

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

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Statement of
MARY ALICE EVANS, Director

before the
SENATE COMMITTEE ON WATER AND LAND
Monday, February 10, 2025, 1:00 PM
State Capitol, Conference Room 229

in consideration of
SB 830
RELATING TO COASTAL ZONE MANAGEMENT.

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

The Office of Planning and Sustainable Development (OPSD) respectively offers **comments** on SB 830 as follows:

OPSD recommends the following amendments to the language proposed in SB 830, which aims to expedite the reconstruction process for lawfully established structures destroyed by the 2023 Lahaina Wildfire:

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”:

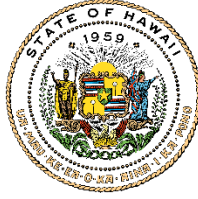
(2) Does not include the following:

(W) Reconstruction of any lawfully established structure that was damaged or destroyed in a disaster proclaimed by the governor or a mayor to constitute a state of emergency or local state of emergency under chapter 127A; provided that the structure is not situated on a shoreline parcel or a parcel that is impacted by waves, storm surges, high tide, or shoreline erosion, and 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 the National Flood Insurance Program.

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
HONOLULU, HAWAII 96809

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

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
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 Senate Committee on
WATER AND LAND

Monday, February 10, 2025
1:00 PM

State Capitol, Conference Room 229 & Videoconference

In consideration of
SENATE BILL 830
RELATING TO COASTAL ZONE MANAGEMENT

Senate Bill 830 proposes to narrow the scope of the definition of the term "development" in coastal zone management law by excluding reconstruction of certain lawfully constructed structures impacted by certain events. **The Department of Land and Natural Resources (Department) supports this bill and offers amendments.**

The Department supports this measure's proposed exclusion from the definition of "development" in the Coastal Zone Management Act (CZMA) the reconstruction of lawfully constructed structures that were damaged or destroyed in a disaster via the addition of a new subsection (W) to section 205A-22(2), Hawaii Revised Statutes (HRS). The Department believes that this properly balances the need for protection of resources with facilitating the social and economic recovery that is essential for an area affected by a disaster. However, the Department requests that the measure not broadly exclude shoreline parcels from the proposed subsection (W). The Department believes that the requirement in this measure that the disaster was not related to ocean conditions such as wave, storm surge, high tide, flooding, erosion, sea level rise, or subsidence, as a condition to exempt the reconstruction of pre-existing, lawful structures from the CZMA provides adequate safeguards and ensures sufficient oversight to address sea level rise and potential future coastal hazards.

This measure is likely focused on the reconstruction of Lahaina, as noted by testimony for the companion measure House Bill 1181. In that situation, the Department believes that the exempting the reconstruction of structures on commercial shoreline properties along Front Street as they existed prior to the August 8, 2023, wildfires from the CZMA would be appropriate. The businesses that occupied those structures were a critical component to the socio-economic vitality of Lahaina and the surrounding region.

Moreover, the stretch of shoreline has been armored for over a century and the Department believes that the exemption provided in this measure would be appropriate for shoreline parcels in this situation. Therefore, the Department requests the following amendments to the proposed subsection (W).

(W) Reconstruction of any lawfully constructed structure that is ~~not situated on a shoreline parcel or a parcel that is impacted by waves, storm surges, high tide, or shoreline erosion~~ substantively similar to its original footprint or overall dimensions that were damaged or destroyed in a disaster proclaimed by the governor or a mayor to constitute a state of emergency or local state of emergency under section 127A-14, **and a disaster declared pursuant to federal law**; provided that the disaster is not related to ~~tsunami, wave, storm surge, high tide, flooding, erosion, sea level rise, or subsidence~~;

In addition to an exclusion to the CZMA, the Department believes that an exemption from legislative and governor approval for submerged land leases required in section 171-53(c), Hawaii Revised Statutes (HRS) for the same types of structures contemplated in this measure is also appropriate. With respect to the commercial properties along the Front Street seawall, a lease of submerged lands would be required along with a conservation district use permit (CDUP), to reconstruct any of piers or commercial structures in a manner that existed prior to the wildfire. Therefore, the Department recommends the following amendment to section 171-53(c), HRS.

(c) The board, with the prior approval of the governor and the prior authorization of the legislature by concurrent resolution, may lease state submerged lands and lands beneath tidal waters under the terms, conditions, and restrictions provided in this chapter; provided that the authorization of the legislature shall not be required for leases issued under chapter 190D; and provided further that the approval of the governor and authorization of the legislature shall not be required for any grant of easement or lease of state submerged lands or lands beneath tidal waters used for moorings, cables, ~~or pipelines, or structures excluded from the definition of “development” as defined in section 205A-22(2)(W)~~; provided further that this exemption shall not apply to easements for cables used for interisland electrical transmission or slurry pipelines used for transportive materials, mined at sea, or waste products from the processing of the same.

The Department stresses that this amendment would not alleviate any applicant from conservation district use requirements including obtaining a CDUP, or a submerged land lease/easement, both of which are subject to approval by the Board of Land and Natural Resources (Board) in a public meeting. However, the submerged land leasing process can be time consuming as it may take up to a year after approval of the lease/easement from the Board to obtain these approvals, even after all other requirements such as preparation of a survey map and description and an appraisal to determine fair market value are completed. This delay could have a detrimental impact on the ability to reconstruct the previously existing structures. Therefore, the Department believes that this amendment would assist in recovery while preserving the Board’s public land trust fiduciary obligations.

Thank you for the opportunity to testify on this measure.

SB-830

Submitted on: 2/7/2025 8:45:04 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Russell Tsuji	Testifying for Department of Land and Natural Resources	Support	Remotely Via Zoom

Comments:

DLNR testimony submitted for SB830 on seperate account. Request for zoom link for additional staff to provide backup testimony at the hearing.

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director



OFFICE OF THE MAYOR
COUNTY OF MAUI
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WAILUKU, MAUI, HAWAII 96793
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TO: Senator Lorraine R. Inouye, Chair
Senator Brandon J.C. Elefante, Vice Chair
Committee on Water and Land

FROM: Richard T. Bissen, Jr., Mayor
Kate L.K. Blystone, Planning Director
John Smith, Administrator of the Office of Recovery

DATE: February 8, 2025

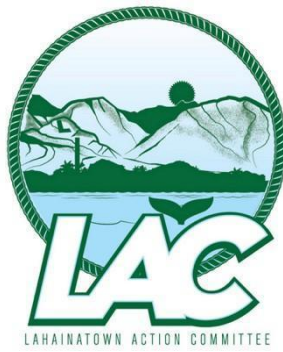
SUBJECT: **SUPPORT OF SB830, RELATING TO COASTAL ZONE MANAGEMENT**

Thank you for the opportunity to testify in **SUPPORT** of this important measure. The act narrows the scope of the definition of the term "development" in coastal zone management law by excluding reconstruction of certain lawfully constructed structures impacted by certain events.

We **SUPPORT** this measure for the following reasons:

1. It is a more efficient path forward in full recognition of and consistent with HRS 205A-2 coastal zone management program objectives and policies.
2. HRS 205A is in place to protect, preserve and enhance the environment and resources of the SMA and to seek to limit or avoid impacts from coastal hazards.
3. Unfortunately, the existing language of HRS 205A unduly burdens owners, residents and employees occupying previously existing lawful structures and improvements that may be destroyed by disasters unrelated to the objectives and policies of the SMA.
4. This bill ensures that appropriate mitigative measures outline in HRS 205A-2 are implemented through the construction permitting process without burdening owners with the same procedural requirements as new development proposals.
5. It will benefit Lahaina residents, property owners and those who were and will be employed in the fire affected areas
6. If in place before the next disaster will be of significant relief to those faced with reconstruction, statewide.

Mahalo for your consideration.



TESTIMONY IN STRONG SUPPORT OF SB830
Senate Committee on Water and Land
Chair Inouye
Vice-Chair Elefante

February 6th, 2025

Aloha Chair Inouye, Vice Chair Elefante, and members of the committee,

My name is Sne Patel, and I am the President of the LahainaTown Action Committee (LAC) and a longtime Lahaina resident. I am here to express my strong support for SB830, which will make it easier for communities affected by disasters to rebuild without unnecessary regulatory delays.

The August 8, 2023 wildfires devastated Lahaina, destroying homes, businesses, and historic sites. Since then, property owners have faced complicated permitting requirements that have slowed recovery efforts—even when simply trying to rebuild structures that were legally there before the disaster. SB830 ensures that lawfully built structures can be reconstructed within their original footprint and dimensions without unnecessary red tape.

While Lahaina’s recovery has highlighted the urgency of this issue, SB830 is about making sure all Hawai’i communities have a clear and fair path to rebuild after future disasters. The future is in our past. We know disasters will happen again, and this bill helps ensure that residents and business owners aren’t trapped in a bureaucratic maze while trying to restore their lives.

I humbly ask for your support to pass SB830 and provide communities across Hawai’i with a fair and practical path to recovery.

Mahalo for your time and consideration.

Sincerely,
President, LahainaTown Action Committee

Sne Patel, President



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

HEARING BEFORE THE SENATE COMMITTEE ON WATER AND LAND
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 229
Monday, February 10, 2025 AT 1:00 P.M.

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

SUPPORT SB830 RELATING TO COASTAL ZONE MANAGEMENT

The Maui Chamber of Commerce **SUPPORTS SB830** which narrows the scope of the definition of the term "development" in coastal zone management law by excluding reconstruction of certain lawfully constructed structures impacted by certain events.

The Chamber notes that the wildfires of August 8, 2023, devastated Lahaina's heritage, economy, and sense of place, deeply affecting housing, businesses, jobs, and treasured resources. If the area is not rebuilt in a deliberate, coordinated, and expeditious manner, it may face long-term challenges, further impacting the well-being of the land, its people, and the economy.

This bill provides an opportunity to rebuild Lahaina, preserving and reintroducing its valued resources in a manner that reflects the values and priorities of its residents and businesses while addressing future challenges, including climate change and affordable housing.

We also support that this bill is not limited to just the Lahaina wildfires, but rather, it addresses the potential for future disasters.

For these reasons we **SUPPORT SB830** and respectfully ask that it be passed.

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.

PACIFIC RIM LAND INC.

ESTABLISHED 1988

Senate Committee on Water and Land
Chair Inouye
Vice Chair Elefante

DATE: February 10th, 2025
TIME: 1:00 pm
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

TESTIMONY IN **STRONG SUPPORT OF SB830**

Testimony of Ryan Churchill

Aloha e Chair Inouye, Vice Chair Elefante, and members of the committee.

Mahalo for the opportunity to provide testimony. My name is Ryan Churchill, representing Pacific Rim Land. I am here today to offer our strong endorsement of SB830.

Our company lost a building on Front Street on August 8. We are planning on rebuilding the same structure in the same location but, due to the SMA process, we expect it to take over a year to secure an SMA permit for the rebuild. Passage of SB830 is crucial for enabling the expedited reconstruction of buildings on Front Street as it will exempt the SMA permit requirement for rebuilds that are no greater in size than the building that existed prior to August 8.

This legislation offers essential measures to streamline the rebuilding process, ensuring that we can swiftly restore the infrastructure necessary to support local businesses and jobs. By facilitating timely reconstruction, SB830 will not only help us recover from the recent disaster but also contribute to the revitalization of Front Street, a cornerstone of the Maui economy.

We commend the Legislature for considering this critical bill and urge its swift passage. The support provided by SB830 will not only assist landowners in rebuilding but will also serve as a beacon of hope for our community as we strive to recover and thrive once again.

Mahalo for the opportunity to provide testimony in strong support of SB830



Ryan Churchill
President

Feb. 10, 2025, 1 p.m.
Hawaii State Capitol
Conference Room 229 and Videoconference

To: Senate Committee on Water and Land

Sen. Lorraine Inouye, Chair

Sen. Brandon Elefante, Vice-Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

RE: SB830 — RELATING TO COASTAL ZONE MANAGEMENT

Aloha Chair Inouye, Vice-Chair Elefante and other members of the Committee,

The Grassroot Institute of Hawaii **supports** [SB830](#), which would exempt any structure from needing a special management area minor or use permit if it has been damaged or destroyed by a disaster proclaimed by the governor or a county mayor.

The bill includes the caveat that for a structure to qualify for this exemption, it must be rebuilt with a similar footprint and with similar dimensions to its original state.

It also makes clear that the structure must not be on a shoreline parcel, and the disaster that damaged or destroyed it must not be a tsunami, wave, storm surge or other similar ocean-related event.

That last point aside, this measure is critical for Lahaina's comeback.

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 But 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.

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

Typically, this 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 Commission has issued only 41 SMA use permits.² 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 much of its community, 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

² [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.

SB-830

Submitted on: 2/5/2025 9:02:22 PM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nicholas Zehr	Individual	Support	Written Testimony Only

Comments:

Honorable Chair, Vice Chair, and Members of the Committee,

I submit this testimony in support of SB830, which clarifies and expands exemptions under Hawai‘i’s Coastal Zone Management Act to reduce unnecessary regulatory barriers, protect property rights, and facilitate economic recovery for residents and businesses.

This bill aligns with the fundamental principle that individuals, not bureaucracies, should have the primary say in how they use and rebuild their land. By expanding the list of activities exempt from excessive permitting and regulation, this bill ensures that property owners—especially those in disaster-stricken communities—do not face unnecessary delays or costs when repairing or improving their properties.

The people of Hawai‘i deserve the ability to rebuild their homes, businesses, and livelihoods without excessive government interference. By clarifying exemptions for reconstruction, particularly for those affected by state-declared disasters, this bill removes burdensome permitting processes that could otherwise slow down recovery.

Following the devastating Lahaina fires, thousands of displaced residents and business owners need a clear, expedited path to rebuilding. This bill removes red tape that could hinder their ability to reconstruct homes and essential infrastructure. While environmental protections are important, we must not allow overregulation to stand in the way of recovery.

By ensuring that lawful structures can be rebuilt without excessive regulatory hurdles, this bill provides much-needed certainty to families and business owners trying to restore their livelihoods.

This bill limits government overreach while still allowing for reasonable environmental oversight. Importantly, it prevents regulatory agencies from arbitrarily redefining "development" in ways that could obstruct essential rebuilding projects. While some government oversight is necessary, broad discretionary power often leads to unpredictable enforcement and unnecessary restrictions on private landowners.

Furthermore, this bill recognizes the cultural and economic importance of agriculture, aquaculture, and traditional land use practices. By exempting these from excessive regulation, we promote food security and sustainability—values essential to Hawai‘i’s long-term resilience.

For these reasons, I urge the committee to pass this bill without delay. Mahalo for your time and consideration,

Nicholas Zehr

SB-830

Submitted on: 2/7/2025 3:31:13 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

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

Comments:

TESTIMONY IN STRONG SUPPORT OF SB 830

Senate Committee on Water & Land

Hearing Date: Monday, February 10, 2025

Time: 1:00 PM

Location: Conference Room 229 & Videoconference

Submitted by: Zachary LaPrade

Business Owner & Fire Victim, Lahaina, Maui

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

I am submitting this testimony in **strong support** of **SB 830**, which will **streamline the rebuilding process for disaster victims** while maintaining appropriate environmental protections. As a **business owner and fire victim in Lahaina**, I have personally experienced the overwhelming bureaucratic red tape that has slowed and, in some cases, completely stalled recovery efforts in our coastal zones.

This bill is **essential** because it:

1. **Removes unnecessary permitting barriers for disaster survivors** trying to **rebuild homes and businesses** lost to wildfires and other disasters.
2. **Ensures that coastal zone protections do not prevent recovery efforts** for structures that were **lawfully constructed** and **not impacted by coastal hazards**.
3. **Provides a balanced approach to disaster recovery** by distinguishing between necessary environmental protections and excessive regulations that delay rebuilding.

Right now, **many of us in Lahaina are still struggling to rebuild** due to regulatory hurdles that do not account for the urgency of disaster recovery. SB 830 ensures that families, businesses, and communities can **recover efficiently** without being caught in unnecessary bureaucratic processes.

I urge you to **pass this bill without delay** and give fire victims and business owners the ability to **rebuild their lives** without excessive red tape.

Mahalo for your time and consideration.

Zachary LaPrade
Lahaina, Maui

LATE

SB-830

Submitted on: 2/10/2025 8:34:07 AM

Testimony for WTL on 2/10/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Haloa Dudoit	Individual	Support	Written Testimony Only

Comments:

Aloha Inouye, Vice-Chair Elefante, and Member of the Committee

Mahalo for the opportunity to testify in support of SB830. This bill is crucial not only for the recovery efforts following the Lahaina Wildfires but also as a proactive measure to support communities impacted by future natural disasters across our state.

Natural disasters are an unfortunate reality, especially given Hawai'i's geographic vulnerability. When disaster strikes, time is of the essence. SB830 establishes a clear process for property owners within Special Management Areas to begin rebuilding after such events. This legislation ensures that, regardless of where a disaster occurs in Hawai'i, affected property owners within the SMA will have guidance and a defined path forward during one of the most challenging times in their lives. This would be one less step these property owners would need to take.

While this bill serves the entire state, it holds immediate significance for those impacted by the Lahaina Wildfires, providing an essential framework to support their recovery and rebuilding efforts.

I respectfully urge your support for SB830 to help protect the future of Lahaina and ensure communities statewide are better prepared to recover from natural disasters.

Haloa Dudoit

Karey Kapoi LLC