

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEXTER KISHIDA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

THURSDAY, FEBRUARY 29, 2024
2:00 PM
CONFERENCE ROOM 325

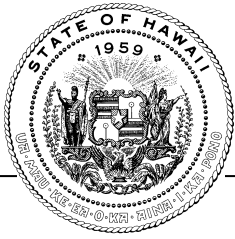
HOUSE BILL NO. 1923, HOUSE DRAFT 1
RELATING TO CAMPS

Chair Tarnas, Vice Chair Takayama and Members of the Committee:

Thank you for the opportunity to testify on House Bill 1923, HD1 that retains the existing prohibition on overnight camps in the Agricultural District and allows overnight camps in operation prior to January 1, 1961 to be regulated by the Special Permit process. The Department of Agriculture (Department) supports the retention of the existing prohibition on overnight camps in the Agricultural District.

Thank you for the opportunity to present our testimony.





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

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
INTERIM DIRECTOR

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Statement of
MARY ALICE EVANS, Interim Director

before the
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Thursday, February 29, 2024

2:00 PM

State Capitol, Conference Room 325

in consideration of
**HOUSE BILL 1923 HD1
RELATING TO CAMPS.**

Chair Tarnas, Vice Chair Takayama, and Members of the House Committee on Judiciary and Hawaiian Affairs:

The Office of Planning and Sustainable Development (OPSD) **supports** HB1923 HD1, which retains the prohibition against overnight camps in the State Agricultural District contained in § 205-4.5 (a) (6), Hawaii Revised Statutes (HRS) but allows “overnight camps in operation prior to January 1, 1961” to be approved by special permit.

OPSD recognizes the public benefit provided by overnight camps that existed prior to the establishment of the State Land Use Classifications and that these grandfathered uses are likely not appropriate for reclassification to the Urban District. HB1923 HD1 allows these camps to continue to operate with a special permit while protecting the Agricultural District from new non-agricultural overnight camp use.

Thank you for the opportunity to testify on this measure.



February 27, 2024

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Gregg Takayama, Vice Chair

DATE: Thursday, February 29, 2024

TIME: 2:00 PM

PLACE: VIA VIDEOCONFERENCE
Conference Room 325
State Capitol
415 South Beretania Street

TESTIMONY IN STRONG SUPPORT OF HB1923, HD1

Aloha Chair Tarnas, Vice Chair Takayama, and Members of Committee,

Thank you for the opportunity to provide testimony in strong support of House Bill 1923, HD1.

I am testifying on behalf of hundreds of active Scouts and adult volunteers who utilize Camp Maluhia north of Wailuku, which is one of the most widely used wilderness facilities within Maui County. Resting on the island's cool windward slopes and with a panoramic view of the Pacific Ocean, Camp Maluhia has been a favorite destination for over 100 years of Maui's Scouts

Throughout the year, Maui scouts utilize the camp for overnight camping, in addition to Summer Camp. This camp is an integral part of the Maui Scouting experience.

Our camp currently operates under a special permit set to expire in 2025. We plan to seek renewal of this permit.

Camp Maluhia operated prior to the adoption of the State Land Use law and is considered "grandfathered" for use. Based on the March 2023 Hawai'i Supreme Court our camp will no longer be able to obtain time extensions for the respective special permit, and instead would be required to change our State Land Use classification from "Agricultural" to "Urban." This would create an immense burden for our non-profit, which would require a long and expensive rezoning process. Camp Maluhia is a in rural setting with no urban uses in the nearby vicinity.

If approved this bill would re-establish the regulatory process for overnight camps that existed for over 30 years prior to the recent ruling, allowing Special Permits to be used as a permitting





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ALOHA COUNCIL

vehicle for overnight camps, requiring approval from the Planning Commissions (or Land Use Commission for uses over 15 acres) via the Special Permit process, including notification neighbors and a public hearing.

We are not asking for an exclusion or exemption, we are asking to remain operable by special use permits, it is a guaranteed way for local control to ensure that we are operating as set forth by our use permit.

Thank you for the opportunity to provide testimony.

Blake Parsons
CEO / Scout Executive
Boy Scouts of America, Aloha Council



Hawai'i House Committee on Judiciary and Hawaiian Affairs
Rep. David A. Tarmas, Chair
Rep. Gregg Takayama, Vice Chair

DATE: Thursday, February 29, 2024
TIME: 2:00PM
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

TESTIMONY IN STRONG SUPPORT OF HB 1923HD1
with requested amendment
Testimony of **Rory Frampton**

Aloha e Chair Tarmas, Vice Chair Takayama, Vice Chair Takayama, and members the Judiciary and Hawaiian Affairs Committee.

Thank you for the opportunity to provide testimony in strong support of House Bill 1923HD1, with a requested amendment.

As noted in the Section 1 of this bill, in March 2023, the Hawai'i Supreme Court ruled that Special Permits (SPs) cannot be issued to overnight campgrounds in the State Agricultural Land Use District. This ruling reverses the previous Supreme Court opinion which allowed for uses such as campgrounds to be approved via SPs if they were deemed to be an "unusual but reasonable" use in the State Ag District.

I have been retained by Camp Olowalu to help address this issue. Based on my research, there are four (4) campgrounds on Maui in the State Ag District:

Camp Maluhia (Boy Scouts)
Camp Pi'iholo (Girl Scouts)
Ke'anae Uka (formerly Camp Ke'anae)
Camp Olowalu (formerly Camp Pecusa founded by Episcopop Church)

There are also at least (3) overnight camps in the Ag District on Oahu:
Camp Palehua (Camp Timberline)
Camp Homelani (Salvation Army)
Camp Paumalu (Girl Scouts)

And at least one on the Big Island:
Camp Kilohana (Girl Scouts)

Most of these campgrounds were established before the adoption of the State Land Use Law and are considered "grandfathered" uses. Two of the existing campgrounds have

SPs with time extensions coming up in the next year and a half: Camp Maluhia and Camp Olowalu. Based on this Supreme Court ruling, the two campgrounds would be unable to obtain time extensions for their respective SPs, and instead would be required to change their State Land Use classification from "Agricultural" to "Urban." These campgrounds are on Maui in rural-country type settings with no urban uses in the nearby vicinity. Changing the land use to Urban would be a type of spot zoning.

The original language contained in HB1923 would eliminate "overnight camps" from the list of prohibited activities in the State Ag District. Striking "overnight camps" from the language in HRS 205-4.5 would allow for SPs to be used as a permitting vehicle for these overnight camps, and would still require approval from the Planning Commissions (or Land Use Commission for uses over 15 acres) via the Special Permit process, thereby continuing to include notification of neighbors as well as a public hearing.

If approved this bill would re-establish the regulatory process for overnight camps that existed for over 30 years prior to the recent Supreme Court ruling. History has shown that this process has not led to a proliferation of overnight campgrounds in the Agricultural District or a significant loss of productive agricultural lands.

HB1923HD1: Based on concerns related to the potential for new non-Agricultural uses to be introduced into the Agricultural District, HB1923 was amended so that it would only apply to overnight camps in operation prior to January 1, 1961. The intent is to allow the existing legacy campgrounds to continue to be authorized via Special Permit as necessary. Although nearly all of the overnight camps listed above appear to have been in operation prior to 1961, two camps either originated or expanded into the Agricultural District after 1961. (Camp Kilohana-Girl Scouts and Camp Olowalu)

Requested Amendment: In order to avoid negatively impacting all of the overnight camps listed above, it is requested that the proposed new language in HB1923HD1 be replaced with the following language:

provided that overnight camps that were lawfully existing prior to March 1, 2023, may be authorized by special permit;

This language would support the intent of HB1923HD1 by not allowing any new overnight campgrounds while also avoiding negative impacts on existing overnight campgrounds that were lawfully existing prior to the recent Supreme Court Ruling.

Thank you for the opportunity to provide testimony.

Rory Frampton

Rory Frampton Consulting Inc.
340 Napoko Place
Kula, Hawaii 96790

HB-1923-HD-1

Submitted on: 2/28/2024 8:54:30 AM

Testimony for JHA on 2/29/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dustin Tester	Maui Surfer Girls, Inc	Support	Remotely Via Zoom

Comments:

My name is Dustin Tester, I'm the grand daughter of Keith Tester, who founded Lahaina Restoration Foundation and was instrumental in getting Camp Olowalu established in the early 60s for groups like the Maui Boy Scouts and Holy Innocence Episcopal Church to utilize the 6 A-frame cabin group facility.

For the past 24 years, my company, Maui Surfer Girls, has been empowering teen girls through overnight surf camp programs at Camp Pecusa, or more presently Camp Olowalu. Maui Surfer Girls has provide scholarships to many local Maui teens to enjoy our surf camps held there each summer and has served hundreds of girls and women's at Camp Olowalu. We employ 12 staff during our summer camps and 6 staff during our quarterly women's camp programs hosted there. We've introduced our campers to be stewards of the Olowalu mother reef in Camp Olowalu's backyard. We've taught our campers how to be safe, ocean aware surfers in the dynamic conditions at nearby Ukumehame park. Since the pandemic, we have volunteered at Kipaku Olowalu, sharing Hawaiian culture and native plant restoration with our campers each camp session held at Camp Olowalu.

On behalf of my loyal staff, and hundreds of local and mainland residents who have benefited from Maui Surfer Girls, we would be absolutely devastated to not have Camp Olowalu to host our overnight camp programs. We have witnessed so much growth and empowerment of our youth, at such a formative stage of their lives. Access to nature and overnight programs such as ours and the many others who've utilized Camp Olowalu through the past 60 + years, have been such a beneficial asset for our Maui community. Especially during such trying times for Lahaina residents. Accessing places for refuge like at Camp Olowalu tentalows for mental health is crux. Teen girl suicide rates are at a historic high. If you cut off access to host programs that help teen girls like we do, it will be such a loss for families needing support for their adolescents. Additionally, to give Hawaiian historical context, Olowalu is considered to be a Pu'uhonua, or a place of refuge. In the decades of empowering teen girls and women at Camp Olowalu, I can attest that this special point at Olowalu has always provided us safe refuge. At Camp Olowalu, we've helped grow healthier young women—away from the pressure of school, parents, technology, social media, and instead our campers are plugged into Mother Nature to build self reliance, confidence, and an empowering community of surfer girls!

Again, please consider allowing Camp Olowalu to continue via special use permit. Programs helping our community like Maui Surfer Girls are at stake.

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Gregg Takayama, Vice Chair

Rep. Luke A. Evslin

Rep. Greggor Ilagan

Rep. Sonny Ganaden

Rep. Sam Satoru Kong

Rep. Daniel Holt

Rep. Tyson K. Miyake

Rep. Linda Ichiyama

Rep. Kanani Souza

DATE: Thursday, February 29, 2024

TIME: 2:00 PM

PLACE: Conference Room 325

State Capitol

415 South Beretania Street

TESTIMONY IN STRONG SUPPORT OF HB 1923

Testimony of Dr. Kanoë Nāone, CEO for the Girl Scouts of Hawai'i

Aloha e Chair Tarnas, Vice Chair Takayama and members of the Committee on Judiciary & Hawaiian Affairs,

Thank you for the opportunity to provide testimony in strong support of House Bill 1923.

In 1917 Queen Liliuokalani sponsored the first Girl Scout troops in Hawai'i making our council the oldest west of the Mississippi. At Girl Scouts we have four program pillars—STEM, Life Skills, Outdoors, and Entrepreneurship—These pillars form the foundation of the Girl Scout program and work together to build girls' curiosity, service, and can-do spirit.

Our camps are specifically implemented around life skills and the outdoors. Without overnight camping opportunities, we would not be able to provide learning opportunities around two of our core pillars. We have three camps that we own and operate. At least two of them are on agricultural lands. Camp Paumalū is located on the North Shore of O'ahu and has been ours and in operation since 1951. We recently put in \$8.5 million dollars to create a STEM Center for Excellence. Camp Kilohana is on the Big Island, located above Kona on the slopes of Maunakea and we acquired that property for camping in 1954 and just put in roughly half a million in renovations recently. Camp Pi'iholo is our camp on Maui and was gifted to us in 1962 by the Baldwin family. It was used as early as the 1930's prior to the gifting. We also rent Camp Sloggett on Kaua'i, in Koke'e, regularly.

Each year we have over a thousand girls and volunteers as overnight campers. We have roughly 200 on the Big Island, 200 on Maui, 200 on Kauai and 700 on Oahu. Girls from all over the state travel to these camps to learn, earn badges, and make lifetime friends

and memories. At these camps, girls engage in everything from teen mentor leadership, orienteering, geocaching, to outdoor skills, like wilderness first aid, knot tying and outdoor survival. Through camping they gain both knowledge and confidence.

Each of the impacted campgrounds were established prior to the adoption of the State Land Use law and are considered “grandfathered” uses. Our existing campgrounds have Special Permits (SPs). Based on the March 2023 Hawai‘i Supreme Court ruling, our campgrounds would be unable to obtain time extensions for their respective SPs, and instead would be required to change their State Land Use classification from “Agricultural” to “Urban”, which would be nearly impossible to obtain based on their location and the cumbersome process.

If approved this bill would re-establish the regulatory process for overnight camps that existed for over 30 years prior to the recent ruling, allowing SPs to be used as a permitting vehicle for overnight camps, requiring approval from the Planning Commissions (or Land Use Commission for uses over 15 acres) via the Special Permit process, including notification neighbors and a public hearing.

We are not asking for an exclusion or exemption, we are asking to remain operable by special use permits, it is a guaranteed way for local control to ensure that we are operating as set forth by our use permit.

Mahalo for the opportunity to provide testimony.

Dr. Kanoë Nāone
CEO for the Girl Scouts of Hawai‘i
808-675-5502/knaone@gshgawaii.org