



Testimony of the
Hawai'i State Association of Counties
on
S.B. No. 74 SD1
Relating to Special Management Areas.

Committee on Judiciary

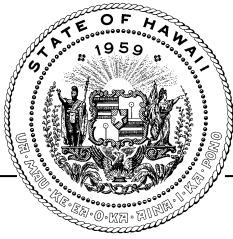
Thursday, February 23, 2023, 9:45 a.m.

The Hawai'i State Association of Counties (HSAC) supports S.B. 74 SD1. S.B. 74 SD1 expands the exclusions from what is considered "development" in the special management area that have no adverse environmental impacts on the SMAs to include:

- Public pedestrian, bicycle facilities, and traffic control barriers;
- Trash removal or invasive vegetation removal;
- Installation of security measures such as: fencing; Installation, maintenance, repair, and replacement of lighting fixtures and equipment at public recreational facilities; and
- The installation, maintenance, repair, and replacement of security measures for public facilities.

HSAC supports the amendment of S.B. 74 that authorizes the counties to further define the single-family residences in the SMA through zoning. The counties are responsible for the establishment of zoning districts, which include shoreline areas. The zoning power of the counties includes the "...location of buildings and structures designed for specific uses and designation of uses for which buildings and structures" and "...location, height, bulk, number of stories, and size of buildings and other structures." The floor area of a structure to be considered in the special management area should be established by the county by zoning ordinance.

For these reasons, the Hawai'i State Association of Counties strongly supports S.B. 74 SD1, as amended, and requests your favorable consideration of this measure.



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

JOSH GREEN, M.D.
GOVERNOR

SCOTT J. GLENN
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawai'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

Statement of
SCOTT GLENN, Director

before the
SENATE COMMITTEE ON JUDICIARY
Thursday, February 23, 2023, 9:45 AM
State Capitol, Conference Room 016

in consideration of
SB 74, SD1
RELATING TO SPECIAL MANAGEMENT AREAS.

Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary:

As the lead agency of the Hawaii Coastal Zone Management (CZM) Program, the Office of Planning and Sustainable Development (OPSD) **supports with recommendations for amendments on SB, 74 SD1**, which proposes amendments to Hawaii Revised Statutes (HRS) Chapter 205A to expand exclusions to the definition of “development”.

1. The Hawaii CZM Law, HRS Chapter 205A, rather than county zoning ordinances, that establishes and determines the triggers for Special Management Area (SMA) permitting for construction of single-family residences within the SMAs. Therefore, to maintain trust of the public and statewide consistency in SMA permitting, OPSD recommends keeping the 7,500 square feet of floor area threshold as one of the SMA permitting triggers for construction or reconstruction of a single-family residence as follows:

Page 3, Lines 16-21 and Page 4 Lines 1-3

“Construction or reconstruction of a single-family residence that is less than seven thousand five hundred square feet of floor area, is not situated on a shoreline parcel or a parcel that is impacted by waves, storm surges, high tide, or shoreline erosion, and is not part of a larger development; [~~provided that “single-family residence” may be further defined by each county by zoning ordinance~~];

2. In addition, OPSD recommends the following amendment that would allow for incidental ground disturbance to remove trash and invasive vegetation:

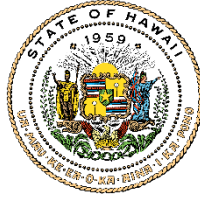
Page 6, Lines 15-16,

(R) Trash removal or invasive vegetation removal or control, including incidental ground disturbance, excluding the use of herbicides;

Thank you for the opportunity to testify on this measure.

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

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
JUDICIARY

Thursday, February 23, 2023
9:45 a.m.

State Capitol, Conference Room 016 & Videoconference

In consideration of
SENATE BILL 74, SENATE DRAFT 1
RELATING TO SPECIAL MANAGEMENT AREAS

Senate Bill 74, Senate Draft 1 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 bill proposes to 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.

The Department also appreciates that traditional fishpond and traditional agricultural practices will be excluded from the definition of development. In 2015 the Department initiated the “Ho‘āla Loko I‘a” program, which streamlined the permitting process for the repair, restoration, and operation of traditional Hawaiian fishpond systems. This bill is consistent with this program, and we believe it will benefit cultural practitioners who are working to restore the State’s fishponds.

Mahalo for the opportunity to provide testimony in support of this measure.

RICHARD T. BISSEN, JR.
Mayor

KEKUHAUPIO R. AKANA
Acting Managing Director



OFFICE OF THE MAYOR
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov

February 22, 2023

TO: Honorable Senator Karl Rhoads, Chair
Honorable Senator Mike Gabbard, Vice Chair
Senate Committee on Judiciary

FROM: Richard T. Bissen, Jr., Mayor
Kathleen Aoki, Planning Director

DATE: February 22, 2023

SUBJECT: SUPPORT OF SB 74 SD1, RELATING TO SPECIAL MANAGEMENT AREAS.

Thank you for the opportunity to testify in **SUPPORT** of this important measure. The purpose of this measure is to expand exclusions to the definition of "development" in chapter 205A, Hawaii Revised Statutes, to reduce the need for special management area permits for certain activities.

Our administration **SUPPORTS** this measure for the following reasons:

1. This measure will help expedite the special management area permits process to avoid increased labor and material costs.
2. This measure, as amended, will continue to protect environmental controls and quality that Special Management Area regulations are intended to protect.
3. This measure will facilitate the timely approval of important projects, including improvements to pedestrian and bicycling infrastructure, environmental and wildlife protection, and security at public facilities.

For the foregoing reasons, we **SUPPORT** this measure.

Council Chair
Alice L. Lee



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


Councilmembers
Tom Cook
Gabe Johnson
Tasha Kama
Tamara Paltin
Keani N.W. Rawlins-Fernandez
Shane M. Sinenci
Yuki Lei K. Sugimura
Nohelani U'u-Hodgins

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

February 22, 2023

TO: The Honorable Senator Karl Rhoads, Chair
and Members of the Senate Committee on Judiciary

FROM: Alice L. Lee 
Council Chair

SUBJECT: **HEARING OF FEBRUARY 23, 2023; TESTIMONY IN SUPPORT OF SB 74, SD1, RELATING TO SPECIAL MANAGEMENT AREAS**

Thank you for the opportunity to testify in **support** of this important measure. This measure would eliminate the need for Special Management Area permits for certain beneficial projects, including those for pedestrian and bicycle facilities, native-habitat preservation, native-seabird protection, security at public facilities, and Hawaiian traditional and customary practices.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I support this measure for the following reasons:

1. This measure's targeted amendments to the definition of "development" will promote, not undercut, the environmental controls and quality that Special Management Area regulations are intended to protect.
2. This measure will facilitate the timely approval of important projects to benefit the public, including improvements to pedestrian and bicycling infrastructure, environmental and wildlife protection, and security at public facilities.

For the foregoing reasons, I **support** this measure.