

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

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Statement of
SCOTT GLENN, Director

before the
SENATE COMMITTEE ON WATER AND LAND
Friday, February 10, 2023, 2:05 PM
State Capitol, Conference Room 229

in consideration of
SB 74
RELATING TO SPECIAL MANAGEMENT AREAS.

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 74**, which proposes amendments to Hawaii Revised Statutes (HRS) Chapter 205A to expand exclusions to the definition of “development”. OPSD respectfully offers the following amendment:

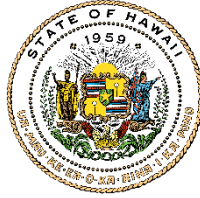
Page 7, Line 8.
Hawaiian [T]traditional and customary practices”

The proposed amendment is a friendly amendment to more clearly express the intention of the proposed language.

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



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA
P.O. BOX 621
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committee on
WATER AND LAND

Friday, February 10, 2023
2:05 p.m.

State Capitol, Conference Room 229 & Videoconference

In consideration of
SENATE BILL 74
RELATING TO SPECIAL MANAGEMENT AREAS

Senate Bill 74 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 Act will 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. The proposed 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.



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

Committee on Water and Land

Friday, February 10, 2023, 2:05 p.m..

The Hawai'i State Association of Counties (HSAC) supports S.B. 74, with amendments. S.B. 74 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 requests the amendment of S.B. 74 to delete the square feet threshold for single-family residences excluded from the definition of "development" under the SMA law, and authorizes the counties to further define the single-family residences in the SMA through zoning.

The definition of "development" was amended in 2011 to arbitrarily exclude **a single-family residence that is less than seven thousand five hundred square feet of floor area.** The amendment was made to "...expedite and facilitate work on projects that have been or may be stalled due to delays relating to special management area permitting requirements."

The counties, however, 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.

Section (2) (A) on page 3, line 16 should be amended to read:

“~~(1)~~ (A) 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.””

With this amendment, the Hawai‘i State Association of Counties strongly supports S.B. 74, as amended, and requests your favorable consideration of this measure.

Council Chair
Alice L. Lee



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

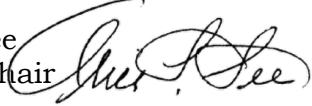
Councilmembers
Tom Cook
Gabe Johnson
Tasha Kama
Tamara Paltin
Keani N.W. Rawlins-Fernandez
Shane M. Sinenci
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COUNTY OF MAUI
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WAILUKU, MAUI, HAWAII 96793
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February 8, 2023

TO: The Honorable Senator Lorraine R. Inouye, Chair
and Members of the Senate Committee on Land and Water

FROM: Alice L. Lee
Council Chair 

SUBJECT: **HEARING OF FEBRUARY 10, 2023; TESTIMONY IN SUPPORT OF SB 74,
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 environmentally beneficial projects, including those for pedestrian and bicycle facilities, native-habitat preservation, native-seabird protection, and security at public facilities.

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.

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MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

LATE

**HEARING BEFORE THE SENATE COMMITTEE ON
WATER AND LAND
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 229
FRIDAY, FEBRUARY 10, 2023 AT 2:05 P.M.**

To The Honorable Senator Lorraine R. Inouye, Chair
The Honorable Brandon J.C. Elefante, Vice Chair
Members of the Committee on Water and Land

SUPPORT FOR SB74 RELATING TO SPECIAL MANAGEMENT AREAS

The Maui Chamber of Commerce would like testify in **support for SB74** which establishes additional 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 Chamber would like to point out that, currently, the broad definition of "development" can result in a special management area (SMA) use permit review being required for improvements, facilities, and incidental structures that may not warrant such intense scrutiny nor the economic burdens of the rising costs of labor, building materials, and delays that go along with it. These amendments to the definition of "development" as it relates to special management areas will promote, not undercut, the environmental controls and quality that SMA regulations are intended to protect.

These amendments will help free up the time for the county planning departments to process the permits for developments that have a greater effect in the SMA.

For these reasons, we **support SB74**.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.