



Testimony by:
FORD N. FUCHIGAMI
DIRECTOR

Deputy Directors
JADE T. BUTAY
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 31, 2017
3:00 p.m.
State Capitol, Room 308

S.B. 1016, S.D. 1
RELATING TO TRANSPORTATION

House Committee on Finance

The Department of Transportation (DOT) strongly **supports** this bill which temporarily exempts the DOT and its contractors from certain state requirements for certain bridge rehabilitation projects by extending the end date to June 30, 2022.

Passage of this bill will allow the DOT to continue accelerating the design and construction of bridges listed under Act 218, Session Laws of Hawaii 2012.

Although this bill exempts the DOT from State requirements, it is the intent of the DOT to conform and comply with all State laws during the design and construction phases of each bridge project. Similarly, while this bill will aid the DOT in streamlining the State's project delivery process, the DOT will continue to be required to comply with all applicable Federal laws as this bill does not exempt the DOT from those requirements.

Without the passing of this bill, many DOT bridge projects listed in SECTION 3 of Act 218 will be required to meet State and County statutes currently exempt, thereby considerably pushing back the project completion dates.

Thank you for the opportunity to provide testimony.



SB1016 SD1
RELATING TO TRANSPORTATION
House Committee on Finance

March 31, 2017

3:00 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) **OPPOSES** SB1016 SD1, which may lead to unnecessary, avoidable, and irreversible consequences for our natural and cultural resources, as well as the Native Hawaiian traditional and customary practices that rely upon them.

OHA appreciates the importance of rehabilitating deficient bridges before they pose a potential hazard to the public. However, there is no clear need to extend the broad regulatory exemptions for bridge rehabilitation projects listed five years ago, when these exemptions were first enacted. **The very fact that these projects have yet to be completed belies the assumption that the exempted regulations would have been the main impediment to their timely completion; notably, many of the exempted planning and assessment processes would have likely been completed well within the previous five year exemption period.** Instead, the current exemptions may have led to the unnecessary and potentially irreversible destruction or disturbance of natural and cultural resources, for any bridge projects that have been commenced during that time.

OHA notes that this measure would extend “temporary” exemptions to the environmental and cultural review requirements of Chapter 343, the land use laws of Chapter 205, the coastal zone management laws of Chapter 205A, the state historic preservation laws of Chapter 6E, and many other procedural and substantive protections for forest reserves, natural area reserves, native wildlife, and other environmentally sensitive areas and resources. **These exempted laws inform sound project planning that can minimize the potential for otherwise avoidable impacts to natural and cultural resources and sites valued by Native Hawaiians as well as the general public.** For example, Chapter 343 environmental review can help to determine whether significant environmental and cultural impacts may result from a proposed project, and ensure that project planners consider ways in which any such impacts may be mitigated or avoided. Similarly, Chapter 6E provides a process for assessing and planning for potential impacts to important historical and archaeological sites, as well as burials; notably, many bridges may be located along shorelines and cross rivers that empty into sandy estuaries – prime areas for burials and other important cultural resources and historical sites. Chapter 205A also contains crucial guidelines for project proposals, which can help to protect and reduce impacts to the shoreline area and our unique coastal environment. A blanket exemption from these important laws may therefore result in uninformed project planning and

otherwise avoidable impacts to the broad range of valued resources, sites, and associated cultural practices they are intended to protect.

By unnecessarily extending blanket regulatory exemptions “temporarily” enacted five years ago, this bill may result in significant and largely avoidable impacts to our natural and cultural resources, from bridge rehabilitation projects that have yet to be commenced. Accordingly, OHA urges the Committee to **HOLD** SB1016 SD1.

Mahalo nui for the opportunity to testify on this measure.