

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

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

RYAN K.P. KANAKA'OLE  
FIRST DEPUTY

DEAN D. UYENO  
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
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MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the House Committee on  
WATER AND LAND

Tuesday, February 06, 2024  
10:15 a.m.

State Capitol, Conference Room 430 & Videoconference

In consideration of  
HOUSE BILL 2180  
RELATING TO COASTAL ZONE MANAGEMENT

House Bill 2180 proposes to prohibit development in the special management area unless the development is first found to not be located in the sea level rise exposure area. **The Department of Land and Natural Resources (Department) opposes this bill.**

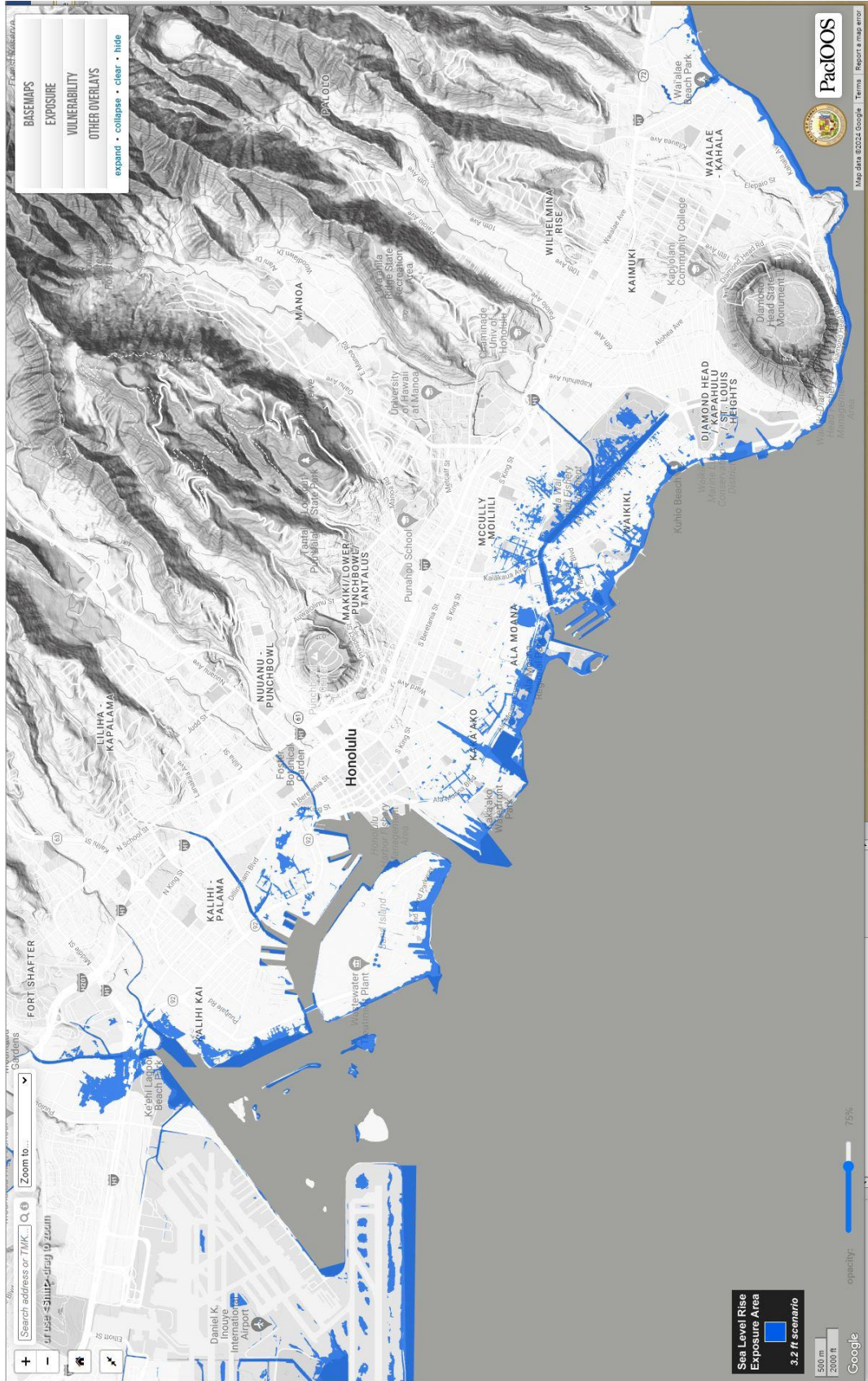
The Department believes that the State needs to encourage development to move away from areas at risk to sea level rise. However, we are concerned that this bill does not consider the potential legal and financial ramifications of an outright prohibition on development. Property owners affected by this bill may likely seek compensation from the State for limiting the use of their lands. To illustrate the extent of the areas in which development will be prohibited by this bill we have attached a screenshot of the Sea Level Rise Exposure Area for the Honolulu urban core, taken from the State of Hawai'i Sea Level Rise Viewer<sup>1</sup>.

We therefore request this bill be held in committee. The existing framework within Hawai'i Revised Statutes Chapter 205A, Coastal Zone Management, provides county authorities with guidance for land use regulation within the special management area. The Department intends to support other measures that will assist Hawai'i in meeting the challenges presented by climate change.

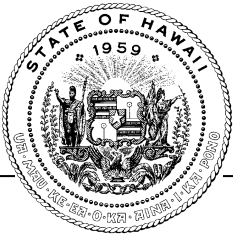
Mahalo for the opportunity to testify on this measure.

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<sup>1</sup> Tetra Tech, Inc. and University of Hawai'i Coastal Geology Group. 2017. *Sea Level Rise – Exposure Area*. <https://planning.hawaii.gov/gis/download-gis-data-expanded/>. Accessed February 01, 2024.



Page 2  
 Sea Level Rise Exposure Area for urban Honolulu at 3.2 ft



**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 WATER AND LAND**  
Tuesday, February 6, 2024, 10:15 AM  
State Capitol, Conference Room 430

in consideration of  
**HB 2180**  
**RELATING TO COASTAL ZONE MANAGEMENT.**

Chair Ichiyama, Vice Chair Poepoe, and Members of the House Committee on Water and Land:

HB 2180 proposes to prohibit new development within the sea level rise exposure area through Special Management Area (SMA) permitting under the Hawaii Coastal Zone Management (CZM) Program.

As the lead agency of the Hawaii CZM Program, the Office of Planning and Sustainable Development **opposes** HB 2180 with the following reasons:

- 1) Established in 1975 with the enactment of Act 176, the SMA permit is a management tool to require mitigation measures to assure that uses, activities, or operations on land or in or under water within an SMA are designed and carried out in compliance with the CZM objectives and policies, and SMA guidelines.
- 2) The SMA permit regulates permissible land uses that are already allowed by land use policies. That is why no development shall be approved within an SMA unless the authority has first found that the development is consistent with the county general plan, community plan, and zoning. It is too late to apply the SMA permit system to prohibit new development within the sea level rise exposure area.
- 3) The sea level rise exposure area is an estimated projection of probable future conditions based on the best information available. The current map is six years old and is in the process of being updated. The sea level rise exposure area should not be used in place of policy decisions by respective authorities.
- 4) Thank you for the opportunity to testify on this measure.



Tuesday, February 6, 2024, 9:05 A.M.

State of Hawai'i

House Committee on Water and Land  
State Capitol, Conference Room 430

**TESTIMONY OF JERRY GIBSON IN OPPOSITION TO HOUSE BILL 2180  
RELATING TO COASTAL ZONE MANAGEMENT**

Dear Chair Ichiyama, Vice Chair Poepoe, and Committee Members:

My name is Jerry Gibson, I am 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, Marriot, Hyatt, Aulani, Outrigger, Highgate Hotels, Springboard Hospitality, and many independent hotels. Our membership represents almost 30,000 hotel rooms of the approximately 44,000 hotel rooms in Hawaii. I submit this testimony **in strong opposition** to HB2180.

HB2180 proposes to preclude all development within the sea level rise exposure area that is identified by the Hawaii Climate Change Mitigation and Adaptation Commission. Under HRS Ch. 205A (which the bill seeks to amend), “development” has a broad definition which includes, for example, structural improvements to commercial structures, grading land, and subdividing. With respect to hotel stock, if enacted, the bill would prohibit (*i.e.*, no county could approve) structural improvements on the basis that sea level rise is projected to impact the structure in the next 75 years (*i.e.*, the sea level rise exposure area). This is an unworkable approach to adapting to sea level rise. The State has established its policies and objectives for the coastal zone in HRS Ch. 205A. Chapter 205A’s policies and objectives include *regulating* (*i.e.*, not outright prohibiting) development within the coastal zone. This bill would codify a policy of forced dilapidation and is contrary to Ch. 205A’s balancing of policies and objectives.

Balanced 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 natural 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 subjected to a policy of forced dilapidation.

Finally, the science and understanding of climate change and sea level rise continue to evolve and improve each year. Climate change and sea level rise are realities. However, the timing and extent of sea level rise are moving targets that cannot be projected with absolute certainty. The further into the future we look, the more uncertainty there is with respect to the range of projected sea level rise. We should absolutely plan for adapting to sea level rise, but we must do so sensibly. It would be imprudent to foreclose options *today* (like this bill seeks to do) based on projections of how Hawaii's coastlines might look more than 75 years from now. We need to take meaningful steps towards adapting to sea level rise, increasing resiliency, and protecting the health of the State's economy. HB2180 does not advance those interests.

Mahalo for the opportunity to provide testimony in strong opposition to HB2180. I respectfully urge the Committee to defer the bill indefinitely.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jerry Gibson", with a stylized flourish extending to the right.

Jerry Gibson

**HB-2180**

Submitted on: 2/4/2024 5:11:32 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tamara Paltin	Individual	Support	Written Testimony Only

Comments:

I strongly support HB2180, this would prevent future disasters that could occur within our lifetimes. We are increasingly seeing the damage caused by rising sea levels and extreme weather events. The code red swell we had at Maalaea summer of 2022 did a lot of damage on our coastal roads and some oceanfront parcels. Sea level rise at this point is not if but when and it is coming up sooner than we like and this type of legislation will prevent future headaches. It is crucial that this bill advance.

Mahalo,

Tamara Paltin

**HB-2180**

Submitted on: 2/4/2024 7:31:01 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
George Vierra	Individual	Support	Written Testimony Only

Comments:

We need HB2180 now!

George

**HB-2180**

Submitted on: 2/5/2024 8:45:47 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kai Nishiki	Individual	Support	Remotely Via Zoom

Comments:

FULLY SUPPORT - Protect public health and safety and prepare for SLR and coastal erosion.

Mahalo to the Maui County legislators for taking the lead, our County is experiencing the highest rate of impacts in the State.



Tuesday, February 6, 2024, 10:15 A.M.

State of Hawai'i

Senate Committees on Water and Land & Agriculture and Environment  
State Capitol, Conference Room 430

**JOINT TESTIMONY OF DUANE FISHER AND ERIC ROBINSON IN OPPOSITION  
TO HOUSE BILL 2180  
RELATING TO COASTAL ZONE MANAGEMENT**

Dear Chair Ichiyama, Vice Chair Poepoe, and Committee Members:

Our firm is legal counsel for a variety of clients that own property throughout the State, including individuals, businesses, and resorts. We practice in the areas of business and real estate law, including land use, shoreline, and special management area issues. We **offer comments** on House Bill 2180.

In application, HB2180 will have the effect of establishing shoreline setbacks now, based on projections of sea level rise and coastal erosion more than 75 years in the future. The practical import of the bill is that existing structures will be limited in their ability to be maintained and repaired. For example, under HRS chapter 205A, “development” includes structural improvements made to commercial structures. The bill would prohibit sensible and necessary improvements and is a *de facto* policy of forced dilapidation.

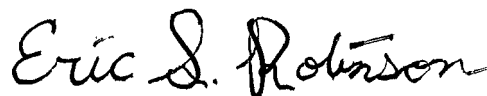
The maintenance of existing structures within the sea level rise exposure area is essential as we chart a path forward to adapt to climate change and sea level rise. The Legislature is considering bills this session relating to adaptation pathways planning, which provide an objective, threshold-based approach to sea level rise adaptation. HB2180 is antithetical to adaptation pathways planning. Moreover, HB2180 is all or nothing, there is no relief valve—if proposed development is located within the sea level rise exposure area, the relevant authority (*e.g.*, the county planning commission) shall not approve it. This will affect a taking for which compensation will be payable to the landowner.

Mahalo for the opportunity to provide testimony in opposition to HB2180. We respectfully ask that the Committee **defer this bill indefinitely**.

Very truly yours,



Duane R. Fisher



Eric S. Robinson

**HB-2180**

Submitted on: 2/5/2024 10:26:54 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Patricia Cadiz	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB2180 and I urge you to do the same.

All models are only as good as their assumptions. The Sea Level Rise Model and SLR Exposure areas are useful to a point but should NOT be used as the pivial tool for decision making because it is not a perfect model. It makes several assumptions - by example it assumes no change in the sub terrestrail material.

The SLR model was never intended to be a perfect and definitive model for this ti=ype of overarching black/white decision making.

By example, mitigation strategies of shoreline erosional forces, may render a different SLR Exposure area and result. The existing decision making matrix and framework would already manage to approve or deny based on the site specific characteristics.

Please oppose this misguided proposal.

Thank you,

Patricia B Cadiz, Coastal Zone Practitioner

**HB-2180**

Submitted on: 2/5/2024 12:55:19 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Uilani Naipo	Individual	Support	Written Testimony Only

Comments:

I support this measure.

- U'ilani Naipo