



HB117
RELATING TO SPECIAL MANAGEMENT AREAS
House Committee on Water, Land, & Ocean Resources
House Committee on Energy & Environmental Protection

February 4, 2011

10:00 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB117, which would increase the threshold for a special management area (SMA) minor permit from \$125,000 to \$500,000, a four-fold increase over present. An expansion of the SMA minor permit would largely preclude environmental review of projects proposed in some of the most ecologically and culturally sensitive areas in Hawai'i.

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. § 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 (HRS), 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. Coastal areas are being lost to a variety of forces, including erosion exacerbated by coastal activities, and coastal resources are impacted by declining water quality. SMAs are a regulatory creation recognizing that these sensitive areas need more consideration and protection. Indeed, some counties in the State have even extended the SMA boundary landward beyond the state minimum requirements in appreciation of the area's extreme importance and sensitivity. Raising the project cost threshold, as would result under HB 117, will lower the protection owed to SMAs and run contrary to federal, county, and current state intent.

LATE TESTIMONY

OHA also respectfully reminds the Committees of our responsibilities and integral concerns for our beneficiaries' cultural and natural resources. Our statutory mandates include the following requirements: "[t]o advise and inform federal, state, and county officials about native Hawaiian and Hawaiian programs, and coordinate federal, state, and county activities relating to native Hawaiians and Hawaiians" (HRS, § 10-6(a)(4)), and "[a]ssessing the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conducting advocacy efforts for native Hawaiians and Hawaiians." (HRS, § 10-3(4)). This bill, as it now stands, would limit OHA's abilities to fulfill our statutory mandates within the SMAs and to offer our beneficiaries a legitimate opportunity to provide their knowledge, expertise, and wisdom on issues that may seem minor, but often, through appropriate analysis, are found to have major public access, environmental, or cultural implications.

OHA hopes that the Legislature remembers the many times when ground disturbances within the shoreline area for private or public development, road construction, and utility easements have unearthed burials of iwi kūpuna, when roads have been planned in areas that contain federally and state listed endangered species, and the many times that such activities involve ceded lands and historic and cultural resources. Through environmental review, as required for projects exceeding the current \$125,000 threshold, these issues are largely identified and either avoided or appropriately mitigated. Without that analysis, however, the specter of second-guessing agency intent and preference for development will spread a dark shadow over expedited activities around our coasts.

Therefore, OHA urges the committee to HOLD HB 117. Mahalo for the opportunity to testify on this measure.

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Committee on Energy & Environmental Protection
February 3, 2011
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For the above reasons, LURF is in **support of HB 117**, and we respectfully urge your favorable consideration. Thank you for the opportunity to present our testimony regarding this matter.

har3 - Megan

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 03, 2011 11:01 PM
To: WLOtestimony
Cc: NaLeoHawaiian@aol.com
Subject: Testimony for HB117 on 2/4/2011 10:00:00 AM

LATE TESTIMONY

Testimony for WLO/EEP 2/4/2011 10:00:00 AM HB117

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Mahelani Sylva
Organization: Individual
Address: 4160 Hoala Street, 22C Lihue, HI 96766
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E-mail: NaLeoHawaiian@aol.com
Submitted on: 2/3/2011

Comments:

har3 - Megan

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Sent: Thursday, February 03, 2011 10:56 PM
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Subject: Testimony for HB117 on 2/4/2011 10:00:00 AM

LATE TESTIMONY

Testimony for WLO/EEP 2/4/2011 10:00:00 AM HB117

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Cheryl Lovell-Obatake
Organization: Individual
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Submitted on: 2/3/2011

Comments:

WRITTEN TESTIMONY

HB 117

RELATING TO SPECIAL MANAGEMENT AREAS

HAWAIIAN TELCOM

KEN HIRAKI

VICE PRESIDENT – GOVERNMENT & COMMUNITY AFFAIRS

Friday, February 4, 2011

10:00 AM

Chair Chang and members of the House Water, Land & Ocean Resources Committee:

Hawaiian Telcom supports the passage of HB 117, Relating to Special Management Areas.

The stated purpose of HB 117 is to increase the threshold for special management area minor permits.

Hawaiian Telcom's state-wide infrastructure includes substantial aerial facilities located within shoreline areas. Those aerial facilities require a variety of repair, maintenance, improvement, and upgrade work over time for reasons including public safety. Time is often of the essence in completing this important work. However, due to the quickly-rising costs of materials and labor, Hawaiian Telcom expects typical levels of work on aerial facilities to increasingly surpass the existing dollar threshold triggering the requirement of a special management area use permit. The lengthy and costly permitting process will place a direct burden onto Hawaiian Telcom's customers and its regulated customer service requirements as there will be a disruption to the company's normal expansion and maintenance of facilities.

Based on the aforementioned, Hawaiian Telcom respectfully requests this measure be approved. Thank you for the opportunity to testify.