

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committee on
ENERGY & ENVIRONMENTAL PROTECTION

Tuesday, February 5, 2019
8:45 a.m.
State Capitol, Conference Room 325

In consideration of
HOUSE BILL 549
RELATING TO THE ENVIRONMENT

House Bill 549 proposes to amend the Hawaii Coastal Zone Management Act, Chapter 205A, Hawaii Revised Statutes (HRS), to reduce residential exposure to coastal hazards with sea level rise, strengthen protections for state beaches, and update language for consistency with other HRS. **The Department of Land and Natural Resources (Department) supports this measure and offers the following comments.**

In 2017, the Governor signed legislation into law as Act 32, establishing the Hawaii Climate Change Mitigation and Adaptation Commission (Climate Commission). Act 32 also established a Climate Change Mitigation and Adaptation Coordinator (Climate Coordinator) position. The Climate Commission and Climate Coordinator are housed within the Department of Land and Natural Resources, Office of Conservation and Coastal Lands. Thus, we have a very strong interest in all climate adaptation initiatives, especially related to sea level rise.

In their September 2018 meeting, the Hawaii Climate Change Mitigation and Adaptation Commission (Climate Commission), on which the Chair of the Board of Land and Natural Resources is a co-chair, agreed to five priority recommendations for countering impacts of sea level rise, including requesting that all new development, redevelopment, and modifications be directed away from beach areas; urging counties to incorporate the 3.2 foot sea level rise exposure area (SLR-XA) as detailed in the Hawaii Sea Level Rise Vulnerability and Adaptation Report (Hawaii Sea Level Rise Report) into their general and community plans; and bring resources to assist in planning and implementing for sea level rise and other climate related impacts. A copy of a press release from the Department regarding the Climate Commission's recommendations is attached for your convenience.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

Further, the Hawaii Sea Level Rise Report, accepted by the Climate Commission in December 2017, recommendations include that the State support sustainable and resilient land use and community development; seek opportunities to development outside the SLR-XA; develop shoreline (i.e., beach and dune) protection, conservation, and restoration priorities and guidelines; integrate sea level rise vulnerability considerations into the Hawaii Coastal Zone Management Act (205A, HRS); and enable “legacy” beaches to persist with sea level rise.

As you know, it is the mission of the Department to manage public lands and ocean resources, including beaches throughout the State. The Department is very much at the forefront of addressing impacts related to coastal erosion and beach loss in Hawaii. Beaches are central to our culture and economy. As described in Section 1 of the bill, our beaches are being lost at alarming rates due to natural processes and human impacts including sea level rise and concentrated shoreline development, threatening alongshore public access and upland development.

When shore-front property and homes are threatened by coastal erosion and flooding, the Department often faces intense pressure from land owners to permit erosion-protection structures such as seawalls and rock revetments. The science is clear that installing coastal armoring on a chronically eroding beach leads to beach narrowing and loss and increased erosion to unprotected neighboring properties. Increasing protection for beaches and other coastal resources, as well as strengthening prohibitions against seawalls and revetments, and strengthening zoning controls and shoreline building setbacks through the proposed updates to Chapter 205A HRS are critical if we want to allow our beaches to persist with sea level rise while improving resilience of our beachfront communities.

The Department offers the following suggested amendment on page 17, line 4 of the bill, which appears to be the result of an inadvertently omitted word. Suggested language for inclusion below is highlighted in gray.

(9) Beach protection;

- (A) Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline processes, and minimize loss of improvements due to erosion;
- (B) Prohibit construction of private erosion-protection structures [~~seaward of the shoreline~~], including but not limited to seawalls and rock revetments, except [~~when they result in improved aesthetic and engineering solutions to~~

erosion] at [the] sites [~~and do not~~] where they
do not interfere with beach processes and existing
recreational and waterline activities;

Thank you for the opportunity to comment on this measure.

Enclosure.



DEPARTMENT OF LAND AND NATURAL RESOURCES

DAVID Y. IGE
GOVERNOR

SUZANNE D. CASE
CHAIRPERSON

FOR IMMEDIATE RELEASE

Sept. 5, 2018

STATE CLIMATE COMMISSION ADOPTS RECOMMENDATIONS FOR COUNTERING IMPACTS OF SEA LEVEL RISE

(Honolulu) – The Hawai'i Climate Change Mitigation and Adaptation Commission (Climate Commission) at its regular quarterly meeting yesterday adopted a series of recommendations and finalized a mission statement to help guide Hawai'i's response to the impacts of climate change.

The Climate Commission is led by the DLNR Chair and the Director of the State Office of Planning and includes members from key state and county agencies. The group's mission statement formalized and approved at the meeting is as follows:

"Hawaii's Climate Commission recognizes the urgency of climate threats and the need to act quickly. It promotes ambitious, climate-neutral, culturally responsive strategies for climate change adaptation and mitigation in a manner that is Clean, Equitable & Resilient."

The recommended strategies or steps agreed upon by the Climate Commission include:

- Support legislation for disclosure for private property and public offerings located in areas with potential exposure to sea level rise.
- Request all new development, redevelopment and modifications be directed away from beach areas.
- Urge counties to incorporate the 3.2 ft. sea level rise exposure area (SLR-XA) into their general and development plans.
- Encourage agencies and non-governmental utility providers to identify and prioritize assets within the 3.2 ft SLR-XA or more as described in the State's Sea Level Rise report, identify adaptation measures, and to provide a status update on this activity annually to the Climate Commission.
- Support legislation that funds State programs to meet mitigation goals, and to bring resources to assist in planning and implementation for sea level rise and other climate related impacts.

The next quarterly meeting of the Climate Commission is scheduled for Tuesday, Nov. 27, 2018 from 1:00 – 4:00 p.m. at the Board of Land and Natural Resources meeting room, Kalanimoku Building, 1151 Punchbowl Street in Honolulu. All meetings are open to the public.

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RESOURCES

(All video/images courtesy: DLNR)

Hawai'i Climate Change Portal:

<http://climate.hawaii.gov/>

Rising Seas in Hawai'i television special:

<https://vimeo.com/249760017>

HD video-Sea level rise adaptation media clips:

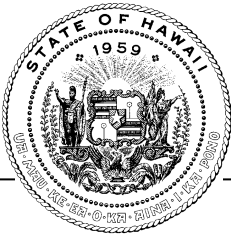
<https://vimeo.com/197533871>

Media Contact:

Dan Dennison

Senior Communications Manager

(808) 587-0396



OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

DIRECTOR
OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <http://planning.hawaii.gov/>

Statement of
LEO R. ASUNCION
Planning Program Administrator
before the
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION
Tuesday, February 5, 2019
8:45 AM
State Capitol, Conference Room 325

in consideration of
HB 549
RELATING TO THE ENVIRONMENT.

Chair Lowen, Vice Chair Wildberger, and Members of the House Committee on Energy and Environmental Protection.

The Office of Planning (OP) respectfully offers comments on HB 549, which proposes various amendments to HRS Chapter 205A, including amendments on the CZM objectives and policies, special management area guidelines, and shoreline setbacks, in response to the inadequacies of the current CZM policies and regulations with respect to beach protection, beach access, and beach ecosystems, due to sea level rise and other natural and human impacts.

1. To ensure clarity and consistency throughout the Chapter relating to coastal hazards, adding the definition of “Coastal hazards” to HRS § 205A-1
Definitions as follows:
"Coastal hazards" includes tsunami, hurricanes, wind, waves, storm surges, high tide, flood, erosion, sea level rise, subsidence, and point and nonpoint source pollution.
2. **Page 7, line 10**, the OP recommends amending HRS § 205A-2(b)(6) Coastal hazards as follows:
(6) Coastal hazards;
(A) Reduce hazard to life and property from [~~tsunami, storm waves, stream flooding, erosion, subsidence, and pollution~~] coastal hazards.
3. **Page 7, lines 19-21**, the OP recommends amending HRS § 205A-2(b)(9) Beach protection by replacing the term “ecosystem services” with “benefits of coastal ecosystems”, and replacing the proposed language from HB 549 on **page 8, lines 1-2**, with the language for the beach protection objective, as follows:

- (9) Beach protection;
 - (A) Protect beaches and coastal dunes for public use and recreation, benefits of coastal ecosystems, and as natural barriers to coastal hazards; and
 - (B) Coordinate and fund beach management and protection.

- 4. **Page 8, lines 17-21, and page 8, lines 1-5**, the OP recommends amending HRS § 205A-2(c)(1)(B)(ii) by replacing the term “replacement” with “restoration” as follows:
 - (ii) Requiring [~~replacement~~] restoration of coastal resources [~~having~~] that have significant recreational and ecosystem value including, but not limited to coral reefs, surfing sites, fishponds, and sand beaches, when [~~such~~] these resources will be unavoidably damaged by development; or requiring reasonable monetary compensation to the State for recreation when [~~replacement~~] restoration is not feasible or desirable;

- 5. For consistency with OP’s proposed amendment to add the definition of coastal hazards, on **Page 12, lines 20-21, and page 13, lines 1-10**, the OP recommends amending HRS § 205A-2(c)(5)(B) as follows:
 - (B) Ensure [~~that coastal dependent development such as~~] residential and commercial development, transportation infrastructure, [harbors and ports], and coastal related development [such as] , including but not limited to visitor industry facilities and energy generating facilities, are located, designed and constructed to minimize exposure to coastal hazards, and minimize adverse social, visual, and environmental impacts in the coastal zone management area; and

- 6. For consistency with OP’s proposed amendment 1 to add the definition of coastal hazards; on **Page 14, lines 1-2**, the OP recommends amending HRS § 205A-2(c)(5)(C)(ii) as follows:
 - (ii) Adverse environmental effects and risks from coastal hazards are minimized; and

- 7. **Page 14, lines 6-20, and page 15, lines 1-8**, with the definition of “Coastal hazards” added to HRS § 205A-2, the OP recommends amending HRS § 205A-2(c)(6) Coastal hazards as follows:
 - (6) Coastal hazards;
 - (A) Develop and communicate adequate information about [~~storm wave, tsunami, flood, erosion, hurricane, wind, subsidence, and point and nonpoint source pollution hazards~~] risks of coastal hazards;

- (B) Control development, including planning and zoning control, in areas subject to [~~storm wave, tsunami, flood, erosion, hurricane, wind, subsidence, and point and nonpoint source pollution hazards~~] coastal hazards;
- (C) Ensure that development comply with requirements of the [~~Federal~~] National Flood Insurance Program; and
- (D) Prevent coastal flooding from inland projects;

8. **Page 16, lines 15-21, and page 17, lines 1-18**, the OP recommends amending HRS § 205A-2(c)(9) Beach protection as follows:

- (9) Beach protection
 - (A) Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline process, and minimize loss of improvements due to erosion;
 - (B) Prohibit construction of private [~~erosion protection~~] shoreline hardening structures [seaward of the shoreline], including but not limited to seawalls and revetments, except [~~when they result in improved aesthetic and engineering solutions to erosion~~] at the sites ~~and~~ where the structures do not interfere with beach processes and existing recreational and waterline activities;
 - (C) Minimize the construction of public [~~erosion protection structure~~] shoreline hardening structures [seaward of the shoreline], including but not limited to seawalls and revetments;
 - (D) Avoid grading of and damage to coastal dunes;
 - ~~(D)~~(E) Prohibit private property owners from creating a public nuisance by inducing or cultivating the private property owner's vegetation in a beach transit corridor; and
 - ~~(E)~~(F) Prohibit private property owners from creating a public nuisance by allowing the private property owner's unmaintained vegetation to interfere or encroach upon a beach transit corridor.

9. **Page 23, lines 1-2**, the OP does not see the reasons why HRS § 205A-29 shall not apply to permits for uses within the state land use conservation district as proposed by HB 549. The special management area permit requirements apply to the state conservation districts if they are located within the county designated special management areas. Pursuant to HRS § 205A-5, all state and county agencies shall ensure that their rules comply with the objectives and policies of Chapter 205A, and any guidelines enacted by the legislature.

10. **Page 23, lines 5-9**, the OP supports the amendments to HRS § 205A-43(a) to require setbacks along shorelines are established of not less than forty feet inland from the shoreline.

11. **Page 24, lines 1- 7**, the OP recommends amending HRS §205A-43.5(a)(2) as follows:

- (2) Protection of a legal structure [~~costing more than \$20,000;~~] or a public facility, which does not fix the shoreline, under an emergency authorization issued by the authority; provided that the structure or facility is at risk of immediate damage from shoreline erosion;

12. **Page 26, lines 3-4**, to prohibit private property owners from taking sand for their own interest, the OP recommends amending HRS § 205A-44(a)(7) as follows:

- (7) For the response to a public emergency or a state or local disaster in the public interest by public agencies or public utilities.

13. **Page 27, lines 3-21, and page 28, lines 1-2**, given that “hardship” may potentially be abused by the applicants to justify for their shoreline hardening structures, the OP recommends amending HRS §§ 205A-46(a)(8) and (9) as follows:

- (8) Private facilities or improvements [~~which~~] that will neither adversely affect beach processes, or result in flanking shoreline erosion nor artificially fix the shoreline; provided that the authority also finds that ~~hardship will result to~~ the applicant will be deprived of reasonable use of the land if the facilities or improvements are not allowed within the shoreline area;
- (9) Private facilities or improvements that may artificially fix the shoreline in front of which no beach exists; provided that the authority [~~also~~] finds that [~~shoreline erosion is likely to cause hardship to~~] the applicant will be deprived of reasonable use of the land if the facilities or improvements are not allowed within the shoreline area, [~~and the authority imposes conditions to prohibit any structure seaward of the existing shoreline~~] and the action will neither affect beach processes nor curtail public access unless it is clearly in the public interest[;], for example, in the case of an imminent threat of a road or highway, or other critical public infrastructure failure; or

14. Given that the term “hardship” was deleted from the amendments to HRS §§ 205A-46(a)(8) and (9), the OP recommends deleting HRS § 205A-46(b) as follows:

~~(b) — Hardship shall be defined in rules adopted by the authority under chapter 91. Hardship shall not be determined as a result of county zoning changes, planned development permits, cluster permits, or subdivision approvals after June 16, 1989, or as a result of any other permit or approval listed in rules adopted by the authority.~~

Thank you for the opportunity to testify on this measure.



SIERRA CLUB OF HAWAI'I

MĀLAMA I KA HONUA. *Cherish the Earth.*

HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

February 4, 2019 8:30 a.m. Room 325

In SUPPORT of HB 549: Relating to the Environment

Aloha Chair Lowen, Vice Chair Wildberger, and committee members,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **strongly supports passage of HB 549, Relating to the Environment, with some necessary amendments.**

HB 549 updates Chapter 205A—the Hawaii Coastal Zone Management Act (HCZMA), to incorporate sea level rise within its objectives, policies, and permitting processes related to Special Management Areas and Shoreline Setbacks. This is necessary and timely, as sea level rise is here and will continue, at increasing rates, in future years. Its impacts are already being felt, especially in the form of narrowing or loss of beaches—a public trust resource which should be afforded the highest levels of protection.

As mentioned in Section 1 of the bill, a study by UH researchers documents that over the time period covered by the study (1925-2015) more than thirteen miles of beach statewide have been completely lost to erosion fronting seawalls and revetments, due in part to a history of county agencies (“authorities” under Chapter 205A) frequently granting shoreline setback variances where the authorities have made a finding that denial of such variances would present a hardship to the private property applicants.

We strongly support the intent of this bill to halt, and reverse, the narrowing and loss of beaches and public access caused in large part by granting of shoreline setback variances, especially as we enter a new era of sea level rise. As the sea level rises we can expect a dramatic increase in the number of variances sought to armor coastal properties. It is appropriate to take measures now to guard against further coastal armoring and promote managed retreat alternatives where feasible.

HB 549 proposes to address shoreline setback variance issues by eliminating the hardship provision allowing shoreline setback variances, while also requiring that the proposed action for which a variance is sought will neither adversely affect beach processes, result in flanking of adjacent properties, nor curtail public access unless it is clearly in the public interest. Our legal adviser cautions against removing the hardship test altogether, so as to avoid possible challenges based on constitutional requirements for due process. Instead, our adviser suggests that the hardship test be retained as a necessary condition in addition to, and not overruling,

other requirements including those suggested in HB 549, i.e. neither adversely affect beach processes, result in flanking of adjacent properties, nor curtail public access.

We offer the following suggested language in SECTION 8, page 27 of the bill:

“(8) Private facilities or improvements that will neither adversely affect beach processes, result in flanking of adjacent properties, or curtail public access, provided that the authority also finds that hardship will result to the applicant if the facilities or improvements are not allowed within the shoreline area;

(9) Private facilities or improvements that may artificially fix the shoreline; provided that the authority also finds (a) that hardship will result to the applicant if the facilities or improvements are not allowed within the shoreline area; and (b) the action will neither adversely affect beach processes, result in flanking of adjacent properties, nor curtail public access unless it is clearly in the public interest, for example, in the case of imminent threat of a road or highway failure, or to other critical public infrastructure.”

We also note the following apparent drafting error on Page 17, which requires correction.

If the proposed amendment to Section (9) (B) were accepted as worded, it would read as follows; “Prohibit construction of private erosion-protection structures **except** at sites where they interfere with beach processes and existing recreational and waterline activities.” (emphasis added). Clearly it appears that the word “except” should have been included in the phrase “except [~~when they result in improved aesthetic and engineering solutions to erosion.~~” That phrase should be amended to read “**except** [~~when they result in improved aesthetic and engineering solutions to erosion.]”~~”

Mahalo for this opportunity to provide testimony in **strong support of HB 549.**

Dave Raney
Senior Adviser, Sierra Club Marine Team
Volunteer, Sierra Club of Hawai'i



49 South Hotel Street, Room 314 | Honolulu, HI 96813
www.lwv-hawaii.com | 808.531.7448 | voters@lwv-hawaii.com

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Representative Nicole Lowen, Chair
Representative Tina Wildberger, Vice Chair

Tuesday, February 5, 2019, 8:45 a.m., Conference Room 325

HB549 – Relating to the Environment

TESTIMONY

Nancy Davlantes, Legislative Committee Member, League of Women Voters of Hawaii

Chair Lowen, Vice-Chair Wildberger, committee members:

The League of Women Voters of Hawaii strongly supports HB549 that would require new developments to plan for the impacts of projected sea level rise and prohibits development in areas significantly affected by projected sea level rise.

Studies have shown that 70% of beaches in Hawaii are experiencing chronic sand loss and shoreline retreat and that more than 13 miles of beach have been completely lost to erosion fronting seawalls and revetments.

Who among us hasn't seen what's been happening to Hawaii shorelines, such as the erosion on Oahu's north shore? This bill recognizes that current coastal management policy objectives have been thwarted by, among other things, ordinances and practices allowing increased hardening of shorelines, which has only led to more shoreline armoring. This, in turn causes amplified erosion, which then causes more hardening. This vicious cycle must be halted if we are to keep our beaches for public recreation and cultural practice for future generations.

The League agrees with the legislature's finding that state coastal zone management policies must be strengthened while also reducing shoreline communities' exposure to hazards.

The League has long had a position that the interrelationships of air, water, and land resources should be recognized in designing environmental safeguards.

This bill takes a significant step in that direction.

Thank you for the opportunity to submit testimony.



HB 549, RELATING TO THE ENVIRONMENT

FEBRUARY 5, 2019 · HOUSE ENERGY AND
ENVIRONMENTAL PROTECTION COMMITTEE ·
CHAIR REP. NICOLE E. LOWEN

POSITION: Support.

RATIONALE: IMUAlliance supports HB 549, relating to the environment, which requires new developments to plan for the impacts of projected sea level rise and prohibits development in areas significantly affected by projected sea level rise.

According to a report produced by the Hawai'i Climate Change Mitigation and Adaptation Commission, global sea levels could rise more than three feet by 2100, with more recent projections showing this occurring as early as 2060. In turn, over the next 30 to 70 years, approximately 6,500 structures and 19,800 people statewide will be exposed to chronic flooding. Additionally, an estimated \$19 billion in economic loss would result from chronic flooding of land and structures located in exposure areas. Finally, approximately 38 miles of coastal roads and 550 cultural sites would be chronically flooded, on top of the 13 miles of beaches that have already been lost on Kaua'i, O'ahu, and Maui to erosion fronting shoreline armoring, like seawalls.

As we work to reduce carbon emissions and stave off the worst consequences of climate change, we must begin preparing for the adverse impact of sea level rise on our shores. We are now quantifying the speed at which we must act. We cannot continue to develop the 25,800-acre statewide sea level rise exposure area—one-third of which is designated for urban use—without risking massive structural damage and, potentially, great loss of life.



LATE

HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

February 5, 2019 8:30 a.m. Room 325

In SUPPORT of HB 549: Relating to the Environment

Aloha Chair Lowen, Vice Chair Wildberger, and committee members,

The HAWAI'I REEF AND OCEAN COALITION – HIROC– was formed in 2017 by coral reef scientists, educators, local Hawai'i environmental organizations, elected officials, and others to address a crisis facing Hawaii's coral reefs and ocean, including those related to sea level rise.

As we have noted in our testimony on other bills related to sea level rise, sea level rise creates a new type of coastal hazard affecting coastal properties now, and increasingly in the future. Our statutes must be updated to incorporate consideration of the impacts of sea level rise. HB 549 provides comprehensive updating of Chapter 205A, the statute governing the Hawai'i Coastal Zone Management Program (HCZMP), to incorporate sea level rise among the HCZMP objectives, policies, and permitting requirements.

We strongly support this bill and urge its passage.

Submitted by Dave Raney on behalf of the Hawai'i Reef and Ocean Coalition.

HB-549

Submitted on: 2/1/2019 6:47:32 PM

Testimony for EEP on 2/5/2019 8:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Winslow	Hawaii Farmers Union	Support	No

Comments:

HB-549

Submitted on: 2/3/2019 2:12:30 PM

Testimony for EEP on 2/5/2019 8:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Foster	Hawaii Advocates For Consumer Rights	Support	No

Comments:

LATE

HB-549

Submitted on: 2/4/2019 12:58:55 PM

Testimony for EEP on 2/5/2019 8:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Mather	Individual	Support	No

Comments:

Aloha Chair Lowern & Vice Chair Wildberger,

My name is Jen Mather and I am a resident of Lahaina, Maui. I am testifying in support of HB549. During the recent hurricanes that impacted our entire state, our former mayor basically promised those of us in West Maui that we would be cut off for days or months if our main traffic artery, Honoapiilani Hwy, was damaged by the storms and raging surf. Why? Because much of our infrastructure, including this intergral roadway, is too close to the coastline and is under threat from the rising sea level. Condominiums, resorts, homes, roads, wastewater treatment facilities, schools, you name it, we've built them too close and now we need to address their removal in the best way we can. I recognize this issue is a complex one, perhaps one of the most complex we are facing right now, however, it is important to implement managed retreat and this bill offers a beginning to work from.

I urge you and the members of the Energy & Environmental Committee to help shepherd this bill with your fellow legislators as one of the immediate answers to this very complex issue.

Mahalo,

Jen Mather

HB-549

Submitted on: 2/4/2019 10:27:03 AM

Testimony for EEP on 2/5/2019 8:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Francine Roby	Individual	Support	No

Comments:

Please pass HB549, requiring consideration of climate change sea level rise impact for all future development and planning in our State. We can learn from mistakes made when development happened in historic lava zones, in Hawaii, and we can learn from international scientific evidence about areas already experiencing impact from sea level rise to avoid loss of life or property or habitat. Mahalo.

HB-549

Submitted on: 2/2/2019 9:12:39 AM

Testimony for EEP on 2/5/2019 8:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments:

Support

HB-549

Submitted on: 2/2/2019 10:24:10 AM

Testimony for EEP on 2/5/2019 8:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Erica Scott	Individual	Support	No

Comments:

HB-549

Submitted on: 2/3/2019 8:12:12 PM

Testimony for EEP on 2/5/2019 8:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Whispering Wind	Individual	Support	No

Comments:

HB-549

Submitted on: 2/3/2019 9:24:12 PM

Testimony for EEP on 2/5/2019 8:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Grantham	Individual	Support	No

Comments:

Supporting **HB 549 updates HRS 205A-2**

and HB 549 updates HRS 205A-26

HB-549

Submitted on: 2/4/2019 5:51:49 AM

Testimony for EEP on 2/5/2019 8:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Kaye	Individual	Support	No

Comments:

This bill provides important protections. Please pass it.

LATE

HB-549

Submitted on: 2/4/2019 2:42:23 PM

Testimony for EEP on 2/5/2019 8:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Henry Curtis	Life of the Land	Support	Yes

Comments:

Please pass the bill. Mahalo

LATE

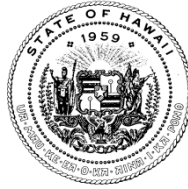
HB-549

Submitted on: 2/4/2019 3:50:12 PM

Testimony for EEP on 2/5/2019 8:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

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

February 5, 2019
8:45 a.m.
State Capitol, Conference Room 325

LATE

H.B. 549
RELATING TO THE ENVIRONMENT

House Committee on Energy and Environmental Protection

The Department of Transportation (DOT) **supports the intent** of this bill which proposes various amendments to HRS Chapter 205A, including amendments on the Coastal Zone Management (CZM) Program objectives and policies, special management area guidelines, and shoreline setbacks due to sea level rise and other natural and human impacts.

DOT respectfully offers the following comment on related to the proposed amendment on page 24, lines 1- 7. Limiting the waiver for a public hearing prior to actions on variance applications to only “temporary protections” and for emergency authorizations that do not exceed three (3) years is a concern for DOT. The definition for what constitutes a “temporary protection” is a concern as emergency actions may require robust response. Further, emergency authorizations that extend beyond three years are typically those requiring immediate and extensive responses. As such, requiring a public hearing prior to the granting of a variance application may result in delays to critical and necessary emergency responses.

Thank you for the opportunity to provide testimony.

HB-549

Submitted on: 2/5/2019 11:21:37 AM

Testimony for EEP on 2/5/2019 8:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Phaethon Keeney	Individual	Support	No

Comments: