



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

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**OFFICE OF PLANNING**

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Statement of  
**ABBEY SETH MAYER**

Director

Office of Planning

Department of Business, Economic Development, and Tourism

before the

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

Monday, March 16, 2009

9:00 AM

State Capitol, Conference Room 325

in consideration of

**SB 1318, SD 1**

**RELATING TO PLANNING AND ECONOMIC DEVELOPMENT.**

Chair Ito, Vice Chair Har, and Members of the House Committee on Water, Land and Ocean Resources.

The Office of Planning (OP) strongly opposes this bill.

SB 1318, SD 1 repeals Chapters 205A, relating to Coastal Zone Management, and 225M, relating to State Planning, and transfers the authority and functions of the Office of Planning to the Department of Business, Economic Development, and Tourism. All officers and employees whose functions are transferred shall be transferred with their functions and shall continue to perform their regular duties upon their transfer subject to state personnel laws. The bill does not repeal two other statutes which set forth functions for the Office of Planning i.e. Chapter 226, HRS, Hawaii State Plan and Chapter 205, HRS, State Land Use Law.

Our reasons for opposing this bill are as follows:

- 1) Under the proposed bill, OP would not be an administratively attached agency. OP's mission requires it to balance physical, economic and social needs. Specifically, OP is to conduct planning to meet the physical, economic, and social needs of Hawaii's people, and provide for the wise use of Hawaii's resources, including the conservation of natural, environmental, recreational, scenic, historic and other limited and irreplaceable resources which are required for future generations. The Department of Business, Economic Development & Tourism's (DBEDT) mission is primarily focused on economic development, i.e. DBEDT's Mission in the short term is to monitor and strengthen Hawaii's economy and business sectors and, in the medium- to long-term, to transition Hawaii to a world-competitive economy

based on human capital and the capacity to innovate. By statute, administratively attached agencies are attached for administrative purposes only. As an administratively attached agency, OP is better able to carry out its mission of balancing physical, economic and social needs in its planning activities.

- 2) The Office of Planning's programs operate as a cohesive, interdependent unit. Under the bill, while OP's functions may continue within DBEDT, these functions and programs may not be retained as a single organizational unit, thus diminishing the strength and effectiveness of the statewide planning program.
- 3) The statutory mandate for OP's Geographic Information System Program is in Chapter 225M, HRS, and not in any other chapter. As mandated in Chapter 225M-2(4)(B), OP serves as the lead agency responsible for planning and coordinating a multiagency, statewide GIS, including collecting, integrating, analyzing, maintaining and disseminating various forms of geospatial data and information to further effective state planning, policy analysis and development and the delivery of government services. OP facilitates sharing of data among agencies to minimize stove-piping of data, thus cutting costs and reducing duplication through the establishment and maintenance of a central, one-stop geospatial database. The GIS database contains over 200 data layers comprising contributions from federal, state and county agencies. There are over 100 users of the system from 29 state programs. OP serves as the coordinating agency for GIS activities in State government, acts as the primary State GIS contact for the counties and federal government agencies, manages the State GIS database, provides technical assistance to State agencies, supports DBEDT's mapping analysis needs, and assists other State agencies with mapping and analysis. If this chapter were to be repealed, there would be a significant danger that management of the State GIS database and all State GIS coordination activities would cease, since no other State agencies analyze issues from a multidisciplinary perspective or approach the implementation of GIS activities and databases with the needs of multiple agencies in mind.
- 4) The OP GIS Program maintains a GIS website ([www.hawaii.gov/dbedt/gis](http://www.hawaii.gov/dbedt/gis)) containing downloadable GIS data. The site receives over 80,000 "hits" per month from users at all levels of government as well as the general public. Repeal of 225M could result in the elimination of this very popular State website, which would adversely impact both governmental and public access to important data.
- 5) Repeal of 225M would repeal the sections which authorize the GIS program to charge fees and establish the GIS Special Fund. The program sought these revenue generating options to augment general funds so that its data, equipment and software do not become obsolete.

- 6) The bill contains contradictory provisions. It repeals Chapter 205A, HRS, Coastal Zone Management, but also transfers all functions of OP and transfers all officers and employees with their functions to DBEDT. How can functions which have been repealed be transferred? Moreover, how can staff be retained if their functions are repealed?
- 7) Repeal of Chapter 205A would mean repeal of the framework for Coastal Zone Management Program including the state statutory basis for Special Management Area permits and Shoreline Setback Variances. The CZM Program undertakes many important projects including but not limited to ocean resources management planning, coastal hazards planning and mitigation, coastal nonpoint source pollution, special management area permit system administration and coordination, Federal consistency reviews, and support for the Marine and Coastal Zone Advocacy Council.
- 8) Repeal of Chapter 205A would result in loss of federal dollars for ocean and shoreline protection at both the state and county level at a time when the challenges of global warming and sea level rise require a coordinated effort by the State and all four counties. The Office of Planning is the designated coordinator for the federal coastal zone management program, primarily funded by NOAA. The federal CZM program requires coastal states receiving federal CZM funding to designate a lead agency with the statutory authority (Ch. 205A) to carry out the overarching coordination tasks. Repeal of Ch. 205A would result in Hawaii not being eligible to participate in the federal CZM program. The State receives approximately \$2 million in Federal funds annually through the Coastal Zone Management Program.
- 9) Chapter 205A, HRS, is the umbrella statute for managing the coastal zone. In numerous cases it is the enabling statute for statewide compliance with the Coastal Zone Management objectives and policies by state and county agencies, including the Department of Land and Natural Resources, Department of Health, Department of Transportation, Department of Agriculture, Department of Defense, Office of Environmental Quality Control, the Hawaii Community Development Authority, and county and political administrative agencies involved in activities relating to any of the CZM objectives and policies throughout the State.

In conclusion, statewide planning would be weakened by the repeal of Ch. 225M and Ch. 205A, HRS. With global economic, environmental and social challenges facing Hawaii, loss of a comprehensive planning agency could result in piecemeal measures that don't address these multi-faceted problems.

Thank you for the opportunity to provide testimony on this bill. If there are questions, I would be happy to respond.



# Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803  
808.537.9019 hawaii.chapter@sierraclub.org

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

March 16, 2009, 9:00 A.M.

**(Testimony is 2 pages long)**

### TESTIMONY IN STRONG OPPOSITION TO SB 1318, SD1

Aloha Chair Ito and Members of the committees:

The Sierra Club, Hawai'i Chapter, with 5500 dues paying members statewide, strongly opposes SB 1318 SD1, eliminating Chapter 205A and the State Office of Planning.

SB 1318 SD1 wrongly repeals the Coastal Zone Management Act codified as Haw. Rev. Stat. Chapter 205A ("The CZM"). The CZM is the statutory lynchpin protecting Hawaii's fragile coastal areas, which are critical to Hawaii's economy and way of life. For example, Chapter 205A ensures protection and preservation of, *inter alia*,

- recreational resources;
- historic and cultural resources;
- scenic and open space resources;
- economic uses;
- coastal ecosystems;
- beach protection; and
- marine resources.

The Committee Report describes this bill as a belt-tightening measure. As written, it is a penny-wise, pound-foolish proposal. It is unclear how repealing the CZM will result in significant savings, particularly when most of the responsibilities for the management and enforcement of this act falls upon the counties and DLNR.

It has been *wrongly* suggested section 3 of this bill preserves the CZM. Merely transferring personnel to DBEDT does not somehow resurrect expressly repealed language. As noted in *Hawaii Providers Network, Inc. v. AIG Hawaii Ins. Co.*, (No. 23790 August 26, 2004), a general reference to a statute -- as done here -- would include the

repeal of the incorporated law. Moreover, section 3 merely states that the responsibilities of the Office of Planning are transferred to DBEDT. This does not somehow preserve the enforcement and management responsibilities that are delegated to other state agencies or the counties.

We believe our fragile coastal zone deserves greater, not lesser protection. In a time of climate change, global warming, and sea rise, we suggest it would be inappropriate to even consider eliminating the CZM.

Thank you for the opportunity to testify.



## TESTIMONY SB1318 SD1

March 16; 9:00 AM Room #325

TESTIMONY TO: HOUSE COMMITTEE ON WATER, LAND, & OCEAN RESOURCES  
Representative Ken Ito, Chair

Presented By: James E. Coon, President of the Ocean Tourism Coalition

Subject: SB 1318 SD1 RELATING TO PLANNING AND ECONOMIC  
DEVELOPEMENT

### **SPEAKING IN THE STRONGEST OPPOSITION**

Chair Ito and Members of the Committee:

I am Jim Coon, President of the Ocean Tourism Coalition (OTC) speaking with **STRONG OPPOSITION to SB1318 SD1**. The many small businesses that earn their livelihood from a pristine and protected marine environment applaud the CZM program for all it does for our marine and coastal environment.

I have had the opportunity to serve in close association with the Office of Planning in various capacities since 1984 including chairing the first Whale Sanctuary Task force, participating in drafting the original ORMP, serving as a citizen representative on MACZMAG and the current Vice Chair and charter member of MACZAG. Hawaii is fortunate to have the State Office of Planning and the CZM program. (With its federal funding!) In fact Hawaii was the first State in the Nation to have a comprehensive Ocean Resources Management Plan which has recently been updated (2006), this is a living document and will continue to serve all state planners as the guidelines for managing the coastal zone in Hawaii.

It would be a terrible mistake to eliminate the State Office of Planning by repealing HRS 225M; and HRS 205A CZM statues. This would cost the state far more than it could possibly save. The negative consequences are HUGE! I am sure many others will testify in greater detail on the negative consequences this will have to our precious land and ocean resources. These precious resources form the basis of both our way of life and our continued economic viability.

We all know these are difficult economic times. These are times that we need real vision and leadership and cannot afford to make decisions that will have massive negative impact on us, our environment and the generations to follow. It is incomprehensible to me this bill has come this far. It is a bad idea, a poorly thought out bill that would cause many seen and unseen negative consequences if passed.

We humbly ask you to **Please Kill SB 1318 SD1** and protect and preserve our coastal zone.

Thank you,

James E. Coon, President  
Ocean Tourism Coalition  
PO Box 847  
Kula, HI 96790  
808-870-9115  
captcoon@hawaiiintel.net

LINDA LINGLE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

Laura H. Thielen  
Chairperson  
Board of Land and Natural Resources  
Commission on Water Resource Management

Russell Y. Tsuji  
First Deputy

Ken C. Kawahara  
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

**Transmittal Cover Sheet for**  
**Department of Land and Natural Resources Testimony**

**Date Submitted: March 13, 2009**

**Testifier's Name/Position/Title:** Sam Lemmo, Ocean Conservation and Coastal Lands  
Division Administrator

**Committee the comments are directed to:** HOUSE COMMITTEE ON WATER, LAND &  
OCEAN RESOURCES (WLO)

**The Date & Time of Hearing:** Monday, March 16, 2009  
9:00 AM, Conference, Room 325

**Measure Number:** SB 1318 SD 1 RELATING TO PLANNING AND ECONOMIC  
DEVELOPMENT

**Number of Copies the Committee is Requesting:** In paper, 1 copies (including original) to  
Room 438 in the State Capitol

LINDA LINGLE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
LAURA H. THIELEN  
Chairperson**

**Before the House Committee on  
WATER, LAND & OCEAN RESOURCES**

**Monday, March 16, 2009  
9:00 AM**

**State Capitol, Conference Room 325**

**In consideration of  
SENATE BILL 1318, SENATE DRAFT 1  
RELATING TO PLANNING AND ECONOMIC DEVELOPMENT**

Senate Bill 1318, Senate Draft 1 proposes to repeal the chapters within the Hawaii Revised Statutes, relating to Coastal Zone Management and State Planning, and transfers the authority and functions of the Office of Planning to the Department of Business, Economic Development, and Tourism (DBEDT). The Department of Land and Natural Resources (Department) opposes this measure.

The Department works closely and collaboratively with the Office of Planning (OP) on a variety of land use and coastal issues. The relationship between the two agencies has been congenial and effective. There are no programmatic or policy reasons why the proposed actions in the bill would improve the programs. As public officials we have a responsibility to look at outcomes-- is a program accomplishing what it is supposed to be accomplishing for the people of Hawaii? No factual data has been presented to indicate that moving the authority and functions from OP to DBEDT would enhance or improve program outcomes. Such a move could disrupt program performance, particularly when employees must take on new functions on top of existing duties.

**LAURA H. THIELEN**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**RUSSELL V. TSUJI**  
FIRST DEPUTY

**KEN C. KAWAHARA**  
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

COMMITTEE ON WATER, LAND AND OCEAN RESOURCES

Rep. Ken Ito, Chair  
Rep. Sharon E. Har, Vice Chair

Monday, March 16, 2009  
9 a.m.  
Conference Room 325

Statement of Kem Lowry

In regard to SB 1318, SD1  
RELATING TO PLANNING AND ECONOMIC DEVELOPMENT

I strongly oppose this bill.

I have taught planning for more than thirty years in Hawaii. During that time I have worked with colleagues in the Office of Planning on a variety of projects including the coastal management program.

SB 1318 transfers the Office of Planning to the Department of Business, Economic Development and Tourism and abolishes the states coastal zone management program.

Hawaii is unique. Our economy, cultures, lifestyles and identity are totally dependent on our stewardship of unique natural and human resources. Our ability to anticipate and manage threats to those resources and to use resources wisely consistent with our responsibilities as stewards requires careful planning and management. Planning and management responsibility is distributed among a number of agencies and organizations, but the Office of Planning continues to serve as focal point for identifying long-term trends shaping the future of Hawaii, mobilizing support for analysis and developing plans to help balance current resource use with our responsibilities to future generations.

At a time of economic crisis and global climate change, our ability to anticipate and plan for an increasingly uncertain future is even more critical. How does assigning OP to DBED&T improve the quality of planning for Hawaii's future or enhance inter-agency collaboration to deal with planning issues?

The abolition of the state's coastal zone management program [HRS 205A] is particularly egregious. While near-shore regulatory authority resides with the counties, the Office of Planning has coordinated coastal management in the state since 1976. OP receives and distributes federal coastal management funds, organizes state ocean management planning, mobilizes groups working on

coastal erosion, oversees monitoring programs, and reviews the impacts of federal construction and other activities in coastal areas for consistency with state policy among other things.

The need for improved coastal management—and a central agency to coordinate management activities—has never been more urgent. While some continue to debate the reality of global climate change, beach retreat and the short-term threats to high value beaches and near shore development is real and measurable.

How does marginalizing the Office of State Planning and abolishing the coastal management program improve our ability to anticipate trends, improve government coordination, help us respond to global climate changes or serve in any way to improve our ability to be good stewards of the resources with which we have been blessed?

**Testimony for SB1318 on 3/16/2009 9:00:00 AM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Saturday, March 14, 2009 10:02 PM

**To:** WLOtestimony

**Cc:** [REDACTED]

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Testimony for WLO 3/16/2009 9:00:00 AM SB1318

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Susan Bradford

Organization: Individual

Address:

Phone: [REDACTED]

E-mail: [REDACTED]

Submitted on: 3/14/2009

Comments:

**Testimony for SB1318 on 3/16/2009 9:00:00 AM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Saturday, March 14, 2009 5:17 PM

**To:** WLOtestimony

**Cc:** [REDACTED]

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Testimony for WLO 3/16/2009 9:00:00 AM SB1318

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Lance Holter

Organization: Hawaii Democratic party

Address: [REDACTED]

Phone: [REDACTED]

E-mail: [REDACTED]

Submitted on: 3/14/2009

**Comments:**

The Hawaii Democratic party at the 2008 State Convention passed the resolution ENVIR 08-15 Protect Hawaii Marine Resources and therefore made this part of the Hawaii Democratic Platform. The sustainability of those resources, including water quality and shoreline access are directly related to shoreline development and are of paramount importance to all who live in an Island environment, as well as, for future generations. Repealing the Coastal Zone Management Act is a step backward from sound planning. Should the rest of the Nation and the world discover Hawaii weakened it's coastal management rules and agencies the impact upon visitors and tourism would be a serious blow to our economy. Consider that our Environment is the Hawaii Economy in all of your decision making. Please oppose Senate Bill 1318.

Mahalo, Lance Holter, Chairman, Maui Democratic party

Honorable Chair and Committee Members,

I am writing in opposition to the Senate Bill (SB1318) that proposes to move the State Office of Planning to the Department of Business, Economic Development and Tourism.

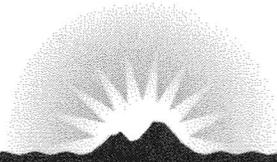
It seems poorly considered to move this function to an agency whose focus is business and tourism when critical issues facing the state are management and protection of our land and ocean resources for the long term. I am aware that even DBEDT has testified against this move.

This function was previously taken away from DBEDT - why would it be returned to them when they were not able to give it the attention it deserved? Is this once again looking only at short-term savings at the expense of long-term consequences?

In addition, the repeal of the Coastal Zone Management statutes, with no mention of any replacement of their oversight responsibility, seems to guarantee loss of any federal funding along with a total lack of management. In these times of increasing threats to our coastal areas from global warming, pollution, and destructive human behaviors, this also seems poorly conceived.

I respectfully request you oppose this bill.

Rene Garvin  

**MAUI TOMORROW FOUNDATION, INC.**

**Protecting Maui's Future**

March 14, 2009

Re: SB 1318

Mark Sheehan  
*President*

Maui Tomorrow Foundation, Inc. strongly opposes SB 1318, which would repeal the Coastal Zone Management Act and eliminate the State Office of Planning.

Rob Parsons  
*Vice President*

The Coastal Zone Management program (Chapter 205A) is the statutory basis for most of our coastal zone protections. Elimination of this Act would allow, among other things: construction as a matter of right near the shoreline, the destruction or removal of coral, and elimination of beach access and use. The legislature previously 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 . . ." Beaches are critical to Hawaii's economy and way of life.

Trip Lynch  
*Treasurer*

The CZM Program undertakes many important projects including ocean resources management planning, coastal hazards planning and mitigation, coastal non-point source pollution, special management area permit system administration and coordination, Federal consistency reviews, and support for the Marine and Coastal Zone Advocacy Council. Repeal of Chapter 205A would result in loss of federal dollars for ocean and shoreline protection at both the state and county level at a time when the challenges of global warming and sea level rise require a coordinated effort by the State and all four counties.

Judith Michaels  
*Secretary*

Maui Tomorrow Foundation strongly believes our coastal areas need more, not less, protection and urges a No vote on SB 1318.

Lance Holter

Richard Michaels

Maury King

Elle Cochran

Michael Duberstein

**Mahalo,**

Kai Nishiki

Irene Bowie  
*Executive Director*

Irene Bowie  
Executive Director



**For Hearing:**

Monday, 3-16-09, 9:00 AM  
Water, Land and Ocean  
Resources and Hawaiian  
Affairs

March 14, 2009

**TESTIMONY IN STRONG OPPOSITION TO SB1318, SD1 RELATING TO  
PLANNING AND ECONOMIC DEVELOPMENT**

Aloha Committee Members,

I strongly oppose this bill for the following reasons. Its purpose is very puzzling:

- I don't see within the language of the Bill any justification for abolishing Chapter 205A, Coastal Zone Management program. Can you?
- Why would you even consider abolishing the laws that safeguard our coastal ecosystems, and our recreational, historic, cultural, scenic and open space resources?
- What about managing our current coastal hazards such as tsunamis and erosion? How would our shoreline areas – both life and property – be affected by this repeal?
- And how is repealing 205A in the best interest of our state and its people?

The Senate Committee Reports speaks of “belt-tightening.” How can the loss of more than \$2 million federal dollars for the CZM program be justified?

And finally, the Bill would eliminate the now-independent important state planning functions carried out by the Office of State Planning. This independence was the very reason OSP was separated from DBED in the past. Planning functions are not always about “economic development.” OSP’s functions are to balance physical, economic and social needs – and they do a good job balancing those functions. Burying OSP in DBED is not smart and is counter-productive to Hawai'i’s long-term goals and future needs.

***Please vote against SB 1318.***

Sincerely yours,  
Barbara Robeson

**JEANNINE JOHNSON**

March 14, 2009

COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

Rep. Ken Ito, Chair

Rep. Sharon E. Har, Vice Chair

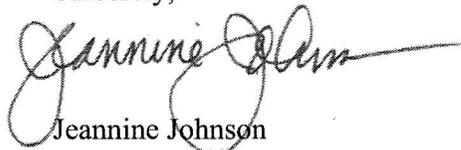
Re: SB 1318, SD1 Regarding Planning and Economic Development  
Hearing: Monday, March 16, 2009, at 9 am in Conf. Room 325

Aloha Chair Ito, Vice Chair Har and Honorable Committee Members,

I vehemently oppose SB1318 SD1 which repeals the chapters relating to the Coastal Zone Management (CZM) Program and state planning, and transfers the authority and functions of the Office of Planning to DBEDT. The State of Hawai'i's CZM program protects and preserves our coastal scenic and open space resources, valuable coastal ecosystems, including reefs, and manages the development of marine and coastal resources to assure their sustainability. The CZM program also guides development in Special Management Areas and provides the public access to the shoreline. Sacrificing the important protections contained in CZM program to save a few bucks would be imprudent and ill-advised.

I humbly request your opposition to SB1318 SD1. Mahalo for your consideration.

Sincerely,



Jeannine Johnson

cc: Sen. Sam Slom  
Rep. Lyla Berg  
Rep. Barbara Marumoto  
Beach Access Hawai'i  
Hawai'i's Thousand Friends



# Livable Hawaii Kai Hui

Email: hawaii\_kai\_hui@aol.com ~ Website: www.hawaii\_kai\_hui.org

BOARD OF DIRECTORS 2008 - Elizabeth Reilly **President**, Marian Grey **Vice President**, Gayle Carr **Secretary**, Tai Hong **Treasurer**, Jeannine Johnson **Director**, Jacquelin Miller **Director**, Allen Tateishi **Director**, Gary Weller **Director**, Thomas Yamabe **Director**

**Defend Ka Iwi Coast  
Preserve Kamilo Nui Valley  
Hold the Urban Growth Boundary  
Enforce Public Right of Way Beach Access  
Uphold the East Honolulu Sustainable Communities Plan  
Protect the authentic characteristics & natural beauty of East Honolulu**

March 14, 2009

COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

Rep. Ken Ito, Chair

Rep. Sharon E. Har, Vice Chair

Re: Opposition to SB 1318, SD1 Regarding Planning and Economic Development  
Hearing: Monday, March 16, 2009, at 9 am in Conf. Room 325

Dear Chair Ito, Vice Chair Har and Honorable Committee Members,

Livable Hawai'i Kai Hui (LHKH) is a non-profit, nonpartisan community action group. We strive to promote sensible growth and respect for the land as well as upholding the integrity of the East Honolulu Sustainable Communities Plan (EHSCP).

LHKH encourages grass roots organization, community awareness and education of laws, rules, and regulations that guide sensible growth and development to enhance the quality of life for residents, focusing on the preservation of the agricultural lands in Kamilonui Valley, natural watersheds and adequate open spaces and community stewardship for the protection of watersheds, wetlands, natural and irreplaceable resources and cultural and historic areas in East Honolulu.

LHKH **strongly opposes SB1318 SD1** which repeals the chapters relating to coastal zone management and state planning, and transfers the authority and functions of the Office of Planning (OP) to Department of Business, Economic Development, and Tourism (DBEDT). Repeal of Chapter 205A would mean repeal of the framework for Coastal Zone Management (CZM) Program including the state statutory basis for Special Management Area (SMA) permits and Shoreline Setback Variances. The consequences of eliminating the CZM program, which protects and manages all the lands in the State and the ocean, would be disastrous. There would be nothing to stop development in wildlife areas, fishing grounds, or even on the public's beach. The public's access to recreational, historical and cultural resources would be abolished. Marine resources and our coastal ecosystems would be at risk as well as our scenic and open space resources.

Livable Hawaii Kai Hui ~ P. O. Box 25493 ~ Honolulu, HI ~ 96825 - 0493 Phone: 808.864-8081 Fax:  
808.395.8556

The Department of Land and Natural Resources (DLNR), which works closely with OP on a variety of land use and coastal issues, has stated that no factual data has been presented to indicate that moving the authority and functions from OP to DBEDT would enhance or improve program outcomes. In fact, such a move could disrupt program performance, particularly when employees must take on new functions on top of existing duties. Even DBEDT opposes SB1318 SD1 because this bill would eliminate important state planning functions for no apparent reason. Due to the many flaws in the mandates of this bill, LHKH respectfully requests your opposition to SB1318 SD1.

Sincerely,

*Elizabeth Reilly*

Elizabeth Reilly, President

March 14, 2009

Kaumoana

[REDACTED]

Re: SB 1318 SD1

**Testimony in Strong opposition**

Aloha Chair Ito, Vice Chair Har and Committee members,

It has been difficult for those of us working in the public sector to understand the purpose of the introduction of this bill. Whatever it seeks to address or support is outside of the logic of the fiduciary duty of the legislature or the departments involved.

The Office of State Planning is intentionally and successfully independent of the influence and pressure of single perspectives. The CZM is about the 'aina, for today and tomorrow. In these times of rising tides and waning budgets, it is more important than ever to retain what remains of the public trust.

Please oppose this short sighted and expensive bill.

Me ka pono,

*Makaala Kaumoana*

Makaala Kaumoana



Hanalei-Ha'ena Community Association  
Post Office Box 789  
Hanalei, HI 96714

Committee on Water, Land and Ocean Resources  
Representative Ken Ito, Chair

Re: Testimony in **Strong Opposition** to SB 1318

Hearing Date: March 16, 2009, 9:00 am

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March 14, 2009

Aloha Representative Ito and Committee Members,

The Hanalei-Ha'ena Community Association *strongly opposes SB 1318*.  
SB 1318 is truly an extreme and draconian proposal.

1. The repeal of HRS Chapter 205A, which provides the framework for the management of the Special Management Areas, would be *devastating* to coastal communities such as Hanalei, Wainiha and Ha'ena, which rely on the Coastal Zone Management Program and the Special Management Area regulations for protection from unbridled exploitation by commercial interests.
2. The elimination of the HRS statutes that provide the basis for the regulations related to Special Management Area permits and Shoreline Setback variances would eliminate the primary statutes that protect the public's right to shoreline access and prevent private interests from appropriating public trust resources.
3. The proposed transfer of Coastal Zone Management and Office of Planning powers and duties (which are primarily related to *protection* of public resources) to the Department of Business, Economic Development and Tourism (whose mission is the economic *exploitation* of public resources) would create an inherent conflict of interest within DBEDT that would inevitably guarantee the elimination of protections for Hawaii's remaining public trust resources.

The health of our residents, our environment and our economy depend heavily on the protections that are provided under Chapter 205A and Chapter 225M of the Hawaii Revised Statutes. We have time and again relied on those statutes to protect our communities. SB 1318 would destroy those protections.

Therefore, the Hanalei-Ha'ena Community Association respectfully asks that you vote **NO** on SB 1318 - SD1.

Carl Imparato  
President, Hanalei-Ha'ena Community Association  
808-826-1856  
carl.imparato@juno.com

**Testimony for SB1318 on 3/16/2009 9:00:00 AM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Saturday, March 14, 2009 7:43 AM

**To:** WLOtestimony

**Cc:** [REDACTED]

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Testimony for WLO 3/16/2009 9:00:00 AM SB1318

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Robert Wintner

Organization: Individual

Address:

Phone:

E-mail: [REDACTED]

Submitted on: 3/14/2009

**Comments:**

This bill would repeal Chapter 205A (Coastal Zone Management) and eliminate virtually all environmental protections for our fragile coastal areas. No shoreline setback, no special management area permits, and no protection against coastal hazards. What an unfortunate concept. But surely you have factored the consequences into your process.

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**Benton Ching, P.E.**



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March 12, 2009

Senator Clayton Hee  
Committee on Water, Land, Agriculture, and Hawaiian Affairs

Aloha. My name is Benton Ching and I am a licensed professional Civil Engineer in the State of Hawaii. I work for a Federal Agency and have worked with the Office of Planning (OP) for over 20 years through the Coastal Zone Management program as well as the GIS program.

Both of these functions are essential to the future of the State of Hawaii and to solid well thought decisions that will forever affect the land and its people. Having worked for many years with the NEPA process, the CZM Federal Consistency determination is a one stop shop that allows a state review of Federal actions including development and permits. Through this process, the State agencies are allowed to comment on the actions and ensure that the project and/or permit are complying with State programs such as the Conservation District Use, Stream Channel Alteration Permits, and the Marine Conservation zones. Weakening this process will lead to miscommunication and bad decisions that could be detrimental to the people and the land.

I am also deeply concerned about the Geographic Information System (GIS) program which comes under OP. GIS is a powerful planning tool that is able to analyze different data and project impacts. Using historical imagery and data one can also assess the impacts of previous decisions in such areas as erosion, the loss of wetlands and fishponds, the loss of coral reefs, and the health of our forests. It can also help to manage resources such as endangered species, our watersheds, our population, and how we utilize our limited resources.

OP's GIS program is the only state agency coordinating all GIS efforts in the State. The staff is very active in the GIS community. Without this function, the state agencies would likely work within their own department or program and would be less likely to share costs, information, and data. Duplicative efforts would cost more taxpayer money. My agency has many departments and we went down a similar path for many years until our leadership made our departments all unite in a common database and promote the sharing of data and resources. This enterprise GIS where a whole agency or entity implements standards, and uses shared databases is now the norm. The State was one of the first entities to develop GIS in Hawaii and OP's GIS program is its leader. Curtailing OP's GIS program would take several steps backward for the State and would undo the many years of hard work that the GIS community has worked for.

The GIS web site (<http://hawaii.gov/dbedt/gis/download.htm>) operated by OP's GIS program is a critical resource to the Hawaii GIS community. Along with all agencies,

consultants and the interested public, my agency uses this data in our daily work. When people ask us for GIS data for Hawaii, we frequently refer users to this site. It saves everyone on many levels of government a lot of time by not having to package the data and send it out to requestors.

OP's GIS program also coordinates with the four county GIS programs. Through collaborative efforts with Federal, State, County, and private users, they are able to share in projects such as the IKONOS imagery consortium, the Pictometry contract, and LIDAR collection. These type of projects costs more money than any one agency can handle. Without OP's leadership and relationship with the GIS community, these types of projects will be jeopardized. The staff of the GIS program also represents the various state agencies using GIS when dealing with Federal Agencies. For instance, when the USDA Natural Resources Conservation Service processes imagery, OP staff work with NRCS to ensure that the data is made available to State agencies. Without this work, each agency would need to contact NRCS creating a lot of additional work for both user and provider. These data sets can cause tens or even hundreds of thousands of dollars to collect so this is a very valuable service. Similarly, when the my agency creates data sets, we prefer giving the data set to one party (Office of Planning GIS) who takes care of distribution to the state agencies.

They also write the proposals for federal grants in support of GIS development. In recent memory, they obtained grants for metadata, gap analysis, and other projects which involved Statewide GIS. If OP does not compete for these grants, it will mean a loss of services and funding for the State of Hawaii.

Both the CZM and GIS programs are essential to the development of Hawaii and the custodial responsibilities to manage and protect its resources. SB1318 will be detrimental to both programs and will negatively impact the State. I implore you to reconsider the bill. It has long reaching implications which would unnecessarily jeopardize the State's precious resources and its people. Please do the right thing and stop this bill immediately.

Sincerely,

Benton Ching, P.E.

**Testimony for SB1318 on 3/16/2009 9:00:00 AM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Friday, March 13, 2009 6:02 PM

**To:** WLOtestimony

**Cc:** [REDACTED]

Testimony for WLO 3/16/2009 9:00:00 AM SB1318 \*

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Bryan Yee

Organization: Individual

Address: [REDACTED]

Phone: [REDACTED]

E-mail: [REDACTED]

Submitted on: 3/13/2009

**Comments:**

Dear Chair Ito, Vice Chair Har, and Members of the Committee,

I am writing in opposition to Senate Bill No. 1318 which proposes to eliminate the Coastal Zone Management Program, the GIS Program, and the Office of Planning.

I am not an employee of the Office of Planning. But I am a State employee who works with the Office of Planning. So, I have seen the enormous contributions of this Office to the State of Hawaii. The proposal to eliminate this Office defies common sense.

The alleged purpose for this bill is to deal with the budget shortfall. But the Coastal Zone Management Program is federally funded. Those federal funds support not only the State of Hawaii's Coastal Zone Management Program ("CZM"), but also the various county Special Management Area Programs ("SMA"), the Marine And Coastal Zone Advisory Council ("MACZAC"), and other planning functions for the State. The CZM and SMA programs ensure that Hawaii's coastal waters and resources are preserved through proper planning and regulation. MACZAC is a citizen advisory board that allows for public input on the protection of this valuable resource. The elimination of this program will save no State monies and will endanger Hawaii's coastal zone, with all of the environmental, recreational, and scenic impacts.

The GIS program is no longer a luxury, but is rather an essential information source in the twenty-first century. I believe every State in this country has one. It is composed of a handful of dedicated individuals who efficiently provide a database of information through which one may create maps which depict the interrelationship between a variety of parameters. For example, a GIS map can immediately identify how the land is classified and zoned, the location of roads and emergency services, and its geographic relationship to other subdivisions, commercial centers, and regions. Any proposal to develop, any identification of potential site locations, or any discussion of future planning requires the GIS program.

Finally, the existence of a separate Office of Planning is fully justified by the importance of its function. In no other state is planning more important. This short-sided proposal to eliminate the Office of Planning is ultimately destructive to our future, and I strongly urge you to hold this bill in committee.

Caren Diamond  
P. O. Box 536  
Hanalei, Hi. 96714  
March 14, 2009

Committee on Water, Land and Ocean Resources  
Representative Ken Ito, Chair

**Re: Testimony in Strong Opposition SB 1318 SD1**

Hearing Date: March 16, 2009, Room 325 9:00 am

Aloha Representative Ito and Committee Members,

While Hawaii has some of the finest coastal resources in the world, this bill proposes to gut all protections of these fragile and important coastal lands. Not insignificantly, the counties will lose funding for coastal zone management. Sea level rise rise and coastal erosion are increasing, this is not the time to turn our backs on coastal protections afforded by HRS205A

I urge you to oppose this poor change to our laws. 205A is the backbone to our coastal zone management, which complies with and is funded by the Federal Coastal Zone Management Program.

Chapter 205A, HRS, is the umbrella statute for managing the coastal zone. Repeal of Chapter 205A would mean repeal of the framework for Coastal Zone Management Programs including the state statutory basis for Special Management Area permits and Shoreline Setback Variances administered by the counties.

Shoreline protection at both the state and county level are crucial at a time when predictions of global warming and

sea level rise require more, not less oversight of our important coastal zone. Please oppose gutting our coastal zone laws that protect our important coastal resources.

DLNR may have its problems as a state agency, but switching the agencies to one that oversees development and tourism will not improve any of the problems. Please oppose SD1318 SD1. It is both residents and visitors that rely on the resources of our coastal areas. Coastal hazards are real, and HRS205A should remain in place.

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Mahalo,  
Caren Diamond

**Testimony for SB1318 on 3/16/2009 9:00:00 AM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Sunday, March 15, 2009 9:50 AM

**To:** WLOtestimony

**Cc:** [REDACTED]

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Testimony for WLO 3/16/2009 9:00:00 AM SB1318

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Bob Babson

Organization: Individual

Address: [REDACTED]

Phone: [REDACTED]

E-mail: [REDACTED]

Submitted on: 3/15/2009

**Comments:**

Please vote no on this bill. We must protect our beaches and coast lines for future generations to enjoy. The Office of Planning is in the best position to protect our environment and should never be subornated to DBEDT.

**Testimony for SB1318 on 3/16/2009 9:00:00 AM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Sunday, March 15, 2009 10:02 AM

**To:** WLOtestimony

**Cc:** [REDACTED]

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Testimony for WLO 3/16/2009 9:00:00 AM SB1318

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Janice palma-glennie

Organization: Individual

Address:

Phone:

E-mail: [REDACTED]

Submitted on: 3/15/2009

**Comments:**

The CZM law being tampered with in this proposed legislation is paramount to protecting the shoreline, Hawai`i's natural and cultural resources and as a way of honoring hte Public Trust.

The CZM Act has been integral in balancing the needs and desires of the general public with the economic schemes of development interests. It is a law which makes Hawai`i stand out as forward thinking in coastal protection.

By eliminating the CZM Act, Hawai`i's environment and culture would be even more threatened and decimated than it already is.

Please vote "no" on this bill.

Mahalo.