



**STATE OF HAWAII
OFFICE OF PLANNING
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Statement of
SCOTT GLENN, Director

before the
SENATE COMMITTEE ON WATER AND LAND
Monday, February 6, 2023, 1:05 PM
State Capitol, Conference Room 229

in consideration of
SB 1095
RELATING TO COASTAL ZONE MANAGEMENT.

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

As the lead agency of the Hawaii Coastal Zone Management Program, the Office of Planning and Sustainable Development (OPSD) **supports with recommendations for amendments on SB 1095**, which proposes amendments to Hawaii Revised Statutes (HRS) Chapter 205A to expand exclusions to the definition of “development”. OPSD respectfully offers the following amendments, which reflect amendments the Senate incorporated in last year’s SB 2764 (2022) at the OPSD’s recommendation, to ensure that the proposed language complies with the purposes of excluded “development” under HRS § 205A-22.

Page 2, Line 21.

Demolition or removal of structures, [~~or improvements,~~] except those structures [~~or improvements~~] located on any historic site as designated in national or state registers;

The application of the term “improvements” is unclear and therefore recommend that the language remain unamended.

Page 4, Lines 11-16.

[~~Construction,~~] Installation, maintenance, repair, and replacement of public pedestrian and bicycle facilities including sidewalks, paths, bikeways, crosswalks, stairs, ramps, signs, signals, and associated improvements [~~; including the placements of barriers for the control of vehicle movement~~];

We recommend the deletion noting that prior placement of barriers for the control of vehicle movement without a SMA permit in the vicinity of Laniakea Beach, Haleiwa, Oahu, resulted in a lawsuit.

Page 4, Lines 17-20.

“Trash removal or invasive vegetation control with subsurface stump removal, excluding the use of herbicides”

We recommend that items 18 and 19 be combined and suggest a technical amendment replacing the word “pesticides” with “herbicides” as a control mechanism to utilized for invasive vegetation.

Page 5, Line 2.

“or preservation of native habitat on conservation land, including”

We propose the addition of this language to clarify the definition of these activities would be conducted on conservation land.

Page 5, Lines 4-7.

~~[(21) Removal of fences, walls, or barriers and replacement with gates or other access devices and associated minor improvements for inspection and maintenance of utilities; and]~~

The activities described in this proposed item (21) are covered by existing language under “(7) Demolition or removal of structures, except those structures located on any historic site as designated in national or state registers.”

Page 5, Line 11.

“existing public [~~recreation~~] facilities;”

This amendment broadens the definition to be more inclusive of other types of facilities that may require standards compliance.

Lastly, the OPSD recommends the Committee’s consideration of the below additional language following Page 5 Item 22 to include:

(23) Hawaiian traditional and customary practices, including work conducted by traditional means near, in, or related to loko i`a, traditional Hawaiian fishponds;

Thank you for the opportunity to testify on this measure.



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

LATE

Testimony Presented Before the
Senate Committee on Water and Land
Monday, February 6, 2023 at 1:05 p.m.

By

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

And

Darren T. Lerner, PhD
Director, Sea Grant College Program,
School of Ocean and Earth Science and Technology

And

Michael Bruno, Provost
University of Hawai'i at Mānoa

SB 1095 – RELATING TO COASTAL ZONE MANAGEMENT

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

The University of Hawai'i Sea Grant College Program (Hawai'i Sea Grant) and the Climate Resilience Collaborative (CRC) **support the intent of SB 1095** and offer one comment.

This measure amends the definition of "development" to create additional exceptions, including pedestrian or bicycle facilities, trash removal, invasive vegetation control, installation of fencing for invasive species control or native habitat preservation, removal of access devices for inspection and maintenance of utilities, and lighting fixtures at existing public recreation facilities.

Hawai'i Sea Grant and CRC respectfully caution that this bill not ultimately become a vehicle to amend the definition of development as it pertains to the maximum size of a single family home that is not required to obtain a Special Management Area permit under the Coastal Zone Management Act, HRS Chapter 205A.

Hawai'i Sea Grant's mission is to provide integrated research, extension, and education activities that increase understanding and use of ocean and coastal resources of the Hawaiian and Pacific Islands and support the informed personal, policy, and management decisions that are integral to realizing this vision. Hawai'i Sea Grant is part of a national network of 34 university-based programs associated with the National Oceanic and Atmospheric Administration (NOAA) that promote better understanding, conservation, and use of coastal resources.

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.

Hawai'i Sea Grant and CRC would be happy to provide updated sea level rise data and projections to the Committee or any lawmaker upon request.

Hawai'i Sea Grant and the Climate Resilience Collaborative support the intent of SB 1095.

Thank you for the opportunity to testify on this measure.

SB-1095

Submitted on: 2/5/2023 10:35:44 AM

Testimony for WTL on 2/6/2023 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Mae Nakahata	Individual	Support	Written Testimony Only

Comments:

Measure will facilitate timely conservation activity that could reduce sea level rise damage.