

# LATE TESTIMONY



OFFICE OF HAWAIIAN AFFAIRS  
Legislative Testimony

## **HB 939, RELATING TO COASTAL ZONE MANAGEMENT**

House Committee on Water, Land, & Ocean Resources

February 13, 2009

9:45 a.m.

Room: 325

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The Office of Hawaiian Affairs (OHA) **OPPOSES** HB 939, which seeks to increase the threshold amount between special management area minor permits and special management area permits from \$125,000 to \$250,000.

Through the Coastal Zone Management Act of 1972 (CZMA), Congress found, that "[t]he habitat areas of the coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations." (15 U.S.C. 5 1451(d)) Congress declared a national policy to "preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations." (15 U.S.C. § 1452(1))

The State of Hawai'i's Coastal Zone Management Program (CZMP) was approved for CZMA purposes in 1978, following the adoption of Hawaii Revised Statutes, Chapter 205A. In Chapter 205A, the Legislature made it clear that in implementing the objectives of the federal coastal zone management program, state and county agencies shall give full consideration to ecological, cultural, historic, esthetic, recreational, scenic, and open space values, and coastal hazards, as well as to needs for economic development.

OHA stresses that our coastal areas are in a losing battle. They are being lost to a variety of opponents, including literally disappearing from erosion and potential sea level rise to the resources in them declining due to downward spiraling water quality. This sensitive area needs more protection, not less, as this bill seeks. Special Management Areas (SMAs) are a regulatory creation for areas where significant attention needs to be paid to the potential impact that a development may have on coastal qualities. Some counties in this state have even

extended the SMA boundary landward beyond the state minimum requirements because of this area's extreme importance and sensitivity. Raising the project cost threshold will lower the protection of this protected area and be contrary to federal, county and current state intent.

Therefore, OHA urges the Committee to HOLD HB 939. Thank you for the opportunity to testify.

# LATE TESTIMONY

Keli Wada  
64 Hoku Puhipaka Street  
Kahului, HI 96732  
February 12, 2009

Water, Land, & Ocean Resources Committee  
House of Representatives  
Hawaii State Legislature

Re: House Bill No. 939  
Introduced by: Rep. Kyle Yamashita

Dear Committee members:

I am in strong support of the proposed House Bill number 939.

Everywhere I look and everyone I know has been affected by the downturn of our local economy. Due to the rise of inflation construction costs have increased tremendously over the years. As such, most development projects don't qualify anymore for special management area minor permits. This regrettably puts a stop to valuable projects that could help boost our economy. HB 939 will help balance our coastal areas between preservation and development.

Thank you for your hard work and concern for both our environment and our economy. You have my full support!

Sincerely,



Keli Wada

Jamie Kawamoto  
332 Molokai Hema Street  
Kahului, Hawaii 96732

## LATE TESTIMONY

February 12, 2009

Via email to [WLOtestimony@capitol.hawaii.gov](mailto:WLOtestimony@capitol.hawaii.gov)

Representative Ken Ito, Chair  
Water, Land & Ocean Resources Committee  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

RE: House Bill 939 – Increasing Special Management Area Assessment Amount to  
\$250,000.00

Dear Representative Ito:

My name is Jamie Kawamoto and I reside in Kahului, Maui. I am currently employed at Dowling Company, Inc. as an Administrative Assistant. I am writing to you today in strong support of House Bill 939.

As a life-long resident of Maui and having worked in the real estate industry for over 20 years now, I know the impact that development and construction have on our economy. If passed, HB939 would have no negative impact on our precious environment and would allow developers to put projects in place thereby creating much needed jobs for the many employed in the construction industry.

Thank you for your time and the opportunity to support this bill.

Sincerely,



Jamie Kawamoto

Kelii Gomez  
250 Pukalani Street  
Pukalani, HI 96768

**LATE TESTIMONY**

February 12, 2009

Water, Land, & Ocean Resources Committee  
Hawaii State Legislature  
House of Representatives

Re: House Bill number 939 introduced by Rep. Kyle Yamashita

Dear Committee members:

I strongly support the proposed House Bill 939.

I have been closely following the state of our local economy and the rise of inflation for a long time now. The high cost of construction now disqualifies most projects from special management area minor permits. This unfortunately halts valuable construction projects and further dampens our economy. HB 939 will increase the valuation of minor permits to just \$250,000 while still allowing no adverse impacts to the environment.

Thank you for your concern and your untiring pursuit of balancing the preservation of our precious coastal areas with development. You have my support.

Very truly yours,

  
Kelii Gomez

# LATE TESTIMONY

*Hawaii's Thousand Friends*

2510 Ala Moana Blvd., Suite 100, Honolulu, HI 96814 • Phone/Fax: (808) 533-1622 Email: info@hthf.org

February 13, 2007

COMMITTEE ON WATER, LAND, AND OCEAN RESOURCES

Rep. Ken Ito, Chair

Rep. Sharon Har, Vice Chair

HB 939

RELATING TO COASTAL ZONE MANAGEMENT

Committee Chair and members:

Hawaii's Thousand Friends, a statewide non-profit land and water use organization, opposes HB 939 that increases the threshold amount between special management area minor permits and special management area permits.

Basically raising the dollar threshold eliminates public participation and greater review of activities within the coastal zone. Currently an application with a value greater than \$125,000 triggers a public hearing and requires a SMA major permit that entails greater review for significant adverse or cumulative impacts.

Anything under the proposed \$250,000 as apposed to the current \$125,000, would not trigger a public hearing or extensive review and the respective county planning directors would issue the minor permit.

The need for a SMA permit is triggered by an action such as grading, removing materials or a structure, dredging, construction, demolition, or altering a structure within the special management area. Increasing the dollar threshold assures that many projects that could have single or cumulative impacts on the coastal environment will be carried out without public review.

In establishing HRS 205A Coastal Zone Management the legislature found that "...special controls on developments within an area along the shoreline are necessary to avoid permanent loss 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 Special Management Area (SMA) permit is part of the regulatory system that is the cornerstone of Hawaii's Coastal Zone Management Program. The SMA permit system provides overarching guidance and is a management tool.

A key objective of the Coastal Zone Management Program is to "Promote public involvement in coastal zone management processes." (§205A-2 (8))

HB 939 is counter to §205A-2 and should be held in committee.



**SIERRA CLUB**  
**HAWAI'I CHAPTER**

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**LATE TESTIMONY**

**HOUSE COMMITTEE ON WATER, LAND, & OCEAN RESOURCES**

February 13, 2000, 9:45 A.M.

**TESTIMONY IN OPPOSITION TO HB 939**

Chair Ito and members of the Committee:

The Sierra Club, Hawai'i Chapter, with over 5000 dues paying members statewide, is *opposed* to HB 939, increasing the threshold amount between special management area minor permits and special management area permits.

We believe our fragile coastal zone deserves greater, not lesser protection. As such, we question the necessity of making it easier to allow grading, grubbing, or development without greater oversight. The Sierra Club, Hawai'i Chapter believes that the "minor permit" distinction should remain \$125,000.

Please hold HB 939 or amend as indicated above. Thank you for the opportunity to testify.



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of HAWAII®  
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**LATE TESTIMONY**

RL:2238

HB 939  
RELATING TO COASTAL ZONE MANAGEMENT

House Committee on Water, Land and Ocean Resources

Public Hearing – February 13, 2009  
9:45 a.m., State Capitol, Conference Room 325

By  
Peter Rappa, Environmental Center  
Kem Lowry, Urban and Regional Planning

HB 939 increases the threshold amount between special management area minor permits and special management area permits. We are testifying as individual faculty and our views do not represent an official position of the University of Hawaii.

The threshold for minor permits for actions that take place in the Special Management Area is \$125,000. In its original form in 1976, the threshold was placed at \$25,000. The law was later amended to increase the threshold value to \$65,000 in 1982 and to its present value in 1991. This bill would increase the threshold value to \$250,000 presumably to take into account inflation and the increased cost of construction. While we can find no reason it should not be increased, we would also point out that there is no evidence to suggest what an appropriate amount should be. Where to draw the line between minor and major is a political decision but the amount suggested in this bill provides a starting point for the discussion on what that threshold should be.

Thank you for the opportunity to comment on this bill.