

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

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Written Statement of
MARY ALICE EVANS, Director

before the
SENATE COMMITTEE ON JUDICIARY

Thursday, April 3, 2025, 10:01 AM
State Capitol, Conference Room 016 & Videoconference

in consideration of
HB 732 HD2 SD1
RELATING TO SHORELINE MANAGEMENT AREAS.

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

By amending Chapter 205A, Hawai'i Revised Statutes, HB 732 HD2 SD1 proposes to

- 1) Streamline special management area (SMA) permitting for development of a single-family residence that is less than 3,500 square feet in floor area and not a part of larger development, regardless of the development valuation; and
- 2) Increase the valuation threshold, with inflation adjustments every five years, between the SMA Use Permit and SMA Minor Permit.

The Office of Planning and Sustainable Development (OPSD) is the lead agency of the Hawai'i Coastal Zone Management (CZM) Program, codified in Chapter 205A, HRS.

OPSD respectfully **supports HB 732 HD2 SD1 as written.**

OPSD offers the following analyses on HB 732 HD2 SD1 in support for your consideration:

1. Given the inflation since 2011 when the Legislature established the valuation threshold of \$500,000, it is appropriate to raise the threshold to \$750,000 in accordance with the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor.

Inflation adjustments every five years proposed by HB 732 HD2 SD1 will resolve the ongoing issue of an established threshold as to how to maintain the efficiency of the SMA permitting over time. Please note that the valuation threshold between the SMA Use Permit and SMA Minor Permit was increased by Act 126, Session Laws of Hawai'i (SLH) 1982, Act 129, SLH 1991, and Act 153, SLH 2011, respectively, as a result of rising development and construction costs.

HB 732 HD2 SD1 RELATING TO SHORELINE MANAGEMENT AREAS – SUPPORT
State Office of Planning and Sustainable Development
April 3, 2025

2. Enacted by Act 16, SLH 2020, any development of single-family residences situated on a shoreline parcel will likely trigger a SMA Use Permit because of their development valuation. The requirement of a SMA Use Permit results in additional procedures, with an input of more personnel and financial resources, for review and approval for the development of single-family residences, regardless of their effects on the SMA.
3. OPSD has identified the three reasons for the development of single-family residences that are less than 3,500 square feet of floor area to be eligible for a SMA Minor Permit as follows:
 - a. Single-family residences that are less than 3,500 square feet, and not in conjunction with the building of two or more such units, as measured by the controlling law under which the proposed action is being considered, are eligible for exemption from preparation of an environmental assessment pursuant to Hawai‘i Administrative Rules § 11-200.1-15.
 - b. The allowable size of a single-family residence will be determined by the county zoning ordinances (e.g., floor area ratio) rather than an SMA permit. In other words, an SMA permit is not a regulatory tool to prohibit the development of any size single-family residences if it is allowed by the land use policies.
 - c. Along with the requirement of shoreline setbacks under Part III of Chapter 205A, a SMA Minor Permit, which is subject to reasonable terms and conditions set forth in § 205A-26, will ensure consistency with the CZM objectives and policies for the development of a shoreline-parcel single-family residence that is less than 3,500 square feet of floor area and not part of a larger development.

Thank you for the opportunity to testify on this measure.

DEPARTMENT OF PLANNING AND PERMITTING
KA 'OIHANA HO'OLĀLĀ A ME NĀ PALAPALA 'AE
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
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RICK BLANGIARDI
MAYOR
MEIA



DAWN TAKEUCHI APUNA
DIRECTOR
PO'O

BRYAN GALLAGHER, P.E.
DEPUTY DIRECTOR
HOPE PO'O

REGINA MALEPEAI
2ND DEPUTY DIRECTOR
HOPE PO'O KUALUA

April 3, 2025

The Honorable Karl Rhoads, Chair
and Members of the Committee on Judiciary
Hawaii'i State Senate
Hawaii'i State Capitol
415 South Beretania Street
Honolulu, Hawaii'i 96813

Subject: House Bill No. 732, HD 2, SD 1
Relating to Shoreline Management Areas

Dear Chair Tarnas and Committee Members:

The Department of Planning and Permitting (DPP) **supports** House Bill No. 732, HD 2, SD 1, which would increase the valuation of development that determines the necessity of a Special Management Area (SMA) Minor Permit or SMA Use Permit to \$750,000 and requires that amount to be adjusted every five years for inflation. This Bill also would allow single-family residences under 3,500 square feet in floor area and not part of a larger development to be eligible for an SMA Minor Permit, regardless of cost.

The DPP processes both SMA Minor and Major Permits. By increasing the threshold, we expect fewer SMA Major Permits and more SMA Minor applications, which are processed administratively by DPP and have a more streamlined review process.

For both permit types, Hawaii Revised Statutes (HRS) Title 13 Chapter 205A requires the agency to make a finding that the proposal has no substantial adverse environmental or ecological effects. The DPP performs a thorough review of SMA Minor projects based on the review criteria, policies, and guidelines listed in HRS Chapter 205A. If we find that a project may have substantial adverse environmental, ecological, or cumulative effects, the SMA Minor Permit is denied and the project may proceed by applying for an SMA Major Permit, which is a lengthier and more involved process that requires City Council action. Given all this, we believe that allowing more

The Honorable Karl Rhoads, Chair
and Members of the Committee on Judiciary
Hawai'i State Senate
Hawai'i State Senate
House Bill No. 732, HD 2, SD 2
April 3, 2025
Page 2

projects to be processed as minor permits will streamline the permitting process without sacrificing environmental review.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Dawn', with a stylized flourish extending to the right.

Dawn Takeuchi Apuna
Director

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director



OFFICE OF THE MAYOR
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov

TO: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Senate Committee on Judiciary

FROM: Richard T. Bissen, Jr., Mayor
John Smith, P.E. Office of Recovery Administrator

DATE: March 31, 2025

**SUBJECT: SUPPORT OF HB732 HD2 SD1, RELATING TO SHORELINE
MANAGEMENT AREAS**

Thank you for the opportunity to testify in **SUPPORT** of this important measure which allows single-family residences that are less than 3,500 square feet in floor area and not part of a larger development, regardless of development valuation, to be eligible for a special management area minor permit. Increases the valuation of development that determines the necessity of a special management area minor permit or special management area use permit to \$750,000 and requires that amount to be adjusted every five years for inflation. Effective 7/1/3000.

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

1. The inflation of the dollar in recent years must be updated to reflect the regulatory intent of HRS 205A Coastal Zone Management.
2. This measure causes more proposed actions to qualify for the SMA minor permit process.
3. SMA minor permits are administratively processed costing substantially less to prepare and file, with significantly lower processing times.
4. Many reasonable actions that were made infeasible by application cost and time will also benefit from this change.

Mahalo for your consideration.



April 3, 2025

The Honorable Karl Rhoads, Chair

Senate Committee on Judiciary

State Capitol, Conference Room 016 & Videoconference

RE: House Bill 732, HD2, SD1, Relating to Shoreline Management Areas

HEARING: Thursday, April 3, 2025, at 10:01 a.m.

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawaii and its over 10,000 members. HAR **supports** House Bill 732, HD2, SD1, which allows single-family residences that are less than 3,500 square feet in floor area and not part of a larger development, regardless of development valuation, to be eligible for a special management area minor permit. Increases the valuation of development that determines the necessity of a special management area minor permit or special management area use permit to \$750,000 and requires that amount to be adjusted every five years for inflation. Effective 7/1/3000.

Currently, any non-exempt development must obtain a Shoreline Management Area ("SMA") minor permit if the project is valued at \$500,000 or less and does not pose a significant environmental impact. Projects exceeding this amount or posing substantial environmental risks must obtain an SMA use permit. These monetary thresholds have remained unchanged since 2011.

Since then, inflation and rising construction costs, including labor and materials, have significantly increased. Adjusting the valuation threshold for SMA minor permits and implementing inflation-based adjustments every five years would help address these rising costs. This is especially crucial for those affected by the Lahaina wildfires, as the community works to rebuild and restore their homes and properties.

Mahalo for the opportunity to provide testimony on this measure.

HB-732-SD-1

Submitted on: 3/30/2025 1:33:05 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|---|--------------------|------------------------|
| Ted Bohlen | Testifying for Hawai'i Reef and Ocean Coalition | Oppose | Written Testimony Only |

Comments:

Hawai'i Reef and Ocean Coalition respectfully OPPOSES this bill!

This bill would allow land uses and activities previously subject to rigorous SMA use permit requirements to pursue abbreviated permitting requirements and escape informed public decision-making. **In today's climate, we should be strengthening CZM program objectives, not giving applicants a shortcut around policies established to protect public trust shoreline resources.** Development in the SMA area not only invades the public beach and blocks public access, but also paves the way to the eventual erosion and permanent loss of the beach, to the detriment of the landowner as well as the public.

Instead of loosening the law, Hawai'i Reef and Ocean Coalition strongly recommends: (a) adding to inspection and enforcement capacity at the county level, and (b) requiring SMA minors to come to a community meeting for public comment (on Oahu, the neighborhood boards serve this function for Major SMAs).

Please do not pass this bill!

Mahalo!

Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

HB-732-SD-1

Submitted on: 3/31/2025 10:34:08 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|-------------------|------------------------------------|--------------------|---------------------------|
| Country TalkStory | Testifying for CountryTalkStory | Oppose | Written Testimony Only |

Comments:

OPPOSE



Hawai'i State Capitol
415 S. Beretania St,
Honolulu, HI 96813

RE: Testimony for HB732 HD2 SD1

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee,

My name is Jonnetta "Jonee" Peters, and the Executive Director for Conservation Council for Hawai'i, which is the Hawai'i state affiliate of the National Wildlife Federation. I also sit on several 'aina based coalitions and an executive board member of the Pacific Island Heritage Marine National Monument Coalition. I **STRONGLY OPPOSE** HB732 HD2 SD1, which rolls back critical procedural protections for development that may have significant impacts on our sensitive and invaluable coastal areas and resources.

As our climate destabilizes, seas rise, and as federal protections for our natural and cultural resources continue to be eroded away, we must be increasingly mindful of the impacts our actions and land uses may have on our fragile environment. This includes harms to our sensitive nearshore areas and the wide-ranging cultural, recreational, subsistence, and economic that depend on them. Native habitat, cultural practices, shoreline erosion, public safety and access, and the stability of both the subject and adjacent properties and spaces may all be impacted - potentially permanently - by coastal development decision making. SMA permitting processes - including and especially a public hearing for SMA use permits - are key to ensuring these impacts are accounted for and minimized.

In rolling back SMA protections by increasing the dollar threshold for requiring SMA use permits, this measure may result in significant and avoidable impacts to the myriad public interests in the integrity of our coastal and nearshore environment. For example, the across-the-board reduction in public hearing requirements for developments that impact the coastline may result in permit approvals by agency staff who may not even be aware of local conditions, including cultural sites, native habitat and resources such as limu beds, and subsistence and recreational practices, that could have otherwise been accounted for by input from the public hearing process.

We must not turn a blind eye to the impacts of ever more developments that could rob our children and our future generations of their ability to connect with, enjoy, and benefit from our unique and invaluable coastal areas. Please maintain the integrity of our Coastal Zone Management laws and special management area permitting procedures, and **HOLD** this misguided measure.

Mahalo nui for the opportunity to testify.



Jonnetta "Jonee" Peters
Executive Director

Telephone/Fax: 224.338-6511 | email: info@conservehi.org
web: www.conservehawaii.org | P.O. Box 2923, Honolulu, HI 96802

President: Colleen Heyer | Vice President: Bret Nainoa Mossman | Secretary: Makaala Kaaumoana
Treasurer: Mashuri Waite, PhD |

Directors: Puanani Anderson-Fung, Steven Lee Montgomery, PhD, Emily Sarasa, Les Welsh, Sunshine Woodford |

Executive Director: Jonnetta "Jonee" Peters Operations and Events Manager: Leah Kocher

National Wildlife Federation Region 12 Director: Rachel Sprague

National Wildlife Federation Pacific Region Associate Director: Emily Martin

Kō Hawai'i leo no nā holoholona lōhiu – Hawai'i's voice for wildlife | State Affiliate of the National Wildlife Federation



SIERRA CLUB OF HAWAI'I

SENATE COMMITTEE ON JUDICIARY

April 3, 2025

10:01 AM

Conference Room 016

In **OPPOSITION** to **HB732 HD2 SD1**: RELATING TO SHORELINE MANAGEMENT AREAS

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

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **OPPOSES HB732 HD2 SD1**, which rolls back critical protections for our invaluable shoreline and nearshore areas from the impacts of coastal development, notwithstanding the impacts this may have on the environmental, cultural, recreational, and economic interests of our present and future generations.

Recent years have highlighted the longstanding consequences of poorly planned coastal development and redevelopment: vanishing beaches; properties and roads collapsing into the ocean; limu beds and other marine habitat lost due to contaminated runoff or disrupted groundwater flow; cultural, subsistence, recreational, and even commercial activities dependent on coastal ecosystems eliminated or extremely curtailed. With the realities and ever growing impacts of climate destabilization, along with a continuously increasing population across our islands, we must be more, and not less, mindful of how coastal development may further exacerbate the harms we have already inflicted on our fragile but vital coastlines and coastal areas- if not for ourselves, then for the well-being and resilience of our future generations.

HB732 HD2 SD1 would instead do the opposite, and allow even greater numbers of coastal development projects to proceed without the careful planning and public input required in the issuance of special management area (SMA) "use" permits. Agency staff may instead allow such projects to proceed with SMA "minor" permits, without input from those with much greater familiarity with local coastal resources and conditions that could be impacted by nearby development. This in turn would increase the risk of irrevocable harm to our beaches, natural and cultural resources, public access including safe lateral shoreline access, existing (and newly developed) coastal infrastructure and buildings, and the myriad rights and interests of the public in our shoreline areas and nearshore waters.

Rising construction costs must not be used as an excuse to turn our backs to our rising seas - or the harms we may be inflicting on our islands, on ourselves, and on our future generations, by the rollback of our Coastal Zone Management Act and its SMA permitting protections.

Accordingly, the Sierra Club of Hawai'i urges the Committee to **HOLD** HB732 HD2 SD1. Mahalo nui for the opportunity to testify.

HB-732-SD-1

Submitted on: 3/31/2025 6:39:40 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|----------------------|--------------------------------------|--------------------|------------------------|
| John & Rita Shockley | Testifying for Free Access Coalition | Oppose | Written Testimony Only |

Comments:

Aloha!

During this critical time of political unrest and continuing ocean rise due to undeniable climate change, we cannot afford to bypass our laws on coastal development. Long term damage will not be able to be "fixed" in the future.

We must control development on our fragile island coastlines. The Free Access Coalition OPPOSES HB732

Mahalo for your time and hopefully you kokua to shelve this dangerous climate bill.

HB-732-SD-1

Submitted on: 3/31/2025 6:57:10 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|----------------|---|--------------------|------------------------|
| Joseph Kohn MD | Testifying for We Are One, Inc. - www.WeAreOne.cc - WAO | Oppose | Written Testimony Only |

Comments:

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

I strongly oppose HB732 HD2 SD1, which would open the door to ever more coastal development projects to bypass Special Management Area (SMA) use permit requirements - placing our fragile and vital coastal areas and nearshore resources at risk of undue harm.

Climate destabilization, sea level rise, and increasingly severe storms and floods not only threaten our fragile coastal ecosystems, but also our associated cultural, subsistence, and recreational practices and activities; public shoreline access; existing coastal infrastructure and buildings; and ocean-based visitor industry. This means we must enhance, and not weaken, protections against the potential harms of coastal development, including in particular the robust public input and review requirements of SMA use permits.

This bill instead does the opposite, by reducing the types of coastal development projects that would be subject to the oversight, transparency, and accountability requirements of SMA use permits issued under the Coastal Zone Management Act. The under-informed project approvals that result would in turn irreparably harm our beaches and shoreline areas, and the myriad public rights and interests that they support.

There is nothing “minor” about coastal development, and rising construction costs shouldn't make us turn our back to our rising seas. I urge the Committee to **HOLD HB732 HD2 SD1**.

Mālama pono &
Mahalo for your consideration



April 1, 2025

Senate Committee on Judiciary
Hawai'i State Legislature
Via Electronic Transmission

Re: Testimony in OPPOSITION of HB732 HD2 SD1, Relating to Shoreline Management Areas

Hearing: Thursday, April 3, 2025, 10:01 AM CR 016 Via Videoconference

To: The Honorable Chair Rhoads, Vice Chair Gabbard, and members of the Committee

Surfrider Foundation Hawai'i Region opposes House Bill 732 HD2 which seeks to amend Hawai'i Revised Statutes (HRS) chapter 205A to increase the valuation thresholds for determining whether a project in a Special Management Area (SMA) may apply for a minor SMA permit or whether it must apply for a SMA use permit.

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches for all people. In Hawai'i we have three Chapters on Maui, Kaua'i and O'ahu. We advocate at federal, state and local levels to protect our shorelines on every coast and ensure beach access and coastal conservation. With severe coastal erosion threatening much of Hawai'i's shoreline and sea-level rise projections, this is absolutely not the time to be loosening restrictions on development and rebuilding along the shoreline.

As it stands, Hawai'i's Coastal Zone Management (CZM) program was established to preserve and restore natural resources of Hawai'i's coastline. The SMA use permit creates a critical process that protects Hawai'i's shorelines from developments, activities, and uses that would potentially threaten public trust resources and public access. This bill would allow land uses and activities that were previously subject to SMA Major permitting process, including rigorous review by federal, state, county agencies and the public, to avoid this important process.

On every island, communities, government agencies, and decision-makers are grappling with increasing beach loss and fighting to preserve our remaining beaches. Currently this bill streamlines the process, and opens the door to off-shore developers and vacation rentals. If the need is for resident-owned and resident-occupied shoreline homes to have a better SMA pathway then please rework this bill to focus on this issue.

We suggest adding an inspection and enforcement capacity at the county level as well as requiring that SMA Minor permits be opened to public comment.

As it stands, already many developers and investors have consistently distorted and taken advantage of the SMA requirements. If the objective is to protect our coastlines and communities, in it's current form, this bill would be a step in the wrong direction.

Mahalo for the opportunity to comment on this important matter.

Sincerely,

Hanna Lilley
Hawai'i Regional Manager
Surfrider Foundation

HB-732-SD-1

Submitted on: 4/1/2025 2:17:13 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|-------------------|---------------------------------------|--------------------|------------------------|
| Hedwig Warrington | Testifying for Kupuna for the Moopuna | Oppose | Written Testimony Only |

Comments:

Kupuna for the Mo‘opuna is in **STRONG OPPOSITION to HB732 HD2 SD1**, which would allow more coastal development projects to bypass Special Management Area (SMA) use permit requirements. This will put our already fragile and vital coastal areas and nearshore resources at risk of undue harm, now and for the next generations to come.

Do not pass HB732 HD2 SD1.



SENATOR KARL RHOADS, CHAIR
SENATOR MIKE GABBARD, VICE-CHAIR
SENATE COMMITTEE ON JUDICIARY

TESTIMONY IN **OPPOSITION** TO HOUSE BILL 732, HD2, SD1
RELATING TO SHORELINE MANAGEMENT AREAS

April 3, 2025, 10:01 a.m.
Room 016 & Videoconference
State Capitol
415 South Beretania Street

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

Earthjustice submits this testimony in **strong opposition to HB 732, HD 2, SD1**. Our office has decades of experience, including in precedent-setting Hawai'i Supreme Court cases, protecting public trust shoreline resources and extending public shoreline uses.

HB 732, HD 2, SD1 seeks to amend Hawai'i Revised Statutes (HRS) chapter 205A to increase the valuation thresholds for determining whether a project in a Special Management Area (SMA) may apply for a less rigorous SMA "minor" permit instead of a standard SMA use permit. Considering global climate change conditions, sea-level rise projections, and widespread chronic coastal erosion throughout Hawai'i, there is nothing minor about allowing development and rebuilding along the shoreline.

Hawai'i's Coastal Zone Management (CZM) program, HRS chapter 205A, was established to "preserve, protect, and where possible, to restore the natural resources" of Hawai'i's coastal zone. *Id.* § 205A-21. The SMA use permit is a management tool that places "special controls on developments within an area along the shoreline" that are "necessary to avoid permanent losses of valuable resources" and ensure public access. *Id.* The SMA use permit requires that uses, activities, or operations on land within the SMA are designed and carried out in compliance with CZM program objectives and policies. *Id.* § 205A-29. The requirements for a permit include the applicant providing sufficient information about the project so it can be evaluated; notification to surrounding landowners; review and comment by various federal, state and county agencies; a public hearing; and approval by county planning commissions. *See id.* This bill would allow land uses and activities previously subject to these requirements to pursue abbreviated permitting requirements and evade informed public decision-making. In these times of escalating climate crisis, we should be strengthening CZM program objectives, not giving applicants a shortcut around policies established to protect public trust shoreline resources.

Development in the SMA area not only invades the public beach and blocks public access, but also paves the way to the eventual erosion and permanent loss of the beach, to the detriment of the landowner as well as the public. In recent years, intensifying public controversy has focused on the ongoing loss of beaches statewide caused by coastal development too close to the ocean. Studies of historical shoreline change show that 70% of beaches on Kauaʻi, Oʻahu, and Maui are chronically eroding and receding landward.¹ To date, 13 miles of beach have been completely lost to beach erosion and costal armoring, and current projections indicate that up to 40% of all beaches on Oʻahu alone could be lost before 2050.²

At a time when we should be prudently evaluating development along the shoreline, this bill seeks to do the exact opposite. As such, Earthjustice **strongly opposes HB 732, HD 2, SD1 and respectfully requests that it be held.** Mahalo nui for this opportunity to testify. Please do not hesitate to contact us with any further questions or for further information.

Elena L. Bryant, Esq.

A handwritten signature in black ink that reads "Elena L. Bryant". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Senior Associate Attorney
Earthjustice, Mid-Pacific Office

¹ Fletcher, C.H., et al. (2012) National assessment of shoreline change: Historical shoreline change in the Hawaiian Islands, *U.S. Geological Survey Open-File Report 2011-1051*, 55, available at <https://pubs.usgs.gov/of/2011/1051>.

² *Id.*; see also Tavares, KD., Fletcher, C.H. & Anderson, T.R. (2020) Risk of shoreline hardening and associated beach loss peaks before mid-century: Oʻahu, Hawaiʻi. *Sci Rep* 10, article 13633 available at <https://doi.org/10.1038/s41598-020-70577-y>

April 3, 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: HB732 HD2 SD1 — RELATING TO SHORELINE MANAGEMENT AREAS

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

The Grassroot Institute of Hawaii **supports** [HB732 HD2 SD1](#), which would increase the valuation thresholds for determining whether a project in a special management area must apply for a minor permit or a use permit, and index those thresholds to inflation.

The bill would also allow a single-family home 3,500 square feet or smaller to be processed under a SMA minor permit regardless of valuation and contingent on the home not being part of a larger development.

Currently, any non-exempt “development” must apply for an SMA minor permit if the project is valued at \$500,000 or less and has no significant environmental impact. If the “development” is valued above \$500,000 or could have a significant environmental impact, it requires an SMA use permit.¹

These figures have not been updated since 2011, when the threshold was increased from \$125,000 to \$500,000.² Adjusted for inflation, \$500,000 in December 2010 had the same purchasing power as \$719,970 in December 2024.³ HB732 HD2 SD1 would set the threshold at \$750,000.

¹ [205A-22 Definitions](#), Hawaii Revised Statutes, accessed Jan. 31, 2025.

² [Session Laws of Hawaii 2011 Act 153](#), accessed Jan. 31, 2025.

³ [“CPI Inflation Calculator”](#), U.S. Bureau of Labor Statistics, December 2010 compared to December 2024, accessed Jan. 31, 2025.

Increasing the threshold and requiring inflation adjustments every five years would protect builders from inflation and save the Legislature time from having to update the threshold by statute.

Applying for an SMA minor permit takes less time and resources than applying for an SMA use permit, which often requires a public hearing and a vote from a county planning commission or County Council. Minor permits, on the other hand, often only need approval from the county planning director.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii



April 2, 2025

TO: Honorable Karl Rhoads, Chair
Senate Committee on Judiciary

Honorable Mike Gabbard, Vice Chair
Senate Committee on Judiciary

FROM: Legislative Advocacy Committee
American Institute of Architects, Hawai'i State Council

SUBJECT: **HB 732 HD2, SD1 – Relating to Special Management Areas**

The American Institute of Architects

AIA Hawaii State Council
828 Fort Street Mall, Suite 100
Honolulu, HI 96813

T (808) 628-7243
contact@aiahonolulu.org
aiahonolulu.org/AIAHawaiiStateCouncil

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee,

My name is Reid Mizue, Chair of the American Institute of Architects Hawai'i State Council Legislative Advocacy Committee, testifying in **STRONG SUPPORT OF THE INTENT of HB 732 HD2, SD1.**

The redefinition of single-family houses on shoreline parcels as "development" has significantly increased permitting time and costs for homeowners seeking to build or rebuild their homes by requiring SMA Major Permits. County governments have since enacted new zoning ordinances and science-based shoreline setback regulations that address concerns over large-scale development without imposing excessive burdens on long-time residents and families maintaining their ancestral homes.

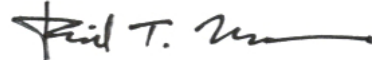
Raising the threshold to \$750K is a benefit. However, the purpose of the SMA application is to verify the impact (if any) on the "preservation, protection, and restoration of the natural resources of the coastal zone." This potential environmental impact is dictated by the **physical scale** of a project, not the cost of work. The same footprint of a project could vary drastically in cost but have a similar environmental impact. A more equitable approach is to use a **building area** threshold, rather than a **dollar valuation** or **floor area**, for lots not impacted by waves and erosion. The total building area—the physical footprint of the structure—better reflects potential environmental impacts than valuation, which disproportionately affects local families on islands such as Molokai, where larger lot sizes are common due to ancestral landholdings. High construction costs do not necessarily equate to outsized environmental impact and should not be the determining factor in triggering an SMA Major Permit.

Additionally, we believe the discussion has overly emphasized a developer-centric perspective while overlooking the needs of homeowners. The public record includes testimony from numerous residents who opposed the SMA Major requirement when it was first introduced, and their voices should be acknowledged in this legislative process.

We support maintaining county authority to determine when an SMA Major Permit is warranted while streamlining the process for homeowners who seek to build responsibly within existing regulations.

Thank you for the opportunity to submit this testimony in **STRONG SUPPORT OF THE INTENT of HB 732 HD2, SD1.**

Sincerely,

A handwritten signature in black ink, appearing to read "Reid T. Mizue", with a stylized flourish at the end.

Reid Mizue, AIA
Legislative Advocacy Committee
American Institute of Architects, Hawai'i State Council



Hawaii's Thousand Friends

335 Hahani Street #342132 * Kailua, HI 96734 * Phone (808) 262-0682 E-Mail: htf3000@gmail.com

April 3, 2025

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

HB 732 HD2 SD1

RELATING TO SHORELINE MANAGEMENT AREAS

Aloha Chair Rhoads, Vice Chair Gabbard and Committee members

Hawaii's Thousand Friends, a non-profit organization dedicated to ensuring that appropriate planning, management and land use decisions are made that protect the environment, human health and natural and cultural resources opposes HB 732 HD2 SD1 that:

- increases the valuation of development for a Minor Special Management Area Permit (SMAP) from \$500,000 to \$750,000
- for the first time introduces a single-family residence size into the SMAP process

This bill introduces for the first time a single-family house size of up to 3,500 sq ft to qualify for a SMAP Minor. While this may sound like a restriction establishing a size as a qualification for a SMAP Minor can and will be increased over the years just as the valuation has increased.

A 3,500 sq ft house is a large structure considering that the average home size is 2,299 sq ft according to the US Census Bureau.

Approval of a SMA Permit Minor is administrative. There is no public hearing and no public notification other than approved SMA Minor Permits noted, after the fact, in The Environmental Notice.

Without the increased value and added housing square footage many housing projects within the coastal zone would require a SMA Major Permit, which requires a public hearing and notification to neighbors and appropriate neighborhood boards on Oahu.

As the valuation increases and larger house size are approved through the SMA Minor Permit process the lack of notification becomes more serious as neighbors who may have concerns about shared driveways, beach access and knowledge of endangered plants, bird habitat and `iwi on the site do not have an opportunity to express their concerns,

The Coastal Zone Management (CZM) (HRS 205A) was established by the legislature because it found that "special controls on developments within an area along the shoreline are necessary to avoid permanent losses of valuable resources and the foreclosure of management options, and to ensure that adequate access, by dedication or other means, to public owned or used beaches, recreation areas, and natural reserves is provided."

The legislature also found that it is the state policy to preserve, protect, and where possible, to restore the natural resources of the coastal zone in Hawaii

It is perplexing to see this bill making it easier to develop housing in the coastal zone, without extensive review, considering the legislatures commitment to coastal protection, the fact that 70% of the beaches on Kauai, Oahu and Maui are eroding and receding inland with at least 13 miles of beaches lost to erosion and the Office of Planning and Sustainable Development and Oahu Department of Planning and Permitting (DPP) are considering *managed retreat* to address the impacts of sea level rise, coastal erosion and to help people get out of sea level rise's way.

Managed retreat involves establishing thresholds to trigger the demolition or relocation of structures threatened by coastal hazards or sea level rise. Where could people retreat to? Would there ever be enough money to do so? What are the monetary costs and tax implications?

The SMA Permit process meant to protect Hawaii's coastal zone, not make development within this public trust resource easier.

HB 732 HD2 SD2 is going in the wrong direction and should be held in committee.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

LATE

HEARING BEFORE THE SENATE COMMITTEE ON JUDICIARY
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 016
Thursday, April 3, 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 HB732 HD2 SD1 RELATING TO SHORELINE MANAGEMENT AREAS

The Maui Chamber of Commerce **SUPPORTS HB732 HD2 SD1** which allows single-family residences that are less than 3,500 square feet in floor area and not part of a larger development, regardless of development valuation, to be eligible for a special management area minor permit; and increases the valuation of development that determines the necessity of a special management area minor permit or special management area use permit to \$750,000 and requires that amount to be adjusted every five years for inflation.

The Chamber notes that the current valuation threshold of \$500,000 for developments is no longer sufficient to cover most projects. The measure sets the initial threshold at \$750,000 and ensures it is updated each year to reflect changes in construction costs and economic conditions. This adjustment will maintain the financial threshold for determining whether a coastal development project requires a special management area permit, ensuring it remains relevant and responsive to inflation. The goal is to avoid under-regulation of high-value projects that could have significant impacts on coastal ecosystems.

For these reasons we **SUPPORT HB732 HD2 SD1** 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.

HB-732-SD-1

Submitted on: 3/29/2025 10:49:43 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|------------------------|
| Keoni Shizuma | Individual | Oppose | Written Testimony Only |

Comments:

Aloha Committee members of the Senate Committee on Judiciary,

I am testifying in opposition of HB732.

The purpose of the SMA permitting requirements is to protect both the environment and people. I understand that increase in construction costs have caused a disproportionate number of permits to be triggered based solely on valuation, creating burdens on property owners and permitting authorities, however I do not believe that this burden should be resolved by neglecting the intent of the SMA permitting system. This burden should be resolved by dedicating resources and/or personnel to strengthen the permitting office, making them more resilient moving forward.

I also understand that as-is this extra burden on permitting authorities could delay recovery efforts of Lahaina. Because of this, I would suggest amending this bill to only allow for exceptions to SMA permit requests specific to Lahaina, and not a blanket approval across the state.

Mahalo for your consideration,
Keoni Shizuma

HB-732-SD-1

Submitted on: 3/30/2025 8:14:46 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|------------------------|
| Monica Morris | Individual | Oppose | Written Testimony Only |

Comments:

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

*I **STRONGLY OPPOSE** HB732 HD2 SD1, which rolls back critical procedural protections for development that may have significant impacts on our sensitive and invaluable coastal areas and resources.*

As our climate destabilizes, seas rise, and as federal protections for our natural and cultural resources decrease, we must be increasingly mindful of the impacts our actions and land uses may have on our fragile environment. This includes harms to our sensitive nearshore areas and the wide-ranging cultural, recreational, subsistence, and economic that depend on them. Native habitat, cultural practices, shoreline erosion, public safety and access, and the stability of both the subject and adjacent properties and spaces may all be impacted - potentially permanently - by coastal development decisionmaking. SMA permitting processes - including and especially a public hearing for SMA use permits - are key to ensuring these impacts are accounted for and minimized.

In rolling back SMA protections by increasing the dollar threshold for requiring SMA use permits, this measure may result in significant and avoidable impacts to the myriad public interests in the integrity of our coastal and nearshore environment. For example, the across-the-board reduction in public hearing requirements for developments that impact the coastline may result in permit approvals by agency staff who may not even be aware of local conditions, including cultural sites, native habitat and resources such as limu beds, and subsistence and recreational practices, that could have otherwise been accounted for by input from the public hearing process.

We must be vigilant in ensuring that our children and our future generations have the ability to connect with, enjoy, and benefit from our unique and invaluable coastal areas. Please maintain

*the integrity of our Coastal Zone Management laws and special management area permitting procedures, and **HOLD** this measure.*

Mahalo nui for the opportunity to testify.

Monica Morris

HB-732-SD-1

Submitted on: 3/30/2025 9:43:39 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Nanea Lo | Individual | Oppose | Written Testimony Only |

Comments:

Hello Chair Rhoads, Vice Chair Gabbard, and Members of the Committee,

I **STRONGLY OPPOSE** HB732 HD2 SD1, which rolls back critical procedural protections for development that may have significant impacts on our sensitive and invaluable coastal areas and resources.

As our climate destabilizes, seas rise, and as federal protections for our natural and cultural resources continue to be eroded away, we must be increasingly mindful of the impacts our actions and land uses may have on our fragile environment. This includes harms to our sensitive nearshore areas and the wide-ranging cultural, recreational, subsistence, and economic that depend on them. Native habitat, cultural practices, shoreline erosion, public safety and access, and the stability of both the subject and adjacent properties and spaces may all be impacted - potentially permanently - by coastal development decisionmaking. SMA permitting processes - including and especially a public hearing for SMA use permits - are key to ensuring these impacts are accounted for and minimized.

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We must not turn a blind eye to the impacts of ever more developments that could rob our children and our future generations of their ability to connect with, enjoy, and benefit from our unique and invaluable coastal areas. Please maintain the integrity of our Coastal Zone Management laws and special management area permitting procedures, and **HOLD** this misguided measure.

me ke aloha ‘āina,

Nanea Lo

Mō‘ili‘ili, HI 96826

Sierra Club of Hawai‘i Executive Committee Member

Board Member, Hawai‘i Workers Center
Kanakanaka Maoli/Lineal Descendant of the Hawaiian Kingdom

HB-732-SD-1

Submitted on: 3/30/2025 10:34:44 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|----------------|--------------|--------------------|------------------------|
| Sharde Freitas | Individual | Oppose | Written Testimony Only |

Comments:

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

I **STRONGLY OPPOSE** HB732 HD2 SD1, which rolls back critical procedural protections for development that may have significant impacts on our sensitive and invaluable coastal areas and resources.

As our climate destabilizes, seas rise, and as federal protections for our natural and cultural resources continue to be eroded away, we must be increasingly mindful of the impacts our actions and land uses may have on our fragile environment. This includes harms to our sensitive nearshore areas and the wide-ranging cultural, recreational, subsistence, and economic that depend on them. Native habitat, cultural practices, shoreline erosion, public safety and access, and the stability of both the subject and adjacent properties and spaces may all be impacted - potentially permanently - by coastal development decisionmaking. SMA permitting processes - including and especially a public hearing for SMA use permits - are key to ensuring these impacts are accounted for and minimized.

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We must not turn a blind eye to the impacts of ever more developments that could rob our children and our future generations of their ability to connect with, enjoy, and benefit from our

unique and invaluable coastal areas. Please maintain the integrity of our Coastal Zone Management laws and special management area permitting procedures, and **HOLD** this misguided measure.

Mahalo nui for the opportunity to testify.

HB-732-SD-1

Submitted on: 3/30/2025 11:58:49 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|---------------------------|
| Patrice Choy | Individual | Oppose | Written Testimony Only |

Comments:

I strongly oppose HB732 HD2 SD1.

Why would anyone think this is a good measure?? Who will it benefit? Us? You? Your children, your grandchildren?

*Please maintain the integrity of our Coastal Zone Management laws and special management area permitting procedures, and **HOLD** this misguided measure.*

Thank you.

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

*I **STRONGLY OPPOSE** HB732 HD2 SD1, which rolls back critical procedural protections for development that may have significant impacts on our sensitive and invaluable coastal areas and resources.*

As our climate destabilizes, seas rise, and as federal protections for our natural and cultural resources continue to be eroded away, we must be increasingly mindful of the impacts our actions and land uses may have on our fragile environment. This includes harms to our sensitive nearshore areas and the wide-ranging cultural, recreational, subsistence, and economic that depend on them. Native habitat, cultural practices, shoreline erosion, public safety and access, and the stability of both the subject and adjacent properties and spaces may all be impacted - potentially permanently - by coastal development decisionmaking. SMA permitting processes - including and especially a public hearing for SMA use permits - are key to ensuring these impacts are accounted for and minimized.

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*We must not turn a blind eye to the impacts of ever more developments that could rob our children and our future generations of their ability to connect with, enjoy, and benefit from our unique and invaluable coastal areas. Please maintain the integrity of our Coastal Zone Management laws and special management area permitting procedures, and **HOLD** this misguided measure.*

Mahalo nui for the opportunity to testify.

Michael Plowman

'Ewa Beach

HB-732-SD-1

Submitted on: 3/31/2025 7:18:45 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Diane Ware | Individual | Oppose | Written Testimony Only |

Comments:

Aloha Chair Lowen, Vice Chair Perruso, and Members of the Committee,

I strongly support HCR28 HD1/HR27 HD1, which would reconvene a working group to address air and water contamination that may be putting residents and visitors in 'Ewa Beach - including keiki - at risk of toxic lead exposure.

The Pu'uloa Range Training Facility (PRTF) poses significant potential environmental and public health risks due to lead contamination in its impact berms, which border residential neighborhoods and a busy beach park. Soil sampling has revealed elevated lead levels on the beach side of the facility, raising concerns about lead and heavy metals leaching into the ocean, and additional testing has indicated that lead from PRTF may be impacting nearshore waters and marine life, as well as nearby homes and schools through airborne dispersion.

A working group established in 2024, set to dissolve on June 30, 2025, has been tasked with addressing these urgent threats, yet it has never convened a meeting. Meanwhile, despite finding elevated levels of lead in its own soil testing, and notwithstanding the urging of the Hawai'i Department of Health, the Marine Corps Base Hawai'i (MCBH) has taken the position that no further action is needed.

By urging the reconvening of this working group, this resolution will hopefully serve to finally bring together experts and stakeholders to address community concerns surrounding the PRTF, such as additional testing and monitoring needs (including downwind residential areas and in the nearshore environment), and the need for remediation strategies that can help mitigate the public health and environmental impacts of lead contamination.

The health and safety of 'Ewa Beach residents - including our keiki - marine ecosystems, and public spaces like Pu'uloa Beach Park, will remain at risk without sustained collaboration among stakeholders, including the Department of Health, MCBH, community representatives, and environmental experts. HCR28 HD1 and HR27 HD1 would provide a framework to bring these key stakeholders together to address this risk, and protect our environment and people from significant generational harms.

*Accordingly, I urge the Committee to **PASS HCR28 HD1/HR27 HD1.***

Mahalo nui for the opportunity to testify.

Diane Ware

Volcano 96785

HB-732-SD-1

Submitted on: 3/31/2025 7:44:03 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|------------------------------|--------------|--------------------|---------------------------|
| Benton Kealii Pang, Ph.D. | Individual | Oppose | Written Testimony Only |

Comments:

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

As a conservation biologist and Native Hawaiian, I **strongly oppose** HB732 HD2 SD1. This bill would drastically undermine protections for our sensitive coastal areas by easing the permitting process for developments in Special Management Areas (SMA).

For over 35 years, I have worked on coastal and marine conservation issues across Hawai‘i. I’ve seen firsthand how minor development decisions—when not properly reviewed—can lead to major, irreversible consequences: degraded water quality, loss of native ecosystems, and disruption to cultural practices.

Increasing the threshold for SMA use permits may expedite some projects, but at what cost? These public hearings are not red tape—they are essential safeguards for the health of our kai and ‘āina, and for ensuring community input is honored in decisions that shape our shared future.

We should be strengthening—not weakening—coastal protections, especially in the face of climate change and rising sea levels. I respectfully urge the committee to hold this bill.

Mahalo for the opportunity to testify.

Benton Kealii Pang, Ph.D.

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

I **STRONGLY OPPOSE** HB732 HD2 SD1, which rolls back critical procedural protections for development that may have significant impacts on our sensitive and invaluable coastal areas and resources.

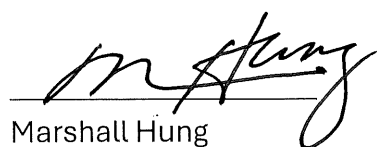
As our climate destabilizes, seas rise, and as federal protections for our natural and cultural resources continue to be eroded away, we must be increasingly mindful of the impacts our actions and land uses may have on our fragile environment. This includes harms to our sensitive nearshore areas and the wide-ranging cultural, recreational, subsistence, and economic that depend on them. Native habitat, cultural practices, shoreline erosion, public safety and access, and the stability of both the subject and adjacent properties and spaces may all be impacted - potentially permanently - by coastal development decision making. SMA permitting processes - including and especially a public hearing for SMA use permits - are key to ensuring these impacts are accounted for and minimized.

In rolling back SMA protections by increasing the dollar threshold for requiring SMA use permits, this measure may result in significant and avoidable impacts to the myriad public interests in the integrity of our coastal and nearshore environment. For example, the across-the-board reduction in public hearing requirements for developments that impact the coastline may result in permit approvals by agency staff who may not even be aware of local conditions, including cultural sites, native habitat and resources such as limu beds, and subsistence and recreational practices, that could have otherwise been accounted for by input from the public hearing process.

We must not turn a blind eye to the impacts of ever more developments that could rob our children and our future generations of their ability to connect with, enjoy, and benefit from our unique and invaluable coastal areas. Please maintain the integrity of our Coastal Zone Management laws and special management area permitting procedures, and **HOLD** this misguided measure.

Mahalo nui for the opportunity to testify.

Sincerely,



Marshall Hung

HB-732-SD-1

Submitted on: 3/31/2025 11:45:03 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Tuyet Nguyen | Individual | Oppose | Written Testimony Only |

Comments:

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

I **STRONGLY OPPOSE** HB732 HD2 SD1, which rolls back critical procedural protections for development that may have significant impacts on our sensitive and invaluable coastal areas and resources.

As our climate destabilizes, seas rise, and as federal protections for our natural and cultural resources continue to be eroded away, we must be increasingly mindful of the impacts our actions and land uses may have on our fragile environment. This includes harms to our sensitive nearshore areas and the wide-ranging cultural, recreational, subsistence, and economic that depend on them. Native habitat, cultural practices, shoreline erosion, public safety and access, and the stability of both the subject and adjacent properties and spaces may all be impacted - potentially permanently - by coastal development decision making. SMA permitting processes - including and especially a public hearing for SMA use permits - are key to ensuring these impacts are accounted for and minimized.

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We must not turn a blind eye to the impacts of ever more developments that could rob our children and our future generations of their ability to connect with, enjoy, and benefit from our unique and invaluable coastal areas. Please maintain the integrity of our Coastal Zone Management laws and special management area permitting procedures, and **HOLD** this misguided measure.

Mahalo nui for the opportunity to testify.

HB-732-SD-1

Submitted on: 3/31/2025 12:18:24 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|-----------------|--------------|--------------------|------------------------|
| Samantha Nelson | Individual | Oppose | Written Testimony Only |

Comments:

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

*I **STRONGLY OPPOSE** HB732 HD2 SD1, which rolls back critical procedural protections for development that may have significant impacts on our sensitive and invaluable coastal areas and resources.*

As our climate destabilizes, seas rise, and as federal protections for our natural and cultural resources continue to be eroded away, we must be increasingly mindful of the impacts our actions and land uses may have on our fragile environment. This includes harms to our sensitive nearshore areas and the wide-ranging cultural, recreational, subsistence, and economic that depend on them. Native habitat, cultural practices, shoreline erosion, public safety and access, and the stability of both the subject and adjacent properties and spaces may all be impacted - potentially permanently - by coastal development decisionmaking. SMA permitting processes - including and especially a public hearing for SMA use permits - are key to ensuring these impacts are accounted for and minimized.

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We must not turn a blind eye to the impacts of ever more developments that could rob our children and our future generations of their ability to connect with, enjoy, and benefit from our

*unique and invaluable coastal areas. Please maintain the integrity of our Coastal Zone Management laws and special management area permitting procedures, and **HOLD** this misguided measure.*

Mahalo nui for the opportunity to testify.

HB-732-SD-1

Submitted on: 3/31/2025 1:45:17 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------------|--------------|--------------------|---------------------------|
| Janice Toma Shiira | Individual | Oppose | Written Testimony Only |

Comments:

Oppose HB732 HD2 SD1

HB-732-SD-1

Submitted on: 3/31/2025 2:03:57 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|-----------------|--------------|--------------------|------------------------|
| Denise Boisvert | Individual | Oppose | Written Testimony Only |

Comments:

I STRONGLY OPPOSE this bill that would rollback protections and adversely impact sensitive and invaluable coastal areas and resources because it is:

Bad

Dangerous

Detrimental

Dreadful

Harmful

Lousy, and

Terrible, to name a few reasons that come to mind.

It is truly disappointing that it has made it this far in the legislative cycle.

HB-732-SD-1

Submitted on: 3/31/2025 2:11:05 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|---------------------------|
| Kim Jorgensen | Individual | Oppose | Written Testimony Only |

Comments:

I *EMPHATICALLY* OPPOSE this bill.

HB-732-SD-1

Submitted on: 3/31/2025 4:22:13 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|------------------------|
| Kylie Hopkins | Individual | Oppose | Written Testimony Only |

Comments:

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

My name is Kylie Hopkins and I **STRONGLY OPPOSE** HB732 HD2 SD1, which rolls back critical procedural protections for development that may have significant impacts on our sensitive and invaluable coastal areas and resources.

As our climate destabilizes, seas rise, and as federal protections for our natural and cultural resources continue to be eroded away, we must be increasingly mindful of the impacts our actions and land uses may have on our fragile environment. This includes harms to our sensitive nearshore areas and the wide-ranging cultural, recreational, subsistence, and economic that depend on them. Native habitat, cultural practices, shoreline erosion, public safety and access, and the stability of both the subject and adjacent properties and spaces may all be impacted - potentially permanently - by coastal development decisionmaking. SMA permitting processes - including and especially a public hearing for SMA use permits - are key to ensuring these impacts are accounted for and minimized.

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We must not turn a blind eye to the impacts of ever more developments that could rob our children and our future generations of their ability to connect with, enjoy, and benefit from our unique and invaluable coastal areas. Please maintain the integrity of our Coastal Zone Management laws and special management area permitting procedures, and **HOLD** this misguided measure.

Mahalo nui for the opportunity to testify.

Kylie Hopkins

HB-732-SD-1

Submitted on: 3/31/2025 6:04:34 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|------------------|--------------|--------------------|------------------------|
| Shay Chan Hodges | Individual | Oppose | Written Testimony Only |

Comments:

I **strongly oppose HB732 HD2 SD1**, which would open the door to ever more coastal development projects to bypass Special Management Area (SMA) use permit requirements - placing our fragile and vital coastal areas and nearshore resources at risk of undue harm.

Climate destabilization, sea level rise, and increasingly severe storms and floods not only threaten our fragile coastal ecosystems, but also our associated cultural, subsistence, and recreational practices and activities; public shoreline access; existing coastal infrastructure and buildings; and ocean-based visitor industry. This means we must enhance, and not weaken, protections against the potential harms of coastal development, including in particular the robust public input and review requirements of SMA use permits.

This bill instead does the opposite, by reducing the types of coastal development projects that would be subject to the oversight, transparency, and accountability requirements of SMA use permits issued under the Coastal Zone Management Act. The under-informed project approvals that result would in turn irreparably harm our beaches and shoreline areas, and the myriad public rights and interests that they support.

There is nothing “minor” about coastal development, and rising construction costs shouldn't make us turn our back to our rising seas. I urge the Committee to **HOLD HB732 HD2 SD1**.

Mahalo for your consideration,

HB-732-SD-1

Submitted on: 3/31/2025 6:17:11 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|----------------|--------------|--------------------|---------------------------|
| Patricia Blair | Individual | Oppose | Written Testimony Only |

Comments:

Do not jeopardize the integrity of Hawaii's shoreline/ coastline.

HB-732-SD-1

Submitted on: 3/31/2025 6:29:48 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|----------------|--------------|--------------------|---------------------------|
| Beppie Shapiro | Individual | Oppose | Written Testimony Only |

Comments:

I strongly oppose HB732 HD2 SD1. With sea level rise threatening our coasts and no policies in place yet to deal with existing structures which will be or are threatened, we must retain all methods to deal with proposed new developments, however minor they may appear in the context of past developments. Please defer this bill!

HB-732-SD-1

Submitted on: 3/31/2025 7:36:48 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|------------------------------|--------------|--------------------|---------------------------|
| Davie-ann Momilani Thomas | Individual | Oppose | Written Testimony Only |

Comments:

Aloha Chair rhoads, Vice Chair gabbard, and members of the judiciary committee,

My name is Davie-ann Momilani Thomas. I firmly oppose HB732 HD2 SD1.

If this bill goes through, is our island forgetting the changes to coastal lines, the homes in north shore O'ahu crumbling to high surf or storms, evacuations due to threat of tsunami or big storms.

I personally know a NOAA scientist who was my neighbor in Pearl city peninsula Navy housing. This NOAA scientist shared me her data in year 2020 how the Navy , pentagon and politicians rejected their voices and scientific data to warn climate change to coastal impacts to pearl harbor bay is coming very soon.

So how many of our lawmakers on O'ahu will ignore the warnings, data and pleas from local voices, Hawaiian voices and environmentalists?

HB-732-SD-1

Submitted on: 3/31/2025 7:43:10 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| tia pearson | Individual | Oppose | Written Testimony Only |

Comments:

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

My name is Tia Pearson and I **strongly oppose HB732 HD2 SD1**, which would open the door to ever more coastal development projects to bypass Special Management Area (SMA) use permit requirements - placing our fragile and vital coastal areas and nearshore resources at risk of undue harm.

Climate destabilization, sea level rise, and increasingly severe storms and floods not only threaten our fragile coastal ecosystems, but also our associated cultural, subsistence, and recreational practices and activities; public shoreline access; existing coastal infrastructure and buildings; and ocean-based visitor industry. This means we must enhance, and not weaken, protections against the potential harms of coastal development, including in particular the robust public input and review requirements of SMA use permits.

This bill instead does the opposite, by reducing the types of coastal development projects that would be subject to the oversight, transparency, and accountability requirements of SMA use permits issued under the Coastal Zone Management Act. The under-informed project approvals that result would in turn irreparably harm our beaches and shoreline areas, and the myriad public rights and interests that they support.

There is nothing “minor” about coastal development, and rising construction costs shouldn't make us turn our back to our rising seas. I urge the Committee to **HOLD HB732 HD2 SD1**.

Mahalo for your consideration,
Tia Pearson

HB-732-SD-1

Submitted on: 3/31/2025 8:14:55 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Keri Zacher | Individual | Oppose | Written Testimony Only |

Comments:

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

My name is Keri Zacher and I **strongly oppose HB732 HD2 SD1**, which would open the door to ever more coastal development projects to bypass Special Management Area (SMA) use permit requirements - placing our fragile and vital coastal areas and nearshore resources at risk of undue harm.

Climate destabilization, sea level rise, and increasingly severe storms and floods not only threaten our fragile coastal ecosystems, but also our associated cultural, subsistence, and recreational practices and activities; public shoreline access; existing coastal infrastructure and buildings; and ocean-based visitor industry. This means we must enhance, and not weaken, protections against the potential harms of coastal development, including in particular the robust public input and review requirements of SMA use permits.

This bill instead does the opposite, by reducing the types of coastal development projects that would be subject to the oversight, transparency, and accountability requirements of SMA use permits issued under the Coastal Zone Management Act. The under-informed project approvals that result would in turn irreparably harm our beaches and shoreline areas, and the myriad public rights and interests that they support.

There is nothing “minor” about coastal development, and rising construction costs shouldn't make us turn our back to our rising seas. I urge the Committee to **HOLD HB732 HD2 SD1**.

Mahalo for your consideration,
Keri Zacher

HB-732-SD-1

Submitted on: 3/31/2025 8:35:12 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|------------------------|
| emily gambino | Individual | Oppose | Written Testimony Only |

Comments:

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

My name is Emily Gambino and I **strongly oppose HB732 HD2 SD1**, which would open the door to ever more coastal development projects to bypass Special Management Area (SMA) use permit requirements - placing our fragile and vital coastal areas and nearshore resources at risk of undue harm.

Climate destabilization, sea level rise, and increasingly severe storms and floods not only threaten our fragile coastal ecosystems, but also our associated cultural, subsistence, and recreational practices and activities; public shoreline access; existing coastal infrastructure and buildings; and ocean-based visitor industry. This means we must enhance, and not weaken, protections against the potential harms of coastal development, including in particular the robust public input and review requirements of SMA use permits.

This bill instead does the opposite, by reducing the types of coastal development projects that would be subject to the oversight, transparency, and accountability requirements of SMA use permits issued under the Coastal Zone Management Act. The under-informed project approvals that result would in turn irreparably harm our beaches and shoreline areas, and the myriad public rights and interests that they support.

There is nothing “minor” about coastal development, and rising construction costs shouldn't make us turn our back to our rising seas. I urge the Committee to **HOLD HB732 HD2 SD1**.

Mahalo for your consideration,
Emily Gambino

HB-732-SD-1

Submitted on: 3/31/2025 8:41:38 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|----------------|--------------|--------------------|------------------------|
| malcolm mackey | Individual | Oppose | Written Testimony Only |

Comments:

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

My name is Malcolm Mackey, and I **strongly oppose HB732 HD2 SD1**, which would open the door to ever more coastal development projects to bypass Special Management Area (SMA) use permit requirements - placing our fragile and vital coastal areas and nearshore resources at risk of undue harm.

Climate destabilization, sea level rise, and increasingly severe storms and floods not only threaten our fragile coastal ecosystems, but also our associated cultural, subsistence, and recreational practices and activities; public shoreline access; existing coastal infrastructure and buildings; and ocean-based visitor industry. This means we must enhance, and not weaken, protections against the potential harms of coastal development, including in particular the robust public input and review requirements of SMA use permits.

This bill instead does the opposite, by reducing the types of coastal development projects that would be subject to the oversight, transparency, and accountability requirements of SMA use permits issued under the Coastal Zone Management Act. The under-informed project approvals that result would in turn irreparably harm our beaches and shoreline areas, and the myriad public rights and interests that they support.

There is nothing “minor” about coastal development, and rising construction costs shouldn't make us turn our back to our rising seas. I urge the Committee to **HOLD HB732 HD2 SD1**.

Mahalo for your consideration

Malcolm Mackey

HB-732-SD-1

Submitted on: 3/31/2025 9:29:15 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|-----------------------|--------------|--------------------|------------------------|
| William Reese Liggett | Individual | Oppose | Written Testimony Only |

Comments:

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

My name is William Reese Liggett and I **strongly oppose HB732 HD2 SD1**, which would open the door to ever more coastal development projects to bypass Special Management Area (SMA) use permit requirements - placing our fragile and vital coastal areas and nearshore resources at risk of undue harm.

Climate destabilization, sea level rise, and increasingly severe storms and floods not only threaten our fragile coastal ecosystems, but also our associated cultural, subsistence, and recreational practices and activities; public shoreline access; existing coastal infrastructure and buildings; and ocean-based visitor industry. This means we must enhance, and not weaken, protections against the potential harms of coastal development, including in particular the robust public input and review requirements of SMA use permits.

This bill instead does the opposite, by reducing the types of coastal development projects that would be subject to the oversight, transparency, and accountability requirements of SMA use permits issued under the Coastal Zone Management Act. The under-informed project approvals that result would in turn irreparably harm our beaches and shoreline areas, and the myriad public rights and interests that they support.

There is nothing “minor” about coastal development, and rising construction costs shouldn't make us turn our back to our rising seas. I urge the Committee to **HOLD HB732 HD2 SD1**.

Mahalo for your consideration,
William Reese Liggett

HB-732-SD-1

Submitted on: 3/31/2025 10:30:00 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Bo Breda | Individual | Oppose | Written Testimony Only |

Comments:

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

My name is Bo Breda and I **strongly oppose HB732 HD2 SD1**, which would open the door to ever more coastal development projects to bypass Special Management Area (SMA) use permit requirements - placing our fragile and vital coastal areas and nearshore resources at risk of undue harm.

Climate destabilization, sea level rise, and increasingly severe storms and floods not only threaten our fragile coastal ecosystems, but also our associated cultural, subsistence, and recreational practices and activities; public shoreline access; existing coastal infrastructure and buildings; and ocean-based visitor industry. This means we must enhance, and not weaken, protections against the potential harms of coastal development, including in particular the robust public input and review requirements of SMA use permits.

This bill instead does the opposite, by reducing the types of coastal development projects that would be subject to the oversight, transparency, and accountability requirements of SMA use permits issued under the Coastal Zone Management Act. The under-informed project approvals that result would in turn irreparably harm our beaches and shoreline areas, and the myriad public rights and interests that they support.

There is nothing “minor” about coastal development, and rising construction costs shouldn't make us turn our back to our rising seas. I urge the Committee to **HOLD HB732 HD2 SD1**.

Mahalo for your consideration,
Bo Breda

HB-732-SD-1

Submitted on: 3/31/2025 10:32:14 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Peter Wilson | Individual | Oppose | Written Testimony Only |

Comments:

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

My name is Peter Wilson and I **strongly oppose HB732 HD2 SD1**, which would open the door to ever more coastal development projects to bypass Special Management Area (SMA) use permit requirements - placing our fragile and vital coastal areas and nearshore resources at risk of undue harm.

Climate destabilization, sea level rise, and increasingly severe storms and floods not only threaten our fragile coastal ecosystems, but also our associated cultural, subsistence, and recreational practices and activities; public shoreline access; existing coastal infrastructure and buildings; and ocean-based visitor industry. This means we must enhance, and not weaken, protections against the potential harms of coastal development, including in particular the robust public input and review requirements of SMA use permits.

This bill instead does the opposite, by reducing the types of coastal development projects that would be subject to the oversight, transparency, and accountability requirements of SMA use permits issued under the Coastal Zone Management Act. The under-informed project approvals that result would in turn irreparably harm our beaches and shoreline areas, and the myriad public rights and interests that they support.

There is nothing “minor” about coastal development, and rising construction costs shouldn't make us turn our back to our rising seas. I urge the Committee to **HOLD HB732 HD2 SD1**.

Mahalo for your consideration,
Peter Wilson

HB-732-SD-1

Submitted on: 3/31/2025 10:34:57 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|---------------------------|
| Malia Marquez | Individual | Oppose | Written Testimony Only |

Comments:

Aloha Kākou,

We cannot allow over-development on our shorelines! We need protections of our shorelines and kai from ANY proposed development!! Please vote in opposition to this HB 732,. Our shoreline deserves better protections.

Mahalo,

Malia Marquez

HB-732-SD-1

Submitted on: 4/1/2025 8:05:18 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|------------------------|
| Racquel Achiu | Individual | Oppose | Written Testimony Only |

Comments:

Aloha. My name is Racquel Achiu of the Moku of Waialua (North Shore)

PLEASE PLEASE PLEASE DO NOT SUPPORT THIS BILL.

The current \$500k valuation for an SMA is severely abused, as it is, and not because it's unreasonable. Applicants submit modest valuations below the limit to avoid an SMA Major. As a result they obtain a Minor and the builds turn into MAJOR builds with no oversight for our SMA areas. My community on the North Shore (Mokulei'a, Waialua, Hale'iwa, Sunset, Waile'e) has a vast amount of area that is in an SMA yet it has become inundated with monster homes (MOST HAPPENED WITHOUT APPROPRIATE PERMITTING (if at all) LET ALONE AN SMA) on and near our shoreline alone. Our shoreline and lands are heavily impacted by projects that should have been required to do an SMA MAJOR & go through the process that helps us protect our community our lands and OUR SHORELINE. We now see erosion issues with homes falling on the shoreline and into the ocean (the damage to the ocean and reef is severe) homes being built on land that have historical & cultural significance such as iwi kupuna. The situations are challenging and continue to grow.

If there is to be any adjustment to the \$500K valuation criteria it should be REDUCED (\$200K) to prompt an SMA MAJOR and the public process that includes presentation to Neighborhood Boards, Community Associations, and Community Meeting for the community that the project would take space in as well as Advisory Boards and or City Council etc etc
AT THE VERY LEAST, any SMA application (CUP, SUP or any special permit for that matter) should require review and recommendation from the community in which they want to take space by way of the Neighborhood Board, Community Associations, a Open Community Meeting etc etc.

These steps are CRITICAL to ensuring the integrity and appropriate care and preservation of our Shorelines and lands are protected. We need to provide and enforce more Proactive measures vs Reactive measures in addressing how builds impact our spaces.

PLEASE RECONSIDER PASSING THIS MEASURE. PLEASE

Mahalo, Racquel Achiu

HB-732-SD-1

Submitted on: 4/1/2025 9:08:11 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|------------------------|
| Madison Owens | Individual | Oppose | Written Testimony Only |

Comments:

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

My name is Madison Owens and I **strongly oppose HB732 HD2 SD1**, which would open the door to ever more coastal development projects to bypass Special Management Area (SMA) use permit requirements - placing our fragile and vital coastal areas and nearshore resources at risk of undue harm.

Climate destabilization, sea level rise, and increasingly severe storms and floods not only threaten our fragile coastal ecosystems, but also our associated cultural, subsistence, and recreational practices and activities; public shoreline access; existing coastal infrastructure and buildings; and ocean-based visitor industry. This means we must enhance, and not weaken, protections against the potential harms of coastal development, including in particular the robust public input and review requirements of SMA use permits.

This bill instead does the opposite, by reducing the types of coastal development projects that would be subject to the oversight, transparency, and accountability requirements of SMA use permits issued under the Coastal Zone Management Act. The under-informed project approvals that result would in turn irreparably harm our beaches and shoreline areas, and the myriad public rights and interests that they support.

There is nothing “minor” about coastal development, and rising construction costs shouldn't make us turn our back to our rising seas. I urge the Committee to **HOLD HB732 HD2 SD1**.

Mahalo for your consideration,
Madison Owens

HB-732-SD-1

Submitted on: 4/1/2025 10:10:12 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|------------------|--------------|--------------------|---------------------------|
| Dean Des Jarlais | Individual | Support | Written Testimony Only |

Comments:

I am writing in strong support of HB 732. Passage of this measure is critical to the future of film and television industry in Hawaii. This bill wpild create a film fund, reward employers to hire more local crew membrts, increases the annual production tax credit cap, and reduces GET taxes for crew payroll. All of these measures would stimulate the return and growth of this vital industry.

HB-732-SD-1

Submitted on: 4/1/2025 11:17:12 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Lory Ono | Individual | Oppose | Written Testimony Only |

Comments:

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

My name is Lory Ono, and I **strongly oppose HB732 HD2 SD1**, which would open the door to ever more coastal development projects to bypass Special Management Area (SMA) use permit requirements - placing our fragile and vital coastal areas and nearshore resources at risk of undue harm.

Climate destabilization, sea level rise, and increasingly severe storms and floods not only threaten our fragile coastal ecosystems, but also our associated cultural, subsistence, and recreational practices and activities; public shoreline access; existing coastal infrastructure and buildings; and ocean-based visitor industry. This means we must enhance, and not weaken, protections against the potential harms of coastal development, including in particular the robust public input and review requirements of SMA use permits.

This bill instead does the opposite, by reducing the types of coastal development projects that would be subject to the oversight, transparency, and accountability requirements of SMA use permits issued under the Coastal Zone Management Act. The under-informed project approvals that result would in turn irreparably harm our beaches and shoreline areas, and the myriad public rights and interests that they support.

There is nothing “minor” about coastal development, and rising construction costs shouldn't make us turn our back to our rising seas. I urge the Committee to **HOLD HB732 HD2 SD1**.

Mahalo for your consideration,

Lory Ono

HB-732-SD-1

Submitted on: 4/1/2025 12:51:09 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|----------------------|--------------|--------------------|------------------------|
| Janice Palma-Glennie | Individual | Oppose | Written Testimony Only |

Comments:

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

i'm writing to ask that you oppose HB732 HD2 SD1. That it's gotten this far shows how far astray our legislature is going from knowing what's pono and safe for our 'aina and our people.

As a land use advocate in hawai'i for 40 years, i know the power of the SMA process. I alsoi know that this bill would increase already unsustainable development by allowing developers to bypass Special Management Area (SMA) use permit requirements which, in turn, would increase the risk of harming our nearshore waters and teh ecosystems we depend upon for subsistence, sustenance, recreation and commerce.

And why, at this time when our natural environment is more imperiled than it's been in any of our lifetimes would this body even consider such a breadh or trust, no less our state constitutional requirements. Or have our legislators gone MAGA?.

from my long-time and current expeirence fighting the good fight to protect what makes our quality of life in Hawai'i relatively awesome and our people relatively safe, i ask that you diss this and any bill or iteration of similar legislation that would degrade, rather than enhance, the rules that help us do whatever we can as a state to stop the total destruction of our nearshore resources and the people who care and depend upon them.

mahalo for voting AGAINST HB732 HD2 SD1.

janice palma-glennie

kailua-kona

HB-732-SD-1

Submitted on: 4/1/2025 1:44:40 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|---------------------------|
| Deborah Chang | Individual | Oppose | Written Testimony Only |

Comments:

Please do not pass HB732 HD2 SD1. This is definitely not the time to relax SMA standards and requirements! Natural, cultural, historic, and social conditions existing along our precious shorelines still need protection via a robust SMA permitting process.

Mahalo for the opportunity to comment,

Deborah Chang

HB-732-SD-1

Submitted on: 4/1/2025 1:52:56 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Harvey Arkin | Individual | Oppose | Written Testimony Only |

Comments:

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

My name is Harvey Arkin and I **strongly oppose HB732 HD2 SD1**, which would open the door to ever more coastal development projects to bypass Special Management Area (SMA) use permit requirements - placing our fragile and vital coastal areas and nearshore resources at risk of undue harm.

Climate destabilization, sea level rise, and increasingly severe storms and floods not only threaten our fragile coastal ecosystems, but also our associated cultural, subsistence, and recreational practices and activities; public shoreline access; existing coastal infrastructure and buildings; and ocean-based visitor industry. This means we must enhance, and not weaken, protections against the potential harms of coastal development, including in particular the robust public input and review requirements of SMA use permits.

This bill instead does the opposite, by reducing the types of coastal development projects that would be subject to the oversight, transparency, and accountability requirements of SMA use permits issued under the Coastal Zone Management Act. The under-informed project approvals that result would in turn irreparably harm our beaches and shoreline areas, and the myriad public rights and interests that they support.

There is nothing “minor” about coastal development, and rising construction costs shouldn't make us turn our back to our rising seas. I urge the Committee to **HOLD HB732 HD2 SD1**.

Mahalo for your consideration,

Harvey Arkin

Manoa

HB-732-SD-1

Submitted on: 4/1/2025 3:41:53 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Earl Kim | Individual | Oppose | Written Testimony Only |

Comments:

My name is Earl Kim and I **strongly oppose HB732 HD2 SD1**, which would open the door to ever more coastal development projects to bypass Special Management Area (SMA) use permit requirements - placing our fragile and vital coastal areas and nearshore resources at risk of undue harm.

Climate destabilization, sea level rise, and increasingly severe storms and floods not only threaten our fragile coastal ecosystems, but also our associated cultural, subsistence, and recreational practices and activities; public shoreline access; existing coastal infrastructure and buildings; and ocean-based visitor industry. This means we must enhance, and not weaken, protections against the potential harms of coastal development, including in particular the robust public input and review requirements of SMA use permits.

This bill instead does the opposite, by reducing the types of coastal development projects that would be subject to the oversight, transparency, and accountability requirements of SMA use permits issued under the Coastal Zone Management Act. The under-informed project approvals that result would in turn irreparably harm our beaches and shoreline areas, and the myriad public rights and interests that they support.

There is nothing “minor” about coastal development, and rising construction costs shouldn't make us turn our back to our rising seas. I urge the Committee to **HOLD HB732 HD2 SD1**.

Mahalo for your consideration,
Earl Kim

HB-732-SD-1

Submitted on: 4/1/2025 3:55:22 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|----------------|--------------|--------------------|------------------------|
| Michael Koster | Individual | Oppose | Written Testimony Only |

Comments:

My family and I **strongly oppose HB732 HD2 SD1**, which would open the door to ever more coastal development projects to bypass Special Management Area (SMA) use permit requirements - placing our fragile and vital coastal areas and nearshore resources at risk of undue harm.

Climate destabilization, sea level rise, and increasingly severe storms and floods not only threaten our fragile coastal ecosystems, but also our associated cultural, subsistence, and recreational practices and activities; public shoreline access; existing coastal infrastructure and buildings; and ocean-based visitor industry. This means we must enhance, and not weaken, protections against the potential harms of coastal development, including in particular the robust public input and review requirements of SMA use permits.

This bill instead does the opposite, by reducing the types of coastal development projects that would be subject to the oversight, transparency, and accountability requirements of SMA use permits issued under the Coastal Zone Management Act. The under-informed project approvals that result would in turn irreparably harm our beaches and shoreline areas, and the myriad public rights and interests that they support.

HB-732-SD-1

Submitted on: 4/1/2025 4:21:36 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|---------------------------|
| Barbara Best | Individual | Oppose | Written Testimony Only |

Comments:

Climate destabilization, sea level rise, and increasingly severe storms and floods not only threaten our fragile coastal ecosystems, but also our associated cultural, subsistence, and recreational practices and activities; public shoreline access; existing coastal infrastructure and buildings; and ocean-based visitor industry. This means we must enhance, and not weaken, protections against the potential harms of coastal development, including in particular the robust public input and review requirements of SMA use permits.

Mahalo,

Bill Best, Wailuku

HB-732-SD-1

Submitted on: 4/1/2025 10:50:14 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|----------------|--------------|--------------------|------------------------|
| Aiko Yamashiro | Individual | Oppose | Written Testimony Only |

Comments:

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

I STRONGLY OPPOSE HB732 HD2 SD1. Our coastal areas and resources are an important public and community resource. A public hearing for SMA use permits ensures a rigorous community process for decisionmaking re: impacts on our coastal and nearshore ecosystems. We have a responsibility to care for these places for future human generations as well as on behalf of our many nonhuman community members we rely on.

With the increase of many cultural and educational and scientific programs and nonprofits caring for these areas, there is increased community understanding and stewardship. We need to trust and include our community in important decisions.

Thank you for the opportunity to testify.

Have you done any research on what has happened to the shoreline of Big Island because of all the developments?

If you are considering this, then I know it is because you haven't done any research on Hawai'i waters. Please read all the research below that will show you that Big Island's waters CAN NOT AFFORD THIS TO GO THROUGH.

The Department of Aquatic Resources has reported that Turf Algae is now the dominant algae all over west Hawai'i waters. Runoff polluted water from developments have helped cause this.

Please read the scientific proof:

FEDERALLY PROTECTED GREEN SEA TURTLES WILL BE AFFECTED

The green sea turtle is federally protected, and allowing this Bill to go through will endanger already endangered animals, like the green sea turtle, among others.

The following article states:

"POLLUTED RUNOFF IN HAWAII ENDANGERS GREEN SEA TURTLES"

"Why does Hawaii have a runoff problem?"

Historically, in the tropics of Hawaii, precipitation was absorbed into the soil, according to the Clean Water Branch of Hawaii's Department of Health. Any potential pollution or contaminants on the ground surface would get pushed into the soil by the rain, and plant roots and microbes would help break down the pollution into less dangerous components. However, with urban and agricultural development, less and less of the pollution gets pulled into the soil, and more of it gets washed out into storm drains. From there, the pollutants make their way to streams, rivers, and the ocean that surrounds Hawaii. According to the state agency, most of these contaminants are nutrients from fertilizer, bacteria from animal waste, oil, garbage, and yard waste...

If polluted runoff reaches the ocean, it can wreak havoc on marine life, including endangered green sea turtles." Taken from <https://www.chemservice.com/news/polluted-runoff-in-hawaii-endangers-green-sea-turtles/>

Below are scientific articles written by the National Oceanic and Atmospheric Administration (NOAA), Global Coral Reef Alliance, the Hawaiian Government, and many other professional organizations that have studied and shown that developments have ALWAYS polluted the water in EVERY coastal development.

Please read from Wikipedia, "Most drains have a single large exit at their point of discharge (often covered by a [grating](#)) into a [canal](#), river, lake, [reservoir](#), sea or ocean. Other than catch basins, typically there are no treatment facilities in the piping system." https://en.wikipedia.org/wiki/Storm_drain#:~:text=Most%20drains%20have%20a%20single,discharge%20into%20individual%20dry%20wells

The pavement from these developments will cause more pollution to run into the shoreline because the trees have been absorbing all the pollution and are the BEST AND ONLY PROTECTION POLLUTION FILTER. See the below paragraph for further references.

See page 2 at: <https://health.hawaii.gov/epo/files/2013/09/Stormwater-MS4-Presentation-HEF-7.15.14.pdf>, where **the Hawai'i government states that Natural Ground Cover has 10% runoff, whereas development has 55% runoff. So, even if you have storm drains, the development will cause serious pollution, and the pavement this development will create will result in more runoff all over the coastline rather than keeping the Natural Ground Cover that it has now, which has been protecting Hawai'i waters from even more pollution for years.**

Report to the Thirty-Third Legislature 2025 Regular Session Findings and Recommendations of Effectiveness of the West Hawai'i Regional Fishery Management Area (WHRFMA) by DAR

Page 8

"Additional anthropogenic impacts are wide-ranging and include coastal development, on-site waste disposal, urban, agricultural, and golf course runoff, boating and shipping, and marine debris, among others (Lecky, 2016)."

Coral Reef Habitat

Page 71

"Turf algae was the dominant benthic category observed... While the amount of substrate occupied by mixed, grazed, and unidentifiable low relief algal cover (turf) outweighs the coverage of these reef builders, it will be important to track the coverage metrics of the reef builders through time as indicators of increasing or declining reef structure as well as overall coral reef health."

Page 77

" 5.2.1 Environmental Stressors Though multiple stressors such as sedimentation, water quality, storm events and coral diseases are known to have an impact on coral health in West Hawai'i..."

https://dlnr.hawaii.gov/dar/files/2024/12/ar_hrs188-2025.pdf

DAR Reports that turf algae is the dominate coverage in West Hawai'i reefs.

What is Turf Algae?

"Algal turfs characteristically trap ambient sediments and smother corals and other competitors for space by gradual encroachment."

Allowing these developments WILL ALLOW HAWAI'I WATERS TO BECOME EVEN MORE POLLUTED. The above article, written in 2014 (because runoff water from developments was polluting the ocean even then!!!), states this fact clearly. Keauhou Bay is home to countless sea creatures, such as the protected green sea turtle, spotted eagle rays, manta rays, octopus, dolphins,

fish, coral, monk seals, and more, and that will ALL be harmed by the severe pollution runoff that WILL happen **because developments have ALWAYS been shown to pollute the water is that is nearby.**

The Green Sea Turtle is protected by more than one law. "All sea turtles in Hawai'i are protected by the [Endangered Species Act \(ESA\)](#) and additionally protected by [Hawai'i Revised Statutes Chapter 195D \(HRS\)](#) and [Hawai'i Administrative Rules \(HAR\) 13-124](#)." This information was taken from this site <https://dlnr.hawaii.gov/dar/species/sea-turtles/>

Algae blooms have been known to occur when pollution runs into shorelines.

This information was obtained from the Global Coral Reef Alliance and is based on an actual study examining the impact of development on coral and marine life. These developments might not be golf courses, but it will have serious runoff pollution. Please think about all the golf courses that run pollution into Hawai'i shoreline daily and know that if you pass this, it will just keep adding to more and more shoreline pollution.

Titled, "Golf courses kill coral reefs and fisheries: harmful algae blooms and disease caused by nutrient runoff from golf course development on Guana Cay, Abaco, Bahamas

Introduction: Bahamas coral reef deterioration

This study is thought to be the first ever to evaluate the health of coral reef ecosystems and fisheries before and after a golf course development. The vast majority of corals have died from a combination of factors including global warming, new diseases, and land-based sources of pollution..

." <https://www.globalcoral.org/golf-courses-kill-coral-reefs-and-fisheries-harmful-algae-blooms-and-disease-caused-by-nutrient-runoff-from-golf-course-development-on-guana-cay-abaco-bahamas/>

If you allow these developments, it will COMPLETELY CHANGE THE ECOSYSTEM ALL OVER HAWAI'I.

Another study by the Coral Reef Alliance titled "Golf course fertilizer runoff causes nutrient enrichment leading to harmful algae blooms on a Bahamian coral reef.

"...After construction new algae blooms appeared nearest the golf course green, smothering corals in adjacent reefs, along with sharply increased coral diseases..." <https://www.globalcoral.org/golf-course-fertilizer-runoff-causes-nutrient-enrichment-leading-to-harmful-algae-blooms-on-a-bahamian-coral-reef>

There will be a significant amount of extra runoff pollution resulting from land clearing and the addition of pavement.

This needs to be fully assessed because you will be altering an entire ecosystem to build shoreline homes.

FURTHERMORE: "If there are [toxic algal blooms](#), like red tide, or man-made contaminants, like pesticides or detergents in the water, those toxins are contained within the bubbles of sea foam. When those bubbles pop, the toxins can become airborne and compromise the air that is breathed in that location." <https://oceanconservancy.org/blog/2023/03/31/what-sea-foam/>

ENGINE POLLUTION CAUSES ISSUES IN THE OCEAN

There will be many more cars that will add to the shoreline. This will not only cause more traffic but also increase water runoff pollution.

The article below is from NOAA regarding motor vehicle engines and pollution to the sea.

"What is the biggest source of pollution in the ocean?

Most ocean pollution begins on land.

"Millions of motor vehicle engines drop small amounts of oil each day onto roads and parking lots. Much of this, too, makes its way to the sea.

Some water pollution actually starts as air pollution, which settles into waterways and oceans. Dirt can be a pollutant. Top soil or silt from fields or construction sites can run off into waterways, harming fish and wildlife habitats." <https://oceanservice.noaa.gov/facts/pollution.html#:~:text=Millions%20of%20motor%20vehicle%20engines,Dirt%20can%20be%20a%20pollutant.>

Land-Based Runoff Remains Top Source of Oil in the Ocean, Says New Report Oil in the Sea: Inputs, Fates, and Effects

News Release September 28, 2022

"WASHINGTON — Oil in runoff, primarily from cities and vehicles, is the top source of oil entering the ocean, says a [new report](#) from the National Academies of Sciences, Engineering, and Medicine. In North American waters, estimated ocean oil pollution from land-based runoff is up to 20 times higher than it was 20 years ago, and oil spills, natural oil seeps, and discharge from oil and gas operations remain major sources of pollution. The report recommends actions that government and others should take to minimize oil pollution, and calls for sustained research funding to better understand how oil reaches and affects ocean environments." <https://www.nationalacademies.org/news/2002/05/oil-in-the-sea-inputs-fates-and-effects#:~:text=WASHINGTON%20%2D%2D%20Nearly%2085%20percent,pipeline%20spills%2C%20says%20a%20new>

The Impact Of Stormwater – Car Emissions

"Car emissions are not limited to exhaust fumes that contribute to air pollution. They can also leak automotive fluid and release heavy metals that can contribute to stormwater pollution, contaminating local waterways." <https://www.stormwatershepherds.org.au/blog/the-impact-of-stormwater-car-emissions/>

NOISE POLLUTION'S HARMFUL EFFECT ON MARINE LIFE

There will also be a lot more noise pollution that will happen on the shoreline due to the development of these homes.

"Noise Pollution Research shows that underwater noise from construction, shipping and naval vessels significantly impacts the natural behavior of cetaceans and many other marine species. This can be seen when mass beaching events occur or breeding success is diminished."

The above information was taken from the Ocean Conservation Trust <https://oceanconservationtrust.org/ocean-advocacy/think-ocean/ways-to-think-ocean/>

How Does Noise Pollution Harm Marine Species?

"However, over the past few decades, noise pollution in the marine environment has increased dramatically and is threatening the natural soundscape of the marine environment. Ships, seismic surveys, explosions, construction, and sonar devices have made the once peaceful environment into a loud, chaotic home which is extremely damaging for marine wildlife. This type of pollution is often overlooked in comparison to others but its impacts are now being documented across all types of marine ecosystems." <https://earth.org/noise-pollution-in-the-ocean/>

If you allow this resort, the number of people in this bay will fully increase, and "Hawaii's recent history has shown that the state's growing population can have an adverse effect on nearshore fish populations. Protecting this important resource for the enjoyment of future generations is essential. Ideally, management of the resource should balance the needs of different user groups, but the welfare of the marine environment on which its inhabitants depend must be the most important consideration." This was taken from Hawaii's own Division of Aquatic Resources <https://dlnr.hawaii.gov/dar/marine-managed-areas/hawaii-marine-life-conservation-districts/#:~:text=Snorkeling%20and%20SCUBA%20diving%20are,effect%20on%20nearshore%20fish%20populations.>

What is ocean noise?

"Ocean noise refers to sounds made by human activities that can interfere with or obscure the ability of marine animals to hear natural sounds in the ocean.

Many marine organisms rely on their ability to hear for their survival. Sound is a highly efficient means of communication underwater and is the primary way that many marine species gather and understand information about their environment. Many aquatic animals use sound to find prey, locate mates and offspring, avoid predators, guide their navigation and locate habitat, as well as to listen and communicate with each other.

Over the last century, human activities such as shipping, recreational boating, and energy exploration have increased along our coasts, offshore, and deep ocean environments. Noise from these activities can travel long distances underwater, leading to increases and changes in ocean noise levels in many coastal and offshore habitats.

These rising noise levels can negatively impact ocean animals and ecosystems. Higher noise levels can reduce the ability of animals to communicate with potential mates, other group members, their offspring, or feeding partners. Noise can also reduce an ocean animal's ability to hear environmental cues that are vital for survival, including those key to avoiding predators, finding food, and navigating to preferred habitats." <https://oceanservice.noaa.gov/facts/ocean-noise.html>

LEARN FROM OTHERS: RUN-OFF FROM DEVELOPMENT KILLS

Chesapeake Bay has a foundation that is trying to save its bay due to runoff pollution caused by developments. If it's being drastically hurt by runoff water from developments, Hawai'i waters won't stand a chance if these developments are allowed.

This Article is by the Chesapeake Bay Foundation, Saving a National Treasure states, "...runoff is a significant source of harmful nitrogen pollution that continues to grow...

As rainwater and snowmelt run off our streets, parking lots, lawns, and other surfaces, they pick up pet waste, pesticides, fertilizer, oil, and other contaminants. If the draining water doesn't evaporate or soak into the ground where it can be filtered, it flushes straight into local creeks, rivers, and the Chesapeake Bay, adversely affecting water quality and aquatic life.

Only 10 to 20 percent of rain that falls in forests, fields, and other natural areas runs off, with the rest absorbed by soil and plants, where it is filtered before reaching aquifers or local waterways. (Right now Keauhou Bay has a lot of trees and is very natural, this is what helps stop runoff.) By contrast, close to 100 percent of the rain that falls on concrete and other hard surfaces produces runoff. One inch of rain falling on an acre of hardened surface produces 27,000 gallons of runoff.

Stormwater runoff pollution threatens Chesapeake Bay and its rivers and streams...Polluted runoff is one of the most harmful sources of pollution to the Bay and its waters. And much of it starts right in the urban and suburban neighborhoods where we live." <https://www.cbf.org/issues/polluted-runoff/index.html#:~:text=Besides%20carrying%20pollutants%20that%20harm,them%20are%20placed%20in%20jeopardy.>

If that is what runoff is doing to the Chesapeake Bay, the effects of runoff will be even more devastating to Keauhou Bay due to its size and fragility.

MANTA RAY HABITAT, CORAL REEF BLEACHING, & MARINE LIFE ~ THE DEVASTATING EFFECTS OF DEVELOPMENT ON THE OCEAN

The impact of these developments on coral, marine life, plankton, and especially zooplankton will be devastating because they will be adding to more pollution.

The studies below show that developments kill coral and marine life. Zooplankton are part of this marine life, and they are also killed and negatively affected. Zooplankton are food for manta rays.

Allowing these developments will also be a death sentence for many types of marine life, including plankton. There is NO WAY to stop this from happening due to the fact that polluted runoff rainwater

from developments can't be fully stopped. This has been shown to happen in ALL coastal developments reports.

Please read the Scientific articles below.

It's Been Proven Developments Severely Pollute Nearby Waters

An article by the National Oceanic and Atmospheric Administration, AKA NOAA, states, "Coral Bleaching is occurring more frequently in Hawai'i. Across the Hawaiian Archipelago, coral bleaching has increased in frequency and severity since 1996. The last major bleaching event in 2014-2015 had catastrophic impacts state-wide...

This was the third major bleaching episode in Hawai'i over the last 6 years. The frequency of these events is unprecedented in the archipelago. NOAA scientists and partners have determined that the key drivers of the bleaching were environmental factors (such as heat stress, depth, and surface light) and human impacts (sewage effluent and urban run-off). " <https://www.fisheries.noaa.gov/feature-story/cautionary-tale-2019-coral-bleaching-event-hawaii#:~:text=Coral%20Bleaching%20is%20Occurring%20more,had%20catastrophic%20impacts%20state%20wide>.

This article is by the Coral Reef Alliance here in Hawai'i. "An ecosystem under threat Hawai'i's reefs face major global and local threats including climate change, overfishing, and sediment and nutrient pollution caused by sewage and stormwater runoff...

When it rains, flash floods carry stormwater and large amounts of sediment downstream to the ocean. Just offshore, once-thriving coral reefs are now struggling to survive." <https://coral.org/en/where-we-work/hawaiian-islands/#:~:text=Hawai%CA%BBi's%20reefs%20face%20major%20global,into%20Hawai%CA%BBi's%20waterways%20every%20day>.

This article states that runoff is a leading source of coral degradation. An article by the National Oceanic and Atmospheric Administration, AKA NOAA, states, "Land-based sources of pollution are a leading cause of coral reef degradation in the Main Hawaiian Islands. Water quality is impacted by urban runoff, failing sewage systems, unpaved roads, farms, land clearing, and development." https://www.coris.noaa.gov/monitoring/status_report/docs/Hawaii_status_report_forweb.pdf

This article is a Research Article by PLOS ONE, whose motto is, "We're driving change in research integrity and publication ethics." This is some of their article information, **"Coral taxonomy and local stressors drive bleaching prevalence across the Hawaiian Archipelago in 2019...**

We found little evidence for acclimation by reefs to thermal stress in the main Hawaiian Islands. Moreover, our findings illustrate how detrimental effects of local anthropogenic stressors, such as tourism and urban run-off, may be exacerbated under high thermal stress. In light of the forecasted increase in severity and frequency of bleaching events, future mitigation of both local and global stressors is a high priority for the future of corals in Hawai'i." <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0269068>

The coral throughout Hawai'i has experienced extremely high mortality rates due to developments in nearby ocean areas over the years, and further development in will be devastating to the coral, reef

fish, and all aquatic life in the area. Manta Rays need to eat 5 times their body weight in zooplankton daily. Their population will be severely affected should the plankton die. Please see the cited information below.

"SO, HOW MUCH PLANKTON DOES YOUR AVERAGE MANTA RAY EAT? 19,200,000. Nineteen million two hundred thousand, give or take a few thousand.

That is the number of plankton pieces a ten-foot manta ray must consume weekly to stay alive."

The above information was taken from Manta Ray Advocates <https://mantarayadvocates.com/how-much-plankton-do-mantas-eat/>

Developments negatively impact coral reefs because, "Impacts from land-based sources of pollution including coastal development,...can impede coral growth and reproduction, disrupt overall ecological function, and cause disease and mortality in sensitive species." <https://oceanservice.noaa.gov/facts/coral-pollution.html#:~:text=Impacts%20from%20land%2Dbased%20sources,and%20mortality%20in%20sensitive%20species.>

Article by Environmental Evidence, **"Coastal development and runoff lead to sedimentation, which directly impacts coral recruitment, growth, mortality, and ecosystem services that coral reefs provide."** <https://environmentalevidencejournal.biomedcentral.com/articles/10.1186/s13750-020-00200-0#:~:text=Coastal%20development%20and%20runoff%20lead,services%20that%20coral%20reefs%20provide.>

Developments can't fully stop polluting because runoff is from rain during development and after. An article by NOAA states, **"One of the most significant threats to reefs is pollution. Land-based runoff and pollution discharges can result from dredging, coastal development...This runoff may contain sediments, nutrients, chemicals, insecticides, oil and debris.**

When some pollutants enter the water, nutrient levels can increase, promoting the rapid growth of algae and other organisms that can smother coral." https://oceanservice.noaa.gov/education/tutorial_corals/coral09_humanthreats.html#:~:text=This%20runoff%20may%20contain%20sediments,organisms%20that%20can%20smother%20corals.

Another article by NOAA, **"Coral reefs also are affected by leaking fuels, anti-fouling paints and coatings, and other chemicals that enter the water... (All of those are show up in every development project.)**

Among the most damaging pollutants on coral reefs is sediment, which can remain suspended in the water or be deposited on the coral surface (i.e., turbidity and sedimentation, respectively) and can contain toxicants, pathogens, and nutrients, all of which impact coral growth, recruitment, and survival" https://oceanservice.noaa.gov/education/tutorial_corals/coral09_humanthreats.html#:~:text=This%20runoff%20may%20contain%20sediments,into%20the%20atmosphere%20within%20days.

It's Been Proven Developments KILL Marine Life

This article by Marine BIO states, "**Zooplankton are also sensitive to their environment and like phytoplankton—a change in zooplankton concentration can indicate a subtle environmental change.** Zooplankton are highly responsive to nutrient levels, temperatures, pollution, food that is not nutritious, levels of light, and increases in [predation](#). As well as providing an essential link in the marine food chain (which is an understatement), the diversity of species, amount of biomass and abundance of zooplankton communities can be used to determine the health of an ecosystem...

Here is another article that shocking shows that in a very short time, big changes can occur due to runoff. A development will hurt and kill plankton, by Frontiers in Marine Science, "Effects of an experimental terrestrial runoff on the components of the plankton food web in a Mediterranean coastal lagoon The main result observed in the present study was that the effects of the simulated terrestrial runoff spread along the plankton food web, significantly affecting all trophic levels of the natural plankton community studied. **This occurred in a relatively short time considering that the experiment lasted less than three weeks.** The lower light availability in the terrestrial runoff treatment compared to the control resulted in a net decrease of approximately one-third of Chl-*a* concentration and phytoplankton abundance over the entire experiment."

<https://www.frontiersin.org/journals/marine-science/articles/10.3389/fmars.2023.1200757/full>

As stated in this article, the ecosystem is fragile and interconnected: "Zooplankton are also affected by levels of pH, heavy metals, calcium, and aluminum. Nutrients like nitrogen and phosphorus will affect the prey of zooplankton (like algae, protozoa and bacteria), indirectly affecting zooplankton survival. Scientists are still putting together pieces of the zooplankton puzzle. Some questions include how nutrient levels found in algae can influence the growth and behavior of zooplankton. Another question important to marine and human life is how toxins and pollution will affect this crucial link in the food chain" This information is in article by MarineBIO.

<https://www.marinebio.org/creatures/zooplankton/#:~:text=Zooplankton%20are%20also%20sensitive%20to,light%2C%20and%20increases%20in%20predation.>

A research article by the Environmental Research Laboratory, the United States Environmental Protection Agency that discusses, "**Toxic Effects of Pollutants on Plankton: There are four main sources of aquatic pollution: industrial wastes, municipal wastes, agricultural run-off, and accidental spillage.** Non-point sources, such as automobile exhausts, add appreciable amounts of pollutants to air that may enter aquatic systems in rainfall or dry fall-out. These sources add pesticides, heavy metals, oil, petroleum products, and a large number of organic and inorganic compounds to water. Lakes and oceans serve as sinks for many pollutants. Plankton comprise a large portion of the living matter in natural waters and function in biogeochemical cycles. They are affected by pollutants, transfer them to sediments and other organisms, and function in their biological transformation."

https://scope.dge.carnegiescience.edu/SCOPE_12/SCOPE_12_3.6_chapter12_257-274.pdf

All the above articles show that the developments WILL hurt plankton life and marine life in the bay because pollutant runoff is inevitable and unavoidable during construction and afterward. The manta ray's food source will likely disappear. This will be devastating for the manta ray populations. Furthermore, if manta rays die or leave the area to look for food, the loss will, in turn, affect many locals' livelihoods because they depend on the manta ray tour for their income.

HUMAN POPULATION INCREASES LINKED DIRECTLY TO CORAL DEATH

During IRONMAN, there are already thousands more people on the island, and this more developments will just increase the population by thousands more.

"On average, each Ironman racer brings three people with them to the Big Island. Counting members of the media, VIPs who come from around the globe to watch and the triathlon partners, there likely be more than 6,300 people descending on Kona..." <https://bigislandnow.com/2023/10/07/ironman-2023-in-kona-shines-spotlight-on-some-of-best-women-triathletes-in-the-world/>

"Resident dissatisfaction with tourists is multifaceted: **The overwhelming majority (92%) of locals felt visitors were not educated enough on protecting Hawaii's natural environment and local resources; other factors include the impact of the vacation rental industry and ignorance of the residents' quality of life.**" <https://www.triathlete.com/culture/news/kona-locals-ask-ironman-visitors-for-respect/>

Have you considered the serious increase in population? Below are reports that show the human population destroys coral reefs.

"The number of people living on the coasts has rapidly increased in recent decades, causing significant development of coastal areas. Coastal development can negatively impact the ocean through the destruction of coastal marine habitat and through run-off of sediments and pollution.

-Coastal development involves activities such as the creation of harbors, stabilization of shorelines, and aquaculture that involve the destruction of sensitive marine habitats such as mangroves, coral reefs, and seagrass beds.

-Coastal development may cause the run-off of sediments into coastal habitats, which can smother corals or seaweeds and reduce the amount of light available for photosynthesis. Losses of primary producers and important habitat-forming species such as corals can negatively impact entire food webs."

The above information was taken from the Education Development Center, INC, from their Coastal Development page called Ocean Tracks <https://oceantracks.org/library/human-impacts/coastal-development#:~:text=Coastal%20development%20may%20cause%20the,negatively%20impact%20entire%20food%20webs.>

Human traffic WILL seriously increase if these developments are allowed to be built, and it will negatively affect marine life. As stated in this letter in many scientific reported articles, marine life will suffer from this development.

"Hawaii's recent history has shown that the state's growing population can have an adverse effect on nearshore fish populations. Protecting this important resource for the enjoyment of future generations is essential. Ideally, management of the resource should balance the needs of different user groups, but the welfare of the marine environment on which its inhabitants depend must be the most important consideration." This was taken from Hawaii's own Division of Aquatic Resources <https://dlnr.hawaii.gov/dar/marine-managed-areas/hawaii-marine-life-conservation-districts/#:~:text=Snorkeling%20and%20SCUBA%20diving%20are,effect%20on%20nearshore%20fish%20populations.>

It's Been Proven an Increase in Human Population Destroys Coral Reefs

"Easily visible trends in human population dynamics combined with well-established and tested ecological theory give a clear, intuitive, yet quantifiable guide to the severity of survival challenges faced by coral reefs. Management challenges and required actions can be clearly shown and, contrary to frequent claims, no scientific ambiguity exists with regard to the serious threat posed to coral reefs by humankind's continued numerical increase." This is in the article by National Library of Medicine National center for Biotechnology Information PubMed. <https://pubmed.ncbi.nlm.nih.gov/33293007/#:~:text=Denser%20coastal%20populations%20and%20greater,to%20more%20runoff%20and%20siltation.>

This article is by ABC NEWS, **"This is how tourists are destroying coral reefs in Hawaii. The less people at a certain site, the more coral there are, the research found.** The millions of tourists who flock to the shores of [Hawaii](#) every year are wreaking havoc on its natural [environment](#) -- especially the coral reefs, which are at risk all over the world, a new study said. The most popular coral reefs on the Hawaiian islands are likely being degraded by the very visitors they attract, according to a study published Monday in [Nature Sustainability](#)." <https://abcnews.go.com/US/hawaiian-coral-reefs-degrading-popular-tourist-sites-scientists/story?id=96308858#:~:text=The%20less%20people%20at%20a,there%20are%2C%20the%20research%20found.&text=The%20millions%20of%20tourists%20who.world%2C%20a%20new%20study%20said.>

By allowing these developments, you are stressing an already fragile Ecosystem. Research indicates that with more people, the greater the damage to corals and marine life. The Island simply cannot afford or support these developments because it is already hurting from all the developments that are on the shoreline.

"Denser coastal populations and greater wealth will lead to reef degradation by coastal construction. Denser populations inland will lead to more runoff and siltation. Effects of human perturbations can be explored with meta-population theory since they translate to increases in patch-mortality and decreases in patch-colonization (= regeneration). All such changes will result in a habitat with overall fewer settled patches, so fewer live reefs." This information was taken from Science Direct <https://www.sciencedirect.com/science/article/abs/pii/S0065288120300328#:~:text=Aquaculture%20will%20alleviate%20some%20fishing,to%20more%20runoff%20and%20siltation.>

Another article by Nature Sustainability, **"Coral reefs and coastal tourism in Hawaii Coral reefs are popular** for their vibrant biodiversity. By combining web-scraped Instagram data from tourists and high-resolution live coral cover maps in Hawaii, we find that, regionally, **coral reefs both attract and suffer from coastal tourism.** Higher live coral cover attracts reef visitors, but that visitation contributes to subsequent reef degradation. Such feedback loops threaten the highest quality reefs, highlighting both their economic value and the need for effective conservation management." https://www.nature.com/articles/s41893-022-01021-4.epdf?sharing_token=wsakgQNhaJhJAnWAq453tRgN0jAjWel9jnR3ZoTv0PyGzA5Ic_H0O1zcHNIP3ASnhcgKRy6_vKLPw49dbmBYoXSg3Y1MgQiGBZsapdGUHi7O1SLbu9x5Pr3xED4KxI4T0sJlvGQ1a72ZRt3rUbraxpodJd2AoNlSmWSuxB7jJEDdpJ8OGJpx71TJWdCfXvFKJIZYeNdcJj3Sw_dnaUg5IZlhjPBDImmaH15yqT5Q%3D&tracking_referrer=abcnews.go.com

INFRASTRUCTURE AND RESOURCES ON AN ISLAND ALREADY HIGHLY IMPACTED AND STRUGGLING FOR ANSWERS

The Island's Resources and Infrastructure CAN NOT handle another more developments.

Many big housing developments are currently under construction in Kailua Kona, Waikoloa Village, Hilo, Puna, Ocean View, and Volcano. The entire Big Island has construction projects already in progress and here is what is happening to Big Island resources and infrastructure today. The focus NEEDS TO TURN FROM MORE DEVELOPMENTS TO HOW TO HELP THE ISLANDS RESOURCES TO KEEP EVERYONE WHO ALREADY LIVES HERE SAFE WITH ENOUGH NEEDED RESOURCES TO LIVE.

News Articles:

"Hotel waste management refers to all the practices and processes that hotels implement to handle and dispose of the multiple types of waste generated on their premises. **Worldwide, hotels produce almost 300,000 tonnes of waste each year.**" <https://www.homebiogas.com/blog/hotels-waste-management/>

As of now, the Big Island's Resources and Infrastructure are having serious negative issues and many more developments that have been approved are not even completed as of yet, which means our island's resources and infrastructure will be taxed even more severely in the near future.

Big Island Now poll No. 27 results: More than one solution needed to help extend life of West Hawai'i landfill

September 17, 2023

The West Hawai'i Sanitary Landfill, the only remaining landfill on the Big Island, is forecast to reach capacity within the next 20 to 25 years.

The West Hawai'i landfill became the island's only one after the Hilo Landfill closed three years ago. It only has about 20 to 25 years left before it can no longer be used to store rubbish.

<https://bigislandnow.com/2023/09/17/big-island-now-poll-no-27-results-more-than-one-solution-needed-to-help-extend-life-of-west-hawaii-landfill/>

A County commission drafts ordinance aiming to ban recyclables at West Hawai'i landfill

By [Megan Moseley](#) September 6, 2023

Hawai'i County's Environmental Management Commission is developing an ordinance that aims to prohibit the amount of recyclable materials ending up in the island's only working landfill.

During a commission meeting on July 26, Ramzi Mansour, Hawai'i County Director of Environmental Management, told commissioners the West Hawai'i Sanitary Landfill only has 20 to 25 years left before it reaches capacity.

With the Hilo Landfill permanently closed in 2020, the clock is ticking for the island's sole dump. Commission chairperson Georjean Adams said it's a good time to start looking into solutions.

Adams said the proposed ordinance is in its early stages and is more about getting the conversation started about how to prevent unnecessary, or recyclable items — green waste, metals, plastics, paper, paperboard and glass — from ending up in the rubbish dump, located off Queen Kaʻahumanu Highway in Waikōloa.

“Trying to site a new landfill is close to impossible,” Adams said. “So what are we going to do? So I was looking around, and the commission agreed, to look deeply into the idea of diverting the recyclables out and at least slow the filling up of the landfill.”

The proposed ordinance refers to the 2019 Integrated Solid Waste Management Plan that commits the county to “divert, as much as feasible, commercial and municipal solid waste, including but not limited to green waste, metals, plastics, paper, paperboard, and glass to help achieve goals related to climate resiliency, renewable energy, sustainable agriculture, and zero waste.”

<https://bigislandnow.com/2023/09/06/new-draft-ordinance-aims-to-ban-recyclables-at-west-hawaii-landfill/>

Time’s Up For Landfills

‘Gentle’ demolition strategies can help preserve resources

PAULA BENDER April 2, 2024

As Hawaiʻi government officials grapple with the challenge of limited landfill space statewide, federal restrictions set in place by the Environmental Protection Agency are ruling out possible locations that were once considered for new landfills.

Hawaii Act 73 states landfills must be located at least half a mile from residential areas; are prohibited from being located in areas with heavy rain and steep slopes, as well as agricultural and/or conservation lands; above aquifers; 300 feet beyond streams; and 1,000 feet beyond the ocean.

New landfills are also now prohibited from being created in tsunami inundation zones, 100-year flood zones and wetlands. There are also concerns that landfills near airports will attract birds, resulting in damage to aircraft and fatalities among pilots and passengers.

The City & County of Honolulu is in the process of identifying its next landfill and it doesn’t want one any bigger or more active than absolutely necessary.

<https://buildingindustryhawaii.com/2024/04/times-up-for-landfills/>

Drought Conditions On Hawaiʻi Island Prompt Water Supply Message

by Big Island Video News
on Oct 5, 2023 at 3:59 pm

(BIVN) – With moderate to severe drought conditions being reported across Hawaiʻi island, local water department officials issued a statement this week on the need for customers to use drinking water wisely.

Most of Hawai'i island is under "Moderate Drought" conditions, according to the latest information [from the U.S. Drought Monitor](#). There is an area under "Abnormally Dry" conditions in South Kona, however there are other, small pockets on the Big Island that are under "Severe Drought". There is even a small spot of "Extreme Drought" in the South Point area of Ka'u.

"The National Weather Service's forecast calls for the existing drought conditions to expand over the entire island and intensify over the upcoming months due to the ongoing El Niño event," reported the Hawai'i County Department of Water Supply. "Peak dryness is expected to occur from around January through February 2024. The El Niño event will likely persist well into spring 2024."

From a Water Supply news release:

<https://www.bigislandvideonews.com/2023/10/05/drought-conditions-on-hawai%CA%BBi-island-prompt-water-supply-message/>

[U.S.](#)

Hawaii is "on the verge of a greater catastrophe," locals say, as water crisis continues

By [Li Cohen](#)

Updated on: April 11, 2024 / 8:23 AM EDT / CBS News

And recent years have seen compounding problems: less rain, leading to [significant droughts](#), and repeated jet fuel leaks and PFAS chemical spills contaminating water systems. All of this significantly limits available water use for locals, many of whom say tourism is only worsening the situation. Just months ago, the [world's largest surfing wave pool](#) opened up on the island — filled with freshwater.

"They're not using it to drink or to support life, they're using it to make money. They're commodifying it," said Healani Sonoda-Pale, who is Native Hawaiian and a member of advocacy group O'ahu Water Protectors. "... We are on the verge of a greater catastrophe."

"We are in a [water crisis](#), that has to be made very clear," Wayne Tanaka, director of Sierra Club of Hawai'i, told CBS News, saying that if the reasons for this crisis aren't soon addressed, "We may come to a point where we have to decide ... who gets water and who doesn't."

<https://www.cbsnews.com/news/hawaii-water-crisis-climate-change/>

Because this is an island, parts need to be shipped. The power plant currently has generators that are not working, and because of this (and other reasons), the Big Island needs to seriously conserve power so that everyone will have power. If this problem of shipping parts can happen once, it can and will happen again.

UPDATE: HELCO asks for continued energy conservation

BY SPECTRUM NEWS STAFF HAWAII ISLAND

UPDATED 6:28 PM ET APR. 16, 2024 PUBLISHED 9:05 AM ET APR. 15, 2024

HILO, Hawaii — Hawaiian Electric continues to urge Hawaii Island customers to reduce their electricity use to prevent the need for rolling outages.

In a news release Tuesday afternoon, the utility stated that Monday saw a reduced demand of approximately 5 megawatts. That, combined with increased wind and solar battery storage prevented the need for rolling blackouts on Monday. HELCO credited conservation efforts, particularly those by large businesses and government customers, for the reduction in electricity demand.

"We're grateful for our customers' efforts to conserve electricity, especially between 5 to 9 p.m., when electricity use is highest, because it does make a difference," said Hawaiian Electric spokesperson Kristen Okinaka. "By working together, we're helping to ensure that enough power can be available for all customers and prevent or minimize the impacts of rolling outages."

Hawaiian Electric announced Monday afternoon that it may initiate rolling outages in parts of Hawaii Island because of the unavailability of several generators and lower-than-normal wind and solar resources.

In a news release, the utility said that outages could start as early as 6:30 p.m. and rotate around the island for 30-minute intervals. The impacted areas and the timing of the outages will be based on wind generation and the amount of electric demand that needs to be reduced. Individuals who are dependent on electrically powered life support medical equipment are advised to arrange for a backup power supply.

The outages are being done to prevent power loss to even more customers, who are all being asked to conserve electricity throughout the month.

<https://spectrumlocalnews.com/hi/hawaii/news/2024/04/15/heco-customers-on-hawaii-island-asked-to-conserve-power->

Big power supply problems continue to plague Hawaii Island

Apr 8, 2024

The company has been facing an unusual situation with mechanical problems at three of the island's five largest power plants while part of the largest plant undergoes an annual overhaul. All four of these affected power plants are owned by the utility or an affiliate of its parent company.

Also contributing to the trouble is lower output from a geothermal plant, which has the third-largest generation capacity on the island and is owned by an independent operator.

"This is an unusual situation, driven mainly by the unavailability of several large generators that have experienced mechanical problems, are at reduced output, or are undergoing maintenance," Hawaiian Electric said in its March 25 announcement asking customers to use less electricity, especially on weekdays from 5 to 9 p.m.

The company explained that it faces an "extremely tight " supply of power at peak use periods, especially when production from wind, solar and hydroelectric facilities is lower than normal. Those sources of variable, renewable energy can supply up to 15% of electricity needs on the island.

"Without enough supply to meet electricity demand, the company may initiate rolling outages of up to an hour around the island, " the March 25 announcement said.

<https://energycentral.com/news/big-power-supply-problems-continue-plague-hawaii-island>

Hawaii Island customers urged to reduce electricity use through April

BY SARAH YAMANAKA HILO PUBLISHED 9:00 AM ET MAR. 26, 2024

What You Need To Know

-Hawaii Island customers may see alerts asking them to conserve energy, especially on days when there isn't much wind that generates up to 15% of electricity

-When alerts are issued, Hawaiian Electric is asking customers to take immediate action to minimize electricity use

-Even when no alerts are issued, customers — including hotels and large retailers — are urged to reduce electricity use as much as possible, especially between 5 and 9 p.m. on weekdays

-If there is not enough electricity to meet demand, Hawaiian Electric may initiate rolling outages of up to an hour around the island

<https://spectrumlocalnews.com/hi/hawaii/news/2024/03/25/hawaii-island-customers-urged-to-reduce-electricity-use-through-april>

FURTHERMORE: TRAFFIC, LACK OF RESOURCES, AND FATALITIES

The Big Island already has a serious traffic issue due to a lack of infrastructure. This is in part due to poor planning and geography challenges.

The articles below by different NEWS companies highlight the point that many traffic issues stem from a lack of infrastructure and resources.

This NEWS article by Hawai'i News Now, "Report shows alarming surge in Hawaii Island traffic deaths The Hawaii Police Department's Traffic Services Section released a new report showing a dramatic increase in both major crashes and fatal accidents from last year.

The startling statistics show a dramatic increase in the number of year-over-year traffic fatalities on the Island of Hawaii, revealing major crashes are up more than 12% and traffic fatalities are up more than

100%." Watch the video on their link below as it is a professional report on Big Island traffic problems." <https://www.hawaiinewsnow.com/2024/05/18/new-report-shows-hawaii-island-traffic-fatalities-are-up-over-100-last-year/>

KHON 2 NEWS, "**Hawaii Island has most traffic fatalities in state.** This time last year Hawaii Island was at five traffic deaths, as of April 1, 2024, they're at 14.

Seven of which happened in the last two weeks.

Chief Moszkowicz said the police force is small compared to the size of the island and response times can take 15 to 20 minutes.

"We don't have the resources like in the small space of Oahu where you can saturate an area to control speeding, that just doesn't exist here," he added." <https://www.khon2.com/local-news/7-traffic-fatalities-for-hawaii-island-in-march/>

The traffic on the Big Island has increased drastically, and safety issues and infrastructure need to be addressed before adding more developments.

Please read this article because what it says about Oahu is a mirror for Big Island. The traffic problems they discuss are the same issues here on the Big Island, and it also gives one Big Island example, "On the Big Island, the mayor had to issue [an emergency order](#) shutting down Waipio Valley Road due to overuse and poor prior maintenance." This is happening all over Big Island. <https://www.civilbeat.org/2024/02/angry-over-island-traffic-jams-lets-talk-about-solutions/>

The news video below shows aerial footage in Hilo. The footage shown is the same thing that is happening on Alii Drive and Queen K Highway, and for all the same reasons: **All of these roads only have two lanes!**

There are many developments already being built on Alii Drive today, and more are scheduled for this road in the near future. Alii Drive and Queen K Highway are the roads Kamehameha Schools Bungalow Resort will be using if approved, and they are already seriously congested.

These roads have the same traffic congestion as Hilo, with the same problems. Traffic is extremely slow because the island doesn't have the infrastructure for the population that has been developed.

In addition, the concern on Kona side is tsunami evacuations rather than lava evacuations. In this kind of traffic, not everyone will be able to get to safer ground, especially if you allow another resort to be developed in this area when traffic is already at a crawl every weekday and often on weekends as well.

KITV NEWS that highlights the traffic issues discussed above: "Hawaii Island traffic jams could have safety impact. In the event of an evacuation, Mayor Mitch Roth acknowledges that will make the Traffic Jam up even worse. But says, he is working with The State on a solution." https://www.kitv.com/news/local/hawaii-island-traffic-jams-could-have-safety-impact/article_b06a5374-5a6a-11ed-8d23-8313ef8c4c19.html

Here is the Island News video on a crash on Alii Dr. <https://www.youtube.com/watch?v=-FQSnPDji8>

Read this Path article, HAWAI'I COUNTY'S VISION ZERO INITIATIVE:

A motorcyclist is in critical condition after a collision with a car. A driver accidentally hits and kills a pedestrian. It seems that not a day goes by without the news reporting on a traffic crash on Hawai'i Island...

Here are some other statistics that are even more staggering:

- 28% of roadside crashes were the result of someone leaving the roadway and going into barriers or trees

- 13% of pedestrians hit at 20 mph actually suffer a fatality

- 73% of pedestrians hit at 40 mph suffer fatality

- 25% of fatal crashes were the result of distracted driving... So PLEASE put those cell phones away and pay attention to the road!

- 56% of fatal crashes were the result of alcohol or drugs

- 41% of fatal crashes occurred in light trucks and vans

- 49% of crashes occur during the day, outside of peak traffic hours

- Of all the crash fatalities, most were males between 20 to 24-years old.

"That's just Big Island traffic" is a common sentiment. But what if we didn't have to accept this endangerment of vehicle drivers, motorcyclists, and pedestrians as a way of life?"

This was taken from Path <https://pathhawaii.org/hawaii-countys-vision-zero-initiative/>

MORE ARTICLES HIGHLIGHTING INFRASTRUCTURE AND RESOURCE DEFICITS, INCLUDING WATER, TRASH, ELECTRIC and WASTEWATER:

1) Hawaii Deals with Burgeoning Waste Management Problem

As landfills face closure and waste-to-energy projects stall, various counties in Hawaii are dealing with waste management issues. Waste360 Staff January 10, 2020

"Hawaii Island is in the enviable position of having a landfill with anywhere from 20 to 100 years of capacity left to take in trash. But the island still wrestles with significant issues like plastic products that are no longer being recycled." <https://www.waste360.com/landfill/hawaii-deals-with-burgeoning-waste-management-problem>

2) "Big Island Now readers seem to agree that there's likely no single solution for slowing down the timeline of the West Hawai'i Sanitary Landfill reaching capacity.

The West Hawai'i Sanitary Landfill, the only remaining landfill on the Big Island, is forecast to reach capacity within the next 20 to 25 years." <https://bigislandnow.com/2023/09/17/big-island-now-poll-no-27-results-more-than-one-solution-needed-to-help-extend-life-of-west-hawaii-landfill/>

3) Hawaii Island Has Decades of Landfill Space But Still Faces Challenges In Dealing With Its Waste Hawai'i Public Radio Published January 9, 2020 at 5:00 AM HST

"Hawaii Island is in the enviable position of having a landfill with anywhere from 20 to 100 years of capacity left to take in trash. But the island still wrestles with significant issues like plastic products that are no longer being recycled.

For the past four decades, trash from the East side of Hawaii Island has been dumped in a landfill outside of Hilo. But now trash from all parts of the island is being trucked to a facility north of Kona." <https://www.hawaiipublicradio.org/local-news/2020-01-09/hawaii-island-has-decades-of-landfill-space-but-still-faces-challenges-in-dealing-with-its-waste>

4) "What happens to Hawaii Island's trash and recyclables?" BY MICHELLE BRODER VANDYKE
HAWAII ISLAND PUBLISHED 11:30 AM ET DEC. 17, 2022 By Michelle Broder Vandyke Hawaii Island
PUBLISHED 11:30 AM ET Dec. 17 The future of the landfill

The West Hawaii Landfill will be full in about 20 years. Finding a location for the next landfill is a concern, according to the DEM officials. They said it will be challenging to find a location for a future landfill because of stringent regulations and costs related to planning, environmental regulations, design and construction that will take many years to complete. It will also require community support." <https://spectrumlocalnews.com/hi/hawaii/news/2022/12/15/what-happens-to-hawaii-island-s-trash-and-recyclables-->

5) "The overwhelming plastic waste Hawaii visitors leave behind"
By Natasha Bourlin Aug 24, 2023

Hawaii saw more than 9 million visitors last year. Those tourists' first stops are often big-box and convenience stores, where they buy bottled water, plastic sand toys, single-use bodyboards, noodles, floaties and inner tubes for their trips." <https://www.sfgate.com/hawaii/article/plastic-waste-hawaii-visitors-leave-behind-18286076.php>

6) "A County commission drafts ordinance aiming to ban recyclables" at West Hawai'i landfill By Megan Moseley September 6, 2023 · 1:00 AM HST
* Updated September 6, 2023 · 2:02 PM

Hawai'i County's Environmental Management Commission is developing an ordinance that aims to prohibit the amount of recyclable materials ending up in the island's only working landfill." <https://bigislandnow.com/2023/09/06/new-draft-ordinance-aims-to-ban-recyclables-at-west-hawaii-landfill/>

7) "Hawai'i County issues mandatory 25% water restriction" for North Kona August 7, 2023 · 5:21 PM HST

A mandatory 25% water restriction has been issued for various communities in North Kona due to the failure of the Honokōhau Deepwell over the weekend." <https://bigislandnow.com/2023/08/07/hawaii-county-issues-mandatory-25-water-restriction-for-north-kona/>

8) "Hawai'i Water Supply Closely Monitored As Severe Drought Continues by Big Island Video News Nov 6, 2023 at 3:28 pm STORY SUMMARY

HAWAII COUNTY - Officials say a special focus will be placed on the South Kohala Water System, which is more susceptible to drought conditions." <https://www.bigislandvideonews.com/2023/11/06/water-supply-closely-monitored-as-hawai%CA%BBi-under-severe-drought/>

9) "Big Island Concerns About Water Quality Prompt A Lawsuit Over A Kona Sewage Plant Kealakehe sewage plant discharges more than 1 million gallons of wastewater into a lava pit near the ocean. By Paula Dobbyn / February 6, 2024

Settlement talks are scheduled in an environmental lawsuit involving a county-operated Big Island sewage plant in Kona." <https://www.civilbeat.org/2024/02/concerns-about-water-quality-prompt-a-lawsuit-over-a-kona-sewage-plant/>

10) "Researchers find sewage from an oceanfront Big Island community reaches nearshore waters Hawai'i Public Radio | By Russell Subiono, Sophia McCullough Published December 20, 2021 at 5:56 PM HST

There are nearly 50,000 cesspools on the Big Island, with tens of thousands posing a risk to water resources, according to the Hawai'i Department of Health." <https://www.hawaiipublicradio.org/the-conversation/2021-12-20/researchers-find-sewage-from-an-oceanfront-big-island-community-reaches-nearshore-waters>

11) "Kona coast faces stark wastewater tradeoffs, Current situation

There are approximately 88,000 cesspools across the state, releasing more than 200,000 cubic meters of wastewater per day to the environment. <https://www.hawaii.edu/news/2021/09/10/kona-stark-wastewater-tradeoffs/>

We ask that you start figuring out how this can never happen again? These are the kind of issues that need to be resolved before you approve more development.

12) "HELCO restores power after initiating emergency outages on Big Island by: Elizabeth 'Ufi Posted: Jan 30, 2024 / 09:43 AM HST Updated: Jan 30, 2024 / 04:15 PM HST

An unexpected loss of several large Hawaii Electric generators left some residents on Big Island without power for parts of the morning on Tuesday, Jan. 30." <https://www.khon2.com/big-island-news/heco-initiates-30-min-rolling-outages-after-loss-of-generators/>

13) Hawai'i State News Update: Hawaiian Electric initiates rolling outages throughout Big Island February 13, 2024 · 5:23 PM HST
* Updated February 14, 2024 · 4:21 PM

The emergency outages are being initiated in various areas around the entire island to prevent loss of power to an even greater number of customers. The timing and extent of the outages will depend on the amount of demand on the system and the availability of

generators." <https://bigislandnow.com/2024/02/13/hawaii-island-customers-asked-to-reduce-electricity-use/>

14) HELCO issues rolling power outages around Big Island by: Emily Cervantes Posted: Feb 13, 2024 / 05:11 PM HST Updated: Feb 13, 2024 / 09:12 PM HST Hawaiian Electric initiated rolling outages for Big Island after several large generators became unavailable and reduced output Tuesday night." <https://www.khon2.com/local-news/heco-releases-conservation-alert-for-big-island/>

15) "Here's how power outages can have repercussions for Hawai'i's water supply Hawai'i Public Radio | By Savannah Harriman-Pote
Published February 13, 2024 at 10:59 AM HST

Water departments on O'ahu and Hawai'i Island have advised customers to conserve water ahead of possible storm-related power outages this month.

But what does the power grid have to do with the water supply?

It is impossible to separate Hawai'i's power system from its water system, said Kawika Uyehara, deputy director of Hawai'i County's Department of Water Supply." <https://www.hawaiipublicradio.org/local-news/2024-02-13/residents-on-hawaii-island-and-oahu-are-asked-to-conserve-water-amid-power-outages>

16) US Hawaii is "on the verge of a greater catastrophe," locals say, as water crisis continues

By Li Cohen

Updated on: April 11, 2024 / 8:23 AM EDT / CBS News

In Hawaii, one of the most important sayings is *ola i ka wai*, "water is life" — a phrase that not only sums up what it means to exist on an island, but what it means to live, period. But now, one of the largest of the island chain's land masses is facing a triple threat to its sole freshwater source, and if it isn't addressed soon, one community member says, "We're in deep trouble."

<https://www.cbsnews.com/news/hawaii-water-crisis-climate-change/>

17) News Hawai'i County issues mandatory 25% water restriction for North Kona
August 7, 2023 · 5:21 PM HS

A mandatory 25% water restriction has been issued for various communities in North Kona due to the failure of the Honokōhau Deepwell over the weekend.

<https://bigislandnow.com/2023/08/07/hawaii-county-issues-mandatory-25-water-restriction-for-north-kona/>

18) Hawai'i Water Supply Closely Monitored As Severe Drought Continues

by Big Island Video News
on Nov 6, 2023 at 3:28 pm

(BIVN) – With an ongoing drought on the island of Hawai'i, the Hawai'i County Department of Water Supply says it is closely monitoring its 23 public water systems, with a "special focus" placed on the South Kohala Water System.

<https://www.bigislandvideonews.com/2023/11/06/water-supply-closely-monitored-as-hawai%CA%BBi-under-severe-drought/>

This is a map of Power Outages on the Big Island. This map wouldn't have been created if Power Outages were not a problem. <https://www.hawaiianelectric.com/safety-and-outages/power-outages/hawaii-island-outage-map>

Please give Tax Breaks to all homes that provide solar and/or wind turbines to there homes to help with power issues on the island.

19) "Hawaiian Electric is reporting that several large generators on the Big Island are experiencing a range of issues and may lead to the need for rolling outages if supply does not meet demand."

https://www.reddit.com/r/BigIsland/comments/1bnuar3/hawaiian_electric_is_reporting_that_several_large/?rdt=52660

20) "Hawaiian Electric asking Big Island customers to conserve power due to down generators

March 25, 2024 · 11:49 AM HST

According to the utility company, this is an usual situation as the large generators are experiencing mechanical problems resulting in a reduced output. The largest generator, an independent power producer that sells electricity to Hawaiian Electric, is offline with significant mechanical issues.

The plant generates 60 megawatts or nearly one-third of the typical peak demand of 180 megawatts on the island."

<https://bigislandnow.com/2024/03/25/hawaiian-electric-asking-big-island-customers-to-conserve-power-due-to-down-generators/>

All the articles above show that a resort development will further deplete and stress resources and infrastructure on an island already struggling. Years of new development have already been approved but not completed. It is not responsible or prudent to continue to develop this resort under these current conditions.

Please see this petition with 608 signatures asking you all to STOP APPROVING MORE DEVELOPMENTS AND START FOCUSING ON ISLAND RESOURCE <https://www.change.org/p/help-big-island-resources-and-infrastructure-stay-safe-for-all-who-live-here-and-visit>

HISTORICAL AND CULTURAL SIGNIFICANCE:

The Law of the Splintered Paddle

Hawaiian history tells us that young Kamehameha was once an aggressive chief. The story goes that the young chief even chased after two fishermen in a Puna fishing village. While pursuing them, his

foot got stuck in a crevice, and one of the fishermen struck Kamehameha over the head with his paddle in defense, which splintered into pieces.

After the incident, Kamehameha recognized that it was wrong to misuse his power and learned compassion. Years later, Kamehameha declared a new law "Ke Kānāwai Māmalahoe" or "the Law of the Splintered Paddle." Meant to protect the innocent and vulnerable from unprovoked attacks, this law proclaimed that the defenseless, especially kupuna and keiki, be able to sleep safely on the side of the road, unharmed.

The law provided for the safety of non-warriors during wartime and became the first written law of the Kingdom of Hawai'i. After being added back in 1978, **the law is part of Hawaii's State Constitution today.**

It is symbolic of servant leadership, reinforcing the importance of:

- Caring for and serving one's people
- Knowing and doing what is pono (right)
- Standing for the principle that leadership privilege is earned
- Taking kuleana (responsibility) for those we serve
- Doing so with compassion, love, and respect

"We take that to mean that anyone who uses our roadways should be able to do so without fear of harm," explains Tina."

The Law of the Splintered Paddle is also on Kamehameha Schools website. The historical value of this law should be enough to help make

Big Island roads become safer, and not adding to the traffic and issues of our already dangerous roads. <https://www.ksbe.edu/article/the-lessons-of-the-law-of-the-splintered-paddle-ring-true-200-years-after-k>

This development will increase the landfill on Big Island and increase the need for water that the island doesn't have. It will also increase the need for more power, as the island already experiences power outages due to insufficient power production to support the existing developments.

IN CONCLUSION

The articles cited in this letter, many by some of the most esteemed scientists in the world, show with clarity that allowing these developments will cause devastating, lasting effects on the Ecosystem, the endangered species that inhabit the island, along with many other negative effects.

"The **Endangered Species Act of 1973 (ESA** or "The Act"; 16 U.S.C. § 1531 [et seq.](#)) **is the primary law in the United States for protecting and conserving imperiled species.** Designed to protect critically

imperiled species from [extinction](#) as a "consequence of economic growth and development untampered by adequate concern and conservation", the ESA was signed into law by President [Richard Nixon](#) on December 28, 1973. The [Supreme Court of the United States](#) described it as "the most comprehensive legislation for the preservation of endangered species enacted by any nation".^[1] https://en.wikipedia.org/wiki/Endangered_Species_Act_of_1973

In addition to the natural disaster this will cause, Hawai'i Island is already having serious infrastructure and resource issues that have yet to be solved. These issues MUST be solved before considering more shoreline developments on Big Island.

We need to work in harmony with the land and the people before pushing forward with new developments. Big Island has a very fragile Ecosystem that is already pressured by boating, golfing, population issues, hotels, and resorts that are all over the island.

The cost of what stands to be lost is far too high to allow this to happen.

Plus, these developments will go against the Cultural Impact Statement Law states, "defined by the state historic preservation division to determine whether an action may have a significant effect on cultural practices, particularly native Hawaiian traditional and customary practices expressly..." <https://tinyurl.com/CulturalStatementLaw>

By adding more developments on the shoreline it will pollute the waters killing more fish, hence causing fishing, a Hawaiian tradition, to be severely affected and this violates the Cultural Impact Statement Law.

These laws were created, "After these legal victories, the Kohanaiki 'Ohana worked to create a new law in the state of Hawaii to require Cultural Impact Statements along with Environmental Impact Statements for all future large-scale development. Act 50, the Cultural Impact Statement Law was adopted in 2000." <https://kohanaikiohana.org/legal-victories>

Please save marine life and help the island's resources by saying NO to these Bills.

Thank you,

Sincerely,

Rebecca Melendez

HB-732-SD-1

Submitted on: 4/2/2025 7:22:34 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| david hill | Individual | Oppose | Written Testimony Only |

Comments:

I strongly oppose HB732 HD2 SD1

Living on the Big Island, I have seen the dramatic damage cause by coastal development. Some examples:

The Department of Aquatic Resources has reported that Turf Algae is now the dominant algae all over west Hawai'i waters. Runoff polluted water from developments have helped cause this.

The green sea turtle is federally protected, and allowing this Bill to go through will endanger already endangered animals, like the green sea turtle, among others.

Historically, in the tropics of Hawaii, precipitation was absorbed into the soil, according to the Clean Water Branch of Hawaii's Department of Health. Any potential pollution or contaminants on the ground surface would get pushed into the soil by the rain, and plant roots and microbes would help break down the pollution into less dangerous components. However, with urban and agricultural development, less and less of the pollution gets pulled into the soil, and more of it gets washed out into storm drains. From there, the pollutants make their way to streams, rivers, and the ocean that surrounds Hawaii. According to the state agency, most of these contaminants are nutrients from fertilizer, bacteria from animal waste, oil, garbage, and yard waste.

All Hawaiian islands are dealing with the same issues and it is time to stop the coastal overdevelopment madness.

LATE

HB-732-SD-1

Submitted on: 4/2/2025 10:17:03 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|---------------------------|
| Joe M Taylor | Individual | Oppose | Written Testimony Only |

Comments:

I strongly oppose HB732 HD2 SD1

HB-732-SD-1

Submitted on: 4/2/2025 10:17:37 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

LATE

| Submitted By | Organization | Testifier Position | Testify |
|----------------------|--------------|--------------------|------------------------|
| Paulette J. Roberson | Individual | Oppose | Written Testimony Only |

Comments:

This highly cultural sensitive prestine area has existed as long as the ocean waves have sprayed sea salt, sea spray & the smell of our ocean waters upon this site. I find it highly objectionable that Kamehameha Management School Educators would put a high end & high density money making set of living quarters for benefactors NOT in the Princess Pauahi Mission Statement CREDO.

As a native Hawaiian who has inherited Great Mahele kuleana land, a ohana whose lineage stretches back to the Hawaiian Monarchy times & a Hawai'i Tax Paying resident of Keauhou Kona, I think approval of this HB732 is highly detrimental to our Keauhou area because:

1) The heiau was just reconstructed by community groups including Palamanui J.C., State of Hawai'i, & this area NEEDS to be protected (KAPU) from non-cultural minded people (visiting tourist). I find it highly insensitive & RUDE that our Cultural MAGNIFICENT HEIAU rooted in our past BE ADJACENT TO & ACCESSIBLE to this kind of multi-unit living quarters of people uneducated in Hawaiian Mo'olelo Values. I find the Kamehameha School Management Team thought process absolutely "ha'ole looking" at this area being a profit center for its endowment. The CREDO for Princess Pauahi is for the educational endeavor of Hawaiians, BECAUSE in the "AHUPUA'A SYSTEM," LAND IS NOT OWNED, IT IS USED FOR THE COMMUNITY.

2) This ocean coastal waters are designated Class AA pursuant to Title 11, Chapter 54, of Administrative Rules for Water Quality Standards which is the HIGHEST DESIGNATION for water quality. I OBJECT to allowing this development to continue in this HIGHEST SENSITIVE coastal area where plumbing for sewer/water pipes, underground wiring for fiber-optics/lighting/security-fencing, and landscaping water run-off would/could DEVASTATE our Class AA coastal water quality.

3) As a Hawai'i Taxpayer who pays lots of annual property taxes (\$10K), I OBJECT to having FOOT the bill for added traffic signals/stop signs/diversion devices, plumbing for sewer/water/landscaping work, digging for underground electrical/security/fiber-optics utilities and paying for the labor of our planning dept., civil engineering corps, public works dept. directing traffic, safety personnel on call for operational purposes.

4) Princess Pauahi use of the land for the education of Hawaiians in their cultural history and importance of the health of Hawaii Island for the future IS EXACTLY the state of this

area."AS IT SITS." This area sits next to the Kamehameha Trail used by ancient Hawaiians to traverse the Kona coast, sits next to the Heiau on the ocean used as a place of giving thanks for the plentiful foods & fish from this ahupua'a, sits next to Kahalu'u Beach which is the fish pond for keeping live fish/sea urchin available for food, & Keauhou Bay where King Kamehameha Land HOLUA (sleigh) was built during happier/peaceful times for the King. HOWEVER, it took lots of strength, agility, & courage to ride the HOLUA from mauna top to the ocean. As a native Kona Hawaiian, I know the mo'olelo of our places. I love this area as is BUT would love to see this Kamehameha Mgmt. Team enhance the historic legacy of this very important beautiful place. As Mayor Alameda suggested, have something on the west side of Hawaii like Merrie Monarch!

Aloha no, Paulette Ka'ala Kanakaole-Keawe Kalele Roberson

LATE

April 2, 2025

HB732 HD2 SD1

He Mele komo a he mele aloha no na kupuna o ke au i hala Aloha mai kakou.

Aloha,

My name is Cindy Freitas and I'm a Native Hawaiian descended of the native inhabitants of Hawai'i prior to 1778 and born and raised in Hawai'i.

I am also a practitioner who still practice the cultural traditional customary practices that was instill in me by my grandparents at a young age from mauka (MOUNTAIN TO SEA) to makai in many areas. oha Chair [Chairperson's Last Name], Vice Chair [Vice Chairperson's Last Name], and Members of the Committee,

I am writing in strong opposition to HB732 HD2 SD1, which proposes to increase the valuation threshold for requiring a Special Management Area (SMA) use permit to \$750,000 and allow certain single-family residences to qualify for an SMA minor permit regardless of development valuation.

1. Traffic Congestion and Overdevelopment

Increasing the valuation threshold will enable more development with reduced oversight, leading to increased traffic congestion, strain on infrastructure, and degradation of our communities. Our islands are already experiencing the adverse effects of unchecked development, and this bill would exacerbate these issues.

Relevant Case Law and Statutes on Traffic Congestion and Overdevelopment in Hawai'i

Neighborhood Board No. 24 (Waikiki) v. State Land Use Commission (1982)

- This case challenged large-scale developments in Waikīkī, arguing that the Land Use Commission (LUC) failed to adequately consider the impact of increased traffic congestion and strain on public infrastructure.
- The court ruled that development approvals must take into account cumulative impacts, including increased vehicle congestion, public safety concerns, and urban overdevelopment.

Save Sunset Beach Coalition v. City & County of Honolulu (2006)

- Residents sued to stop the approval of a large-scale resort development, arguing that it would cause severe traffic congestion on the North Shore's limited roadways.
- The court ruled in favor of stricter environmental reviews, emphasizing that infrastructure limitations must be considered before approving new developments.

Sierra Club v. Department of Transportation (2017)

- This case involved the Hawai'i Supreme Court ruling that the state must conduct thorough environmental reviews for projects that could significantly impact traffic, public infrastructure, and urban sprawl.
- It reinforced that government agencies must assess whether development projects contribute to **cumulative overdevelopment** and worsen infrastructure deficiencies.

Laws and Rules Regulating Development and Traffic Impacts

Hawai'i Revised Statutes (HRS) Chapter 205 – Land Use Law

- **HRS § 205-2:** Requires that urban, rural, and conservation land use zones be regulated to prevent uncontrolled urban sprawl and overdevelopment.
- **HRS § 205-3.1:** Grants the Land Use Commission authority to restrict developments that negatively impact infrastructure and increase congestion.
- **HRS § 205-17:** Requires the Land Use Commission to consider **traffic, infrastructure strain, and community impact** when approving large-scale developments.

Hawai'i Revised Statutes (HRS) Chapter 343 – Environmental Review Law

- **HRS § 343-5:** Mandates an **Environmental Impact Statement (EIS)** for developments that may significantly increase traffic or strain public infrastructure.
- **HRS § 343-6:** Requires government agencies to deny projects that would have **unmitigated negative impacts** on roads, water supply, and public services.

Hawai'i Administrative Rules (HAR) – Department of Transportation (DOT) Regulations

- **HAR § 19-2.1:** Requires state review of highway and road conditions when approving new developments.
- **HAR § 19-25:** Mandates traffic impact assessments (TIA) for projects that increase road congestion.

Legal Implications of the Proposed Bill

- By **increasing the valuation threshold to \$750,000**, more projects would be exempt from **full environmental and traffic impact reviews**, contradicting **HRS Chapter 343 and HAR traffic regulations**.
- **Developments without traffic mitigation plans** could **violate precedent set in cases like Save Sunset Beach Coalition**, where courts ruled against projects that failed to address congestion and infrastructure strain.

2. Impact on Marine Life and Coastal Ecosystems

Hawai'i's marine ecosystems are fragile and already under stress from pollution, climate change, and coastal erosion. Loosening SMA permit requirements will lead to more coastal development without adequate environmental reviews, placing further pressure on our coral reefs, fisheries, and native marine species.

Case Law on SMA Permitting and Environmental Protection

Kona Coastline v. Hawai'i County Planning Commission (1993)

- This case reinforced the requirement for thorough environmental review when granting SMA permits.

- The court emphasized that projects in SMA areas must undergo proper scrutiny to prevent significant impacts on marine ecosystems and coastal environments.

Ka Pa‘akai O Ka ‘Āina v. Land Use Commission (2000)

- The Hawai‘i Supreme Court ruled that agencies must properly assess and protect Native Hawaiian traditional and customary practices in land use decisions.
- This case is significant in ensuring that SMA permits account for cultural impacts, including traditional fishing and gathering rights tied to marine ecosystems.

Kelly v. 1250 Oceanside Partners (2004)

- This case involved improper land development and the failure to mitigate environmental damage under SMA regulations.
- The court ruled that the developer’s inadequate protections resulted in sediment runoff damaging coral reefs, setting a precedent that SMA regulations must be strictly enforced to prevent environmental harm.

Maunalua Bay Beach Ohana 28 v. State of Hawai‘i (2014)

- The court ruled in favor of environmental groups challenging inadequate environmental oversight for developments impacting nearshore marine life.
- This case reaffirmed that state agencies must rigorously apply environmental impact assessments for SMA permits.

Rules and Statutes Governing Marine Ecosystem Protection in SMA Areas

Hawai‘i Revised Statutes (HRS) Chapter 205A – Coastal Zone Management (CZM) Act

- **HRS § 205A-2:** Requires that coastal developments minimize adverse environmental impacts on marine resources.
- **HRS § 205A-26:** SMA guidelines mandate that development cannot degrade water quality, disrupt ecosystems, or impact native marine species.
- **HRS § 205A-29:** Establishes that SMA major permits must be required for developments exceeding a certain threshold that could significantly impact marine environments.

Hawai‘i Administrative Rules (HAR) – Department of Land and Natural Resources (DLNR) Rules

- **HAR § 13-5-30:** Requires an environmental assessment for developments affecting conservation districts, including coastal areas.
- **HAR § 11-200.1:** Outlines the requirements for environmental impact statements (EIS) for projects that may significantly impact Hawai‘i’s natural resources, including its marine ecosystems.

3. Water Storage and Sewer Capacity

Many communities in Hawai‘i are already facing water shortages and overburdened wastewater

systems. Increasing development without comprehensive review will exacerbate these problems, potentially leading to contamination of our drinking water and nearshore waters.

Relevant Case Law and Regulations on Water Storage and Sewer Capacity in Hawai‘i

1. Case Law on Water Shortages and Wastewater Management

Waiahole Ditch Contested Case (2000) – In re Water Use Permit Applications

- This landmark Hawai‘i Supreme Court case reinforced the **public trust doctrine** (Article XI, Section 1 of the Hawai‘i State Constitution), ruling that water resources must be **protected for public use** before being allocated for private development.
- The ruling emphasized that the state has a duty to **ensure sustainable water management** and prevent over-extraction that could harm communities and ecosystems.

Kona Village Residents v. Hawai‘i County Water Board (2008)

- Residents challenged a large-scale development project for failing to provide sufficient water resources for existing and future community needs.
- The court ruled that **development projects must include a comprehensive water availability assessment** before being approved.

Sierra Club v. Department of Health (2012)

- The court ruled that the **Hawai‘i Department of Health (DOH) must enforce wastewater regulations** to prevent pollution of nearshore waters.
- This case set a precedent requiring stricter oversight of **sewage treatment and disposal systems** to protect drinking water and coastal ecosystems.

Surfrider Foundation v. County of Maui (2020) – U.S. Supreme Court

- The U.S. Supreme Court ruled that wastewater injection wells, which leaked sewage into Maui’s groundwater and nearshore reefs, required a **Clean Water Act (CWA) permit** due to their significant environmental impact.
- This case confirmed that **wastewater discharge must be properly regulated** to prevent contamination of **drinking water and marine ecosystems**.

Laws and Regulations Governing Water and Wastewater Management in Hawai‘i

Hawai‘i Revised Statutes (HRS) Chapter 174C – State Water Code

- **HRS § 174C-2:** Declares that water is a **public trust resource** and must be managed to protect public health and the environment.
- **HRS § 174C-31:** Requires that any large-scale development obtain a **water use permit**, proving that sufficient water resources exist.
- **HRS § 174C-62:** Grants the **Commission on Water Resource Management (CWRM)** the authority to **restrict excessive water use** and protect groundwater.

Hawai‘i Revised Statutes (HRS) Chapter 342D – Water Pollution Control

- **HRS § 342D-4:** Prohibits the discharge of **pollutants, including sewage, into state waters without a permit.**
- **HRS § 342D-50:** Requires **wastewater treatment facilities to meet strict water quality standards** before releasing effluent.

Hawai‘i Administrative Rules (HAR) – Department of Health (DOH) Wastewater Regulations

- **HAR § 11-62:** Regulates the operation of wastewater treatment plants, cesspools, and injection wells.
- **HAR § 11-55:** Requires developments to obtain a **National Pollutant Discharge Elimination System (NPDES) permit** if they release wastewater into state waters.

Legal Implications of the Proposed Bill

- By **loosening SMA permit requirements**, this bill could **violate HRS § 174C-2 and public trust obligations** by allowing developments to **proceed without proving sufficient water availability.**
- **Large-scale developments without wastewater impact assessments** could **violate HRS § 342D-50**, leading to contaminated drinking water and damage to marine ecosystems.
- **Case law like Surfrider Foundation v. Maui** confirms that **poor wastewater management requires stricter oversight, not reduced environmental review.**

4. Cultural and Customary Practices

The protection of coastal lands is vital to the preservation of Native Hawaiian cultural practices, including fishing, gathering, and access to sacred sites. This bill disregards the rights of Native Hawaiians to continue these traditional practices by allowing for unchecked development in sensitive areas.

Relevant Case Law and Regulations on the Protection of Coastal Lands and Native Hawaiian Cultural Practices

Case Law on Native Hawaiian Rights and Coastal Land Protection

Public Access Shoreline Hawai‘i (PASH) v. Hawai‘i County Planning Commission (1995)

- This landmark Hawai‘i Supreme Court case affirmed that **Native Hawaiians have a constitutional right to exercise traditional and customary practices** on both public and private lands.
- The ruling requires that **all land use decisions—including SMA permits—must consider the impact on Native Hawaiian rights** such as fishing, gathering, and cultural practices.
- The court held that **developers and government agencies must ensure that proposed projects do not interfere with these rights.**

Ka Pa‘akai O Ka ‘Āina v. Land Use Commission (2000)

- The Hawai‘i Supreme Court established a three-part test requiring agencies to:
 1. **Identify** the scope of Native Hawaiian traditional and customary practices in the area.
 2. **Assess** the impact of proposed developments on these practices.
 3. **Determine** feasible measures to protect those practices.
- This case is critical because it mandates that any **SMA permit decisions affecting coastal lands must include a cultural impact assessment (CIA)**.

Douglas v. Seibu Hawai‘i, Inc. (1998)

- This case reaffirmed that **coastal access must be preserved for public use, including Native Hawaiian cultural practices**.
- The court ruled against private developments that restricted shoreline access without sufficient justification.

Nā Pali Coast ‘Ohana v. Department of Land and Natural Resources (2014)

- A case challenging the state's failure to **adequately manage access and development on culturally significant coastal lands**.
- The ruling emphasized the **state's duty to protect Native Hawaiian cultural sites and ensure continued access for traditional practices**.

2. Laws and Regulations Protecting Native Hawaiian Cultural Practices in Coastal Areas

Hawai‘i State Constitution

- **Article XII, Section 7: Mandates the protection of Native Hawaiian traditional and customary rights.**
- **Article XI, Section 1: Establishes the public trust doctrine**, which requires the state to **protect coastal lands, water resources, and cultural practices** for present and future generations.

Hawai‘i Revised Statutes (HRS) Chapter 205A – Coastal Zone Management (CZM) Act

- **HRS § 205A-2: Requires that SMA permits protect cultural and historic resources** from development impacts.
- **HRS § 205A-4: States that government agencies must give full consideration to the rights of Native Hawaiians when making land use decisions.**
- **HRS § 205A-26: Prohibits developments that adversely affect traditional Hawaiian practices, shoreline access, and public trust resources.**

Hawai‘i Revised Statutes (HRS) Chapter 6E – Historic Preservation Law

- **HRS § 6E-42: Requires a historic preservation review for any project that may impact cultural or historic sites.**

- **HRS § 6E-43:** Protects **burial sites, heiau (temples), and other culturally significant coastal areas** from destruction or desecration.

Hawai‘i Administrative Rules (HAR) – State Historic Preservation Division (SHPD) Regulations

- **HAR § 13-300:** Governs the **protection of Native Hawaiian burials and cultural sites** on coastal lands.
- **HAR § 13-284:** Requires a **Cultural Impact Assessment (CIA) and Environmental Impact Statement (EIS)** for projects affecting cultural resources.

Legal Implications of the Proposed Bill

- By **loosening SMA permit requirements**, this bill **violates HRS § 205A-2 and the Hawai‘i State Constitution’s protections for Native Hawaiian rights**.
- **Developments approved without cultural impact assessments (CIA) could violate Ka Pa‘akai O Ka ‘Āina**, requiring legal challenges.
- **Restricting coastal access for traditional practices** could **violate PASH v. Hawai‘i County**, leading to potential lawsuits from Native Hawaiian practitioners.

Legal Concerns:

This bill undermines the protections established under **Hawai‘i Revised Statutes (HRS) Chapter 205A**, which governs the Special Management Area permitting process. Specifically:

- **HRS § 205A-2** mandates that coastal development protect natural, cultural, and historic resources while considering cumulative impacts.
- **HRS § 205A-26** requires all developments in an SMA to minimize adverse environmental effects and protect public access.
- **HRS § 205A-29** states that an SMA use permit is required for projects exceeding a specific valuation or those with potential significant environmental impact. Raising this threshold to \$750,000 reduces oversight.
- Hawai‘i courts have upheld the **precautionary principle**, meaning if there is uncertainty about environmental harm, the government must prioritize resource protection.
- **Article XI, Section 1 of the Hawai‘i State Constitution** establishes the public trust doctrine, requiring the State to conserve and protect Hawai‘i’s natural resources for future generations. This bill threatens that duty.

Conclusion:

This bill prioritizes private development interests over the protection of Hawai‘i’s natural and cultural resources. The current SMA permitting process exists to safeguard our environment and communities, and raising the threshold for full review would undermine these protections. I urge you to oppose this measure and instead advocate for policies that strengthen environmental oversight and respect the cultural heritage of our islands.

Mahalo for your time and consideration.

_____/s/____

Cindy Freitas

LATE

HB-732-SD-1

Submitted on: 4/2/2025 10:57:18 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|------------------------|
| briana kawata | Individual | Oppose | Written Testimony Only |

Comments:

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

My name is Briana Kawata, and I **strongly oppose HB732 HD2 SD1**, which would open the door to ever more coastal development projects to bypass Special Management Area (SMA) use permit requirements - placing our fragile and vital coastal areas and nearshore resources at risk of undue harm.

Climate destabilization, sea level rise, and increasingly severe storms and floods not only threaten our fragile coastal ecosystems, but also our associated cultural, subsistence, and recreational practices and activities; public shoreline access; existing coastal infrastructure and buildings; and ocean-based visitor industry. This means we must enhance, and not weaken, protections against the potential harms of coastal development, including in particular the robust public input and review requirements of SMA use permits.

This bill instead does the opposite, by reducing the types of coastal development projects that would be subject to the oversight, transparency, and accountability requirements of SMA use permits issued under the Coastal Zone Management Act. The under-informed project approvals that result would in turn irreparably harm our beaches and shoreline areas, and the myriad public rights and interests that they support.

There is nothing “minor” about coastal development, and rising construction costs shouldn’t make us turn our back to our rising seas.

Mahalo for your consideration,
Briana Kawata

LATE

HB-732-SD-1

Submitted on: 4/2/2025 2:23:21 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|----------------|--------------|--------------------|------------------------|
| Sylvie Madison | Individual | Oppose | Written Testimony Only |

Comments:

I strongly oppose HB732

This bill weakens critical shoreline protections by allowing high-value development to bypass full environmental review. In West Hawaii, where coastal erosion and ecosystem sensitivity are ongoing concerns, loosening SMA thresholds invites irreversible harm under the guise of streamlining.

Sylvie Madison
White Sands, Kailua Kona

LATE

HB-732-SD-1

Submitted on: 4/2/2025 6:47:40 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Will Caron | Individual | Oppose | Written Testimony Only |

Comments:

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

I strongly oppose HB732 HD2 SD1, which would open the door to ever more coastal development projects to bypass Special Management Area (SMA) use permit requirements - placing our fragile and vital coastal areas and nearshore resources at risk of undue harm.

Climate destabilization, sea level rise, and increasingly severe storms and floods not only threaten our fragile coastal ecosystems, but also our associated cultural, subsistence, and recreational practices and activities; public shoreline access; existing coastal infrastructure and buildings; and ocean-based visitor industry. This means we must enhance, and not weaken, protections against the potential harms of coastal development, including in particular the robust public input and review requirements of SMA use permits.

This bill instead does the opposite, by reducing the types of coastal development projects that would be subject to the oversight, transparency, and accountability requirements of SMA use permits issued under the Coastal Zone Management Act. The under-informed project approvals that result would in turn irreparably harm our beaches and shoreline areas, and the myriad public rights and interests that they support.

There is nothing “minor” about coastal development, and rising construction costs shouldn’t make us turn our back to our rising seas. I urge the Committee to HOLD HB732 HD2 SD1.

Mahalo for your consideration.

LATE

HB-732-SD-1

Submitted on: 4/2/2025 10:59:32 PM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|------------------------|
| John L Reppun | Individual | Oppose | Written Testimony Only |

Comments:

Subject: HB732 HD2 SD! relating to Shoreline Management

Chair Rhoads, Vice Chair Gabbard, Judiciary Committee Members:

Mahalo for the opportunity to provide testimony on this critical issue - all the more significant given the rapid changes anticipated for sea level and the fact that we, as an island state, have failed to effectively address related planning issues in the Coast Zone.

Previously submitted testimony raises concerns from the Real Estate industry and, as might be expected, from those rightfully concerned about the re-building of the Lahaina, Maui County community that has been hit so hard. The former fails to address the mounting environmental planning concerns that we simply cannot afford to "kick" down the road. Their interests are monetary; the State and its constituent Counties - both needing to adhere to laws/ordinances that comport with prudent and long-standing Federal Coastal Zone Management guidance - must, instead & quickly, look deeper at the environmental and liability considerations into the future, embracing policies that insist on far more comprehensive due diligence, anticipating changes that science (and common sense) tell us to take more seriously. much of our islands' infrastructure - paid for by tax dollars - lie in harm's way. As such, we/you, as well-informed legislators, must lead the way in the direction of "managed retreat", as we all learn a new language of adaptation. Moreover, in these challenging times at the national level, it is imperative that we bring the otherwise excellent guidance of long-standing CZM language and thinking down into strengthened State law and corresponding County ordinances, anticipating the reality that our Federal Governance may not hold over the next few years. Good Planning language is good planning language! Any quick search of same brings to light caution against allowance of non-shoreline dependent development w/in the SMA; caution against the loss of critical filter functions of coastal and inland wetlands; warnings against the "cumulative impact" of developments within the SMA, no matter how small and regardless of whether they are affiliated with adjacent developments. Our bays, estuaries, associated fisheries are at risk. We have a major cesspool concern - along the extensive windward coast of O'ahu that I am familiar with, let alone around the entire state...and no clear solution to addressing point and non-point pollution affiliated with same.

With respect to concerns relating to Lahaina: We, the people of this state hear the cries for support as that critically impacted community strives to find its feet. It would seem that a "special design district" approach there would help best - not a change to the CZM/SMA

laws...and even there, an opportunity arises wherein planning guidance might help to establish a more resilient community that takes into consideration new understanding of environmental constraints and challenges.

With the above in mind, I urge this body to reject changes proposed in this bill and take us all back to the drawing boards between sessions.

Mahalo, John L. Reppun - lifelong community advocate, Windward O'ahu resident

LATE

HB-732-SD-1

Submitted on: 4/3/2025 7:15:49 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|-----------------|--------------|--------------------|------------------------|
| McMichael Simmy | Individual | Oppose | Written Testimony Only |

Comments:

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

My name is Simmy McMichael, I was born in the Territory of Hawaii.

I strongly oppose HB732 HD2 SD1 because with this our fragile and vital coast especially of Ali'i Drive in Kailua Kona is at risk of undue harm.

The sea level has already risen within the last 30 years. The high tide marking is written with in a formal letter when an illegal seawall was being built at our main Surf spot of Banyans. State DLNR wrote, the real marking is in the Middle of Ali'i Drive.

In 2017, the cesspool at Kahalu'u Beach was in the waters and took the State to uncap it and left to drain in our ocean for a week. Ask the question why, the shoreline moved within 10 years.

When the Surf gets Big along Ali'i Drive, the wave come on to the road. A few years ago, a wedding party at the Hulihee Palace was taken over, chairs and tables were knocked over while the ceremony was in process. There is video to show this action of mother nature.

The condo at Keauhou, a huge was went over the 3 story condo and onto the parking lot. This also was filmed and was on the news.

Many of the shoreline maps have already change, and many of the oceanfront lots have drastically changed.

Our Leeward Planning passed ruling of allowing to build 3,000 sq ft structures within the SMA. This was opposed by the public, no one was for it, yet it passed. This limit of \$500K protected somewhat of developer limit. Even though they would submit right under this limit. At the completion, the value was at the \$700K and within months, sold for \$ 2 million. If you push this limit to \$750K, the amount would push to \$900K..It reminds me of driving a car at limit 45mph, then going over to 49mph. plus..

The buildin plans from the initial start is submitted, and slowing adding on....and its well over the max amount. \$\$

The shoreline needs to be protected. Seawall ruined out shoreline, and ruin our Surf sites.

Please Say " NO" its already difficult and within the County it is clear, of appointees have record of Pay to Play and get a positive recommendation.

We need to protect our Cultural Sites, and our Environment. Allowing the threshold from \$500K to \$750 is not Pono. Developers will only take advantage inching their way to go beyond. Minor vs. Major gets to be a larger debate and this allows them to Skip the process of the Public Input at the Leeward Planning Commission, and the Hawaii County Council. We need public input, because it will allow how each project affects of Fragile SMA Area.

Mahalo,

Simmy McMichael

LATE

HB-732-SD-1

Submitted on: 4/3/2025 8:02:13 AM

Testimony for JDC on 4/3/2025 10:01:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|----------------|--------------|--------------------|------------------------|
| Samantha Haney | Individual | Oppose | Written Testimony Only |

Comments:

Aloha,

I'd like more considerations applied to this application for waterfront development because the current standards do not recognize or mitigate the environmental impact.

Keauhou is a sensitive area, home to endangered species, maritime business, and community enjoyment. The duration of site preparation, construction, and finally dwelling will irreversibly impact the land, the waters, the access to, and community fulfillments from this area.

Progress must consider the complicated nature of development in sensitive areas. Please hit pause on moving forward for more examination.

Sincerely,

Samantha Haney