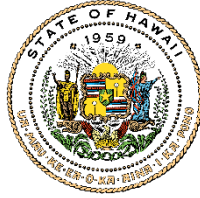


**JOSH GREEN, M.D.**  
GOVERNOR | KE KIA'ĀINA

**SYLVIA LUKE**  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**KA 'OIHANA KUMUWAIWAI 'ĀINA**  
P.O. BOX 621  
HONOLULU, HAWAII 96809

**DAWN N.S. CHANG**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

**LAURA H.E. KAAKUA**  
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

**Testimony of**  
**DAWN N. S. CHANG**  
**Chairperson**

**Before the Senate Committee on**  
**JUDICIARY**

**Tuesday, March 21, 2023**  
**9:40 a.m.**

**State Capitol, Conference Room 016 & Videoconference**

**In consideration of**  
**HOUSE BILL 365, HOUSE DRAFT 1, SENATE DRAFT 1**  
**RELATING TO SPECIAL MANAGEMENT AREAS**

House Bill 365, House Draft 1, Senate Draft 1 proposes 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. **The Department of Land and Natural Resources (Department) supports the bill.**

Many parts of the State fall both within the Special Management Area and the State Land Use Conservation District, and land uses in these areas might require both Special Management Area permits and Conservation District Use Permits.

The Department appreciates that this measure will exclude from the definition of “development” invasive species control and the installation of fencing for invasive species control or the preservation of native habitats. We believe that this will help facilitate projects that are intended to preserve and protect the State’s natural and cultural resources.

The Department also appreciates that traditional fishpond and traditional agricultural practices will be excluded from the definition of development. In 2015 the Department initiated the “Ho‘āla Loko I‘a” program, which streamlined the permitting process for the repair, restoration, and operation of traditional Hawaiian fishpond systems. The proposed bill is consistent with this program, and we believe it will benefit cultural practitioners who are working to restore the State’s fishponds.

Mahalo for the opportunity to provide testimony in support of this measure.

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.honoluluodpp.org](http://www.honoluluodpp.org) • CITY WEB SITE: [www.honolulu.gov](http://www.honolulu.gov)

RICK BLANGIARDI  
MAYOR



DAWN TAKEUCHI APUNA  
DIRECTOR

JIRO SUMADA  
DEPUTY DIRECTOR

March 21, 2023

The Honorable Karl Rhoads, Chair  
and Members of the Committee on Judiciary  
Hawaii State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Rhoads and Committee Members:

**Subject: House Bill No. 365, HD 1, SD 1  
Relating to Special Management Areas**

The Department of Planning and Permitting (DPP) **supports** House Bill No. 365, HD 1, SD 1, which would expand exclusions from the definition of "development" as it applies to special management areas (SMA) to reduce the need for SMA permits for certain activities.

We support the change in the HD 1 to keep the dwelling size at 7,500 square feet, instead of reducing it to 5,000 square feet. We also support the intent of the Bill and believe SMA permit streamlining will facilitate important restoration activities, enhance public pedestrian and bicycle access to recreational areas within the SMA, and support safety measures for public facilities.

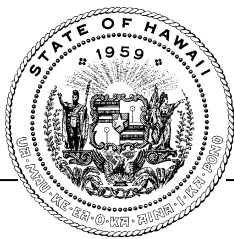
We note the counties are empowered to require an SMA permit if they determine coastal zone impacts are anticipated for any project. Given this, we believe the proposed amendments would not compromise the need to manage activities within the SMA in Hawaii.

Thank you for this opportunity to testify.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Dawn Takeuchi Apuna", is written over a horizontal line.

Dawn Takeuchi Apuna  
Director



**STATE OF HAWAI'I  
OFFICE OF PLANNING  
& SUSTAINABLE DEVELOPMENT**

**JOSH GREEN, M.D.**  
GOVERNOR

**SCOTT J. GLENN**  
DIRECTOR

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

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

Statement of  
**SCOTT GLENN, Director**

before the  
**SENATE COMMITTEE ON JUDICIARY**

Tuesday, March 21, 2023, 9:40 AM  
State Capitol, Conference Room 016

in consideration of  
**HB 365 HD1 SD1**  
**RELATING TO SPECIAL MANAGEMENT AREAS.**

Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary:

As the lead agency of the Hawaii Coastal Zone Management Program, the Office of Planning and Sustainable Development **supports HB 365 HD1 SD1**, which proposes additions for proposed activities to be considered excluded "development" under Hawaii Revised Statutes § 205A-22 to reduce the need for Special Management Area (SMA) permitting procedures for those proposed actions that have no adverse environmental impacts on the SMAs.

Thank you for the opportunity to testify on this measure.

**RICHARD T. BISSEN, JR.**  
Mayor

**KEKUHAUPIO R. AKANA**  
Acting Managing Director



**OFFICE OF THE MAYOR**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov](http://www.mauicounty.gov)

March 19, 2023

TO: Honorable Senator Karl Rhoads, Chair  
Honorable Senator Mike Gabbard, Vice Chair  
Senate Committee on Judiciary

FROM: Richard T. Bissen, Jr., Mayor  
Kathleen Aoki, Planning Director

DATE: March 19, 2023

SUBJECT: **SUPPORT OF HB 365, HD1, SD1, RELATING TO SPECIAL  
MANAGEMENT AREAS.**

Thank you for the opportunity to testify in **SUPPORT** of this important measure. The purpose of this measure is to expand exclusions to the definition of "development" in chapter 205A, Hawaii Revised Statutes, to reduce the need for special management area permits for certain activities.

Our administration **SUPPORTS** this measure for the following reasons:

1. This measure will help expedite the special management area permits process to avoid increased labor and material costs.
2. This measure, as amended, will continue to protect environmental controls and quality that Special Management Area regulations are intended to protect.
3. This measure will facilitate the timely approval of important projects, including improvements to pedestrian and bicycling infrastructure, environmental and wildlife protection, and security at public facilities.

For the foregoing reasons, we **SUPPORT** this measure.



March 20, 2023

Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair  
Senate Committee on Judiciary

**Testimony in Support of HB 365, HD1, SD1 RELATING TO SPECIAL MANAGEMENT AREAS. (Expands 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. Effective 6/30/3000. [SD1])**

**Tuesday, March 21, 2023, at 9:40 AM  
State Capitol, Conference Room 016 & Videoconference**

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers, and utility companies. LURF's mission is to advocate for reasonable, rational, and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF appreciates the opportunity to **support HB 365, HD1. SD1.**

**HB365, HD 1, SD1.** The purpose of this measure is 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.

**LURF's Position:** Under existing SMA law, development along the shoreline and special management areas require a county SMA review and permit. The existing broad definition of "development," coupled with rising labor and materials costs, can trigger a mandatory SMA use permit review for improvements, facilities, and incidental structures that may not have a significant adverse environmental impact and may not justify such intense scrutiny or the associated costs and time delays that accompany it.

This bill expands exclusions to the definition of "development" in chapter 205A, Hawaii Revised Statutes, to reduce the need for SMA permits for certain activities that may not warrant such review, increased costs, and permitting delays.

Prior testimonies indicate that the counties support this bill. Maui Council Chair Alice Lee (in her individual capacity), Maui Mayor Rick Bissen, and the City's Department of Planning and Permitting (City), have noted that the SMA law still authorizes the counties require an SMA permit if they determine coastal zone impacts are anticipated for any project; and that this measure's targeted amendments will promote, not undercut or compromise the environmental controls, quality and protections that the SMA regulations are intended to protect. Those county officials have also stated that the SMA permit streamlining in this bill will provide more time for the county to focus on and review important projects along the shoreline, including restoration activities, enhancement of public pedestrian and bicycle access to recreational areas within the SMA, and will support safety measures for public facilities.

For the reasons set forth above, LURF is in **support of HB 365, HD1, SD1**, and respectfully requests that this Committee favorably consider this measure.

Thank you for the opportunity to present testimony in support of this bill.

Council Chair  
Alice L. Lee

Vice-Chair  
Yuki Lei K. Sugimura

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Tom Cook  
Gabe Johnson  
Tamara Paltin  
Keani N.W. Rawlins-Fernandez  
Shane M. Sinenci  
Nohelani U'u-Hodgins



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)

March 18, 2023

TO: The Honorable Karl Rhoads, Chair, and  
Members of the Senate Committee on Judiciary

FROM: Alice L. Lee   
Council Chair

SUBJECT: **HEARING OF MARCH 21, 2023; TESTIMONY IN SUPPORT OF HB 365,  
HD1, SD1, RELATING TO SPECIAL MANAGEMENT AREAS**

Thank you for the opportunity to testify in **support** of this important measure. The purpose of this measure is to eliminate the need for Special Management Area permits for certain beneficial projects, including those for pedestrian and bicycle facilities, native-habitat preservation, native-seabird protection, and security at public facilities.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I **support** this measure for the following reasons:

1. This measure's targeted amendments to the definition of "development" will promote, not undercut, the environmental controls and quality that Special Management Area regulations are intended to protect.
2. This measure will facilitate the timely approval of important projects to benefit the public, including improvements to pedestrian and bicycling infrastructure, environmental and wildlife protection, traditional fishpond and traditional agricultural practices, and security at public facilities.

For the foregoing reasons, I **support** this measure.

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