2ft of sea level remains valid as a planning overlay for the mid century at this time."

SB69 would ignore this guidance from the State Climate Commission regarding the trajectory of sea level rise.

We also draw your attention to the 6th Assessment Report of the Intergovernmental Panel on Climate Change which states with high confidence that:

"Sea level is committed to rise for centuries to millennia due to continuing deep-ocean warming and ice-sheet melt and will remain elevated for thousands of years."

We emphasize - There is nothing we can do to stop sea level rise. We must develop exit strategies for our coastal communities. Sea level rise is an unstoppable reality and without major adjustments to coastal laws and policies, flooding, erosion, and storm dangers will increase - slowly at first, as at present, but by the 2030's sea level rise impacts related to extreme tidal flooding will increase exponentially.

Senate Bill 69 would further complicate managed retreat, put coastal communities at increased risk of danger, and lead to beach loss by opening the door to additional private coastal hardening structures and by permitting less stringent requirements for maintenance, renovation, or reconstruction of existing coastal hardening structures.

The current framework under the Hawai'i Coastal Zone Management Act has enabled the Counties to progressively prepare for sea level rise. SB69 would prevent the individual Counties from enacting ordinances that better conform to more localized

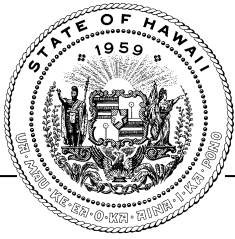
effects of sea level rise by preventing them from utilizing peer-reviewed science, data, and modeling.

SB69 endorses historical rates of coastal erosion. We agree that these can be a useful tool for coastal land management. However, historical rates of coastal erosion underestimate the impacts of future accelerations in sea level rise. Further, the Hawai'i State Commission recommended in its recent report to the Legislature that the State should "Incorporate existing and emerging scientific data in updates to shoreline setback ordinances: The state should support the counties in updating shoreline setback and zoning ordinances to reflect the increasing threat of coastal erosion and sea level rise." SB69 would do the opposite of what the State Climate Commission recommends by preventing the Counties from utilizing peer-reviewed, localized modeling.

CRC is a multi-investigator research project at the University of Hawai'i at Mānoa focused on sea level rise adaptation and climate resilience. CRC is working to update coastal models with more recent projections of sea level rise and to take account of other variables that impact Hawai'i's shorelines.

Climate Resilience Collaborative opposes Senate Bill 69 and respectfully ask that your Committee on Water and Land defer the measure.

Thank you for the opportunity to testify on this measure.



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

JOSH GREEN, M.D.
GOVERNOR

SCOTT J. GLENN
DIRECTOR

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Statement of
SCOTT GLENN, Director

before the
SENATE COMMITTEE ON WATER AND LAND

Wednesday, February 1, 2023, 1:00 PM
State Capitol, Conference Room 229

in consideration of
SB 69
RELATING TO COASTAL ZONE MANAGEMENT.

Chair Inouye, Vice Chair Elefante, and Members of the Senate Committee on Water and Land:

The proposed amendments in SB 69 dilute the purpose of Hawaii Revised Statutes (HRS) Chapter 205A and mixes up the difference between the Special Management Area (SMA) Permit and Shoreline Setback Variance under the Hawaii Coastal Zone Management (CZM) Program. As the lead agency of the Hawaii CZM Program, the Office of Planning and Sustainable Development (OPSD) offers the following **comments**:

- In 2020, the Legislature passed Act 16, Session Laws of Hawaii (SLH) 2020 which strengthened CZM law. Among the amendments was the expansion of the definition of “Coastal hazards” inclusively to mean any tsunami, hurricane, wind, wave, storm surges, high tide, flooding, erosion, sea level rise, subsidence, or point and nonpoint source pollution. The proposed amendments in SB 69 to amend the overall coastal hazards objectives and policies set forth in HRS § 205A-2 to focus solely on sea level rise adaptation strategies narrows the lens of CZM law, which is intended to serve as broad, overarching policies.

[Act 16, SLH 2020](#) also amended HRS § 205A-2(c)(10) to add a policy to “promote research, study, and understanding of impacts of climate change and sea level rise” to the policies of coastal hazards, broadly understood. The proposed language in SB 69 that reemphasizes the promotion of research and study of SLR has already been addressed and enacted in prior session law.

- The proposed amendments in Section 5 to require the county authorities to allow development under certain circumstances intermixes two parts of HRS Ch. 205A, Part II Special Management Areas and Part III Shoreline Setbacks. These parts have distinct purposes and the OPSD recommends retaining their distinction in statute and not

incorporated into the SMA Guidelines as proposed because the purpose of Part II is to mitigate impacts from development within the SMA in contrast to the purpose of Part III which prohibits structures within the shoreline area.

Additionally, the OPSD emphasizes that the purpose of shoreline setbacks is to prohibit structures within the shoreline area in order to provide a buffer zone to protect shorelines, maintain coastal open spaces, and reduce the risk of coastal hazards. The proposed amendments to address the shoreline area setbacks as a permitting process characterizes a shoreline setback variance as a permit, when it is an exception to this prohibition of structures within the shoreline area and is assessed on a site-specific level for the purposes stated above.

- Section 8 amends the process for determining a “shoreline setback line” which is already defined by HRS § 205A-41 and means that line established by the county running inland from the shoreline at a horizontal plane, and where determination of the shoreline is provided under HRS § 205A-42. OPSD notes that these proposed amendments may impact existing coastal resilience efforts at the county level.

Thank you for the opportunity to testify on this measure.



LATE

**STATE OF HAWAII
HAWAII CLIMATE CHANGE MITIGATION & ADAPTATION
COMMISSION
POST OFFICE BOX 621
HONOLULU, HAWAII 96809**

**Testimony of
Leah Laramee
Coordinator, Hawai'i Climate Change Mitigation and Adaptation Commission**

**Before the House Committee on
WATER AND LAND**

**Wednesday, February 1, 2023
1:00 PM
State Capitol, Via Videoconference, Conference Room 229**

**In support of
Senate Bill 69
RELATING TO COASTAL ZONE MANAGEMENT**

Senate Bill 69 proposes to amend Section 205A, Hawai'i Revised Statutes (HRS), the Coastal Zone Management Act, to expand the objectives of the Act to protect private shoreline property, and to remove limitations for individuals to build in and repair structures in the special management areas and in the shoreline area. **The Climate Change Mitigation and Adaptation Commission (Commission) opposes the bill, and offers the following comments.**

Sea level rise is impacting Hawai'i's shorelines now and will continue to do so in the future. In its 2018 statement the Commission requests all new development, redevelopment and modifications be directed away from beach areas and urges counties to incorporate the 3.2 ft. sea level rise exposure area (SLR-XA) into general and development. The amendments proposed in this bill are contradictory to the Commission's statement and the objectives of the Coastal Zone Management Act. Removing the discretion of the agencies to set site-specific Special Management Area (SMA) and shoreline setback policies will have the overall effect of reducing their ability to effectively manage development, as required by statute, and will have a net negative impact on the public trust resources.

The Commission understands that shoreline hardening can have significant negative impacts on surrounding shorelines and only serve to exacerbate the damage of sea level rise. Private development within the sea level rise exposure area and shoreline setbacks as proposed by the bill would lead to significant harm to the coastline.

Mahalo for the opportunity to comment in opposition of this measure.

Wednesday, February 1, 2023, 1:00 P.M.

State of Hawai'i

Senate Committee on Water and Land
State Capitol, Conference Room 229

**TESTIMONY OF DUANE FISHER IN SUPPORT OF SENATE BILL 69
RELATING TO COASTAL ZONE MANAGEMENT**

Dear Chair Inouye and Committee Members:

My name is Duane R. Fisher and I have been a practicing business / real estate law attorney in Hawaii for the past 31 years. My firm and I are legal counsel for a variety of clients that own property throughout the State, including individuals, businesses, and resorts. I submit this testimony in **strong support** of Senate Bill 69.

The Bill is necessary to ensure that Hawaii's coastal zones are regulated in a balanced, managed and consistent manner. By adopting the Coastal Zone Management Act (HRS Ch. 205A), the State has indicated that it has a keen interest in regulating the coastal zone. Explicit policies in the CZMA include regulating development in the coastal zone, protecting and preserving our beaches, ensuring public access to the shoreline, and adapting to climate change / sea level rise. When it comes to sea level rise, we believe State leadership is crucial given the complexity of the problem, cost of solutions, and the impacts on the State's public trust resources, homes, and economy.

SB69 seeks to ensure that public and private property owners have options for adapting to sea level rise, including elevating and floodproofing structures, and preserving and protecting beach areas. The Bill also provides balanced and thoughtful planning measures for development. Without the Bill, the State and Counties could find themselves at cross purposes with each other in managing the coastal zone. Some Counties may seek to mandate an immediate policy of "managed retreat," but without meaningfully considering the other tools available for dealing with sea level rise, and without undertaking the groundwork and preparation that is necessary in order for retreat to actually be "managed" and successful. Unmanaged retreat would have profoundly negative impact on our residents, our resources and our way of life.

Managed retreat is an incredibly complex and difficult proposition that requires careful and thoughtful planning and robust community engagement. For the past several years the State has been attempting to understand how best to determine whether or not managed retreat is appropriate for our communities, and how it could be accomplished. In 2019 the State published its Final Report *Assessing the Feasibility and Implications of Managed Retreat Strategies for Vulnerable Coastal Areas in Hawai'i* (the "**Feasibility Report**"). Managed retreat is described by the Feasibility Report as "a 'wicked problem' that ought to be approached through a combination

of planning, policy, regulatory and financing tools, with critical underpinnings of political will and community acceptance.” (See Feasibility Report, Executive Summary, page ii, and Chapter 1, page 5).

To explain why managed retreat as a policy is not used more often, the Feasibility Report points to research from Stanford University, including for example:

- Managed retreat is controversial because of the social and psychological difficulties in displacing people from their homes, the “central reference point of the human existence.”
- Managed retreat is not a low-regrets option and it is not easily reversed.
- Intangible costs such as cultural-heritage loss can be high.
- Benefits accrue to others than those who are moved.

(Feasibility Report, Ch. 2, page 8).

The Feasibility Report states in part that:

“Regardless of whether retreat is necessitated by a catastrophic event, such as a storm, or chronic coastal hazards, such as sea level rise or erosion, Hawaii needs to:

- Determine whether retreat is the solution versus accommodation and / or protection, ***because not all coastal areas can be retreated.***
- Develop a criteria list to determine which areas (or facilities) will be retreated. ***It will not be possible to retreat the entire coastline for all the Hawaiian Islands. Thus, Hawaii will need to develop a balanced and just ranking system to determine which areas will be retreated.***
- Review its State and county land use to determine where it may be possible, meaning where there is available land, given competing priorities such as agricultural production, conservation holdings, open space, military uses, etc. – to retreat inland.
- Incorporate managed retreat into the State and counties’ long-range planning frameworks. Comprehensive planning must be utilized for retreat to be successful. Comprehensive planning will help communities redevelop with the necessary infrastructure and entire business communities will not needlessly be fractured / fragmented when retreat occurs. It will be necessary to update planning frameworks at multiple levels to implement a successful managed retreat strategy.
- ***Obtain some level of community agreement and understanding for there to be successful retreat.***
- Ensure that open space and wetlands are preserved, when retreat occurs, as a buffer against future storms and coastal erosion and for public access.
- ***Secure federal, state and private funding to enable retreat.”***

(Feasibility Report, Ch. 2, page 20) (Emphasis added).

Contrary to the Feasibility Report's explicit recognition that "not all coastal areas can be retreated," some Counties are advocating for a "one size fits all" approach by seeking to impose retreat in their land use ordinances or shoreline rules, without first having undertaken the substantial work recommended by the Feasibility Report. This will create real hardship for individual property owners and businesses who have no identified place to retreat to, and no explanation of how retreat will be implemented. Moreover, imposing retreat on the State's world-class resorts—the primary economic engine for employment, and a huge contributor to real property tax revenues—will have substantial adverse economic consequences for all of Hawaii.

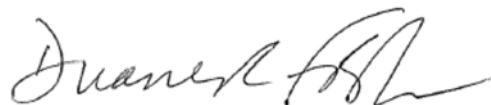
Climate change and sea level rise pose a threat to Hawaii's economy, sustainability, and way of life. This threat impacts the entire State. Adaptation strategies to counter this threat need to balance the interests of all parties, both public and private, and should be developed in conjunction with the State for consistency. Such adaptation strategies include accommodation (*e.g.*, elevating structures) and protection (*e.g.*, beach nourishment, use of groins or other structures), or even advancement (*e.g.*, seeking to reclaim lost areas), in addition to managed retreat. These other strategies should be left as options for adapting to sea level rise. It would be foolish to limit ourselves to just one way of dealing with sea level rise (*i.e.*, retreat).

Finally, while climate change and sea level rise themselves are a reality, the science and understanding of these issues continue to evolve each year. For example, the timing and projections for things like greenhouse gas emissions, warming, and amount of sea level rise are moving targets that are not projected with absolute certainty. The uncertainty of these projections increases as timeframes are increased. Given the rapidly evolving nature of projections, we believe it would be imprudent to foreclose options *today* based on computer model projections of what Hawaii's coastlines might look like *more than 75 years from now*. The Bill ensures that those computer models do not get codified into land use regulations today.

I believe SB69 is needed, sensible, and balanced and urge the Water and Land Committee to advance the Bill.

Mahalo for the opportunity to provide testimony in support of SB69.

Very truly yours,

A handwritten signature in black ink, appearing to read "Duane R. Fisher". The signature is fluid and cursive, with a long horizontal stroke at the end.

Duane R. Fisher

Wednesday, February 1, 2023, 1:00 P.M.

State of Hawai`i

Senate committee on Water and Land
State Capitol, Conference Room 229

**TESTIMONY OF IVAN LUI-KWAN IN SUPUPORT OF SENATE BILL 69
RELATING TO COASTAL ZONE MANAGEMENT**

Aloha Chair Inouye and Committee Members:

My name is Ivan M. Lui-Kwan. I have been practicing real estate/land use law in Hawaii for approximately 52 years. My law firm and I represent clients who are individuals, businesses and hotel resorts in Hawaii and who are owners of coastal properties. I submit this testimony in **strong support** of Senate Bill 69.

Senate Bill 69 deals with regulation of coastal properties. Coastal properties include those zoned for residential, commercial and hotel resort use. I would like to share a few comments on why Senate Bill 69 is necessary in the context of coastal properties zoned for hotel resort use.

SENATE BILL 69 IS NECESSARY TO ENSURE OWNERS OF COASTAL PROERTIES ARE ALLOWED TO:

- 1. MAINTAIN, REPAIR AND IMPROVE THEIR PROPERTIES; AND TO**
- 2. PROTECT THEIR PROPERTIES AGAINST THE IMPACTS OF SEA LEVEL RISE.**

SENATE BILL 69 IS NECESSARY TO STRENGTHEN HAWAII'S ECONOMY CONSISTENT WITH THE HAWAI'I TOURISM AUTHORITY'S DESTINATION MANAGEMENT PLANS 2021-2024, AND WITH ESTABLISHED HAWAII LAND USE POLICIES.

A basic premise of HTA's Destination Management Action Plans is that Hawaii's visitor industry seeks to attract a certain type of visitor who:

1. Respects Hawai`i's cultures;
2. Nurtures Hawai`i's environment;
3. Occupies facilities designated/zoned for visitors in the hotel resort districts.
4. Spends appropriately to support Hawaii's economy.

In order to attract and accommodate such visitors, the owners of hotel resort properties are required to provide attractive and high-quality facilities to enrich the visitor experience. At a minimum, the properties must be maintained, repaired and improved regularly, and protected against the impacts of sea level rise.

The following stated policies of the O'ahu General Plan adopted by the City and County of Honolulu on January 14, 2022 at pages 24 and 25 clearly express the need to provide high-quality accommodations and facilities to support the visitor economy:

Policy 1

Encourage the visitor industry to support the quality of the visitor experience, the economic and social well-being of communities, the environment, and the quality of life of residents.

Policy 4

Partner with the private sector to support the long-term viability of Waikiki as a world-class visitor destination and as O'ahu's primary resort area, and to support adequate adaptation strategies against climate change impacts.

Policy 6

Provide for a high-quality, livable, and safe environment for visitors and residents in Waikiki, and support measures to ensure visitors' and residents' safety in all areas of O'ahu.

Policy 8

Facilitate the development of the following secondary resort areas: Ko 'Olina, Turtle Bay, Hoakalei, and Makaha Valley in a manner that respects existing lifestyles and the natural environment.

Policy 10

Encourage physical improvements, social services, and cultural programs that contribute to a high-quality visitor experience, while seeking financial support of these improvements from the visitor industry.

Thank you for allowing me to provide this testimony.

Mahalo nui,

A handwritten signature in black ink, appearing to read "I. M. Lui-Kwan". The signature is stylized with a long horizontal stroke for the "I" and a large, sweeping "K".

Ivan M. Lui-Kwan



Written Statement of
JAN N. SULLIVAN
EXECUTIVE VICE PRESIDENT/COO
OCEANIT LABORATORIES, INC.

Before the
SENATE COMMITTEE ON WATER AND LAND

Wednesday, February 1, 2023, 1:00 p.m.
State Capitol, Conference Room 229 and Videoconference

Offers Comments on
SB 69 RELATING TO COASTAL ZONE MANAGEMENT

Honorable Chair Lorraine R. Inouye, Vice-Chair Brandon Elefante and Committee Members:

I submit this testimony to support the intent of this bill, which is to expand coastal adaptation strategies in the State.

Over the years, there has been an increasingly narrow focus on how issues of coastal sustainability should be approached. It is time for the State to acknowledge that there are proven scientific and engineering methods of approaching coastal sustainability issues - beyond the single-minded pursuit of “managed retreat”.

The absence of a coherent and thoughtful State policy on dealing with coastal sustainability leaves us with an unhealthy reliance upon multi-agency regulatory enforcement that will continue to occur on a piecemeal basis. What results is an uneven and inequitable application of public policy, as well as undue pressure and reliance on State and County agencies for increasingly contentious “enforcement”.

In this context, decisions to utilize public funds to support and build hard structures to create and maintain beaches in Waikiki for the benefit of the hotels and visitor industry, while pursuing eminent domain or inverse condemnation for residential homeowners – will inevitably lead to perceived inconsistencies of public policy, as well as valid litigation claims.

Years ago, the State of Hawaii led the nation in adopting the most forward-thinking land use planning and policies in the nation. We have failed to stay at the forefront of modern coastal sustainability issues and the lack of a coherent policy has led to a morass of confusion –an over-reliance on case-by-case regulatory compliance for issues that require regional solutions, a lack of adoption or appreciation of how societies will need to adapt to climate events by using modern methods and technologies.

As the first Director of the Department of Planning and Permitting, and as a former (“reformed”) land use attorney as well as the current COO of Oceanit - I have been fortunate to have had the opportunity to see these issues evolve over time from multiple perspectives - and appreciate the complexity of the challenges we face.

Climate change will impact more than our coastlines. How we choose to set public policy and how we choose to plan for and deal with these issues will have impacts beyond coastal erosion. As an example - we are experiencing an alarming increase in

weather events - storm surges and heavy irregular rain patterns that will result in increasingly severe flood events. Will our approach be to implement “managed retreat” and to condemn properties or downzone properties that will regularly flood and damage upstream uses - as they are located adjacent to streams or located in low lying areas? Or will we evaluate a multitude of modern methods and approaches to arrive at best practices and solutions? Who will be expected to pay for those solutions?

While this bill is a move in the right direction, I strongly recommend that you consider expanding and clarifying policy in this area to:

- consolidate jurisdiction over the planning and regulation of coastal areas within a single State planning and implementation agency, and provide the agency with adequate technical staff to be able to fully evaluate the complex issues associated with various regions, as well as evaluate multiple options that are available for dealing with these challenges;
- establish a goal that the State will strive to become a world leader in dealing effectively with climate change as it affects coastal communities;
- establish a policy that the State will evaluate best practices and new and emerging technologies of dealing with climate change, and that various coastal adaptation strategies will be selected based on a balance of interests between community and public benefits, private landowner rights and interests, and public infrastructure requirements.

Thank you for taking time to evaluate the State’s current policies and for allowing public input and discussion on this important topic.

Wednesday, February 1, 2023, 1:00 P.M.

State of Hawai'i

Senate Committee on Water and Land
State Capitol, Conference Room 229

**TESTIMONY OF HILTON GRAND VACATIONS IN SUPPORT OF SENATE BILL 69
RELATING TO COASTAL ZONE MANAGEMENT**

Dear Chair Inouye and Committee Members:

My name is Tyler Middleton and I am Director of Development and Project Management for Hilton Grand Vacations (“HGV”). HGV owns thirteen properties in the State on the Big Island, Kauai, Maui, and Oahu. Collectively, HGV’s properties provide more than 3,500 timeshare units (owned by 5,300 deeded timeshare owners) and more than 1,790 jobs within the State’s resort districts. HGV’s owners live all around the world and the profile of a typical HGV owner is an average net worth of \$1.1M, an average annual household income of \$100k-200k and an average FICO score of 737. Aside from having a strong affinity for the islands , HGV owners often immerse themselves into the culture and support the community in many ways as Kama’āina, which may mirror the type of responsible visitors that the State would prefer to host on a regular basis. HGV submits this testimony in **strong support** of Senate Bill 69.

The Bill is necessary to ensure that Hawai'i’s coastal zones are regulated in a balanced, managed, and consistent manner. The State has indicated that it has a keen interest in regulating the coastal zone, including protecting our beaches and adapting to sea level rise. State leadership in this area is crucial given the complexity of the problem, cost of various solutions, and impacts on the State’s public trust resources, homes, and economic drivers for prosperity throughout the State.

The Bill provides all property owners with options for adapting to sea level rise (such as floodproofing, elevating, and relocating critical infrastructure) while holistic solutions are developed to the many challenges posed by sea level rise. The Bill further provides for thoughtful and balanced planning for development in the State’s coastal zone. Without the Bill, the State and Counties could continue to be at odds with the approach to adapting to sea level rise, leading to imbalanced and inconsistent regulations and policy. For example, some Counties are seeking to implement a policy of managed retreat, despite much work still being needed before retreat could be implemented in a consistent and managed manner.

To illustrate, Maui is currently considering adopting amendments to its Special Management Area (SMA) and Shoreline rules that are inconsistent with Hawai'i Revised Statutes (HRS) Chapter 205A and the State statute's explicit purpose to govern shoreline rules. As a starting point, the Counties' SMA and Shoreline rules must be consistent with the State of Hawai'i's Chapter 205A. Examples of *inconsistency* at the county level include shoreline setbacks on Maui that are not measured from the certified shoreline as HRS Chapter 205A mandates. The abilities of property owners to protect and repair their properties on Maui are also potentially limited or remediation is delayed by the inconsistency between the County's rules and the mandates under the State's statutes. The ability to repair and maintain property is essential to ensuring that Hawai'i remains a world class tourist destination and attracts the right type of responsible visitor.

Policies and unintended consequences from county rules that require or encourage properties to fall into disrepair are in no one's best interests, even if the desired goal of the county rules is retreat from the shoreline. Limitations like those on repairs and maintenance seem peculiar, particularly when viewed alongside the demands that sea level rise and climate change are already placing on taxpayer money to maintain and repair infrastructure within the State. For example, the Department of Transportation estimates that \$15 billion is needed to protect low-lying roads and highways from sea level rise, erosion, and flooding. How we address sea level rise directly impacts the economy, jobs, and the real property tax base.

Managed retreat is a highly complex concept and retreat is not feasible for all coastal areas in the State of Hawai'i. Aside from not being feasible statewide, across the spectrum of tools at our disposal, managed retreat is the most difficult to implement to protect natural resources and property. This is underscored by the sheer cost, scale, and complexity of managed retreat. However, in some instances the counties eschew this reality and the mandates under State statutes in favor of a "managed retreat or bust" implementation of local county rules. Such a narrow approach greatly limits all of our abilities to effectively and reasonably respond to sea level rise.

Finally, the science and understanding of climate change and sea level rise continue to evolve each year. While climate change and sea level rise are realities, the timing and projections for things like greenhouse gas emissions, warming, and amount of sea level rise are less certain and present moving targets. The uncertainty of these projections increases as timeframes are increased. Given how rapidly the science and understanding of these issues are evolving, foreclosing options *today* based on projections of what Hawai'i's coastlines might look like more than 75 years from now seems highly speculative if not just imprudent.



Tyler Middleton
Director, Development & Project
Management

Hilton Grand Vacations dba Kuponon Partners
711 Kapiolani Blvd., Suite 1100
Honolulu, HI 96813

We believe SB69 is needed, sensible, and balanced and urge the Water and Land Committee to advance the Bill.

Mahalo for the opportunity to provide testimony in support of SB69.

Very truly yours,

A handwritten signature in black ink, appearing to be "T. Middleton", with a date "1/8" written below it.

Tyler Middleton



Hilton Grand Vacations

January 31, 2023

State of Hawaii

Senate Committee on Water and Land

State Capitol, Conference Room 229

RE: Testimony on behalf of Hilton Grand Vacations in support of SB69 relating to Coastal Zone Management

Aloha Chair Inouye and Committee Members

On behalf of Hilton Grand Vacations – Hawaii, we submit this testimony in strong support of Senate Bill 69. Hilton Grand Vacations Has Developed, Built and Manages 15 resort properties in the state of Hawaii, several which are built near the coastline and strongly support the advancement of this bill.

Balanced and consistent regulation of the coastal zone is essential for the visitor industry and goes hand in hand with destination management and sustainable tourism. Both focus on the importance of bringing the right visitors to the state of which Hilton Grand Vacations is a pillar in the industry in this regard. Attracting the right type of visitor requires maintaining our resorts as world class destinations and we are committed to doing so. If resorts are not able to maintain and repair their properties due to the proximity to coastal and fall into disrepair, this will push visitors to alternatives such as illegal vacation rentals or away from the destination all together.

We believe this bill provides balances and thoughtful planning measures for development in the coastal zone and ensures the public and private property owners have options for increasing resiliency and adapting to sea level rise. Options such as beach nourishment, adding critical infrastructure as solutions are a must and feel that the opponents that are supporting managed retreat and abandonment would negatively impact the state and industry for years to come.

We believe SB69 is needed, sensible and balanced and urge the Water and Land Committee to advance the bill.

Mahalo for the opportunity to provide testimony in support of SB69

Sincerely,

Rob Gunthner

Area VP, Resort Operations

Hilton Grand Vacations - Hawaii



Wednesday, February 1, 2023, 1:00 P.M.

State of Hawai'i

Senate Committee on Water and Land
State Capitol, Conference Room 229

**TESTIMONY OF PARK HOTELS AND RESORTS IN SUPPORT OF SENATE BILL 69
RELATING TO COASTAL ZONE MANAGEMENT**

Dear Chair Inouye and Committee Members:

My name is Carl Mayfield and I am the Executive Vice President of Construction and Design of Park Hotels & Resorts Inc. ("Park"). Park owns the Hilton Hawaiian Village and Hilton Waikoloa Village, which combined provide more than 3,500 hotel rooms and more than 2,200 jobs within the State's resort districts. Park submits this testimony in **strong support** of Senate Bill 69.

The Bill is necessary to ensure that Hawaii's coastal zones are regulated in a balanced and consistent manner. By adopting the Coastal Zone Management Act (HRS Ch. 205A), the State has indicated that it has a keen interest in regulating the coastal zone. Explicit policies in the CZMA include regulating development in the coastal zone, protecting and preserving our beaches, ensuring public access to the shoreline, and adapting to climate change / sea level rise. When it comes to sea level rise, we believe State leadership is crucial given the complexity of the problem, cost of solutions, and the impacts on the State's public trust resources, homes, and economic engines (*e.g.*, tourism).

At Park we take climate change and sea level rise very seriously. For example, in 2018 we commissioned Sea Engineering, Inc., a leading Hawaii-based sea level rise engineering consultancy, to conduct a sea level rise study for the Hilton Hawaiian Village campus. The result of the multi-year study was an extensive document that describes how we can make the Hilton Hawaiian Village campus more resilient to sea level rise. As there is no place for the Hilton Hawaiian Village to "retreat to," nourishing the beach, moving critical infrastructure out of harm's way, and re-purposing ground level floors over time will be important aspects of protecting the Village campus as sea levels rise.

SB69 seeks to ensure that public and private property owners have options for adapting to sea level rise, including elevating and floodproofing structures, and preserving and protecting beach areas. The Bill also provides balanced and thoughtful planning measures for development. Without the Bill, the State and Counties could find themselves at cross purposes with each other

in managing the coastal zone, with some Counties seeking to mandate an immediate policy of managed retreat without considering the other tools available or the preparation that is required for retreat to actually be “managed.” The State needs a holistic approach, which takes time to develop given how complex the situation is. We—both the public and private property owners—should not be left with piecemeal responses to problems and without any good options, pending the development of more holistic solutions.

The State’s 2019 Final Report *Assessing the Feasibility and Implications of Managed Retreat Strategies for Vulnerable Coastal Areas in Hawai‘i* describes managed retreat as a “wicked problem” and recognizes that “not all coastal areas can be retreated.” The Final Report further recognizes that the State “will need to develop a balanced and just ranking system to determine which areas will be retreated.” Aside from managed retreat not being feasible in all areas, across the spectrum of tools at our disposal, managed retreat is often the most difficult to implement. In spite of this, we understand some County officials may seek to push managed retreat as the *only* tool in many instances. Such a narrow approach greatly limits all of our abilities to effectively and reasonably respond to sea level rise.

Finally, while climate change and sea level rise themselves are a reality, the science and understanding of these issues continue to evolve each year. For example, the timing and projections for things like greenhouse gas emissions, warming, and amount of sea level rise are moving targets that are not projected with absolute certainty. The uncertainty of these projections increases as evaluation periods are increased. Given the rapidly evolving nature of projections, we believe it would be imprudent to foreclose options *today* based on computer model projections of what Hawaii’s coastlines might look like more than 75 years from now. The Bill ensures that those computer models do not get codified into land use regulations today.

We believe SB69 is needed, sensible, and balanced and urge the Water and Land Committee to advance the Bill.

Mahalo for the opportunity to provide testimony in support of SB69.

Very truly yours,

A handwritten signature in black ink, appearing to read 'CAA', with a long horizontal line extending to the right.

Carl Mayfield



Wednesday, February 1, 2023, 1:00 P.M.

State of Hawai'i

Senate Committee on Water and Land
State Capitol, Conference Room 229

**TESTIMONY OF THE HAWAII HOTEL ALLIANCE IN SUPPORT OF SB69
RELATING TO COASTAL ZONE MANAGEMENT**

Dear Chair Inouye and Committee Members:

My name is Jerry Gibson, President of the Hawaii Hotel Alliance (“HHA”) and have been a hotelier in Hawaii for more than 40 years.. HHA membership includes most major hotel brands in Hawaii, including Hilton, Marriott, Hyatt, Aulani, Outrigger, Highgate Hotels, Springboard Hospitality and many independent hotels. Our members represent almost 30,000 hotel rooms of the approximately 44,000 hotel rooms in Hawaii. We submit this testimony in **strong support** of Senate Bill 69.

The State has established its policies and objectives for the coastal zone in the Coastal Zone Management Act, HRS Ch. 205A (“CZMA”). The CZMA’s policies and objectives include regulating development in the coastal zone, protecting and preserving our beaches, ensuring public access to the shoreline, balancing economic and other interests, and adapting to climate change and sea level rise. In turn, the Counties are responsible for adopting rules that are consistent with these objectives and policies.

Unfortunately, the State and Counties could find themselves at odds with each other in managing the coastal zone, with some Counties seeking to mandate an immediate policy of managed retreat by implementing shoreline setbacks that are not in accord with the CZMA and restricting an owner’s ability to maintain and repair properties. State leadership is critical given the complexity of the problem, cost of solutions, and the impacts on the State’s public trust resources, homes, and economy. The Bill addresses this need to ensure that Hawaii’s coastal zones are regulated in a balanced and consistent manner.

Balanced and consistent regulation of the coastal zone is essential for the visitor industry and goes hand-in-hand with destination management and sustainable tourism. Both destination management and sustainable tourism focus on the importance of bringing the right visitors to the

State. The right visitors include those who respect the environment and resources, stay in appropriately zoned areas, and contribute to tax revenue through spending. Attracting the right type of visitor requires maintaining the islands as world-class destinations. We can't attract the right type of visitor if properties are not maintained and repaired, and instead fall into disrepair. This pushes visitors to alternatives (*e.g.*, legal or illegal short-term vacation rentals) or away from the State altogether.

The Bill provides balanced and thoughtful planning measures for development in the coastal zone, and ensures that public and private property owners have options for increasing resiliency and adapting to sea level rise. Options (like beach nourishment, relocating critical infrastructure, and elevating structures) are a must, given that the preparation required for retreat to actually be "managed" hasn't been finished (*e.g.*, there is currently no place identified to "retreat to"). Managed retreat has been described as a "wicked problem." In addition to managed retreat not being feasible in all areas, managed retreat is often the most difficult response to sea level rise to implement. Nevertheless, managed retreat is often offered as the *only* tool in many instances. This ignores the other tools in the toolbox and greatly limits all of our abilities to effectively and reasonably respond to sea level rise.

Lastly, the science and understanding of climate change and sea level rise themselves continue to evolve each year. Climate change and sea level rise are realities, but the timing and projections for greenhouse gas emissions, warming, and amount of sea level rise present moving targets that cannot be projected with absolute certainty. The uncertainty of these projections increases as timeframes are increased. Given the rapidly evolving nature of projections, we believe it would be imprudent to foreclose options *today* based on projections of what Hawaii's coastlines might look like more than 75 years from now. The options contemplated by SB69 leave us with the ability to take meaningful steps now towards adapting to sea level rise, increasing resiliency, and protecting the health of the State's economy.

We believe SB69 is needed, sensible, and balanced and urge the Water and Land Committee to advance the Bill.

Mahalo for the opportunity to provide testimony in support of SB69.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jerry Gibson", with a long horizontal flourish extending to the right.

Jerry Gibson



January 31, 2023

Senator Lorraine Inouye, Chair
Senate Committee on Water and Land
Hawaii State Legislature

Support for SB69

Dear Chair Inouye and Members of the Senate Committee on Water and Land,

The Kohala Coast Resort Association is in support of SB69.

Balanced and consistent regulation of the coastal zone is essential for the visitor industry and goes hand-in-hand with destination management and sustainable tourism. We believe this bill provides balanced and thoughtful planning measures for development in the coastal zone, and ensures that public and private property owners have options for increasing resiliency and adapting to sea level rise.

We also believe that state leadership on this issue is essential to avoid potential conflicts between the various counties and state policies on addressing challenges within the coastal zone. This bill ensures that Hawaii's coastal zones statewide will be managed in a balanced and consistent manner.

The Kohala Coast Resort Association's members are stewards of more than 20 miles of coastline along the Kohala Coast. Collectively, we employ 5,000 people, supporting 20,000 Hawaii Island residents, at our hotels, timeshares, restaurants, retail shops, golf courses and spas. Additionally, in 2022, KCRA members paid \$60 million in state and county TAT, and \$40 million in state and county GET, and we look forward to seeing where the Hawaii State Legislature allocates those important assets to work on climate issues that impact all of us.

Mahalo for the opportunity to support SB69.

Sincerely,

A handwritten signature in black ink that reads "Stephanie P. Donoho". The signature is written in a cursive, flowing style.

Stephanie Donoho, Administrative Director

SB-69

Submitted on: 1/31/2023 7:19:53 AM

Testimony for WTL on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chelsea Marvin	Individual	Support	Remotely Via Zoom

Comments:

THE SENATE

KA ‘AHA KENEKOA

THE THIRTY-SECOND LEGISLATURE

REGULAR SESSION OF 2023

COMMITTEE ON WATER AND LAND

Senator Lorraine R. Inouye, Chair

Senator Brandon J.C. Elefante, Vice Chair

NOTICE OF HEARING

DATE: Wednesday, February 1, 2023

TIME: 1:00 PM

Conference Room 229 & Videoconference

PLACE: State Capitol

415 South Beretania Street

Testimony in strong Support of SB69 Relating to Agriculture

From: Chelsea Marvin, concerned citizen

Dear Committee Members,

I Chelsea Marvin strongly support SB69 which makes protecting the coastal zone a priority. Sea level rise and costal erosion are concerns that we have in our unique island state.

Islands undergo transformations do too climate changes and environmental impact. Many factors contribute to the physical aspects of each island. These factors include trade winds, rainfall, seasonal storms, ocean currents, and the age of the eroding land.

Low lying islands are not very high, and the freshwater reservoirs are becoming contaminated with salt water. This not only affects the drinking water but also takes a toll on the vegetation found around the island. Without fresh water the plants begin to die and are not able to produce harvests to sustain the community. After the sea level has raised to a certain point there is no going back the water table will be ruined and the island inhabitable.

1. the next few years, we will continue to see a rise in relocation efforts for low lying islands who are being negatively affected by climate change. The need for relocation has made this an international issue that needs to be addressed. A plan needs to be formulated to deal with the many islands that will no longer be livable.

The water levels are rising faster in some parts of the pacific than others. Each island faces its own unique challenges and benefits. It is important to support SB69 to combat the many costal issues that may arise. It is our responsibility to make sure that we protect our coastal areas through enacting legislation with the goal of protecting the aina.

Mahalo,

Chelsea Marvin

SB-69

Submitted on: 1/31/2023 11:48:06 AM

Testimony for WTL on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Eric S Robinson	Individual	Support	In Person

Comments:

I strongly support SB69 and will provide in person testimony as well.

LAW OFFICE OF BIANCA ISAKI

1720 Huna St. 401B, Honolulu, Hawai'i 96817
(t): 808.927.5606 (e): bianca.isaki@gmail.com

February 1, 2023

Aloha Senators:

Please do NOT pass SB69.

LATE

The bill undermines County shoreline policy initiatives and instead supports significant short term financial interests in the shoreline vicinity over life, health, and safety necessary now and especially over time. Tying the hands of the county to protect itself is not sound policy and places an unnecessary burden on the state to address problems and lawsuits in the future.

Sea level rise is a fact, and the 2014 planning target of 3.2 feet of sea level rise by 2100 from the SLR Report is now recognized in 2023 as a conservative scenario. SB69 would require the counties to only look backward to historical erosion as a basis of policy, at serious risk to life, health, safety, and property, not to mention the financial resources of many. Please do NOT pass SB69.

Very truly yours,



BIANCA ISAKI
LAW OFFICE OF BIANCA ISAKI

SB-69

Submitted on: 2/1/2023 9:26:32 AM

Testimony for WTL on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeff Dack	Individual	Oppose	Written Testimony Only

Comments:

LATE

Honorable Chair Inouye and Committee,

My name is Jeff Dack. Prior to my retirement from the County of Maui four months ago, I had a 13 year tenure as the supervisor of the Environmental Planning Section of the County’s Planning Department. In that role I was also consistently designated by the Planning Director to serve on the Hawaii Climate Change Mitigation and Adaptation Commission and its predecessor, the Hawaii Interagency Climate Adaptation Committee.

Partly in an effort to address the damaging effects of sea level rise, the Planning Department has been drafting comprehensive revisions to the Shoreline and Special Management Area administrative rules for the Maui Planning Commission (Commission) for over the past five years. The Commission has held hearings and is poised to adopt revised rules this February. Proposed shoreline setbacks within the rules are based upon the best available science and modeling from and following the *2017 Hawaii Sea Level Rise Vulnerability and Adaptation Report* (SLR Report). The legislature’s bill would allow only the use of much older methodology which will result in ineffective regulations.

The new Maui rules best protect property owners, the County of Maui, State of Hawaii, its residents, emergency personnel and tax payers from the harm caused by sea level rise. Properties located near the shoreline are at serious risk of flooding, sink holes, and total loss. Allowing new construction in at risk areas increases the county and state’s liability and may force tax payers to fund projects benefitting private land owners. It also places our police and fire personnel at risk. Last week a fireman was critically injured when he was swept into a storm drain while assisting residents at a flooded home.

Although SB69 may be well meaning, it destroys the Department and Commission’s work to update their administrative rules and address sea level rise on Maui. The bill undermines Maui County’s shoreline policy initiatives and instead supports significant short term financial interests in the shoreline vicinity over life, health, and safety necessary now and especially over time. Tying the hands of the county to protect itself is not sound policy and places an unnecessary burden on the state to address problems and lawsuits in the future.

SB69 is technically unsound and antithetical to implementing critical life and property saving policy based upon the science in the SLR report. The revised administrative rules expected to be adopted by the Commission are well balanced and will implement needed updates to policies unless the legislature were to make the grave error of prohibiting that just when it is in sight.

Sea level rise is a fact, and the 2014 planning target of 3.2 feet of sea level rise by 2100 from the SLR Report is now recognized in 2023 as a conservative scenario. SB69 would allow Maui (and other Counties) to only look backward to historical erosion as a basis of policy, leaving the State and the County almost literally sticking our heads in the sand while the future overtakes and erodes us all, at serious risk to life, health, safety, and property, not to mention the financial resources of the County of Maui and State of Hawaii. SB69 has not been properly vetted and if it were it would be clear to lawmakers that it is wrongly based upon much older science.

If the legislature wishes to seriously consider the proposed provisions of SB69 the legislature should instead first form a study group before taking the rash and counterproductive actions as unfortunately found in some of the bill. If however the legislature feels it must somehow move to bill adoption right now it should, at the least, exclude Maui County, which has already painstakingly addressed the subject matter of the bill in soon to be adopted administrative rules specific to Maui's needs, long before SB69 was introduced.

Thank you,

Jeff Dack