

**DEPARTMENT OF BUSINESS,  
ECONOMIC DEVELOPMENT & TOURISM**

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GOVERNOR

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Statement of  
**RICHARD C. LIM**  
Director  
Department of Business, Economic Development, and Tourism  
before the  
**HOUSE COMMITTEE ON WATER AND LAND  
AND  
HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES AND HAWAIIAN AFFAIRS**  
Friday, March 15, 2013  
8:30 AM  
State Capitol, Conference Room 325

in consideration of  
**SB 1027, SD1**  
**RELATING TO COASTAL ZONE MANAGEMENT.**

Chairs Evans and Hanohano, Vice Chairs Lowen and Cullen, and Members of the Committee.

The Department of Business, Economic Development, and Tourism (DBEDT) supports the Administration's Bill, SB 1027, SD1, relating to Coastal Zone Management (CZM).

Senate Bill 1027, SD1 recognizes the State's preemptive authority over counties on developments on State lands within the special management areas, while ensuring consistency with Hawaii Revised Statutes, Chapter 205A, the Hawaii CZM Act. This Administration Bill provides a streamlined review process for development by a State agency on State land within the special management area (SMA), in place of a county approved SMA permit and shoreline setback variance. We believe that SB 1027, SD1 will help the State expeditiously deliver capital improvement projects and repair and maintenance projects without sacrificing coastal resources.

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



**SB1027 SD1**  
**RELATING TO COASTAL ZONE MANAGEMENT**  
House Committees on Water and Land and  
Ocean, Marine Resources, and Hawaiian Affairs

March 15, 2013

8:30 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on SB1027 SD1, which would provide for state administration of state projects involving activities in the special management areas and shoreline setback areas throughout the various counties.

This bill allows state shoreline development projects to move forward outside of the county-administered special management area permitting process, and without a county-approved shoreline setback variance as currently required under the state Coastal Zone Management Act (CZMA). The proposed “streamlined” process does provide for state review of projects for “consistency” with certain selected provisions of the CZMA, that are currently administered and implemented by the counties.<sup>1</sup> However, it is unclear whether or how such “consistency” certification will reflect the application of subjective standards, such as “reasonable” minimization of dredging or reduction of beach or public access, or the minimization of substantial adverse environmental impacts “to the extent practicable.”<sup>2</sup> **Insofar as such subjective standards, which are currently implemented by individual counties, would be applied by the state, this bill raises questions as to whether or how Honolulu-based state agencies will adopt subjective permitting and variance standards that may vary across the four counties.**

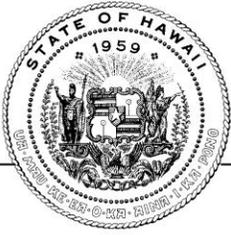
Ideally, any state projects that occur under this bill will reflect a recognition of the local county standards and norms for “reasonable” minimization of harmful activities, and the minimization of impacts “to the extent practicable,” among other subjective requirements within the CZMA.

Mahalo for the opportunity to testify on this measure.

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<sup>1</sup> Such “consistency certification” does not appear to take into account current requirements relating to aesthetic illumination of beaches and shoreline areas, county general plans or zoning districts, or the taking or mining of sand, dead coral, or rubble. See HRS §§ 205A-26(2)(C), -30.5, -44; cf. SB 1027 SD1 page 5 lines 13-21.

<sup>2</sup> HRS § 205A-26(2)(A).



# OFFICE OF PLANNING STATE OF HAWAII

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NEIL ABERCROMBIE  
GOVERNOR

JESSE K. SOUKI  
DIRECTOR  
OFFICE OF PLANNING

Statement of  
**JESSE K. SOUKI**  
Director, Office of Planning  
Department of Business, Economic Development, and Tourism  
before the  
**HOUSE COMMITTEE ON WATER AND LAND  
AND  
HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES AND  
HAWAIIAN AFFAIRS**  
Friday, March 15, 2013  
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in consideration of  
**SB 1027 SD1**  
**RELATING TO COASTAL ZONE MANAGEMENT.**

Chairs Evans and Hanohano, Vice Chairs Lowen and Cullen, and Members of the House Committee on Water and Land and Ocean, Marine Resources, and Hawaiian Affairs.

The Office of Planning (OP) administers Hawaii Revised Statutes (HRS) Chapter 205A, the Coastal Zone Management (CZM) law. The special management area (SMA) permitting system is part of the federal and state approved Hawaii CZM Program. The purpose of HRS Chapter 205A is to “provide for the effective management, beneficial use, protection, and development of the coastal zone.” L. 1997, c 188 §1.

OP supports the Administration's Bill, SB 1027 SD1, Relating to CZM, and recommends this Act take effect upon its approval. SB 1027 SD1 allows state agencies with developments on state land within the SMA to either self-certify compliance with HRS Chapter 205A, obtain a federal consistency concurrence pursuant to title 15 Code of Federal Regulations part 930, or

continue to go through the SMA permitting and shoreline setback variance processes if they prefer.

Last session, the Legislature and the Governor requested that OP examine streamlining for SMA permits for state projects. SB 1027 SD1 provides a streamlined review process for developments by a state agency on state land within the SMA. The state consistency review and certification will help the state expeditiously deliver capital improvement projects and repair and maintenance projects, without sacrificing coastal resources.

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

**Office of Planning, State of Hawaii  
Frequently Asked Questions  
State Consistency Review and Certification  
SB1027/HB797**

**2013 Legislative Session**

1. **QUESTION:** What is the purpose of bills SB1027 and its companion HB797?

**ANSWER:** The purpose of these bills is to provide a streamlined state consistency review process for development by a state agency on state land within a special management area (“SMA”) in place of a county approved SMA permit and shoreline setback variance. In light of scarce resources, reductions in staff, and reduced funding support for state programs, the state consistency review and certification process (1) allows the Hawaii CZM Program to remain consistent with the state and federally approved CZM Program, and (2) helps the state expeditiously deliver capital improvement and repair and maintenance projects.

2. **QUESTION:** What is an SMA permit?

**ANSWER:** The SMA permit process is a part of Hawaii’s state and federally approved Coastal Zone Management (“CZM”) Program. The SMA is a specific, delineated area extending inland from the shoreline to a boundary determined by each county. The SMA is a subset of Hawaii’s coastal zone, which includes all lands of the state and the area extending seaward from the shoreline to the limit of the state’s police power and management authority, including the United States territorial sea.

3. **QUESTION:** Isn’t this just another exemption?

**ANSWER:** No, projects will not be exempt from the CZM law. This is a streamlining effort to make the process simpler and more efficient, while still achieving the purpose of Hawaii’s CZM law to “provide for the effective management, beneficial use, protection, and development of the coastal zone.” See L. 1977, c 188, § 1.

4. **QUESTION:** Why is consistency with the CZM law important?

**ANSWER:** In 1975, our legislature 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.” Furthermore, our legislature declared “that it is the state policy to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawaii.” This was codified in HRS § 205A-21 and is still important to current and future generations. Consistency is also required for continued federal funding support of the Hawaii CZM Program. See CZM Act of 1972, codified as 16 U.S.C. §§ 1451-1465, available at <http://goo.gl/SQ2F8>.

5. **QUESTION:** Why is the Office of Planning proposing this bill?

**ANSWER:** During the 2012 legislative session, legislators and the Governor requested that the Office of Planning, as the lead agency for the Hawaii CZM Program, consider streamlining SMA permitting for state projects.

**6. QUESTION:** Who was consulted in drafting this bill?

**ANSWER:** Drafting of the bill was done in consultation with various stakeholders who have jurisdiction and regulatory responsibility over CZM Act implementation. The Office of Planning sought comments from: Department of Land and Natural Resources, Division of Forestry and Wildlife, Division of State Parks, Division of Boating and Ocean Recreation, Office of Conservation and Coastal Lands; Department of Transportation, Airports Division, Harbors Division, Highways Division, Statewide Transportation Planning Office; Office of Hawaiian Affairs; all four county planning departments; and the Marine and Coastal Zone Advocacy Council (a 12-member public advisory board with at least two members from each county). The director also discussed the Office of Planning's proposal at various presentations before such audiences as the 2012 Hawaii Congress of Planning Officials, the Environmental Caucus of the Democratic Party of Hawaii, and members of the Environmental Council.

**7. QUESTION:** Who decides whether a proposed action by a state agency on state land within the SMA is a "development" subject to state consistency review and certification?

**ANSWER:** "Development" is defined under HRS § 205A-22. State agencies will decide whether or not an action is a development in consultation with the Office of Planning.

**8. QUESTION:** How is the bill structured, and how can the public participate?

**ANSWER:** The bill proposes adding a new section to Part II of HRS Chapter 205A. This new section sets forth the process for state consistency review and certification. In short, the process is as follows: (1) The state agency files a notice of the state consistency review with the Office of Environmental Quality Control (OEQC), and allows a thirty-day public comment period; (2) The state agency provides a copy of its notice to the Office of Planning; and (3) The state agency files a notice of state consistency certification attesting that it has consulted and it is consistent with the CZM law. Public comments and responses thereto are made available to the public. In addition, the public may seek judicial remedies under HRS § 205A-33.

**9. QUESTION:** Does the bill preclude state agencies from following the current process?

**ANSWER:** No. A state agency may choose to follow the existing SMA.

**10. QUESTION:** How can I learn more about the CZM Program?

**ANSWER:** Visit the CZM Program's SMA web page at <http://www.state.hi.us/dbedt/czm/program/sma.php>.

To follow Office of Planning initiatives and projects, join us on Facebook ([www.facebook.com/OfficeofPlanning.HIgov](http://www.facebook.com/OfficeofPlanning.HIgov)) and Twitter ([twitter.com/PlanningHIgov](http://twitter.com/PlanningHIgov)).



**Testimony to the House Committees on Water and Land, and  
Ocean, Marine Resources and Hawaiian Affairs  
Friday, March 15, 2013  
8:30 a.m.  
State Capitol - Conference Room 325**

**RE: SENATE BILL NO. 1027, SD 1, RELATING TO COASTAL ZONE MANAGEMENT**

Chairs Evans and Hanohano, Vice Chairs Lowen and Cullen, and members of the committees:

The Chamber of Commerce of Hawaii **strongly supports S.B. 1027 SD1**. The bill proposes to add a new section to part II of chapter 205A, Hawaii Revised Statutes, to provide a process for state consistency review and certification for development by a state agency on state land within the special management area. After a notice of state consistency certification is published in the periodic bulletin by the Office of Environmental Quality Control, or upon issuance of federal consistency, a development by a state agency on state land shall be allowed within a special management area without obtaining a special management area permit or shoreline setback variance as otherwise required by chapter 205A.

The Chamber is the largest business organization in Hawaii, representing more than 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

Chapter 205A HRS was created by the Legislature and allowed for "... 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 are provided. The legislature finds and declares that it is the state policy to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawaii."

It would appear that the time to address the shoreline management issues would be when the facility, such as a government airport, is first being proposed. Logically, then if there is an impact, the airport should not be built. Once it is built, it would appear to be overly redundant to issue a SMA permit each time any work is being done within the airport facility.

To require and/or limit SMA permits for existing State facilities based on interior or renovation work seems to be unnecessary especially if the facility is already approved within the SMA. The bill would allow the Office of Planning to remove some of the redundancy in the permitting process. Perhaps, given the original intent of Chapter 205A, HRS, the entire state facility should be exempt or at the very least granted a SMA permit for the entire facility.

Thank you for this opportunity to express our views.

NEIL ABERCROMBIE  
GOVERNOR



Testimony of  
GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE BUTAY  
FORD N. FUCHIGAMI  
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JADINE URASAKI

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

March 15, 2013  
8:30 a.m.  
State Capitol, Room 325

**S.B. 1027, S.D. 1**  
**RELATING TO COASTAL ZONE MANAGEMENT**

House Committee(s) on Water and Land &  
Ocean, Marine Resources and Hawaiian Affairs

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Department of Transportation **supports** S.B. 1027, S.D. 1, because it provides an optional process for State agencies to acquire a Special Management Area permit.

The Department of Transportation strives to move its projects through the planning and permitting process to construction in a timely manner. Certain projects that require State agencies to acquire a Special Management Area Permit will benefit from this process to expedite projects from permitting to construction. DOT anticipates that projects that have minimal and negligible impact to the Special Management Area will take advantage of this optional process.

Thank you for the opportunity to provide testimony.



# **BIA-HAWAII**

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*"Building Better Communities"*

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**Testimony to the House Committees on Water and Land, and  
Ocean, Marine Resources and Hawaiian Affairs  
Friday, March 15, 2013  
8:30 a.m.  
State Capitol - Conference Room 325**

**RE: S.B. 1027, S.D. 1, RELATING TO COASTAL ZONE MANAGEMENT**

Dear Chairs Evans and Hanohano and Vice Chairs Lowen and Cullen, and members of the committees:

My name is Gladys Marrone, Director of Government Relations for the Building Industry Association of Hawaii (BIA-Hawaii), the voice of the construction industry. BIA-Hawaii promotes its members through advocacy and education, and provides community outreach programs to enhance the quality of life for the people of Hawaii. BIA-Hawaii is a not-for-profit professional trade organization, chartered in 1955, and affiliated with the National Association of Home Builders.

BIA-HAWAII **strongly supports** S.B. 1027 SD1. The bill proposes to add a new section to part II of chapter 205A, Hawaii Revised Statutes, to provide a process for state consistency review and certification for development by a state agency on state land within the special management area. After a notice of state consistency certification is published in the periodic bulletin by the Office of Environmental Quality Control, or upon issuance of federal consistency, a development by a state agency on state land shall be allowed within a special management area without obtaining a special management area permit or shoreline setback variance as otherwise required by chapter 205A.

Chapter 205A HRS was created by the Legislature and allowed for ". . . 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 are provided. The legislature finds and declares that it is the state policy to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawaii."

It would appear that the time to address the shoreline management issues would be when the facility, such as a government airport, is first being proposed. Logically, then if there is an impact, the airport should not be built. Once it is built, it would appear to be overly redundant to issue a SMA permit each time any work is being done within the airport facility.

Friday, March 15, 2013

8:30 a.m.

Testimony of BIA-Hawaii

To require and/or limit SMA permits for existing State facilities based on interior or renovation work seems to be unnecessary especially if the facility is already approved within the SMA. The bill would allow the Office of Planning to remove some of the redundancy in the permitting process. Perhaps, given the original intent of Chapter 205A, HRS, the entire state facility should be exempt or at the very least granted a SMA permit for the entire facility.

Thank you for this opportunity to express our views.



For the Protection of Hawaii's Native Wildlife

# HAWAII AUDUBON SOCIETY

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HOUSE OF REPRESENTATIVES  
TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2013

COMMITTEE ON WATER & LAND  
Representative Cindy Evans, Chair  
Representative Nicole E. Lowen, Vice Chair

COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS  
Representative Faye. P. Hanohano, Chair  
Representative Ty J.K. Cullen, Vice Chair

## **SENATE BILL NO. 1027 SD1**

Relating to Coastal Zone Management and proposing to amend HRS 205A  
by providing a process for State consistency review and certification  
for developments proposed by State agencies within Special Management Areas and Shoreline Areas.

Chair Evans, Vice Chair Lowen, and members of both committees, my name is Thorne Abbott and I am testifying today on behalf of the 2,500 members of the Hawaii Audubon Society. The Hawaii Audubon Society is dedicated to the protection and restoration of native ecosystems and conservation of natural resources through education, science and advocacy in Hawaii and the Pacific.

We are **strongly opposed to SB 1027 SD1**. The bill would add a new section to HRS 205A that would allow the State Office of Planning (OP) to usurp County Planning Department, Planning Directors and Planning Commission authority over projects proposed by State agencies within the county-designated Special Management Area (SMA) and/or Shoreline Area. SMA permits are normally processed by the local County Planning Department, except in Oahu's Community Development Districts where they are processed by the OP. The bill is intended to 'streamline' State projects. Unfortunately, the proposed bill will fail to achieve its stated goals for a number of reasons, several of which are described below.

### OP Lacks Capacity for Implementation

OP has only a few staff planners that presently process SMA permits and applications and they have no inspectors or enforcement personnel to assure compliance with SMA permit conditions. In contrast, County Planning Departments have the staff and expertise to process and enforce permits. For example, the Maui County Planning Department has approximately 65 staff including planners, site plan reviewers, and inspectors for compliance and enforcement. Several staff members have specific training on construction in flood-prone areas, coastal management, shoreline erosion, and coastal hazard avoidance. Kauai County and the Island of Hawaii also have substantial capacity and technical expertise in their Planning Departments relative to processing permits. It is difficult to conceive how a few SMA planners in Oahu could process permits *faster* than dozens of well-trained planners located where the projects are proposed, even if OP hired more staff.

Moreover, because OP is on Oahu, but would be issuing approvals for State projects statewide, passage of SB 1027 SD1 would create additional costs for small neighbor island consultants, surveyors, architects and engineering firms who can't afford to have an office in Honolulu or fly staff to Honolulu for meetings with OP, as opposed to meeting with their local planning departments.

Lack of Evidence for System-wide Delays for State Agencies

Testimony on companion bill HB 797 erroneously promotes the false claim that SMA permitting delays projects. HRS 205A-22 specifically *excludes* (#6) “repair, maintenance, or interior alterations to existing structures” and (#16) “nonstructural improvements to existing commercial structures” from needing an SMA permit. Similar to HRS 343 environmental review, projects in the SMA have are assessed prior to the issuance of an exemption. Of 800 SMA assessments (i.e., SMX, gold bars rear row) in 2005 more than 600 were exempted (SM5, blue bars) by Maui County primarily using a *one-page* check list (Figure 1). The SMA permitting system has worked for decades and fundamentally changing it for only State agencies based on antidotal evidence of permit delays risks unforeseen consequences.

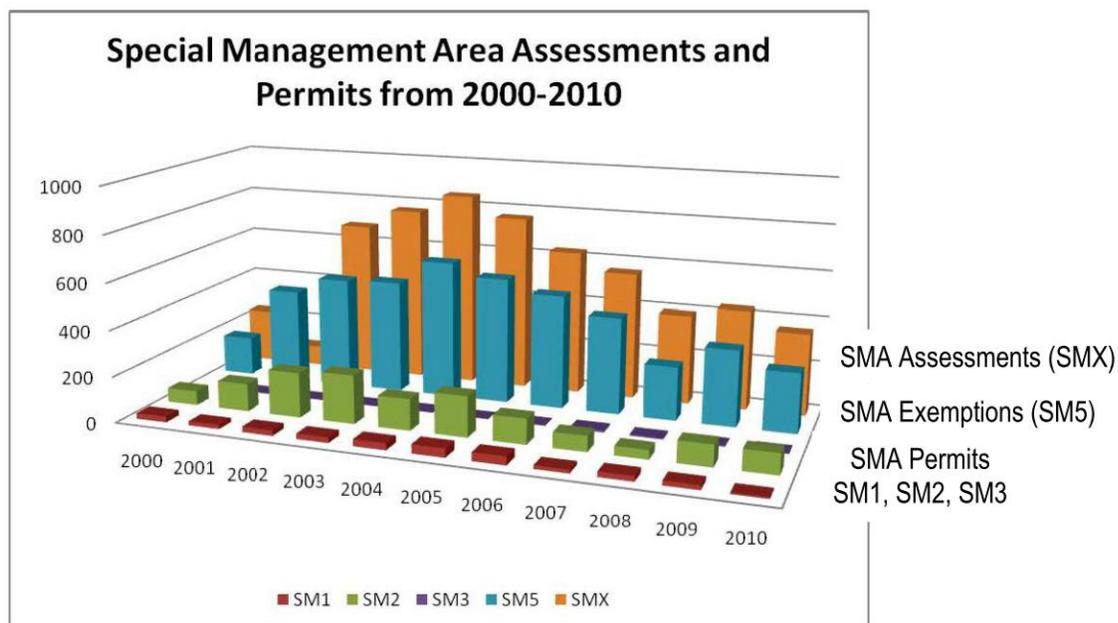


Figure 1: SMA Assessments (SMX) and Resulting Exemption (SM5) or Permit (SM1, SM2, SM3) in Maui County from 2000-2010.

Home Rule Means the Counties are Still Responsible for Impacts

As stated by the OP Director in earlier public hearings on HB 797, SB 1027 SD1 would allow State projects to 'self-certify' themselves as being in compliance with all SMA, Shoreline area and Coastal Zone Management (CZM) policies and objectives. For example, there would be no need for neighboring island Planning Commission decision making or public hearings when shoreline hardening is proposed along state highways, even those with sandy beaches. Although there would be an opportunity for the public to comment, much like in the HRS Chapter 343 process, there is nothing in SB 1027 SD1 to preclude the State from carrying out its preference and essentially ignoring public comments and input. As a result, County planning departments will have minimal influence on regulating shoreline access, beach conservation, coastal assets and areas owned by the State and will forfeit *home rule*. Similarly, the State will forfeit local knowledge and place-based solutions to coastal erosion and hazards.

Moreover, County governments could ultimately be held responsible (politically or financially) for any damages resulting from the State's 'self-certifying' and thus it is right and fair that the County has a say in the approval.

In July 2012 a new seawall was constructed at Ukumehame, Maui to protect the State highway. The expedited process was allegedly in response to the March 2011 tsunami along an important scenic corridor in an undeveloped mauka-to-makai section of the roadway between central and west Maui. The process included one letter to the County Mayor's office and no public input or Planning Commission consideration.

The US Army Corps of Engineers issued a determination that the seawall would not harm nearshore waters and coastal resources. However, during construction the contractor displaced clay onto the nearby reef because they did not use silt fences, piled dirt and rocks next to the ocean without covering it, and told County planners that they were unaware that coral reefs were in the vicinity. The sediment input shown in Figure 2 dirtied the water for weeks, adversely impacted coral reefs which break up storm surge, negatively impacted a manta-ray cleaning station that attracts both fish and tourists, and will severely exacerbate beach erosion and the loss of sand from the adjacent beach park. The beach parks along this section of highway are heavily used for recreation such as camping, family outings, kayaking, standup paddling, and surfing, especially by keiki.



Figure 2 – A brown plume of sediment and clay is clearly evident as a result of inappropriate shoreline hardening despite the State and Federal government's assurances that the project would not pollute marine waters or damage coastal resources.

By precluding local decision making, as SB 1027 SD1 proposes, the State was not apprised of the fact that the land had been purchased by the County for approximately \$1 million to create a long coastal park and to move the highway inland and out of eleven flood and erosion prone areas (Figure 3). Relocating the highway inland would have saved the beach, the coral reef, the highway, and millions of tax payer's dollars spent on the seawall and the underlying land itself.

The situation shown in Figure 2 exemplifies why SB 1027 SD1 has negative, unintended consequences and would result in poor planning and poor use of tax payer money. It would seem prudent to engage the people who live, work, play, know, use and regulate these coastal areas before allowing a State agency to construct projects, often at tax payer expense. Merely having a “comment period” is insufficient and unacceptable.

*The State Approval does not Account for Local Planning*

In July 2011, the Legislature granted each County Planning Director with greater discretionary authority. Projects valued up to \$500,000, including State projects, can receive an SMA Minor Permit with no public hearing. Previously, the Director’s discretion was limited to projects of \$125,000 or less. The Legislature recognized the reasonableness of this streamlining technique. Yet, there has been no tally of how many SMA *Minor Permits* for *State projects* have been issued or an explanation as to why its ineffectiveness warrants OP taking over County roles. The present SMA process ensures prudent decision making by all agencies and involves local experts that know their Island’s beaches, shoreline assets and coastlines.



Figure 3 – Maui County purchased a 1-mile long, 600 feet deep oceanfront property during a 42-lot agricultural residential subdivision (gold perimeter) for approximately \$1 million. The ocean side State highway was slated for relocation 600 feet inland (yellow line, estimated). The project obtained Planning Commission approval of the SMA Use Permit (SM1 2005/0006) in June 2005. An adjacent sandy beach park is now degraded due to the seawall's construction within the littoral cell and may accelerate beach and park erosion according to local coastal geologists.

*Conclusion – Defer SB 1027 SD1*

It should be noted that the State Office of Planning has lost 80% of its budget and 75% of its employees over the past two decades, yet continues to have additional responsibilities placed on its staff. Presently, the Department only has a few planners processing Special Management Area (SMA) permits. Even with additional recruitment, expedient processing of State projects will take time until OP can be fully staffed, trained and funded. This immediate delay of State projects contrasts with neighbor island Planning Department's that *already* have well-trained professional planning staff conducting SMA / CZM / and

Shoreline reviews and who know their Island's shoreline resources. SB 1027 SD1 contravenes the purpose of HRS 205A, which is to place special controls on ALL development near our shorelines and which the Legislature recognized as an important reason for passing the law and keeping the law intact for decades.

On behalf of the Hawaii Audubon Society and its 2500 members, we respectfully ask you to permanently deny SB 1027 SD1 and any similar 'streamlining' bills of the SMA process. Representatives from the Hawaii Audubon Society would gladly meet with OP, State agencies and others to help develop sound streamlining and legislative amendments to HRS 205A, where and if needed.

*Mahalo!*

A handwritten signature in blue ink, appearing to read 'Thorne Abbott', written in a cursive style.

Thorne Abbott  
Hawaii Audubon Society Board of Directors  
808-344-1595

**Late Testimony of Robert Loy**  
**Director of Environmental Programs**  
**The Outdoor Circle**  
**SB 707 SD1**  
**Committee on Water and Land**  
**Committee on Marine Resources & Hawaiian Affairs**  
**March 15, 2013 8:30 AM**  
**Room 325**

**RE: Support for SB 1027 SD1 relating to Coastal Zone Management**

The Outdoor Circle strongly opposes this legislation.

SB 1027 SD1 will enable a development by state agencies on state land within each county's Special Management Area boundaries (SMA) to be allowed without obtaining an SMA permit or shoreline setback variance as otherwise required by the Hawaii Revised Statutes.

These PLDC-like exemptions are exactly what Outdoor Circle members statewide do not want passed into law under any circumstances.

SMA Permits play a crucial role in giving the counties the ability to protect some of their most sensitive and valuable areas. As such, they are a critical element of "Home Rule," which is threatened by this legislation.

SMA Permits regulate permissible land uses that are already allowed by land use policies including zoning designations, county general plans, and community development plans. This was recognized in 1975 in Act 176, the "Shoreline Protection Act." Part II of HRS Chapter 205A 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 State of Hawaii must be held to the same standards and pass the same tests in its projects as any other entity. And no entity, private or public--including the State of Hawaii--should be granted exemptions from laws that protect our environment and quality of life, regardless of whether the project is proposed for state land.

We implore the legislature to continue listening to the loud public voice that opposes these kinds of efforts to skirt the law.

Please hold this legislation.

**lowen1-Kyli**

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**Cc:** Alemorrier@gmail.com  
**Subject:** \*Submitted testimony for SB1027 on Mar 15, 2013 08:30AM\*

**SB1027**

Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alicia Morrier	Individual	Oppose	No

Comments:

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**Subject:** \*Submitted testimony for SB1027 on Mar 15, 2013 08:30AM\*

**SB1027**

Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
April Lee	Individual	Oppose	No

Comments:

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**To:** waltestimony  
**Cc:** daleb@hawaii.rr.com  
**Subject:** \*Submitted testimony for SB1027 on Mar 15, 2013 08:30AM\*

**SB1027**

Submitted on: 3/14/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dale	Individual	Oppose	No

Comments:

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**To:** waltestimony  
**Cc:** drtran\_montreal@yahoo.com  
**Subject:** \*Submitted testimony for SB1027 on Mar 15, 2013 08:30AM\*

**SB1027**

Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dick Tran	Individual	Oppose	No

Comments:

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**To:** waltestimony  
**Cc:** donald.v.tran@gmail.com  
**Subject:** \*Submitted testimony for SB1027 on Mar 15, 2013 08:30AM\*

**SB1027**

Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
donald tran	Individual	Oppose	No

Comments:

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**Cc:** akamaimom@gmail.com  
**Subject:** \*Submitted testimony for SB1027 on Mar 15, 2013 08:30AM\*

**SB1027**

Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Felicia Cowden	Individual	Oppose	No

Comments:

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**To:** waltestimony  
**Cc:** garypopkin@yahoo.com  
**Subject:** \*Submitted testimony for SB1027 on Mar 15, 2013 08:30AM\*

**SB1027**

Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
gary popkin	Individual	Oppose	No

Comments:

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**To:** waltestimony  
**Cc:** juggler@aloha.net  
**Subject:** \*Submitted testimony for SB1027 on Mar 15, 2013 08:30AM\*

**SB1027**

Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Graham Ellis		Oppose	No

Comments:

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**To:** waltestimony  
**Cc:** gysiemee@hotmail.com  
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**SB1027**

Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gysie Lewis	Individual	Oppose	No

Comments:

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**To:** waltestimony  
**Cc:** cavemom38@yahoo.com  
**Subject:** Submitted testimony for SB1027 on Mar 15, 2013 08:30AM

**SB1027**

Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Janet Ely	Individual	Oppose	No

Comments: I vehemently oppose SB1027 because it gives inordinate power to government and private entities to develop coastal and other public lands which were never intended for development. NO ON SB1027.

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**To:** waltestimony  
**Cc:** palmtree7@earthlink.net  
**Subject:** Submitted testimony for SB1027 on Mar 15, 2013 08:30AM

**SB1027**

Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
janice palma-glenie	Individual	Oppose	No

Comments: This legislation makes a mockery of protective land use law and Constitutional mandate to protect natural resources for the benefit of all hawai`i's residents now and in teh future.mahalo.

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**To:** waltestimony  
**Cc:** joeconti@kona.net  
**Subject:** Submitted testimony for SB1027 on Mar 15, 2013 08:30AM

**SB1027**

Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joe Conti	Individual	Oppose	No

Comments: Please do the right thing and do not let this bill pass. Represent the people and if you make a mistake, make it one that is not impacting future generations. Trust in government is very low. Please Be responsible.

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**Cc:** hilobliss@yahoo.com  
**Subject:** \*Submitted testimony for SB1027 on Mar 15, 2013 08:30AM\*

**SB1027**

Submitted on: 3/14/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
joy cash	Individual	Oppose	No

Comments:

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**Sent:** Wednesday, March 13, 2013 11:40 AM  
**To:** waltestimony  
**Cc:** juliahorn1@yahoo.com  
**Subject:** \*Submitted testimony for SB1027 on Mar 15, 2013 08:30AM\*

**SB1027**

Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Julia Horn	Individual	Oppose	No

Comments:

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**To:** waltestimony  
**Cc:** karinmedigo@yahoo.com  
**Subject:** Submitted testimony for SB1027 on Mar 15, 2013 08:30AM

### **SB1027**

Submitted on: 3/14/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
karin medigovich	Individual	Oppose	No

Comments: I strongly oppose this measure we mustn't give privilege to these corporations. This is exploitation of the land and does not serve the people. Please do not support this. Thank you, a Kauai resident.

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**To:** waltestimony  
**Cc:** lztran@yahoo.com  
**Subject:** \*Submitted testimony for SB1027 on Mar 15, 2013 08:30AM\*

**SB1027**

Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
L Tran	Individual	Oppose	No

Comments:

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**To:** waltestimony  
**Cc:** stoneflower\_8@hotmail.com  
**Subject:** \*Submitted testimony for SB1027 on Mar 15, 2013 08:30AM\*

**SB1027**

Submitted on: 3/14/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laura Raye	Individual	Oppose	No

Comments:

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**To:** waltestimony  
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**SB1027**

Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
lien ng	Individual	Oppose	No

Comments:

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**To:** waltestimony  
**Cc:** lieu\_q\_nguyen@yahoo.com  
**Subject:** \*Submitted testimony for SB1027 on Mar 15, 2013 08:30AM\*

**SB1027**

Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
lieu nguyen	Individual	Oppose	No

Comments:

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Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Kirbin	Individual	Oppose	No

Comments:

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Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pono Kealoha	Individual	Oppose	No

Comments:

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**Cc:** robin@mauirobin.com  
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**SB1027**

Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robin Newbold	Individual	Oppose	No

Comments:

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**Cc:** joncole@gmail.com  
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Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jonathan R Cole	Individual	Oppose	No

Comments: The State government must obey all laws put into place to protect the environment and to give proper public airing of its plans. Therefore I oppose this bill strongly.

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**Subject:** \*Submitted testimony for SB1027 on Mar 15, 2013 08:30AM\*

**SB1027**

Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tam Mui	Individual	Oppose	No

Comments:

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**SB1027**

Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tram Quen	Individual	Oppose	No

Comments:

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**To:** waltestimony  
**Cc:** shannonkona@gmail.com  
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**SB1027**

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Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Rudolph	Individual	Oppose	No

Comments:

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**To:** waltestimony  
**Cc:** ti\_health@hotmail.com  
**Subject:** \*Submitted testimony for SB1027 on Mar 15, 2013 08:30AM\*

**SB1027**

Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tia Kent	Individual	Oppose	No

Comments:

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**Sent:** Wednesday, March 13, 2013 8:17 PM  
**To:** waltestimony  
**Cc:** tjsimms2000@hotmail.com  
**Subject:** \*Submitted testimony for SB1027 on Mar 15, 2013 08:30AM\*

**SB1027**

Submitted on: 3/13/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
tj simms	Individual	Oppose	No

Comments:

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**Sent:** Thursday, March 14, 2013 10:46 AM  
**To:** waltestimony  
**Cc:** dlbenett@mac.com  
**Subject:** \*Submitted testimony for SB1027 on Mar 15, 2013 08:30AM\*

**SB1027**

Submitted on: 3/14/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Bennett	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**lowen1-Kyli**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 14, 2013 10:44 AM  
**To:** waltestimony  
**Cc:** kristikea@yahoo.com  
**Subject:** \*Submitted testimony for SB1027 on Mar 15, 2013 08:30AM\*

**SB1027**

Submitted on: 3/14/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kea Kapaua	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 14, 2013 4:55 PM  
**To:** waltestimony  
**Cc:** rfreitasjr@hotmail.com  
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**SB1027**

Submitted on: 3/14/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Freitas Jr.	Individual	Oppose	No

Comments: I oppose this bill

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 14, 2013 4:26 PM  
**To:** waltestimony  
**Cc:** rubyapap@yahoo.com  
**Subject:** Submitted testimony for SB1027 on Mar 15, 2013 08:30AM

**SB1027**

Submitted on: 3/14/2013

Testimony for WAL/OMH on Mar 15, 2013 08:30AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ruby Pap	Individual	Oppose	No

Comments: Exempting state projects from SMA review by the County has the potential for major environmental consequences to our coast. Local review processes provide for local input. The State office of planning does not have adequate staff levels to process these consistency reviews, so as a result projects may not receive the detailed review they deserve; or there will be a major backlog. Local communities have invested much in the SMA rules, and depend on local processes to be heard.

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NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
WILLIAM J. AILA, JR.  
Chairperson**

**Before the House Committees on  
WATER & LAND  
and  
OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS**

**Friday, March 15, 2013  
8:30 AM  
State Capitol, Conference Room 325**

**In consideration of  
SENATE BILL 1027, SENATE DRAFT 1  
RELATING TO COASTAL ZONE MANAGEMENT**

Senate Bill 1027, Senate Draft 1 proposes statutory changes for a streamlined process for development by a state agency on state land within the Special Management Area. **The Department of Land and Natural Resources (Department) supports this Administrative measure with exception to its effective date, as it preserves the intent of the Coastal Zone Management law while facilitating the implementation of construction projects that will improve our deteriorated facilities and create jobs to improve the economy.**

The Department further emphasizes that this measure is only applicable for development by a state agency on state land and is conditioned upon each project meeting consistency review requirements in accordance with Chapter 205A, Hawaii Revised Statutes. This measure provides a reasonable process that balances the need to expedite the Department's projects while ensuring the protection of the environment, coastal resources, and public access.

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

**WILLIAM J. AILA, JR.**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ESTHER KIA'AINA**  
FIRST DEPUTY

**WILLIAM M. TAM**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS