



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

S.B. NO. 1296, S.D. 1, RELATING TO DISASTER RECOVERY.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Thursday, February 27, 2025 **TIME:** 10:01 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Alison S. Kato,
Deputy Attorney General, at 808-586-1180)

Chair Rhoads and Members of the Committee:

The Department of the Attorney General provides the following comments on this bill.

The purpose of this bill is to exclude the reconstruction of structures in the Lahaina National Historic Landmark District that were destroyed by the August 8, 2023, wildfires from the definition of "development" in section 205A-22, Hawaii Revised Statutes (HRS), subject to certain conditions.

Article XI, section 5, of the Hawai'i State Constitution requires the State to legislate over its lands or lands under its control through general laws as opposed to special laws. A general law is a law uniformly applying to a class of persons or things having a reasonable and just relationship to the regulated subject matter. Haw. Att'y Gen. Op. No. 2007-02. On the other hand, a law is special "if it operates upon and affects only a fraction of persons or a portion of the property encompassed by a classification, granting privileges to some and not others." *Id.* A statute relating to particular places is a special law, not a general law. See *id.*

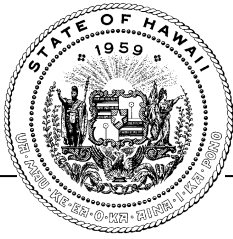
As currently drafted, this bill may be subject to a potential challenge as special legislation because it grants an exemption to the requirements of chapter 205A, HRS, only to structures destroyed by a specific event (i.e., the August 8, 2024 wildfires) that

are located in a specific district in the State that includes state lands (i.e., the Lahaina National Historic Landmark District).

To avoid any potential challenge on this basis, we recommend amending this bill to apply generally to reconstruction of structures destroyed by natural disasters in the State. The State Office of Planning and Sustainable Development (OPSD), which is the lead agency that administers chapter 205A, HRS, proposes a revision in its testimony that would result in a general law that we believe accomplishes the intent of this bill. OPSD's testimony recommends replacing the wording in section 205A-22, HRS, in paragraph (2)(W) of the definition of "development," on page 7, lines 8-16, with the following:

(W) Reconstruction of any lawfully constructed structure that was damaged or destroyed in a disaster from wildfire, hurricane, flooding, tsunami, or earthquake proclaimed by the governor to constitute a state of emergency pursuant to chapter 127A; provided that (i) the structure is not situated on a shoreline parcel or a parcel that is impacted by waves, storm surges, high tide, or shoreline erosion; (ii) reconstruction commences within five years starting from the issue date of the proclamation; and (iii) the reconstructed structure shall be similar to its original footprint or overall dimensions that were existing or permitted and in compliance with the requirements of floodplain management standards.

Thank you for the opportunity to provide comments.



**STATE OF HAWAI'I
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
DIRECTOR

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Statement of
MARY ALICE EVANS, Director

before the
SENATE COMMITTEE ON JUDICIARY
Thursday, February 27, 2025, 10:01 AM
State Capitol, Conference Room 016 & Videoconference

in consideration of
SB 1296 SD1
RELATING TO DISASTER RECOVERY.

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

The Office of Planning and Sustainable Development (OPSD), the lead agency of the Hawaii Coastal Zone Management Program, respectively offers **comments** with amendments on SB 1296 SD1 as follows:

SB 1296 SD1 aims to expedite the reconstruction process for structures in the Lahaina National Historic Landmark District that were destroyed by wildfire on August 8, 2023.

SB 830 and its companion HB 1181 share the same intent and support the legislature's desired outcome in a manner of general laws.

In reconciling SB 1296 SD1, OPSD recommends the following **amendments** to streamline SMA permitting for disaster recovery from wildfire, hurricane, flooding, tsunami, or earthquake, which does not have sitting issues for reconstruction according to Hawaii Coastal Hazard Mitigation Guidebook, January 2005.

SECTION 1. Section 205A-22, Hawai'i Revised Statutes, is amended by adding a new definition to be appropriately inserted as subsection (2)(W) and to read as follows:

"Development":

(2) Does not include the following:

(W) Reconstruction of any lawfully constructed structure that was damaged or destroyed in a disaster from wildfire, hurricane, flooding, tsunami, or earthquake proclaimed by the governor to constitute a state of emergency pursuant to chapter 127A; provided that i) the structure is not situated on a shoreline parcel or a parcel that is impacted by waves, storm surges, high tide, or shoreline erosion; ii) reconstruction

SB 1296 SD1 RELATING TO DISASTER RECOVERY – COMMENT
State Office of Planning and Sustainable Development
February 27, 2025

commences within five years starting from the issue date of the proclamation; and
iii) the reconstructed structure shall be similar to its original footprint or overall
dimensions that were existing or permitted and in compliance with the requirements
of floodplain management standards.

Thank you for the opportunity to testify on this measure.



HISTORIC HAWAII FOUNDATION

680 Iwilei Road Suite 690, Honolulu HI 96817 • (808) 523-2900 • preservation@historichawaii.org • www.historichawaii.org

TO: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Committee on Judiciary (JDC)

FROM: Kiersten Faulkner, Executive Director
Historic Hawai'i Foundation

Committee: Thursday, February 27, 2025
10:01 a.m.
Via Video Conference and Conference Room 016

RE: **SB 1296 SD 1, Relating to Disaster Recovery**

On behalf of Historic Hawai'i Foundation (HHF), I am writing in **support for SB 1296 SD 1**. The bill exempts certain reconstructions of all or a portion of a structure in the Lahaina National Historic Landmark (NHL) District that was destroyed by the August 2023 wildfires from the requirements of a special management area (SMA) permit.

The town of Lahaina was decimated by wildfires that raged across Maui in August 2023. Over 2,170 acres burned, damaging or destroying over 2,200 structures, displacing 4,500 people and causing more than 100 fatalities. The impact to Hawaii's historic fabric is devastating. Lahaina includes several distinct and overlapping historic districts—the National Historic Landmark District and two County of Maui historic districts—as well as several individual buildings, sites and structures that are recognized independently of the district designation.

Lahaina was designated an NHL District on December 29, 1962, as a place having exceptional value and national significance in commemorating and illustrating history. In 1974, the National Park Service (NPS) accepted additional documentation for the Lahaina NHL that delineated an official boundary, established a period of significance, and referenced additional resources associated with the NHL District and setting.

In assessing the impact of the fires to the historic district, NPS issued a report to the Advisory Council on Historic Preservation (October 28, 2024), finding that:

“The Lahaina NHL District appears to retain a high degree of integrity, particularly the aspects of location, setting, feeling, and association. While the destructive impacts of the fire on the built environment resulted in diminished integrity of materials, design, and workmanship of many contributing buildings, other resources such as subsurface archaeological sites and sites associated

with important events and individuals from pre-unification Hawai'i through the monarchy period were not significantly impacted by the wildfire and continue to convey their historic and cultural significance.

“Some stone and coral walls of historic buildings were damaged but did not collapse and remain standing. The ocean portion of the NHL District essentially was not impacted except perhaps in the very near shore where pilings and vessels burned, or debris fell. The visual relationships between contributing resources also remain largely intact, adding to a high degree of overall integrity for the district.”¹

The NPS report also found that, “This survey of historic properties within and near the Lahaina NHL District demonstrates that there are numerous historic resources, including buildings, structures, objects, and sites, that are within the period of significance and associated with one or more of the themes of NHL.”²

Recovery actions in Lahaina must integrate historic preservation and reconstruction, restoration and rehabilitation of historic buildings and cultural resources. This centerpiece of recovery planning is acknowledged in the County of Maui Long-Term Recovery Plan, with recommendations for historic properties, including preservation and reconstruction of historic buildings, restoration of culturally-significant sites, and efforts to update documentation of the history and contributing features of the district.³

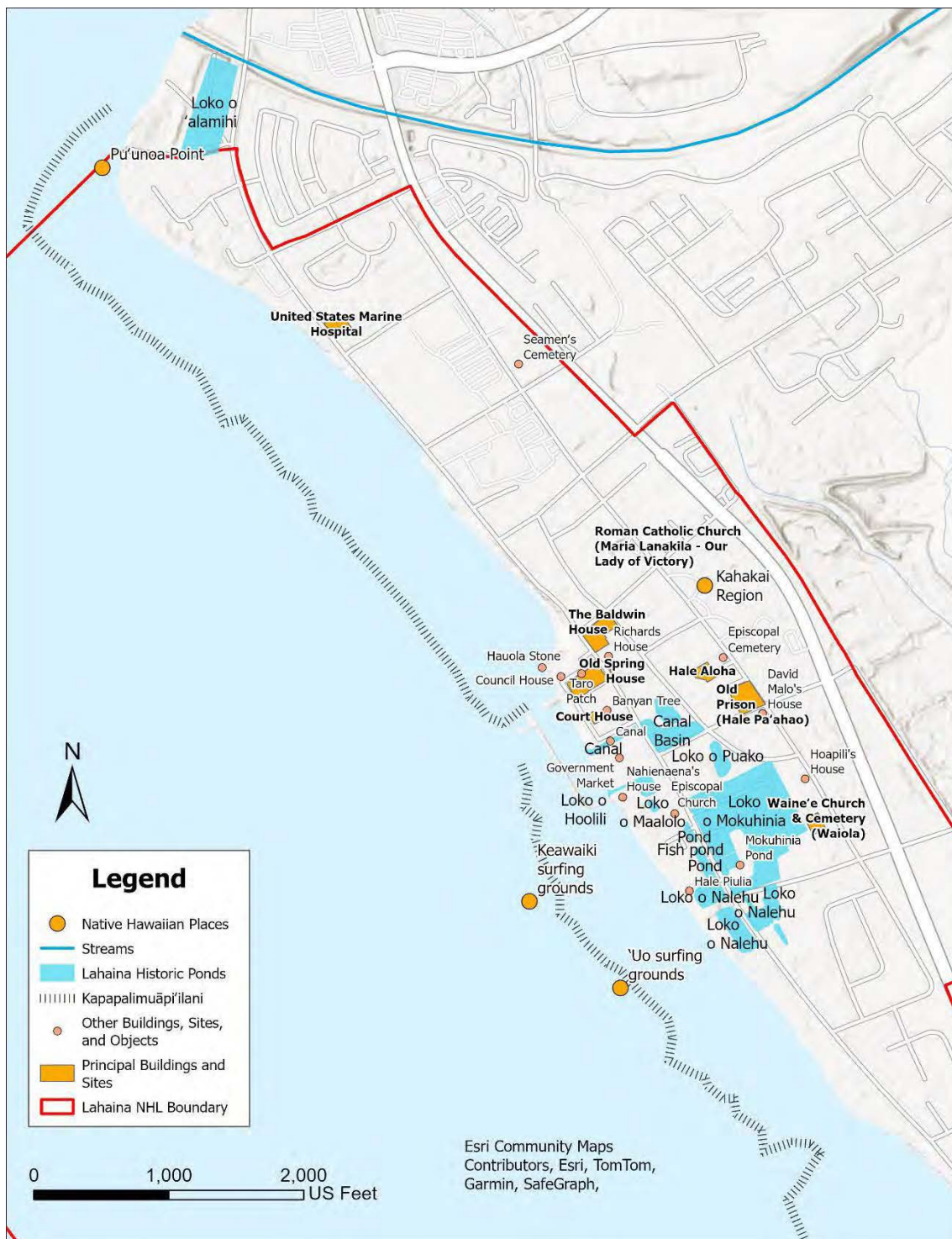
The bill would facilitate recovery efforts in Lahaina by exempting reconstruction projects from the requirements of a special management area minor permit or a special management area use permit. This exemption would allow planning, architectural design, engineering and construction to proceed with greater certainty, lower costs and faster timelines. The bill includes several conditions to ensure the benefits and intent of the SMA regulations continue to be honored, by not including shoreline parcels in the exemption (so those areas would still need SMA review); replacement structures may not be greater in size than what previously existed; and construction must commence within five years.

We believe this to be an appropriate balance between recovery concerns for Lahaina, support for the historic and cultural resources, and safeguards for coastal and natural resources, all for the overall community benefit.

¹ “Section 213 Report Lahaina National Historic Landmark District, Lahaina, Maui, Hawai'i.” Prepared for the Advisory Council on Historic Preservation by Douglas C. Wilson, Christopher E. Johnson and Elaine Jackson-Retondo, National Park Service Interior Regions 8, 9, 10, and 12. October 1, 2024 (revised October 28, 2024); page viii.

² Ibid. page 27.

³ See: <https://www.mauirecovers.org/lahaina>; <https://www.mauirecovers.org/recover/national-historic-landmark-district-update>; <https://www.mauirecovers.org/recover/preservation-revitalization-and-reconstruction-of-historic-and-cultural-spaces>; and <https://www.mauirecovers.org/recover/creation-of-a-cultural-corridor-and-the-restoration-of-malu-ulu-o-lele-mokuula-and-the-loko-o-mokuhinia>



Map of Lahaina National Historic Landmark District boundary with principal buildings, sites, historic ponds and cultural resources. Courtesy NPS.

Historic Hawai'i Foundation is a statewide nonprofit organization established in 1974 to encourage the preservation of historic buildings, sites, structures, objects and districts on all the islands of Hawai'i. As the statewide leader for historic preservation, HHF works to preserve Hawai'i's unique architectural and cultural heritage and believes that historic preservation is an important element in the present and future quality of life, environmental sustainability and economic viability of the state.



ABC Stores
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February 24, 2025

Chair Karl Rhoads
Vice Chair Mike Gabbard
Senate Committee on Judiciary
Hawaii State Capitol
Conference Room 016
February 27, 2025, at 10:01 AM

Re: Testimony In Strong Support of SB 1296 SD1

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the committee. Thank you for the opportunity to provide testimony in strong support of SB 1296 SD1.

I am John Mark Mageo, Employee Relations and Government Affairs Manager of ABC Stores. I am writing on behalf of ABC Stores, which employs over 2,200 residents throughout Oahu, Maui, Kona, Kaua'i, Guam, Saipan, and Las Vegas. Three of our Maui stores were one of the 600 local businesses that closed after the tragic wildfires. Until today, our stores is yet to reopen.

The wildfires have had a profound impact on our employees and their families. The closure of our stores has deeply affected their sense of stability and community. This bill represents a crucial step towards restoring not just our business, but the lives and well-being of our dedicated employees and the broader community.

We would like to emphasize the importance of local businesses, such as ABC Stores, in the recovery and rebuilding efforts. ABC Stores not only provides jobs but also offers opportunities for career growth and personal development. The company fosters a sense of value and culture that supports individuals in learning and growing, enabling them to contribute meaningfully to the community.

We are in strong support of this bill because it will allow our company to rebuild and serve our Lahaina community.

I humbly ask for your support for our community and pass this bill.

Thank you for the opportunity to provide testimony.

Mahalo,
John Mark Mageo
ABC Stores
Employee Relations and Government Affairs Manager
(808) 597-3312
jmageo@abcstores.com

SB-1296-SD-1

Submitted on: 2/25/2025 6:20:52 AM

Testimony for JDC on 2/27/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Alison Pearce	Testifying for Square Feet Management LLC	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

Thank you for the opportunity to provide testimony in strong support of SB1296.

SB1296 is a critical measure that will allow property owners in disaster-affected areas to rebuild efficiently while maintaining compliance with necessary land use and flood management regulations.

As you are aware, the devastating August 8, 2023, wildfires destroyed much of Lahaina, leaving families, businesses, and property owners facing an unprecedented recovery process. The Special Management Area (SMA) permit requirement presents a significant barrier to rebuilding for those working to restore their properties in areas outside of shoreline impacts.

This bill provides a balanced approach by ensuring that reconstruction is allowed within pre-existing footprints while remaining in compliance with all necessary regulations.

I urge the committee to pass SB1296 to provide a clearer and more efficient path to rebuilding, ensuring that impacted property owners can restore their properties in a timely manner while maintaining compliance with necessary standards. The longer our families suffer financially. Furthermore, a quick rebuild will provide jobs and help the economy of Maui and the state of Hawaii.

Mahalo for your time and consideration.

Alison Pearce

Square Feet Management LLC

SB-1296-SD-1

Submitted on: 2/25/2025 3:08:46 PM

Testimony for JDC on 2/27/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Donna Gedge	Testifying for A.D. Furtado Properties Lahaina, LLC	Support	Written Testimony Only

Comments:

Chair Rhoads, Vice - Chair Gabbard, & members of the committee,

Thank you for the opportunity to provide strong support for SB1296.

I am a manager of A. D. Furtado Properties Lahaina, LLC. I and several family members had our property, located at 693 Front St., destroyed by the Lahaina wildfires of August 8, 2023. The property was used to house commercial businesses. As a result of the wildfires, all of the businesses were destroyed. We have lost the rental income which was a major part of our economic health.

I am in strong support of SB 1296. We would like to rebuild all of what we lost to help the recovery of our family & the recovery of Lahaina. This property has been in our family for over 100 years & we would like to recover some of what we have lost.

Mahalo again for your support.

Donna Gedge

222 Opihikao Way

gedged003@hawaii.rr.com

February 27th, 2025
Senate Committee on JDC
State Capitol
415 South Beretania Street

TESTIMONY IN STRONG SUPPORT OF **SB1296**

Aloha Chair Rhoads, Vice Chair Gabbard, and Committee Members,

Thank you for allowing me the opportunity to offer testimony in **strong support** of SB1296 on behalf of the Lahaina Town Action Committee and the Front Street Recovery Organization.

This legislation is vital for our community's recovery following the Lahaina Wildfires. Property owners within the SMA are confronting not only catastrophic losses but also an intricate and burdensome rebuilding process that jeopardizes their ability to restore their homes, businesses, and means of livelihood, all crucial components of Lahaina's revival.

It is important to note that SB1296 does not call for new developments; rather, it permits property owners to reconstruct what previously existed within the original permitted footprint. This approach will enable these businesses to rejoin and bolster our local economy, benefiting both the county and the state. Without this crucial measure, many property owners might be compelled to sell and leave Maui, exacerbating the concerning trend of community outmigration.

Although nearly a year and a half has passed, progress has been limited, primarily confined to debris removal. With a sunset date of August 8, 2028, this bill offers a clear, essential pathway for timely reconstruction.

I respectfully urge you to support SB1296. Thank you for your time and consideration.

Haloa Dudoit

Karey Kapoi LLC



DATE: February 25, 2025

RE: TESTIMONY IN STRONG SUPPORT OF **SB1296**

Aloha e Chair Rhoades, Vice Chair Gabbard, and Members of Senate Judiciary Committee.

Mahalo for the opportunity to provide testimony in strong support of **SB1296**

I am the Executive Director of Lahaina Restoration Foundation (LRF), a 501c3 nonprofit which has been restoring and maintaining Lahaina's historic buildings for 61 years.

The 2023 wildfire destroyed 3 historic buildings made of wood (Plantation House, Kindergarten Building, Old Lahaina Prison) and the other 5 stone buildings were heavily damaged with only the walls standing (Seamen's Hospital, Baldwin Home, Master's Reading Room, Old Lahaina Courthouse, Hale Aloha). Prior to the fire, we had 20 employees, operated 4 museums, conducted keiki school break camps and coordinated a full calendar of free public programs.

I am in strong support of **SB1296** because it will allow us to begin the rebuilding process sooner. We plan on rebuilding these 8 historic buildings exactly how they were prior to the fire, on the same footprint, with fire resistant materials as allowed. Once the buildings are rebuilt, we can restart our educational, public programming and rehire our employees.

I humbly ask for your support for our community, and I urge you to pass **SB1296** to provide a clear and efficient path to rebuilding.

Thank you for the opportunity to provide testimony.

Theo Morrison
Executive Director
Lahaina Restoration Foundation
P.O. Box 294
Puunene, Hawaii 96784
808-661-3262
theo@lahainarestoration.org

Jay Miyaki

Subject: TESTIMONY IN STRONG SUPPORT OF SB1296

Thank you for the opportunity to provide testimony in **strong support** of **SB1296**.

Our family has owned 764 Front Street for over 70 years. Our property supported 6 businesses. We want to rebuild!

SB1296 is a critical measure that will allow property owners in disaster-affected areas to **rebuild efficiently** while maintaining compliance with necessary land use and flood management regulations.

As you are aware, the devastating **August 8, 2023, wildfires** destroyed much of Lahaina, leaving families, businesses, and property owners facing an unprecedented recovery process. The Special Management Area (SMA) permit requirement presents a significant **barrier to rebuilding** for those working to restore their properties in areas outside of shoreline impacts.

This bill provides a **balanced approach** by ensuring that reconstruction is allowed within **pre-existing footprints** while remaining in compliance with all necessary regulations.

I **urge the committee to pass SB1296** to provide a clearer and more efficient path to rebuilding, ensuring that impacted property owners can restore their properties in a timely manner while maintaining compliance with necessary standards.

Mahalo for your time and consideration

Jay Miyaki, CPA, MBA

The logo for Jay Miyaki, CPA, LLC features the name "Jay Miyaki, CPA, LLC" in a serif font. The "J" is large and blue, while "ay Miyaki, CPA, LLC" is in a smaller, black serif font.

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Feb. 27, 2025, 10:01 a.m.

Hawaii State Capitol

Conference Room 016 and Videoconference

To: Senate Committee on Judiciary

Sen. Karl Rhoads, Chair

Sen. Mike Gabbard, Vice Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

RE: SB1296 SD1 — RELATING TO DISASTER RECOVERY

Aloha Chair Rhoads, Vice-Chair Gabbard and other members of the Committee,

The Grassroot Institute of Hawaii **supports** [SB1296 SD1](#), which would exempt any structures in the Lahaina National Historic Landmark District that were destroyed by the Aug. 8, 2023, wildfires from needing a special management area minor permit or use permit — provided that such structures are not on a shoreline parcel and are rebuilt no greater in size than they existed prior to the wildfires.

Gov. Josh Green provided multifamily dwellings an exemption from SMA rules in an October emergency proclamation, in addition to the exemption that already exists in statute for most single-family homes.¹

In early February, the governor also created an exemption for certain commercial structures in Lahaina,² but a permanent legislative fix would remove the need for navigating several iterations of an emergency order.

Without a streamlined SMA process, Lahaina's businesses will face an uphill battle to return to their community, since obtaining an SMA use permit from Maui County could take years.

Typically, obtaining an SMA permit involves an application to the Maui Planning Department and a hearing from the Maui County Planning Commission. Over the past decade, since Jan. 1, 2015, the Maui Planning

¹ "[Eighteenth Proclamation Relating to Wildfire](#)," Office of the Governor, Oct. 8, 2024, p. 10.

² Brian Perry, "[SMA permits suspended for wildfire-impacted Lahaina properties mauka of Front Street](#)," Maui Now, Feb. 6, 2025.

Commission has issued only 41 SMA use permits.³ At the rate of four per year, it would take the county decades to approve all the permits needed for Lahaina’s businesses to rebuild.

If businesses cannot return to Lahaina in a timely manner, there will be fewer entrepreneurial and job opportunities for residents, and the town could lose many of its residents, and certainly its historic charm and character.

We ask the Committee to advance this measure to give Lahaina’s people a better chance to rebuild and thrive.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

³ [Maui’s Automated Planning and Permitting System](#), accessed Jan. 31, 2025. Plan type: SM1 - Special Management Area Use Permit - Maui. Status: Approved. Applied date: From 1/1/2025.



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

LATE

**HEARING BEFORE THE SENATE COMMITTEE ON JUDICIARY
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 016
Thursday, February 27, 2025 AT 10:01 A.M.**

To The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair
Members of the committee on Judiciary

SUPPORT SB1296 SD1 RELATING TO DISASTER RECOVERY

The Maui Chamber of Commerce **SUPPORTS SB1296 SD1** which exempts certain reconstructions of all or a portion of a structure in the Lahaina National Historic Landmark District that was destroyed by wildfire on 8/8/2023, from the requirements of a special management area minor permit or a special management area use permit.

The Chamber notes that the 2023 Maui wildfires devastated Lahaina's heritage, economy, and sense of place, severely impacting housing, businesses, jobs, and treasured resources. If the area is not rebuilt in a deliberate, coordinated, and expeditious manner, it may struggle in the long term, further harming the well-being of the land, its people, and the economy. The devastation caused by the wildfires has created an urgent need for reconstruction, yet these efforts face significant challenges due to the skyrocketing costs of construction, which have reached nearly \$1,000 per square foot within these disaster areas.

Moreover, Front Street played a pivotal role not only in the community but for the entire state. The contributions from this area helped fund essential infrastructure, including roads, schools, and other public services.

This bill represents a critical step toward rebuilding in accordance with the current regulatory challenges we face. However, we would request that the limit change from \$500,000 to \$750,000 be reinstated as it was in the original version of the bill.

For these reasons, we **SUPPORT SB1296 SD1 with our suggested amendment.**

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.

SB-1296-SD-1

Submitted on: 2/25/2025 11:52:14 AM

Testimony for JDC on 2/27/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaleo Schneider	Individual	Support	Written Testimony Only

Comments:

I urge the committee to pass SB1296 to provide a clearer and more efficient path to rebuilding, ensuring that impacted property owners can restore their properties in a timely manner while maintaining compliance with necessary standards.

Senate Committee- Judiciary

Chair Rhoads

Vice Chair Gabbard

DATE: February 27th, 2025

TIME: 10:01

PLACE: State Capitol

415 South Beretania Street

TESTIMONY IN STRONG SUPPORT OF SB1296

Aloha e Chair Rhoads, Vice Chair Gabbard, and members of the committee.

Thank you for the opportunity to provide testimony in strong support of SB1296!

Our family property covers 693-715 Front Street, makai side; we are the Furtado ohana who have held the property for over 100 years. Our buildings provided a mix of small to large businesses to 13 retail spaces and provided employment to the local residents of approximately 50-80 part and full-time workers. As we navigate this difficult time, SB1296 would help our family restore what was lost during the devastating fires of 2023. We want nothing more than to restore our original buildings and footprint near and/or on the shoreline including an easement with the Department of Land and Natural Resources.

I am in strong support of this bill because my personal connection to my great-grandparents' property which is an integral part of the Lahaina community. Exemptions of certain special management surveys and other regulations will allow my family business to restore and serve our Lahaina community, it gives us hope that we will be able to return to the place we love so much, it gets us moving in the right direction to some sense of normalcy through all of this chaos we have endured. I humbly ask for your support for our community and pass this bill.

Thank you for the opportunity to provide testimony.

Sincerely,

Kekoa Beaupre

1672 Ulupii Street, Kailua, HI 96734

808-220-4336

SB-1296-SD-1

Submitted on: 2/25/2025 1:59:39 PM

Testimony for JDC on 2/27/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Zachary LaPrade	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of SB1296

Submitted by: Zachary LaPrade

Lahaina Fire Victim & Resident

Aloha Chair and Members of the Committee,

My name is Zachary LaPrade, and I am a resident of Lahaina and a survivor of the devastating wildfire that took our homes, businesses, and historic landmarks on August 8, 2023. I am writing in strong support of SB1296, which provides much-needed exemptions and adjustments to the special management area (SMA) permitting process for those of us who are trying to rebuild our lives.

This Bill helps, but it's not enough.

For many of us in Lahaina, the road to recovery has been filled with obstacles. Beyond the emotional toll of losing our homes and livelihoods, the bureaucratic delays in permitting have made it even harder to move forward. SB1296 offers a common-sense solution that will allow fire victims to rebuild more efficiently while still ensuring responsible oversight of larger developments.

Why SB1296 Matters to Fire Victims:

1. Cuts Through Red Tape for Fire Victims

-Rebuilding in the Lahaina National Historic Landmark District should not require the same lengthy permitting process as a brand-new development.

-The structures we lost were already part of the community, and rebuilding them should be treated as restoration, not new development.

2. Respects the Urgency of Recovery

- Many of us are still displaced, living in temporary housing or even off-island while we wait for approvals.

- The exemption for wildfire victims ensures that we can return home sooner rather than later.

3. Raises an Outdated Financial Threshold

- The previous \$500,000 threshold for an SMA minor permit does not reflect today's construction costs.

- Increasing it to \$750,000, especially in disaster-declared areas, will help homeowners and small business owners avoid unnecessary delays while still maintaining proper oversight of major developments.

The people of Lahaina have suffered enough. We don't need more bureaucratic roadblocks we need solutions. SB1296 strikes a fair balance between preserving Lahaina's character and history while also allowing us to rebuild efficiently and responsibly.

I urge you to pass SB1296 to help Lahaina's fire victims return home.

Mahalo for your time and consideration.

Sincerely,

Zachary LaPrade

Lahaina Fire Survivor

SB-1296-SD-1

Submitted on: 2/25/2025 6:59:19 PM

Testimony for JDC on 2/27/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Stephanie Marrack	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee.

Thank you for the opportunity to provide testimony in strong support of SB1296.

This bill will allow property owners in the disaster areas to rebuild effeciently while mantaining compliance with necessary land use and flood mangement regulations.

this bill provides a balanced approach by ensuring tha reconstruction is allowed within the preexisting footprints while maintaining compliance with all necessary rregulatons.

I urge the committee to pass SB1296.

Mahalo for your time, respect and service

Stephanie Marrack

Furtado Ohana

SB-1296-SD-1

Submitted on: 2/26/2025 3:54:53 AM

Testimony for JDC on 2/27/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Kelly Kulia Furtado	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

Thank you for the opportunity to provide testimony in strong support of SB1296.

SB1296 is a critical measure that will allow property owners, such as myself, in disaster-affected areas to rebuild efficiently while maintaining compliance with necessary land use and flood management regulations.

As you are aware, the devastating August 8, 2023, wildfires destroyed much of Lahaina, leaving families, businesses, and property owners facing an unprecedented recovery process. The Special Management Area (SMA) permit requirement presents a significant barrier to rebuilding for those working to restore their properties in areas outside of shoreline impacts.

This bill provides a balanced approach by ensuring that reconstruction is allowed within pre-existing footprints while remaining in compliance with all necessary regulations.

I urge the committee to pass SB1296 to provide a clearer and more efficient path to rebuilding, ensuring that impacted property owners can restore their properties in a timely manner while maintaining compliance with necessary standards.

Mahalo for your time and consideration.

Kelly Kulia Furtado

SB-1296-SD-1

Submitted on: 2/26/2025 8:18:07 AM

Testimony for JDC on 2/27/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
G. Warren Freeland	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee,

Mahalo for the opportunity to provide testimony in strong support of SB1296.

My family is the fee simple owner of the Pioneer Inn property adjacent to Lahaina Harbor. It was an integral part of Lahaina's history and community for 122 years until its destruction in the August 8, 2023 wildfire. The hotel, restaurant, and retail stores located at the Pioneer Inn provided hundreds of jobs. We hope that our property can be rebuilt to its former scale, appearance, and use.

The Special Management Area (SMA) permit requirement is a barrier to reconstructing historic Lahaina – it is a practical impossibility to process hundreds of SMA permits in a reasonable time frame. Governor Green's 20thEmergency Proclamation granting SMA exemptions to qualifying properties will be very helpful to the community, however the EP's are temporary. Please make this permanent.

Please support the rebuilding of historic Lahaina by passing SB1296.

Mahalo for your time and consideration.

G. Warren Freeland

gwarrenfreeland@gmail.com

SB-1296-SD-1

Submitted on: 2/26/2025 9:11:02 AM

Testimony for JDC on 2/27/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Beau Dylan Ka'iliha'o Fern	Individual	Support	Written Testimony Only

Comments:

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

Mahalo for the opportunity to provide testimony in strong support of SB1296. My family has been on Front Street for over a century, and we are navigating the immense challenges brought by the devastating August 8, 2023, wildfires, which left Lahaina's families, businesses, and property owners facing an unprecedented recovery process.

One of the most significant barriers to rebuilding is the Special Management Area (SMA) permit requirement, which complicates and delays efforts for those striving to restore their properties. SB1296 is a crucial step forward—it strikes a balanced approach by ensuring reconstruction can proceed within pre-existing footprints while maintaining compliance with necessary regulations.

I urge the committee to pass SB1296 to provide a clearer, more efficient path to rebuilding. This bill will help ensure that impacted property owners can restore their homes and businesses in a timely manner while still upholding essential standards.

Mahalo for your time and consideration.

B. Dylan Ka'iliha'o Fern Mary Napela Fern

SB-1296-SD-1

Submitted on: 2/26/2025 9:15:49 AM

Testimony for JDC on 2/27/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Wanda Parker	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard and members of the Senate Judiciary Committee,

My family, business/property owners and community members of Lahaina for over 100 years, lost our commercial property (which was our parents' main source of income), in the 2023 wildfires.

Because SB1296 will help provide a clearer, more efficient path to rebuilding, ensuring that impacted property owners like us can restore their properties in a timely manner while maintaining compliance with necessary standards, I therefore submit this testimony in strong **SUPPORT of Bill SB1296.**

Mahalo for your kokua, time and consideration.

Aloha,

Wanda Parker

SB-1296-SD-1

Submitted on: 2/26/2025 9:34:30 AM

Testimony for JDC on 2/27/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
James Kimo Falconer	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Rhoads, Vice Chair Gabbard and members of the Senate Judiciary Committee.

I am writing to you to humbly ask for your support in passing SB 1296 SD1 out of your committee.

I echo the many testifiers in telling you how important this measure is for Lahaina's rebuilding. It will exempt the reconstruction of a structure in the Lahaina National Historic Landmark District from the very costly and time consuming SMA process as long as a given property meets the criteria allowed. With your help, a balance can be struck between regulatory and a faster rebuilding of our town.

Mahalo for the opportunity to testify.

Senate Committee on Judiciary
Chair Rhoads
Vice Chair Gabbard

DATE: February 27, 2025
TIME: 10:01 AM
PLACE: Conference Room 016
State Capitol
415 South Beretania Street

TESTIMONY IN STRONG SUPPORT OF SB1296
Testimony of Jeffrey Ueoka

Chair Rhoads, Vice Chair Gabbard, and members of the Committee,

Thank you for the opportunity to provide testimony in support of SB1296. I am a land use attorney on Maui assisting Front Street Recovery (a coalition of business owners dedicated to rebuilding and revitalizing Front Street). SB1296 will support the expedient and efficient rebuilding of Front Street. The proposal is measured in that it is limited to the Lahaina National Historic Landmark District, and it only allows for reconstruction of what was there before the fire, which will not result in an increased impact to the special management area. While there will be many more challenges and hurdles to overcome while rebuilding, SB1296 provides some desperately needed relief from a very complicated regulatory process.

I humbly ask that you support Front Street Recovery's efforts to rebuild and pass this bill.

Thank you for the opportunity to provide testimony on this bill.

Jeffrey Ueoka
2145 Wells Street, Suite 406, Wailuku, Hawaii 96793
(808) 481-4210
jeff@wslmaui.com

SB-1296-SD-1

Submitted on: 2/26/2025 1:16:57 PM

Testimony for JDC on 2/27/2025 10:01:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Kaione Crabb	Individual	Support	Written Testimony Only

Comments:

Senate Committee- Judiciary

Chair Rhoads

Vice Chair Gabbard

DATE: February 27th, 2025

TIME: 10:01

PLACE: State Capitol

415 South Beretania Street

TESTIMONY IN STRONG SUPPORT OF SB1296

Aloha e Chair Rhoads, Vice Chair Gabbard, and members of the committee.

Thank you for the opportunity to provide testimony in strong support of SB1296!

Our famliy property covers 693-715 Front Street, makai side; we are the Furtado ohana who have held the property for over 100 years. Our buildings provided a mix of small to large businesses to 13 retail spaces and provided employment to the local residents of approximately 50-80 part and full-time workers. As we navigate this difficult time, SB1296 would help our family restore what was lost durint the devastating fires of 2023. We want nothing more than to restore our origingal buildings and footprint near and/on the shoreline including an easement with the Department of Land and Natrual Resources.

I am in strong support of this bill because my personal connection to my great-grandparents' property which is an integral part of the Lahaina community. Exemptions of certain special management surveys and other regulations will allow my family business to restore and serve our Lahaina community, it gives us hope that we will be able to return to the place we love so much, it gets us moving in the right direction to some sense of normalcy through all of this chaos we have endured. I humbly ask for your support for our community and pass this bill.

Thank you for the opportunity to provide testimony.

Sincerely,

Kaione Crabb