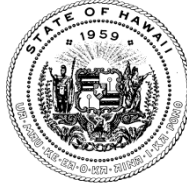


DAVID Y. IGE  
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY  
DIRECTOR

Deputy Directors  
ROSS M. HIGASHI  
EDUARDO P. MANGLALLAN  
PATRICK H. MCCAIN  
EDWIN H. SNIFFEN

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

**LATE**

February 10, 2022  
2:00 P.M.  
State Capitol, Teleconference

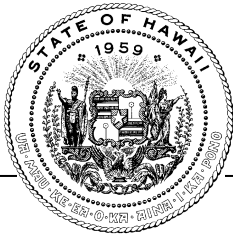
**H.B. 1655, H.D. 1  
RELATING TO SPECIAL MANAGEMENT AREAS**

House Committee on Judiciary and Hawaiian Affairs

The Department of Transportation (DOT) **supports** this measure that seeks to expand exclusions from the definition of "development" as it applies to special management areas to reduce the need for special management area permits for certain activities and would like to provide the following comment.

The DOT requests that **(20) Installation, maintenance, repair, and replacement of lighting, fixtures, and equipment to establish compliance with current standards at existing public recreational facilities** be amended to remove the word "recreational" so that this exemption can be applied to DOT facilities. This would provide a clear understanding that an Special Management Areas permit is not required when maintaining highway lighting and/or upgrading lighting to help protect the native seabird population.

Thank you for the opportunity to provide testimony.



**STATE OF HAWAII  
OFFICE OF PLANNING  
& SUSTAINABLE DEVELOPMENT**

**DAVID Y. IGE**  
GOVERNOR

**MARY ALICE EVANS**  
DIRECTOR

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: <https://planning.hawaii.gov/>

Statement of  
**MARY ALICE EVANS**  
Director, Office of Planning and Sustainable Development  
before the  
**HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS**  
Thursday, February 10, 2022  
2:00 PM  
State Capitol, Via Videoconference  
Conference Room 325

in consideration of  
**HB 1655 HD1**  
**RELATING TO SPECIAL MANAGEMENT AREAS.**

Chair Nakashima, Vice Chair Matayoshi, and Members of the House Committee on Judiciary and Hawaiian Affairs.

We appreciate the amendments made by the prior committee. The purpose for the inclusion of activities that are excluded “development” under Hawaii Revised Statutes § 205A-22 is to streamline the special management area (SMA) permitting procedures for those proposed actions that have no adverse environmental impacts on the SMAs.

As the lead agency of the Hawaii Coastal Zone Management Program, the Office of Planning and Sustainable Development respectfully supports **HB 1655 HD1**, and recommends the addition of the following underlined language:

- (17) Installation, maintenance, repair, and replacement of public pedestrian and bicycle facilities, including sidewalks, paths, bikeways, crosswalks, stairs, ramps, traffic control barriers, signs, signals, and associated improvements;
- (19) Installation of fencing for protection of public utility infrastructure, or for invasive species control or preservation of native habitat on conservation land, including associated improvements and incidental structures;

Thank you for the opportunity to testify on this measure.

MICHAEL P. VICTORINO  
Mayor

ROWENA M. DAGDAG-ANDAYA  
Director

JORDAN MOLINA  
Deputy Director

WADE SHIMABUKURO, P.E.  
Development Services Administration

RODRIGO "CHICO" R. RABARA, P.E.  
Engineering Division

JOHN R. SMITH, P.E.  
Highways Division

Telephone: (808) 270-7845  
Fax: (808) 270-7955



COUNTY OF MAUI  
**DEPARTMENT OF PUBLIC WORKS**  
200 SOUTH HIGH STREET, ROOM NO. 434  
WAILUKU, MAUI, HAWAII, 96793

TESTIMONY  
OF  
JORDAN MOLINA, DEPUTY DIRECTOR OF PUBLIC WORKS  
COUNTY OF MAUI

TO THE HOUSE COMMITTEE  
ON  
JUDICIARY & HAWAIIAN AFFAIRS  
THURSDAY, FEBRUARY 10, 2022, 2:00 P.M.

HOUSE BILL 1655, HD1  
RELATING TO SPECIAL MANAGEMENT AREAS

Honorable Mark M. Nakashima, Chair,  
Honorable Scot Z. Matayoshi, Vice Chair,  
and Members of the JHA Committee

Thank you for the opportunity to submit testimony on HB1655, HD1. The County of Maui Department of Public Works **SUPPORTS** the proposed measure.

The bill seeks to exclude new pedestrian and bicycle facilities from the definition of "development". Every year, in the spirit of Act 54 (SLH 2009), the County undertakes complete streets improvement to fill gaps in the existing pedestrian and bicycle facility networks. Unfortunately, complete street improvements in the special management areas are significantly more costly and take longer to implement because of the effort required to obtain special management area approvals. This proposed measure would significantly reduce the County's cost to construct these facilities and aid in expediting the implementation of complete street improvements within our county rights-of-way.

Sincerely,

JORDAN MOLINA  
Deputy Director of Public Works

Council Chair  
Alice L. Lee

Vice-Chair  
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Gabe Johnson  
Kelly Takaya King  
Michael J. Molina  
Tamara Paltin  
Shane M. Sinenci  
Yuki Lei K. Sugimura



Director of Council Services  
Traci N. T. Fujita, Esq.

Deputy Director of Council Services  
David M. Raatz, Jr., Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

February 9, 2022

TO: Committee on Judiciary & Hawaiian Affairs  
Representative Mark M. Nakashima, Chair  
Representative Scot Z. Matayoshi, Vice Chair

FROM: Kelly Takaya King, Maui County Councilmember

HEARING: February 10, 2022 at 2:00 p.m., House Conference Room 325 via  
Videoconference

SUBJECT: **Testimony in support of HB1655 HD1 RELATING TO SPECIAL  
MANAGEMENT AREAS**

Dear Honorable Chair Nakashima, Vice Chair Matayoshi, and Committee Members,

I am in support of HB1655 HD1 which would amend the definition of "development" in the context of special management areas. The current law's broad definition of "development" results in even relatively minor, routine or ancillary improvements having to undergo intensely rigorous review which often results in unnecessary and unwarranted delay and expense.

While special management area regulations serve an important purpose, the proposed amendments to the law would be beneficial to community improvements. The targeted exclusions would allow projects including repairs and improvements to sidewalks and bicycle lanes, removal of dilapidated seawalls, garbage removal, certain measures to control invasive weeds and species, improvements to lighting, inspections and maintenance of utilities and equipment, and others to be exempt from the special management area regulations.

I have been pressing for our county Department of Public Works to install sidewalks in the South Maui District that have been promised for years, and I am told that the holdup has to do with the challenges imposed by the current

February 9, 2022

Page 2

law. I would like to see the impediments to this and other relatively minor improvements removed, and this bill will accomplish that.

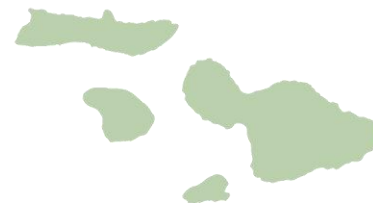
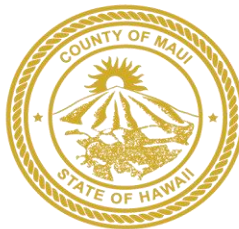
Please pass HB1655 HD1.

Mahalo nui loa,

A handwritten signature in cursive script that reads "Kelly T. King".

Kelly Takaya King, Maui County Council  
Chair, Climate Action, Resilience and Environment Committee  
Vice Chair, Hawai'i State Association of Counties  
Member, Local Government Advisory Committee to U.S. EPA  
ICLEI Delegate to COP26

MICHAEL P. VICTORINO  
MAYOR  
MICHELE CHOUTEAU MCLEAN, AICP  
DIRECTOR  
JORDAN E. HART  
DEPUTY DIRECTOR



DEPARTMENT OF PLANNING  
COUNTY OF MAUI  
ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315  
WAILUKU, MAUI, HAWAII 96793

February 9, 2022

TESTIMONY OF JORDAN E. HART  
DEPUTY PLANNING DIRECTOR  
COUNTY OF MAUI

BEFORE THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS  
Tuesday, February 10, 2022, 2:00 A.M.  
Videoconference / Conference Room 325

**HB1655 HD1 RELATING TO SPECIAL MANAGEMENT AREAS**

Representative Mark M. Nakashima, Chair  
Representative Scot Z. Matayoshi, Vice Chair  
Honorable Members of the House Committee on Judiciary & Hawaiian Affairs

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Thank you for this opportunity to testify in **SUPPORT** of **HB1655 HD1**, with comments.

Please accept this testimony in support of **HB1655 HD1**, which adds to the list of actions that can be exempt from having to obtain a Special Management Area (SMA) permit. These updates will facilitate the operation of government consistent with Coastal Zone Management Program objectives and policies.

That being said, we respectfully request reconsideration of a few of the initial actions included in the original proposal which are incidental but reoccurring, and which should not be categorized as “development” for the purposes of HRS 205A:

“ ...

(19) Installation of fencing for protection of public utility infrastructure, or for invasive species control or preservation of native habitats on conservation land, including associated improvements and incidental structures; and

... ”

(21) Installation of barriers for control of vehicle movement, which will not obstruct shoreline access;

... ”

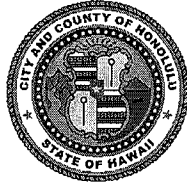
We feel that both allow for the protection of important public resources while remaining consistent with the objectives and policies of the Coastal Zone Management Program.

Mahalo for your consideration.

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8000 • FAX: (808) 768-6041  
DEPT. WEB SITE: [www.honoluluapp.org](http://www.honoluluapp.org) • CITY WEB SITE: [www.honolulu.gov](http://www.honolulu.gov)

RICK BLANGIARDI  
MAYOR



DEAN UCHIDA  
DIRECTOR

DAWN TAKEUCHI APUNA  
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI  
DEPUTY DIRECTOR

February 10, 2022

The Honorable Mark M. Nakashima, Chair  
and Members of the Committee on Judiciary  
and Hawaiian Affairs  
Hawaii House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Nakashima and Committee Members:

**Subject: House Bill No. 1655, HD 1**  
**Relating to Special Management Areas**

The Department of Planning and Permitting (DPP) **supports, with a suggested amendment**, House Bill No. 1655, HD 1, which would exempt certain types of activities from the definition of "development" that are subject to Special Management Area (SMA) review and permitting.

We respectfully request that the following language be inserted in the section of exemptions to development:

"Construction, installation, maintenance and repair, and replacement, including the installation of security measures, to existing government facilities in the SMA by government agencies."

Currently, work on existing government facilities located in the SMA is not excluded as "development." Based on the current law, the City and County of Honolulu, Board of Water Supply (BWS) was required to obtain an SMA permit, which included the preparation of an Environmental Assessment and a public hearing, to construct a security fence around one of its existing pump stations. The security fencing was necessary to prevent ongoing vandalism of the BWS facilities.

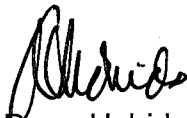
The additional time and funds required to secure an SMA permit for these much-needed security measures to an existing facility for public health and safety are excessive and counterproductive to the role of government agencies. We believe the proposed amendment would not compromise the need to manage activities within the SMA in Hawaii.

The Honorable Mark M. Nakashima, Chair  
and Members of the Committee on Judiciary  
and Hawaiian Affairs  
Hawaii House of Representatives  
House Bill No. 1655, HD 1  
February 10, 2022  
Page 2

For the reasons stated above, we request that House Bill No. 1655, HD 1, be passed out of committee with our recommended amendment.

Thank you for this opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Dean Uchida', written in a cursive style.

Dean Uchida  
Director



**HB-1655-HD-1**

Submitted on: 2/8/2022 5:40:03 PM

Testimony for JHA on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ron Terry	Individual	Support	No

Comments:

Aloha Chair Nakashima and Committee Members:

I support this bill based on my experiences as an environmental scientist and planner for the last 32 years working in all counties of in Hawaii. Many worthwhile minor projects that are meant to improve the environment are held up or not even undertaken because of the burden of an SMA permit. The restricted scope of the type of projects redefined by the bill as "not development" should prevent any abuse. Furthermore, government projects will have already undergone environmental analysis through an EA or the exemption process, which, through recent rules changes to Title 11-200.1, is now sufficiently rigorous to protect the environment. There is seldom any need to duplicate this process through an SMA permit.

As an officer for 12 years with Hilo Bayfront Trails, Inc., a non-profit dedicated to building multi-user trails to increase safety, health and bike use, I am particularly heartened by the inclusion of the provision:

*(2) Certain types of repairs and improvements of pedestrian and bicycle facilities to reduce reliance on vehicles;*

I trust that "certain types" will be interpreted as broadly inclusive, as even trails that are perceived as primarily recreational usually offer alternative routes that reduce vehicle use. We have seen commuters using a looping Hilo Bayfront Trails segment even where a straighter bike lane on the highway is available, because our trail increases both safety and the quality of the riding experience.

Thank you for the opportunity to be heard on this matter.

Ron Terry, Hilo (808-969-7090; rterry@hawaii.rr.com)