

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

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
DIRECTOR

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Statement of
MARY ALICE EVANS, Director

before the
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Thursday, February 24, 2026, 2:00 PM
State Capitol, Conference Room 325

in consideration of
HB 1823 HD1
RELATING TO COASTAL ZONE MANAGEMENT ACT.

Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs:

HB 1823 HD1 proposes to amend the definition of “development” under Chapter 205A, Hawai‘i Revised Statutes (HRS), as it pertains to coastal zone management areas, to clarify that certain activities excluded from the definition of “development” and are not subject to special management area permit applications. In addition, HB 1823 HD1 proposes to exempt from special management area use permit requirements state- or county-sponsored infrastructure improvement projects that are consistent with applicable county community plans.

The Office of Planning and Sustainable Development (OPSD), the lead agency of the Hawai‘i Coastal Zone Management (CZM) Program, **respectively recommends: 1) keeping subsection 205A-22(1) as it is; and 2) amending subsection 205A-22(2) as shown below.**

OPSD recommends keeping subsection 205A-22(1) as is without the amendments proposed by HB 1823 HD1 for the following reasons:

1. Enacted by Act 176, Session Laws of Hawai‘i 1975, “development” as defined in subsection 205A-22(1) has provided a set of items that explain, clarify and remove ambiguity about “development” to assess and ensure that uses, activities, or operations on land or in or under water within a special management area (SMA) are designed and carried out in compliance with the CZM objectives and policies, and SMA guidelines.
2. The amendments by HB 1823 HD1, including the addition of the terms “temporary” and “permanent” to subsection 205A-22(1), would cause confusion in SMA use assessment and result in more SMA permit requirements, which conflicts the intent of HB 1823 HD1 to streamline the SMA permitting.

HB 1823 HD1 RELATING TO COASTAL ZONE MANAGEMENT ACT - COMMENT
State Office of Planning and Sustainable Development
February 24, 2026

“Special management area” defined in § 205A-22 under part II of chapter 205A is distinct from the “shoreline area” as defined in § 205A-41 under part III of chapter 205A. Shoreline area is a subset of the special management area. Except as provided in § 205A-44(b), all structures, including state- or county-sponsored infrastructure, shall be prohibited within the shoreline area unless a shoreline setback variance is granted.

OPSD supports HB 1823, HD1, with an amendment to subsection 205A-22(2) to streamline the delivery of essential public infrastructure by creating a targeted permitting exemption for state- or county-sponsored infrastructure improvement projects.

In accordance with § 205A-22, when the authority finds that any excluded use, activity, or operation may have a cumulative impact, or significant environmental or ecological effect on a SMA, that use, activity, or operation shall be defined as “development” for the purpose of part II of chapter 205A. Therefore, OPSD suggests the replacement of “shall” proposed by HB 1823 HD1 with “should” to subsection 205A-22(2) as follows:

“Development”:

(2) Does not include the following, and the following [~~shall~~] should be exempt from special management area use permit requirements:

Thank you for the opportunity to testify on this measure.

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director



OFFICE OF THE MAYOR
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov

TO: Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
Committee on Judiciary & Hawaiian Affairs

FROM: Richard T. Bissen, Jr., Mayor
John Smith, P.E. Office of Recovery Administrator

DATE: February 21, 2026

SUBJECT: **SUPPORT OF HB1823, HD1, RELATING TO THE COASTAL ZONE
MANAGEMENT ACT**

Thank you for the opportunity to testify in **SUPPORT** of this important measure.

The Act allows the State and Counties to provide public services to our respective communities more efficiently with a savings in cost and time.

The County of Maui Office of Recovery is managing and or funding a number of public infrastructure projects that occur within or partially within the Special Management Area (SMA) and **support** this measure for the following reasons:

1. Passage of this bill would greatly reduce the cost of project planning and completion as well as the schedule of delivery.
2. Cost savings and reduction in time of delivery benefit the community we are serving.

Mahalo for your consideration.

Council Chair
Alice L. Lee

Vice-Chair
Yuki Lei K. Sugimura

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



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

Deputy Director of Council Services
Richelle K. Kawasaki, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 23, 2026

TO: Honorable Chair Tarnas, Vice-Chair Poepoe, and members of the Committee on Judiciary and Hawaiian Affairs

FROM: TAMARA PALTIN
Councilmember

DATE: February 23, 2026

SUBJECT: **OPPOSITION TO HB 1823, HD1, RELATING TO THE COASTAL ZONE MANAGEMENT ACT**

Thank you for the opportunity to testify in this important measure. The purpose of this measure is to create a new exemption from the definition of "development" that would allow certain taxpayer-funded coastal projects—self-declared as exempt from environmental review—to bypass Special Management Area (SMA) permit requirements.

I **STRONGLY OPPOSE** this measure for the following reasons:

The current draft expands this exemption even further by excluding any activities listed under HRS §205A-22(2) from SMA permit requirements. These activities range from home repair and construction to fencing installation and the reconstruction of aging or potentially hazardous structures. While some of these actions may appear minor in isolation, their cumulative impacts can be substantial, particularly in shoreline and nearshore environments already under stress from erosion, sea level rise, and habitat degradation.

Our coastal areas are foundational to Hawai'i's cultural heritage, ecological integrity, recreational access, and economic vitality. The SMA permitting process exists precisely because of this importance. It provides a structured mechanism for impact assessment, agency coordination, and—when warranted—public participation. These safeguards are not bureaucratic obstacles; they are essential tools for balancing private interests with public trust responsibilities.

At a time when sea level rise, increased storm intensity, and shoreline retreat present escalating challenges, the Legislature should be strengthening coastal resilience and regulatory clarity—not creating broad exemptions that reduce transparency and accountability.

February 23, 2026
Page 2

Respectfully Submitted,

Tamara A. M. Paltin

TAMARA PALTIN
Councilmember

C. Kimo Alameda, Ph.D.
Mayor

William V. Brilhante, Jr.
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
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County of Hawai'i PLANNING DEPARTMENT

Jeffrey W. Darrow
Director

Michelle S. Ahn
Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

February 23, 2026

Testimony of
Jeffrey W. Darrow
Director, County of Hawai'i, Department of Planning
before the
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Tuesday, February 24, 2026
2:00 p.m.
State Capitol, Conference Room 325
In consideration of
HOUSE BILL NO. 1823, HD 1
RELATING TO COASTAL ZONE MANAGEMENT ACT

Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs.

The County of Hawai'i Planning Department **supports** HB 1823, HD1, which amends the definition of "development" under Chapter 205A, Hawai'i Revised Statutes, to clarify excluded activities and streamline permitting for certain public infrastructure improvement projects within the Special Management Area (SMA).

This measure provides clear statutory direction, promoting consistency and predictability in the permitting process. It exempts state and county sponsored infrastructure projects that align with adopted community plans and have completed Chapter 343 environmental review, reducing duplicative review while maintaining environmental safeguards.

Importantly, the bill retains SMA authority to review projects with potential cumulative or significant environmental impacts. County planning departments continue to ensure compliance with shoreline and environmental protections, and this measure supports efficient implementation without diminishing that responsibility.

For these reasons, we respectfully urge passage of HB 1823, HD1.

Mahalo for the opportunity to provide testimony.

DEPARTMENT OF DESIGN AND CONSTRUCTION
KA 'OIHANA HAKULAU A ME KE KĀPILI
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 11TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8480 • FAX: (808) 768-4567 • WEBSITE: honolulu.gov

RICK BLANGIARDI
MAYOR
MEIA



HAKU MILLES, P.E.
DIRECTOR
PO'O

MARK YONAMINE, P.E.
DEPUTY DIRECTOR
HOPE PO'O

February 23, 2026

The Honorable David A. Tarnas, Chair
The Honorable Mahina Poepoe, Vice-Chair
and Members of the Committee on Judiciary and Hawaiian Affairs
The House of Representatives
State Capitol, Conference Room 325 & Videoconference
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Tarnas, Vice-Chair Poepoe, and Members:

SUBJECT: House Bill No. 1823, HD1
Relating to the Coastal Zone Management Act

The Department of Design and Construction (DDC) **strongly supports** House Bill No. 1823 HD1 in its current form. The purpose of this bill is to amend the definition of "development," as it pertains to coastal zone management, to clarify that certain activities are excluded from the definition of "development" and are not subject to special management area (SMA) use permit requirements and to exempt state- or county-sponsored infrastructure improvement projects that are consistent with the applicable county's community plans.

The DDC strongly supports the intent where it is in the public interest to streamline the delivery of essential public infrastructure, which may be accomplished, in part, by creating a targeted permitting exemption for state- or county-sponsored infrastructure improvement projects. The DDC manages the planning, design, and construction of approximately 90% of the City's projects, equivalent to over 100 Capital Improvement Program (CIP) projects each fiscal year, which total over \$150M of City construction projects. The DDC prioritizes getting projects out to bid and constructed in a timely manner to address critical health and safety needs and to serve the communities across O'ahu.

The Department of Parks and Recreation (DPR) is responsible for operation and maintenance of the City's parks, many of which are located adjacent to the ocean such as Kualoa, One'ula, and Kalaeloa. DDC works with DPR on matters concerning park facilities and infrastructure, including threats to park land and facilities by shoreline

The Honorable David A. Tarnas, Chair and The Honorable Mahina Poepoe, Vice-Chair
and Members of the Committee on Judiciary and Hawaiian Affairs
February 23, 2026
Page 2

erosion. Amending the definition of "development" to allow for federal-, state-, or county-funded, authorized, or implemented infrastructure and improvement projects to be exempt from an environmental assessment or determined as finding of no significant impact under chapter 343; provided that "infrastructure" as used in this subparagraph includes waterlines and water facilities; waste waterlines and wastewater facilities; gas lines and gas facilities; drainage facilities; electrical, communications, telephone, and cable television utilities; and highway, roadway, bridge, and driveway improvements would shorten the permitting process by at least six (6) to twelve (12) months, not including time associated with public hearings, in addition to costs associated with the process.

As the number of projects within the SMA are expected to increase due to climate change and the associated sea level rise projected to occur over the coming decades, the proposed legislation would provide a proactive and comprehensive approach to addressing an ongoing problem in a way that ensures both cost efficiency and timely resolution.

Based on the above consideration, the DDC **strongly supports** House Bill No. 1823 HD1.

Thank you for the opportunity to comment on this measure.

Sincerely,



Haku Milles, P.E., LEED AP
Director

HB-1823-HD-1

Submitted on: 2/22/2026 3:31:01 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Hawai'i Reef and Ocean Coalition	Oppose	Written Testimony Only

Comments:

Hawaii Reef and Ocean **OPPOSES** this bill!

Development in Special Management Area should not be exempted from SMA permitting. Protections should continue for the coastal area and nearshore waters, in particular from cumulative impacts and from significant environmental and ecological effects.



Environmental Caucus of The Democratic Party of Hawai'i

Sunday, February 22, 2026

To: House Committee on Judiciary and Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

Re: HB 1823, H1 1 relating to Coastal Zone
Hearing: Tuesday, February 24, 2026, 9:30 am, Conference Room 325 & videoconference
Position: **STRONG OPPOSITION**

Aloha, Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary and Hawaiian Affairs!

The 6,680 members of the Environmental Caucus of the Democratic Party of Hawai'i believe that Coastal Zone Special Management Area protections, which have been established decades ago, and work well, should not be cast aside wholesale, which is what HB 1823 would do. Among other things, this bill would fail to require:

- Mandatory environmental review under HRS Chapter 343;
- Objective standards for determining “cumulative” or “significant” impacts;
- Assessments of impacts on Hawaiian cultural practices, or consultation with Native Hawaiians in the area proposed to be affected by a given development;
- Sea level rise, erosion, or climate exposure analysis;
- Limits on project size, intensity, or scope within SMA areas.

The bill would exempt new construction of public infrastructure from SMA permits. Thus, large-scale coastal projects could proceed without meaningful review, community input, or climate accountability. These exemptions the risk of poorly sited infrastructure, long-term public liability, and irreversible harm to coastal resources and cultural landscapes. As a prior testifier has stated, “streamlining should not mean bypassing the very protections designed to prevent coastal damage and costly mistakes.” SMA review exists for a reason: to balance infrastructure needs with public trust responsibilities, environmental protection, and cultural respect. Accordingly, we believe that this bill should not be passed. Thank you for the opportunity to testify on this important issue.

Alan B. Burdick, co-chair Burdick808@gmail.com 808-927-1500



HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

February 24, 2026

2:00 PM

Conference Room 325

In **OPPOSITION** to **HB1823 HD1**: RELATING TO THE COASTAL ZONE MANAGEMENT ACT

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

On behalf of our more than 20,000 members and supporters, the Sierra Club of Hawai'i **OPPOSES** HB1823 HD1, which takes a bulldozer to our Coastal Zone Management Act (CZMA) and its protections of our beaches, coastal areas, and nearshore waters.

Recent events have highlighted the longstanding consequences of poorly planned coastal development: vanishing beaches; properties and roads collapsing into the ocean; limu beds and other marine habitat lost to contaminated runoff or groundwater flow; cultural, subsistence, recreational, and even commercial activities dependent on coastal ecosystems curtailed or eliminated. With the realities of climate destabilization, along with a continuously increasing population across our islands, we must be more, not less, mindful of how coastal development may further exacerbate the harms we have already inflicted on our fragile but vital coastlines and coastal areas – if not for ourselves, then for the well-being and resilience of our future generations.

Rather than ensure more careful and prudent planning in coastal development, this measure does the exact opposite. First, it would allow taxpayer-funded, private or public infrastructure development projects, unilaterally declared by their agency proponents as exempt from environmental review or likely to have no significant impact, to be excluded from the definition of “development” under the CZMA. As originally drafted, this would have excused such projects from having to comply with the careful planning and public notice and input requirements of a special management area (SMA) permit – unless a county permitting authority determines there would be a cumulative impact, or significant environmental or ecological effect on the SMA.

Second, the HD1 draft of this measure would remove this latter, catchall safeguard for all activities defined as exempt from the definition of “development.” Such activities would avoid current SMA permit requirements even if they would lead to severe impacts or effects. **Infrastructure projects, construction or reconstruction of single-family residences, demolition activities, and a range of other activities that would normally have to obtain an SMA permit due to their potential impacts to our coastal areas, beaches, and nearshore waters, would no longer be required to do so.** The consequences of such a policy on our coastal areas may be devastating, and irreparable.

We must not turn our back to our rising seas, as this bill proposes to do. The Sierra Club therefore respectfully but strongly urges the Committee to **HOLD** this measure. Mahalo nui for the opportunity to testify.

HB-1823-HD-1

Submitted on: 2/22/2026 7:15:48 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nakoʻolani Warrington	Kupuna for the Moopuna	Oppose	Written Testimony Only

Comments:

STRONG OPPOSITION to HB 1823 HD1

We, Kūpuna for the Mo‘opuna, a hui of Hawaiian Homes Commission Act kūpuna beneficiary farmers from Pana‘ewa, Hawai‘i, **testify in STRONG OPPOSITION to HB 1823 HD1**

This bill’s proposed new exemption from the definition of “development” would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, decimating coastal and shoreline protections.

The current draft of this bill now goes even further, and seeks to exempt any of the activities listed in HRS §205A-22(2) - from home repair and construction, to fencing installation, to the reconstruction of outdated and potentially dangerous structures - from special management are permit requirements, even if they may threaten our shoreline and coastal areas with cumulative impacts or significant environmental and ecological effects. HEWA!

IMMEDIATELY NO to HB 1823 HD1.

HB-1823-HD-1

Submitted on: 2/22/2026 9:23:29 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John & Rita Shockley	Free Access Coalition	Oppose	Written Testimony Only

Comments:

Aloha!

The Free Access Coalition strongly OPPOSES HB1823. Our aina is precious and fragile. We cannot afford wreckless developments on our coastal and other public areas.

This bill’s proposed new exemption from the definition of “development” would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

However, the current draft of this bill now goes even further, and seeks to exempt any of the activities listed in HRS §205A-22(2) - from home repair and construction, to fencing installation, to the reconstruction of outdated and potentially dangerous structures - from special management area permit requirements, even if they may threaten our shoreline and coastal areas with cumulative impacts or significant environmental and ecological effects. This is unacceptable.

Please reject this legislation that is bad for the public.

Mahalo for. your time.

HB-1823-HD-1

Submitted on: 2/23/2026 1:02:09 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Janice K T Shiira	Shimanchu Mamuyaa	Oppose	Written Testimony Only

Comments:

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Feb. 24, 2026, 2 p.m.
Hawaii State Capitol
Conference Room 325 and Videoconference

To: House Committee on Judiciary and Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

From: Grassroot Institute of Hawaii
Ted Kefalas, Director of Strategic Campaigns

RE: TESTIMONY IN SUPPORT OF HB1823 HD1 — RELATING TO THE COASTAL ZONE MANAGEMENT ACT

Aloha chair, vice chair and other committee members,

The Grassroot Institute of Hawaii **supports** [HB1823 HD1](#), which would exempt certain state and county infrastructure improvements from the state's Special Management Area rules and clarify the definition of the term "development" as it applies to the SMA.

This legislation could speed up the delivery of critical infrastructure projects and reduce taxpayer costs associated with those projects.

Specifically, the bill would exempt road, bridge, wastewater, drainage and other publicly funded projects that comply with the applicable county's community plan from the requirement to obtain an SMA use permit.

These use permits often take six months to a year to process,¹ and each county requires a public hearing and vote by either a planning commission or a county council, which introduces uncertainty to every project.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

¹ ["Shoreline SMA,"](#) Shoreline Consulting, accessed Jan. 23, 2026.



Hawaii's Thousand Friends

335 Hahani Street #342132 * Kailua, HI 96734 * Phone (808) 262-0682 * E-Mail: htf3000@gmail.com

February 24, 2026

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

Members of the Committee

HB 1823 HD1

RELATING TO THE COASTAL ZONE MANAGEMENT ACT

Hawaii's Thousand Friends, a statewide non-profit water and land use planning organization dedicated to protecting the environment, human health, and cultural and natural resources opposes HB 1823 HD1, which streamlines certain projects within Hawaii's coastal zone

Hawaii's Coastal Zone Management Act (CZM) was established to comply with the federal Coastal Zone Management Act of 1972 and passed by the Legislature in 1977 to protect, restore, and enhance coastal ecosystems, including marine resources and open space, to protect and improve public access to the shoreline and to address the demands for residential, commercial, and industrial use in coastal areas.

Hawaii's Special Management Area permit was established in 1975 and known as the Environmental Shoreline Protection Act. It was later incorporated into the Coastal Zone Management Act, which was codified as HRS 205A in 1977 when the legislature found that special controls on development within an area along the shoreline were necessary and declared that it is the state policy to preserve, protect, and where possible, to restore the natural resources of the coastal zone.

Residents and leadership have long recognized the importance of protecting and conserving our coastal and marine areas and resources but over the years oversight, protections and public involvement have either been weakened or eliminated.

Last year the legislature passed Act 125 which changed the dollar valuation required to obtain a Special Management Area Permit Minor from \$500,000 to \$750,000. This change means that an application for a SMA Minor permit, which requires only administrative approval and was designed for lower cost projects with minimal environmental impacts, will bypass greater scrutiny, public notification and involvement.

No one knows or understands coastal resources in a community better than residents, yet this action eliminated public participation in projects within the coastal zone costing less than \$750,000 dollars. No other consideration, just a dollar amount.

Now HB 1823 HD1 will remove *grading, removing, dredging, mining, or extraction, change in density or intensity of use of land, change in intensity of use of water, ecology, construction, reconstruction or alteration of the size of any structure* from the definition of “development” meaning that only administrative approval is needed for these actions. No county, council or public oversight or involvement.

HB 1823 HD1 further eliminates public, county or state oversight by declaring that *government funded and authorized infrastructure*, even if the project is above the “development” threshold of \$750,000, is exempt *from an environmental assessment or determined as finding of no significant impact under chapter 343*.

HB 1823 HD1 broadly identifies “*infrastructure*” to include *waterlines and water facilities, waste waterlines and wastewater facilities; gas lines and gas facilities; drainage facilities, electrical, communications, telephone, cable television utilities; and highway, roadway, bridge and driveway improvements*.

Really, none-of these activities proposed within Hawaii’s coastal zone should be evaluated for impacts on coastal and marine resources?

Just because a project is a government project does not make the action less harmful to Hawaii’s coastal and marine environment.

The Special Management Area Permit process is the way each county evaluates and diminishes project impacts on coastal and marine resources, sand erosion, impacts on archaeological and cultural resources, shorebird nesting, foraging and fledging, impacts of increased runoff from hardened surfaces, impacts to honu and `ilio holo I ka uaua (monk seal which is federally protected), and `iwi, known and unknown.

In our island state, no point of land is more than 30 miles from the ocean ecosystems and are interrelated whole rather than by individual species, resources or uses. Thus, making comprehensive oversight of our coastal and marine resources even more critical.

We ask you to hold HB 1823 HD1 because it moves our islands backward and further away from the goals established by the Hawaii’s Coastal Zone Management Act to *protect, restore, and enhance coastal ecosystems* and the Special Management Act to *preserve, protect, and where possible, to restore the natural resources of the coastal zone*.

HB-1823-HD-1

Submitted on: 2/23/2026 12:51:01 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara Kaaumoana	Hanalei Watershed Hui	Oppose	Written Testimony Only

Comments:

The Hanalei Watershed Hui **STRONGLY** opposes this bill as it weakens community based and place based intelligence.

HD1 does not improve this legislation.

This bill exempts development of our Special Management Areas and **REMOVES PROTECTIONS OF OUR COASTAL AREAS.**

PLEASE HOLD THIS BILL.

Me ka pono,

Makaala Kaaumoana

Executive Director



Date of Hearing: February 24, 2026

To: Chair Tarnas, Vice Chair Poepoe, and the House Committee on Judiciary & Hawaiian Affairs

Subject: **HB1823 HD1**, Relating to the Coastal Zone Management Act

Aloha,

Hawai'i Food+ Policy **supports** HB1823 HD1 for its effort to clarify coastal permitting requirements. At the same time, we **strongly recommend safeguards** to ensure that streamlined permitting does not weaken environmental protections for public trust resources that sustain local food practices.

We strongly support the intent to exempt Hawaiian traditional and customary practices from unnecessary permitting burdens. We affirm the importance of exempting loko i'a and other traditional Hawaiian fishpond systems from special management area permit requirements.

We strongly recommend the inclusion of safeguards to ensure that efforts to streamline permitting do not unintentionally weaken environmental protections for public trust resources that sustain local food practices. Healthy nearshore ecosystems are foundational to Hawai'i's food system. They support subsistence and small-scale fisheries, limu beds, marine biodiversity, and the ecological conditions necessary for both traditional and contemporary food practices to thrive. Therefore, we urge the JHA Committee to clarify that the exemptions outlined in Section 2(2) do not apply where activities may result in significant or cumulatively significant negative impacts on nearshore water quality, wetland or estuarine ecosystems, subsistence fishing, or other customary uses.

We note that certain infrastructure categories listed in Section 2(2), including new roadway construction under subsection (X), can have significant potential to disrupt dune formation and health¹ and negatively impact the habitats and nesting behaviours of our near-shore birds and sea turtles^{2,3}.

These amendments would help balance administrative efficiency with Hawai'i's long-standing commitments to environmental stewardship, cultural continuity, and food system resilience. For these reasons, Hawai'i Food+ Policy respectfully **urges the committee to pass HB 1823 HD1 with amendments that include clear safeguards for coastal ecosystems, subsistence practices, and customary uses.**

Mahalo,
Brandon Kinard & the Food+ Policy Team
#fixourfoodsystem

[1] Nicholas Institute for Energy, Environment & Sustainability. (2023). Coastal habitats: 5. Dune restoration (Department of the Interior Nature-Based Solutions Roadmap strategy). Duke University.
https://nicholasinstitute.duke.edu/sites/default/files/project/nature-based-solutions-roadmap/strategy/doi-nbs-roadmap-strategy_dune-restoration.pdf

[2] Nahvi, N., Fuiman, L., Lechuga, V., & Fuiman, B. (2021). Influence of environmental and anthropogenic acoustic cues in sea-finding of hatchling leatherback (*Dermochelys coriacea*) sea turtles. PLOS ONE, 16(7), e0253770.
<https://doi.org/10.1371/journal.pone.0253770>

[2] U.S. Marine Corps, Marine Corps Base Hawaii. (2019). Environmental assessment for shoreline stabilization at Puuloa Range Training Facility, Oahu, Hawaii: Appendices (PRTF Shoreline Stabilization EA Appendices).
https://www.mcbhawaii.marines.mil/Portals/114/WebDocuments/IEL/Environmental/Puuloa/PRTF_EA_Appendices2.pdf

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2026, the cohort of interns are undergraduate and graduate students and young professionals working in the food system. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.

HB-1823-HD-1

Submitted on: 2/23/2026 1:59:09 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
laurel brier	Kauai Climate Action Coalition	Oppose	Written Testimony Only

Comments:

Given our changing coastlines, climate change, sea level rise we must be more cognizant than ever about protecting our coastal areas. Our coastal areas are as fragile as they are important to our cultural, ecological, recreational, and economic rights and interests. Our special management area permitting processes accordingly provide a layer of review and oversight, including through public input in certain instances, that can identify and mitigate the impacts of development activities on our cherished coastlines and nearshore areas. HB1823 is irresponsible. Strongly OPPOSE



February 23, 2026

House Committee on Judiciary & Hawaiian Affairs
Hawai'i State Legislature
Via Electronic Transmission

Re: Testimony in OPPOSITION of HB1823 HD1, Relating to the Coastal Zone Management Act
Hearing: Tuesday, February 24, 2026, 2:00 PM CR 325 & Via Videoconference

To: The Honorable Chair Tarnas, Vice Chair Poepoe, and Members of the Committee

Surfrider Foundation Hawai'i Region strongly opposes HB1823 HD1, which amends HRS §205A to expand exemptions from Special Management Area (SMA) permit requirements, including new exemptions for state- and county- sponsored infrastructure projects within the coastal zone.

Surfrider is a grassroots environmental organization dedicated to protecting our ocean, waves, and beaches for all. Across Maui, Kaua'i, and O'ahu, our chapters are directly engaged in addressing coastal erosion, shoreline armoring, and loss of public beach access. As an entirely coastal state on the front lines of sea level rise, Hawai'i should be strengthening, not weakening, coastal review processes.

While framed as a clarification and streamlining measure, subsection (X) creates a significant new exemption allowing certain publicly funded infrastructure projects to bypass SMA review if they are exempt from, or receive a finding of no significant impact under Chapter 343. This removes an important layer of coastal oversight for projects that may still have cumulative or site-specific shoreline impacts.

The SMA process exists to safeguard Hawai'i's fragile coastal zone and uphold public trust protections through transparency, review, and public input. As sea level rise and erosion accelerate across the islands, reducing coastal oversight, even for public infrastructure, undermines long-standing commitments under HRS §205A to careful, coordinated coastal management.

We respectfully offer this testimony in opposition of this measure and appreciate the Committee's consideration.

Sincerely,

Hanna Lilley
Hawai'i Regional Manager
Surfrider Foundation

HB-1823-HD-1

Submitted on: 2/23/2026 7:41:15 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan B Roberts Emery	Green Party of Hawai'i	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and honorable members of Committee,

My name is Susan RobertsEmery, as Co Chair of the Green Party of Hawai'i, I am writing on behalf of our members, in VERY STRONG OPPOSITION to HB1823 HD1 . We take our costal protection laws as serious business here in Hawai'i. These laws are put in place to protect our fragile ecosystem !

Environtal review is a Must especially along our precious coastlines. The current draft seeks to exempt ANY of the activities listed in HRS 205A-22(2), even if they "may" threaten our coastal areas with negative environmental and ecological damage. Our Mother deserves better than that. HARD Stop.

The Green Party of Hawai'i members are watching and we ask that you HOLD this distructive measure.

Susan RobertsEmery

Green Party of Hawai'i

Paauilo



EARTHJUSTICE

REPRESENTATIVE DAVID A. TARNAS, CHAIR
REPRESENTATIVE MAHINA POEPOE, VICE CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

TESTIMONY IN OPPOSITION OF HOUSE BILL 1823

Thursday, February 24, 2026, 2:00 p.m.
Conference Room 325, State Capitol
415 South Beretania Street, Honolulu, Hawai'i

Dear Chair Tarnas, Vice Chair Poepoe, and Committee Members:

Earthjustice **strongly opposes** HB 1823, which would undermine fundamental, established protections for vital coastal lands across the pae 'āina. Our office has decades of experience protecting public trust shoreline resources and extending public shoreline uses, including in precedent-setting Hawai'i Supreme Court cases.

"The primary purpose of the [Coastal Zone Management Act] is to establish a regulatory scheme to protect the environment and Hawai'i's shoreline areas." *Morgan v. Planning Dept.*, 104 Hawai'i 173, 186, 86 P.3d 982, 995 (2004). The law sets forth a number of objectives intended to protect Hawai'i's coastal zones, such as the preservation of "valuable coastal ecosystems, including reefs, of significant biological or economic importance." In times of an escalating climate crisis, sea-level rise, and widespread chronic coastal erosion throughout Hawai'i, we must stay true to the objectives set forth in the CZMA and should not be overhauling statutory definitions and expanding loopholes.

This bill proposes several significant changes to the statute that undermine and muddle the longstanding definition of "development" under § 205A-22 of the CZMA statute. The proposed re-definition deletes instructive and necessary descriptions of what constitutes a "development" and, instead, inserts a vague, awkward, and confusing single-line definition. The proposed new definition contains unnecessarily limiting and puzzling phrasing that will cause confusion and invite litigation about when the CZMA should be considered.

The proposed amendments also seek to establish a wholesale exception for federal-, state-, and county-sponsored "implemented infrastructure and improvement projects." Hawai'i's coastal zones contain precious coastal ecosystems, historically and culturally significant resources, and shared public recreational resources. Neither the federal government, state, nor the counties should get a blanket free pass to irreversibly alter Hawai'i's irreplaceable coastal zones without review under the CZMA.

There is no need to meddle with the longstanding current definition that has protected Hawai'i's coastal zones for decades by requiring CZMA review when applicable. Gutting the definition of "development" is inconsistent with the purpose and legislative intent of the CZMA, as well as the constitutional public trust doctrine.

Mahalo for the opportunity to testify. Please do not hesitate to contact us with any questions or for further information.

Harley M. Broyles
Associate Attorney
Earthjustice, Mid-Pacific Office

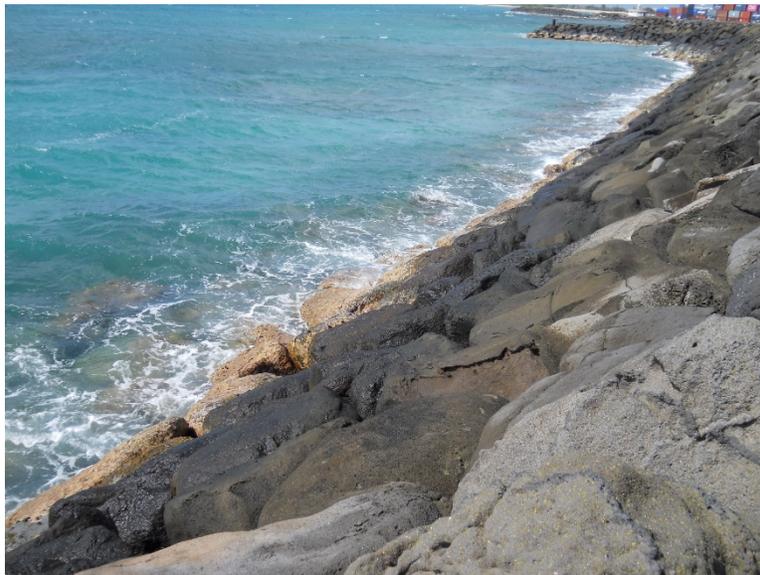
Douglas Meller
2615 Aaliamanu Place
Honolulu, Hawaii 96813
douglasmeller@gmail.com

Testimony Opposing HB 1823, HD1 Relating to the Coastal Zone Management Act

Submitted to House Committee on Judiciary & Hawaiian Affairs
Tuesday, February 24, 2026, 2 PM Hearing in State Capitol Room 325

Please hold this bill - - or amend this bill to ensure that public highway, roadway, and bridge projects do not incrementally prevent either safe public access to the ocean or public recreational use of public shoreline lands.

Sea level is rising, beaches and sedimentary shorelines are retreating, and waves are washing further inland. Sooner or later we will have to choose how to protect practically all of the State’s low-lying coastal highways. If the decision is left to the State DOT, then the DOT will incrementally construct revetments which eliminate both safe public access to the ocean and public recreational use of public shoreline lands. And this is what Hawaii’s shoreline will look like makai of low-lying coastal highways.

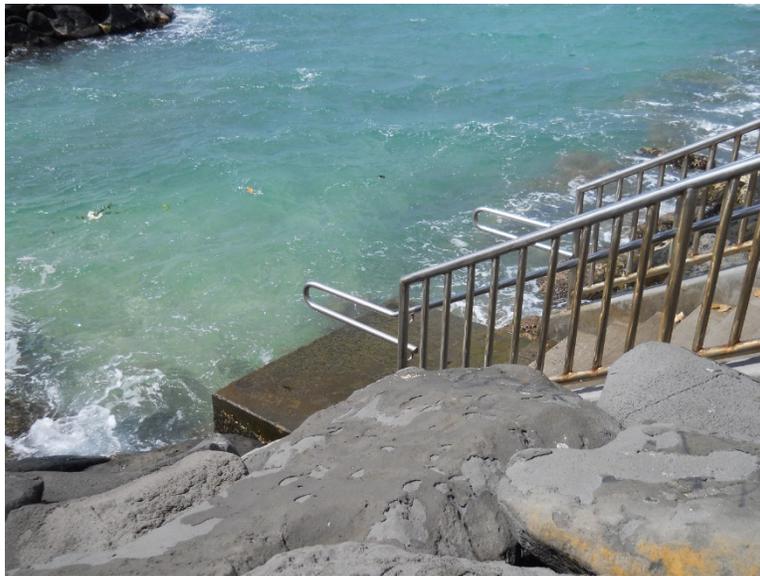


SHORELINE REVETMENT PREVENTS SAFE PUBLIC OCEAN ACCESS AND RECREATIONAL USE

If public hearings and county permits are required for public highway, roadway, and bridge projects which prevent either safe public ocean access or public recreational use of shoreline lands, the counties will have the option to impose permit conditions to preserve safe public ocean access and space for public recreational use. Although the DOT would be opposed, potentially this is what Hawaii’s shoreline might look like makai of low-lying coastal highways.



SHORELINE REVETMENT RESERVES SPACE FOR LATERAL ACCESS AND RECREATIONAL USE



SHORELINE REVETMENT ALLOWS SAFE PUBLIC OCEAN ACCESS

HB-1823-HD-1

Submitted on: 2/22/2026 4:18:18 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Stephanie Austin	Individual	Oppose	Written Testimony Only

Comments:

Do NOT PASS THIS BILL! It removes important shoreline protections!

HB-1823-HD-1

Submitted on: 2/22/2026 4:24:47 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Deborah Umiamaka	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chairperson and Members of the Committee:

I respectfully submit this testimony in strong opposition to HB1823 HD1. After thorough examination, it is evident that this measure, as drafted, poses significant legal, economic, and policy concerns. Its enactment would undermine established principles of local governance, impose disproportionate burdens on residents and counties, and disregard Hawaii’s constitutional commitment to the protection of its natural and cultural resources.

1. Erosion of Home Rule and Procedural Integrity.

The bill centralizes authority in a manner inconsistent with the doctrine of home rule, a long-standing foundation of county governance in Hawai‘i. By preempting or overriding local processes, HB1823 HD1 risks disenfranchising community voices and eroding procedural safeguards essential to due process, administrative fairness, and public accountability.

2. Disproportionate Economic Impact.

The measure’s broad mandates lack sufficient fiscal justification or impact analysis. The resulting administrative costs, compliance requirements, and potential fees would inevitably translate into financial strain on residents, small business owners, and local governments. In a state already suffering under one of the nation’s highest costs of living, such additional burdens would be unconscionable and counterproductive to equitable economic policy.

3. Environmental and Cultural Vulnerabilities.

Hawai‘i’s Constitution imposes a clear duty to conserve and protect the state’s natural beauty and cultural heritage for present and future generations. HB1823 HD1 appears inconsistent with this mandate, as its implementation could weaken local oversight mechanisms that safeguard environmental integrity and cultural sites. Such oversight is not ancillary—it is fundamental to our legal and moral obligations under Article XI of the State Constitution.

4. Lack of Clarity and Legislative Precision.

The bill’s vague and ambiguous language concerning scope, enforcement, and expected outcomes raises substantial interpretive and litigation risks. Absent explicit provisions

delineating agency responsibilities, performance measures, and public accountability mechanisms, this measure invites confusion, bureaucratic conflict, and erosion of public confidence in the legislative process.

5. Unfunded Administrative Mandate.

HB1823 HD1 effectively imposes an unfunded mandate on counties and municipalities, compelling compliance without corresponding fiscal or technical support. Such a structure is both inequitable and impractical, creating a legal imbalance between state directives and local resources.

In light of these deficiencies, HB1823 HD1 does not serve the broader public interest. Rather, it jeopardizes the integrity of Hawaii's governance framework and threatens the delicate balance between economic development, environmental guardianship, and community self-determination.

For these reasons, I urge the Committee to hold this measure or vote in opposition. I further encourage consultation with county officials, community stakeholders, and independent policy experts to develop a more balanced, transparent, and culturally respectful legislative alternative.

Mahalo for the opportunity to submit testimony and for your continued dedication to the people of Hawai'i.

Deborah Umiamaka

HB-1823-HD-1

Submitted on: 2/22/2026 4:55:04 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kealii Pang, Ph.D.	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

My name is Kealii Pang, Ph.D., and I reside in Kaimukī, Hawai‘i. As a former environmental consultant and regulator, I know firsthand the vital importance of permit requirements to protect Hawai‘i’s sensitive habitats, especially our coastal areas. I STRONGLY OPPOSE HB1823 HD1.

This bill’s proposed new exemption from the definition of “development” would allow short-sighted, taxpayer-funded coastal development projects—self-declared as exempt from environmental review—to avoid Special Management Area (SMA) permit requirements. Having worked within the regulatory framework, I can attest that this is highly problematic. The high variability and sensitivity of our coastal areas, shorelines, and nearshore waters require heightened mindfulness and protection, not a bypass of oversight.

However, the current draft of this bill now goes even further. It seeks to exempt *any* of the activities listed in HRS §205A-22(2)—from home repair and construction to fencing installation and the reconstruction of outdated structures—from SMA permit requirements. This remains the case even if those activities threaten our shoreline with cumulative impacts or significant ecological effects. This is unacceptable.

Our coastal areas are as fragile as they are important to our cultural, ecological, recreational, and economic interests. Our SMA permitting processes provide a necessary layer of review and oversight, including public input, which identifies and mitigates the impacts of development on our cherished coastlines. As our dependence on our beaches, estuaries, and reefs grows, we should be increasing our thoughtfulness in planning—not turning our back to our rising seas.

Please HOLD this misguided measure.

Sincerely,

Kealii Pang, Ph.D. Kaimukī, Hawai‘i

HB-1823-HD-1

Submitted on: 2/22/2026 5:27:18 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christy Shaver	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

My name is Christy Shaver and I STRONGLY OPPOSE HB1823 HD1.

This bill’s proposed new exemption from the definition of “development” would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

However, the current draft of this bill now goes even further, and seeks to exempt any of the activities listed in HRS §205A-22(2) - from home repair and construction, to fencing installation, to the reconstruction of outdated and potentially dangerous structures - from special management area permit requirements, even if they may threaten our shoreline and coastal areas with cumulative impacts or significant environmental and ecological effects. This is unacceptable.

Our coastal areas are as fragile as they are important to our cultural, ecological, recreational, and economic rights and interests. Our special management area permitting processes accordingly provide a layer of review and oversight, including through public input in certain instances, that can identify and mitigate the impacts of development activities on our cherished coastlines and nearshore areas. As our dependence on our beaches, estuaries, and reefs only continues to grow, we should be increasing our thoughtfulness and care in planning for coastal development - not turning our back to our rising seas.

Please HOLD this misguided measure.

Sincerely,

Christy Shaver

Lahaina

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

My name is Dave Raney.

I am one of the proponents of the “Shoreline Protection Act”, which was backed by the Council of Presidents and other organizations and individuals, and ultimately became Chapter 205-A. I am firmly committed to protecting this legislation from attempts to weaken it. I STRONGLY OPPOSE HB1823 HD1.

The bill proposes to exempt taxpayer-funded projects from the definition of “development” would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. The fact that a development is proposed by a public agency is irrelevant. The only relevant test is whether the project would have environmental impacts, including cumulative impacts.

Section 2 of the current draft of this bill would essentially gut the statute by exempting any of the activities listed in HRS §205A-22(2) - from home repair and construction, to fencing installation, to the reconstruction of outdated and potentially dangerous structures - from special management area permit requirements, even if they may threaten our shoreline and coastal areas with cumulative impacts or significant environmental and ecological effects.

Our coastal areas are as fragile as they are important to our cultural, ecological, recreational, and economic rights and interests. They will require even more protective and adaptive measures to cope with sea level rise and other climate change impacts.

Please **HOLD** this misguided measure.

Sincerely,
Dave Raney

David Kimo Frankel
1638-A Mikahala Way
Honolulu, HI 96816

February 24, 2026

TESTIMONY IN OPPOSITION TO HB 1823 HD1

Chair Tarnas and members of the House Committee on Judiciary and Hawaiian Affairs,

I oppose HB 1823.

First, no one has provided any evidence that the current definition of “development” has caused any problems. There have been no reports – by the Legislative Reference Bureau, or the Office of Planning and Sustainable Development, or by anyone – that document the problems caused by this definition. Not a single example has been provided. It has been carefully and judiciously applied by the courts more than a dozen times. The bill overturns the supreme court’s decision in *Leslie v. Bd of Appeals of the County of Hawai‘i*, 109 Hawai‘i 384, 126 P.3d 1071 (2006), a decision that has not created any problems over the past two decades. And the new definition renders a nullity many prior decisions.

Second, despite the lengthy preamble in section 1 of the bill, this bill exempts both private and public projects from regulatory control. The definition of “development” applies whether a project is pursued by the public sector or the private sector.

Third, it creates a loopholes that a bulldozer could drive through. The word “authorized” includes far more projects than you may realize. Any private project that gets any kind of permit is “authorized.” The term “improvement project” includes just about everything.

Fourth, the effect of the bill is to exclude the public – your constituents – from participating in decisionmaking on projects that take place near the shoreline. There will be no opportunity for people to testify – or even write letters – regarding these projects. It is not uncommon for agencies to exempt projects from an environmental assessment. The Department of Transportation did it for the Superferry.

Finally, the bill is ungrammatical. Consider “uses” and “activities.” Development “means any use . . . that is placed, erected, or modified.” How do you place a “use” on land or water? How do “erect” a use? Would activities and uses be considered a development only when they are modified? That makes no sense.

Aloha,

/s/ David Kimo Frankel

HB-1823-HD-1

Submitted on: 2/22/2026 6:08:21 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michele Mitsumori	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

My name is Michele Mitsumori, and I OPPOSE HB1823 HD1.

As we are seeing with disasters from fires to toxins in our water, consequences from our decisions can be far reaching and felt years or generations later. This means we should think carefully and wisely, and not cut corners for short-term gain.

HB 1823 HD1 does just that -- create exemptions from environmental review to avoid special management area permit requirements. The exemptions apply even to outdated and potentially dangerous structures, and even to structures that may threaten our shoreline and coastal areas.

We are already struggling to find affordable and viable home insurance in the face of lava flows, flooding, fires, and other disasters, some related to climate change and lack of water. We should therefore be INCREASING our diligence and stewardship in planning for coastal development.

Please HOLD this misguided measure.

Mahalo for this opportunity to testify AGAINST HB1823 HD1.

Michele Mitsumori

Hilo

Committee on Judiciary and Hawaiian Affairs
Chair David Tarnas, Vice Chair Mahina Poepoe
February 4 2 pm
Room 325 and videoconference
HB1823 HD1 RELATING TO THE COASTAL ZONE MANAGEMENT ACT.

TESTIMONY
Beppie Shapiro

Chair Tarnas, Vice Chair Poepoe, and Committee Members:

I strongly oppose HB1823 HD1.

There is only a limited amount of coastal and shoreline property in the state which has not been designated as parks, sea- or airports, etc. HB1823 HD1 would change the definition of “development” to allow taxpayer-funded projects, without environmental reviews as currently required, to avoid the special management area permit requirements which now protect these sensitive and precious lands. With sea level rise threatening almost all our coastal areas and shorelines, we should be requiring more careful scrutiny of new projects, rather than less.

HD1 also now would exempt from special management area requirements, any of the variety of activities HRS §205A-22(2) - home construction/repair including repair/reconstruction of existing buildings, new fences, fencing installation. This is exactly what the special management areas legislation was designed to prevent. We should if anything be strengthening this review and oversight as sea level rise and climate change threaten our coastlines.

Please hold HB1823 HD1.

HB-1823-HD-1

Submitted on: 2/22/2026 6:15:31 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keri Zacher	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

My name is Keri Zacher and I **STRONGLY OPPOSE** HB1823 HD1.

This bill’s proposed new exemption from the definition of “development” would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

However, the current draft of this bill now goes even further, and seeks to exempt any of the activities listed in HRS §205A-22(2) - from home repair and construction, to fencing installation, to the reconstruction of outdated and potentially dangerous structures - from special management area permit requirements, even if they may threaten our shoreline and coastal areas with cumulative impacts or significant environmental and ecological effects. This is unacceptable.

Our coastal areas are as fragile as they are important to our cultural, ecological, recreational, and economic rights and interests. Our special management area permitting processes accordingly provide a layer of review and oversight, including through public input in certain instances, that can identify and mitigate the impacts of development activities on our cherished coastlines and nearshore areas. As our dependence on our beaches, estuaries, and reefs only continues to grow, we should be increasing our thoughtfulness and care in planning for coastal development - not turning our back to our rising seas.

Please **HOLD** this misguided measure.

Sincerely,
Keri Zacher

HB-1823-HD-1

Submitted on: 2/22/2026 6:24:02 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
ANDREW ISODA	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

My name is Andrew Isoda and I **STRONGLY OPPOSE** HB1823 HD1.

This bill’s proposed new exemption from the definition of “development” would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

However, the current draft of this bill now goes even further, and seeks to exempt any of the activities listed in HRS §205A-22(2) - from home repair and construction, to fencing installation, to the reconstruction of outdated and potentially dangerous structures - from special management area permit requirements, even if they may threaten our shoreline and coastal areas with cumulative impacts or significant environmental and ecological effects. This is unacceptable.

Our coastal areas are as fragile as they are important to our cultural, ecological, recreational, and economic rights and interests. Our special management area permitting processes accordingly provide a layer of review and oversight, including through public input in certain instances, that can identify and mitigate the impacts of development activities on our cherished coastlines and nearshore areas. As our dependence on our beaches, estuaries, and reefs only continues to grow, we should be increasing our thoughtfulness and care in planning for coastal development - not turning our back to our rising seas.

Please **HOLD** this misguided measure.

Sincerely,
Andrew Isoda
Lahaina, Mau'i

HB-1823-HD-1

Submitted on: 2/22/2026 6:25:13 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
cheryl burghardt	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair and Committee Members

I OPPOSE HB 1823 HD1.

I ask that you oppose it as well

Cheryl Burghardt

Nuuanu Oahu

HB-1823-HD-1

Submitted on: 2/22/2026 6:47:44 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
emily gambino	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

My name is Emily Gambino and I **STRONGLY OPPOSE** HB1823 HD1.

This bill’s proposed new exemption from the definition of “development” would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

However, the current draft of this bill now goes even further, and seeks to exempt any of the activities listed in HRS §205A-22(2) - from home repair and construction, to fencing installation, to the reconstruction of outdated and potentially dangerous structures - from special management area permit requirements, even if they may threaten our shoreline and coastal areas with cumulative impacts or significant environmental and ecological effects. This is unacceptable.

Our coastal areas are as fragile as they are important to our cultural, ecological, recreational, and economic rights and interests. Our special management area permitting processes accordingly provide a layer of review and oversight, including through public input in certain instances, that can identify and mitigate the impacts of development activities on our cherished coastlines and nearshore areas. As our dependence on our beaches, estuaries, and reefs only continues to grow, we should be increasing our thoughtfulness and care in planning for coastal development - not turning our back to our rising seas.

Please **HOLD** this misguided measure.

Sincerely,

Emily Gambino

HB-1823-HD-1

Submitted on: 2/22/2026 7:13:31 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diane Ware	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

My name is Diane Ware and I **STRONGLY OPPOSE** HB1823 HD1.

This bill’s proposed new exemption from the definition of “development” would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

However, the current draft of this bill now goes even further, and seeks to exempt any of the activities listed in HRS §205A-22(2) - from home repair and construction, to fencing installation, to the reconstruction of outdated and potentially dangerous structures - from special management area permit requirements, even if they may threaten our shoreline and coastal areas with cumulative impacts or significant environmental and ecological effects. This is unacceptable.

Our coastal areas are as fragile as they are important to our cultural, ecological, recreational, and economic rights and interests. Our special management area permitting processes accordingly provide a layer of review and oversight, including through public input in certain instances, that can identify and mitigate the impacts of development activities on our cherished coastlines and nearshore areas. As our dependence on our beaches, estuaries, and reefs only continues to grow, we should be increasing our thoughtfulness and care in planning for coastal development - not turning our back to our rising seas.

Please **HOLD** this misguided measure.

Sincerely,

Diane Ware Volcano HI 96785-0698

HB-1823-HD-1

Submitted on: 2/22/2026 8:20:48 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE

HB-1823-HD-1

Submitted on: 2/22/2026 8:43:24 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
William Reese Liggett	Individual	Oppose	Written Testimony Only

Comments:

My name is William Reese Liggett and I **STRONGLY OPPOSE** HB1823 HD1.

This bill’s proposed new exemption from the definition of “development” would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

However, the current draft of this bill now goes even further, and seeks to exempt any of the activities listed in HRS §205A-22(2) - from home repair and construction, to fencing installation, to the reconstruction of outdated and potentially dangerous structures - from special management area permit requirements, even if they may threaten our shoreline and coastal areas with cumulative impacts or significant environmental and ecological effects. This is unacceptable.

Our coastal areas are as fragile as they are important to our cultural, ecological, recreational, and economic rights and interests. Our special management area permitting processes accordingly provide a layer of review and oversight, including through public input in certain instances, that can identify and mitigate the impacts of development activities on our cherished coastlines and nearshore areas. As our dependence on our beaches, estuaries, and reefs only continues to grow, we should be increasing our thoughtfulness and care in planning for coastal development - not turning our back to our rising seas.

Please **HOLD** this misguided measure.

Sincerely,
William Reese Liggett

HB-1823-HD-1

Submitted on: 2/22/2026 9:11:42 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
jeanne wheeler	Individual	Oppose	Written Testimony Only

Comments:

Aloha: please DO NOT PASS this bill - we need to protect our island coastlines, especially in these times of increasingly severe unusual weather events! Mahalo, JW

HB-1823-HD-1

Submitted on: 2/22/2026 9:22:51 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patti Choy	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

I strongly oppose HB1823 HD1. It's a pilau bill.

The special management area permitting processes already in place to protect our coastal environment cannot be compromised or deleted.

We must preserve, not destroy, our precious shorelines and coastal areas from any developments.

Please hold this ridiculous measure.

Thank you.

HB-1823-HD-1

Submitted on: 2/22/2026 10:07:56 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Guy Kudo	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

I **STRONGLY OPPOSE** HB1823 HD1.

Please **HOLD** this misguided measure.

Thank you.

HB-1823-HD-1

Submitted on: 2/23/2026 5:35:45 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Darcy	Individual	Oppose	Written Testimony Only

Comments:

STRONGLY OPPOSE HB1823 HD1

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

My name is Lisa Darcy and I live in Kula, Maui, HI. The shoreline here is in need of the strongest protections that are possible. Mahalo to the many who are dedicated to preserving these areas. Period.

This bill’s proposed new exemption from the definition of “development” would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

However, the current draft of this bill now goes even further, and seeks to exempt any of the activities listed in HRS §205A-22(2) - from home repair and construction, to fencing installation, to the reconstruction of outdated and potentially dangerous structures - from special management area permit requirements, even if they may threaten our shoreline and coastal areas with cumulative impacts or significant environmental and ecological effects. This is unacceptable.

Our coastal areas are as fragile as they are important to our cultural, ecological, recreational, and economic rights and interests. Our special management area permitting processes accordingly provide a layer of review and oversight, including through public input in certain instances, that can identify and mitigate the impacts of development activities on our cherished coastlines and nearshore areas. As our dependence on our beaches, estuaries, and reefs only continues to grow, we should be increasing our thoughtfulness and care in planning for coastal development - not turning our back to our rising seas.

Please **HOLD** this misguided measure.

Sincerely,
Lisa Darcy

HB-1823-HD-1

Submitted on: 2/23/2026 7:42:59 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bo Breda	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

My name is Bo Breda and I **STRONGLY OPPOSE** HB1823 HD1.

This bill’s proposed new exemption from the definition of “development” would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

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Please **HOLD** this misguided measure.

Sincerely,
Bo Breda

HB-1823-HD-1

Submitted on: 2/23/2026 7:49:30 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Peter Wilson	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

My name is Peter Wilson and I **STRONGLY OPPOSE** HB1823 HD1.

This bill’s proposed new exemption from the definition of “development” would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

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Please **HOLD** this misguided measure.

Sincerely,
Peter Wilson

HB-1823-HD-1

Submitted on: 2/23/2026 8:39:58 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shay Chan Hodges	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE HB1823 HD1.

This bill’s proposed new exemption from the definition of “development” would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

However, the current draft of this bill now goes even further, and seeks to exempt any of the activities listed in HRS §205A-22(2) - from home repair and construction, to fencing installation, to the reconstruction of outdated and potentially dangerous structures - from special management area permit requirements, even if they may threaten our shoreline and coastal areas with cumulative impacts or significant environmental and ecological effects. This is unacceptable.

Our coastal areas are as fragile as they are important to our cultural, ecological, recreational, and economic rights and interests. Our special management area permitting processes accordingly provide a layer of review and oversight, including through public input in certain instances, that can identify and mitigate the impacts of development activities on our cherished coastlines and nearshore areas. As our dependence on our beaches, estuaries, and reefs only continues to grow, we should be increasing our thoughtfulness and care in planning for coastal development - not turning our back to our rising seas.

Please **HOLD** this misguided measure.

HB-1823-HD-1

Submitted on: 2/23/2026 8:46:20 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB1823 HD1 that would take a sledgehammer to coastal protection laws by exempting a range of development activities from special management area permit requirements, even if they may result in cumulative impacts, and/or significant environmental and ecological effects on our coastal areas and nearshore waters. This is unacceptable and could lead to irreversible damage to ecosystems. Please **HOLD** this misguided measure.

HB-1823-HD-1

Submitted on: 2/23/2026 8:47:57 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
brett gobar	Individual	Oppose	Written Testimony Only

Comments:

Oppose 1823, 1844, 1845..please preserve ALL AG. ZONED LANDS and create policies and programs to create smaller family or Hui farms, rather than corporate operations. Preserve and re-claim natural lands and natural resources. REDUCE IMPERVIOUS SURFACES such as buildings, parking, paved roads, sidewalks, patios; encourage gravel, wood chips, CREATE 200 YARD SETBACKS FROM STREAMBEDS AND OCEANFRONTS.

HB-1823-HD-1

Submitted on: 2/23/2026 8:59:59 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Noelle Lindenmann	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and members of the Committee,

I am submitting testimony today in strong opposition to HB1823 HD1.

This bill’s proposed new exemption from the definition of “development” would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

However, the current draft of this bill now goes even further, and seeks to exempt any of the activities listed in HRS §205A-22(2) - from home repair and construction, to fencing installation, to the reconstruction of outdated and potentially dangerous structures - from special management area permit requirements, even if they may threaten our shoreline and coastal areas with cumulative impacts or significant environmental and ecological effects. This is unacceptable.

Our coastal areas are as fragile as they are important to our cultural, ecological, recreational, and economic rights and interests. Our special management area permitting processes accordingly provide a layer of review and oversight, including through public input in certain instances, that can identify and mitigate the impacts of development activities on our cherished coastlines and nearshore areas. As our dependence on our beaches, estuaries, and reefs only continues to grow, we should be increasing our thoughtfulness and care in planning for coastal development - not turning our back to our rising seas.

Please **HOLD** this misguided measure.

Mahalo for this opportunity to provide testimony.

Noelle Lindenmann, Kailua-Kona

HB-1823-HD-1

Submitted on: 2/23/2026 9:06:31 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lory Ono	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

My name is Lory Ono, and I **STRONGLY OPPOSE** HB1823 HD1.

This bill’s proposed new exemption from the definition of “development” would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

However, the current draft of this bill now goes even further, and seeks to exempt any of the activities listed in HRS §205A-22(2) - from home repair and construction, to fencing installation, to the reconstruction of outdated and potentially dangerous structures - from special management area permit requirements, even if they may threaten our shoreline and coastal areas with cumulative impacts or significant environmental and ecological effects. This is unacceptable.

Our coastal areas are as fragile as they are important to our cultural, ecological, recreational, and economic rights and interests. Our special management area permitting processes accordingly provide a layer of review and oversight, including through public input in certain instances, that can identify and mitigate the impacts of development activities on our cherished coastlines and nearshore areas. As our dependence on our beaches, estuaries, and reefs only continues to grow, we should be increasing our thoughtfulness and care in planning for coastal development - not turning our back to our rising seas.

Please **HOLD** this misguided measure.

Sincerely,

Lory Ono

HB-1823-HD-1

Submitted on: 2/23/2026 9:12:46 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
SCOTT WERDEN	Individual	Oppose	Written Testimony Only

Comments:

Our coastal zones are an important resource that need careful oversight. This bill goes too far in its loosening of regulatory oversight. I strongly oppose it.

Mahalo,

Scott Werden, Haiku

HB-1823-HD-1

Submitted on: 2/23/2026 9:17:19 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michelle Pieper	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Michelle Pieper am a lifelong resident of the Wai‘anae Coast, an educator and co-founder of Hānai Kaiāulu, a youth-led nonprofit focused on sustainability, cultural education, and environmental stewardship. I stand in strong opposition to HB1823 HD1.

As an educator working daily with Native Hawaiian youth, I see firsthand how legislation can either empower our communities or further marginalize them. Any measure that weakens public access, limits community voice, undermines environmental protections, or shifts decision-making power away from the people directly impacted by these policies is deeply concerning—especially for communities like Nānākuli and Wai‘anae, which already face environmental injustice, limited resources, and historic disinvestment.

Our students are actively engaged in mālama ‘āina. They lead cardboard diversion programs that reduce landfill waste, plant native trees, restore coastal areas, and work alongside farmers to strengthen food security. They are learning that stewardship is not a slogan—it is kuleana. Policies that move us further away from transparency, community consultation, or environmental justice contradict the values we are trying to instill in our youth.

Article XI of the Hawai‘i State Constitution affirms the State’s obligation to conserve and protect Hawai‘i’s natural beauty and resources. Article XII, Section 7 protects Native Hawaiian traditional and customary practices. Any bill that risks narrowing these protections or diminishing community oversight should not move forward without meaningful, transparent engagement with the communities most affected.

Nānākuli is a predominantly Native Hawaiian community that has long borne the burden of landfills, military contamination, limited infrastructure investment, and economic hardship. We cannot continue to pass policies that centralize power while excluding frontline communities from real decision-making. That is not equity. That is not justice.

If we expect our youth to believe in civic engagement, then this body must demonstrate that public testimony, community voice, and constitutional protections matter. We cannot teach our haumāna to be leaders while modeling systems that disregard the people.

For these reasons, I respectfully urge you to defer HB1823 HD1.

Mahalo for the opportunity to testify.

Michelle Pieper
Wai‘anae, O‘ahu

HB-1823-HD-1

Submitted on: 2/23/2026 9:22:49 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dee Green	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB1823 HD1.

This bill weakens coastal protections by carving out sweeping exemptions from what qualifies as “development,” allowing projects to sidestep Special Management Area permits and environmental review. In a place where our shorelines, reefs, and nearshore waters are already under pressure, removing oversight is reckless.

The latest draft goes even further by exempting a broad range of activities listed under HRS §205A-22(2) — from home construction and repairs to fencing and reconstruction of aging structures — even when those actions could cause real cumulative harm to fragile coastal areas. That is a dangerous step backward.

Our coastlines are not expendable. They sustain our culture, our environment, and our local economy. The SMA process exists to ensure transparency, public input, and responsible planning. Stripping those safeguards at a time of rising seas and increasing coastal strain is shortsighted and irresponsible.

Please hold this bill.

HB-1823-HD-1

Submitted on: 2/23/2026 9:26:33 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Oppose	Written Testimony Only

Comments:

Hello Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

My name is **Nanea Lo**, and I strongly oppose HB1823 HD1.

This bill proposes a sweeping new exemption from the definition of “development” that would allow taxpayer-funded coastal projects to self-declare exemption from environmental review and avoid Special Management Area (SMA) permit requirements. Given the sensitivity, variability, and vulnerability of Hawai‘i’s coastal zones, shorelines, and nearshore waters, this approach is deeply concerning and fundamentally unsound.

Even more troubling, the current draft of HB1823 HD1 would exempt *any* of the activities listed in HRS §205A-22(2)—ranging from home repair and construction, to fencing installation, to the reconstruction of outdated or potentially hazardous structures—from SMA permitting requirements, regardless of whether these activities pose cumulative impacts or significant environmental and ecological harm to coastal and shoreline areas. This broad exemption undermines the very purpose of the SMA law and invites unchecked degradation of our coastlines.

Hawai‘i’s coastal areas are among our most fragile and valuable resources. They are essential to our cultural practices, ecological health, recreation, and local economy. The SMA permitting process exists to ensure thoughtful planning, accountability, and public participation, and to identify and mitigate impacts before irreversible damage occurs. Weakening this process at a time of accelerating sea level rise, coastal erosion, and climate-driven threats is not only short-sighted—it is dangerous.

As pressures on our beaches, estuaries, and reefs continue to intensify, Hawai‘i should be strengthening protections and oversight for coastal development, not dismantling them. HB1823 HD1 moves us in the wrong direction by prioritizing expediency over stewardship and long-term resilience.

For these reasons, I respectfully urge you to **HOLD** this misguided measure.

me ke aloha ‘āina,

Nanea Lo, 96826

Sierra Club of Hawai'i Member

Hawai'i Workers Center Board Member

Honolulu Tenants Union Member

350 Hawai'i Member

Carbon Cashback Hawai'i Member

Hawai'i Tax Fairness Coalition Member

HB-1823-HD-1

Submitted on: 2/23/2026 9:43:10 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cristina Holt	Individual	Oppose	Written Testimony Only

Comments:

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

I am submitting testimony in **opposition** to HB 1823 HD1.

This bill is asking us to trust that state and county governments will voluntarily protect our coastlines without being required to. That trust has not been earned. We are in the same session where the Governor is trying to redefine public use to make it easier to hand our beaches to private resorts through SB 3148. And now we have a bill that would strip environmental review requirements from infrastructure projects in our most sensitive coastal areas as long as someone can point to a community plan and say it fits.

Community plans are broad documents. They are not environmental assessments. They do not tell you what will happen to a reef, a wetland, or a shoreline when construction begins. That is exactly what the special management area permit process is for. This bill guts that process for an entire category of projects and calls it streamlining.

Our coastlines are irreplaceable. Once they are damaged they do not come back. The permit process is not the problem. The unwillingness to be held accountable is the problem.

I urge the committee to hold this bill and stop treating environmental review as an obstacle to overcome.

Mahalo for your time and consideration.

HB-1823-HD-1

Submitted on: 2/23/2026 10:12:07 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Derek Soong	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

My name is Derek Kamakanaaloha Soong and I STRONGLY OPPOSE HB1823 HD1.

This bill’s proposed new exemption from the definition of “development” would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

However, the current draft of this bill now goes even further, and seeks to exempt any of the activities listed in HRS §205A-22(2) - from home repair and construction, to fencing installation, to the reconstruction of outdated and potentially dangerous structures - from special management area permit requirements, even if they may threaten our shoreline and coastal areas with cumulative impacts or significant environmental and ecological effects. This is unacceptable.

Our coastal areas are as fragile as they are important to our cultural, ecological, recreational, and economic rights and interests. Our special management area permitting processes accordingly provide a layer of review and oversight, including through public input in certain instances, that can identify and mitigate the impacts of development activities on our cherished coastlines and nearshore areas. As our dependence on our beaches, estuaries, and reefs only continues to grow, we should be increasing our thoughtfulness and care in planning for coastal development - not turning our back to our rising seas.

Please HOLD this misguided measure.

Sincerely,

Derek Kamakanaaloha Soong

HB-1823-HD-1

Submitted on: 2/23/2026 10:32:07 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Williams	Individual	Oppose	Written Testimony Only

Comments:

We must allow beaches and the shoreline move and evolve without human intervention. Structures in the way gotta go. Find a way to mitigate the property owner's costs.

HB-1823-HD-1

Submitted on: 2/23/2026 11:10:14 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bianca Isaki	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and Members,

Please HOLD HB1823, which will eviscerate our Coastal Zone Management laws.

This bill’s proposed new exemption from the definition of “development” would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

However, the current draft of this bill now goes even further, and seeks to exempt any of the activities listed in HRS §205A-22(2) - from home repair and construction, to fencing installation, to the reconstruction of outdated and potentially dangerous structures - from special management area permit requirements, even if they may threaten our shoreline and coastal areas with cumulative impacts or significant environmental and ecological effects. This is unacceptable.

Our coastal areas are as fragile as they are important to our cultural, ecological, recreational, and economic rights and interests. Our special management area permitting processes accordingly provide a layer of review and oversight, including through public input in certain instances, that can identify and mitigate the impacts of development activities on our cherished coastlines and nearshore areas. As our dependence on our beaches, estuaries, and reefs only continues to grow, we should be increasing our thoughtfulness and care in planning for coastal development - not turning our back to our rising seas.

Please **HOLD** this misguided measure.

Bianca Isaki, Kane`ohe.

HB-1823-HD-1

Submitted on: 2/23/2026 11:15:26 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Daniel Kanahale	Individual	Oppose	Written Testimony Only

Comments:

Oppose

HB-1823-HD-1

Submitted on: 2/23/2026 11:26:07 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
steven hyer	Individual	Oppose	Written Testimony Only

Comments:

I oppose this hb1823 hb1844&hb1845 thank you

HB-1823-HD-1

Submitted on: 2/23/2026 11:39:36 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisette Akamine	Individual	Oppose	Written Testimony Only

Comments:

Aloha nui e Chair Tarnas, Vice Chair Poepoe, and members of the Committee.

I am testifying in strong OPPOSITION to HB1823 HD1.

This bill’s proposed new exemption from the definition of “development” would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

However, the current draft of this bill now goes even further, and seeks to exempt any of the activities listed in HRS §205A-22(2) - from home repair and construction, to fencing installation, to the reconstruction of outdated and potentially dangerous structures - from special management area permit requirements, even if they may threaten our shoreline and coastal areas with cumulative impacts or significant environmental and ecological effects. This is unacceptable.

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Please HOLD this misguided measure.

Na‘u nō,

Lisette Puanani Akamine

Kahalu‘u, O‘ahu

HB-1823-HD-1

Submitted on: 2/23/2026 12:21:07 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sunshine Eckstrom	Individual	Oppose	Written Testimony Only

Comments:

Please oppose HB1823. It would severely compromise our coastal protection laws. These laws are vital for our future. HB 1823 would exempt certain development activities from special management area permit requirements. Our coasts need MORE protection, not less. Mahalo.

HB-1823-HD-1

Submitted on: 2/23/2026 12:26:51 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy Harter	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

My name is Nancy Harter and I **STRONGLY OPPOSE** HB1823 HD

This bill’s proposed new exemption from the definition of “development” would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

However, the current draft of this bill now goes even further, and seeks to exempt any of the activities listed in HRS §205A-22(2) - from home repair and construction, to fencing installation, to the reconstruction of outdated and potentially dangerous structures - from special management area permit requirements, even if they may threaten our shoreline and coastal areas with cumulative impacts or significant environmental and ecological effects. This is unacceptable.

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Please **HOLD** this misguided measure.

Sincerely,

Nancy Harter, Lahaina, HI

TESTIMONY IN OPPOSITION TO HB1823 HD1

Before the House Committee on Judiciary & Hawaiian Affairs (JHA)

February 24, 2026 • 2:00 PM

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

My name is Frederick Smith, and I live in the Kealakekua ahupua'a in the Kona moku. I submit this testimony in **strong opposition to HB1823 HD1**, based on serious public trust and coastal management concerns.

Under Article XI of the Hawai'i State Constitution, the State has an affirmative duty to protect and conserve coastal resources, nearshore waters, and traditional and customary practices for the benefit of present and future generations. The Special Management Area (SMA) framework remains one of the State's primary mechanisms for fulfilling this constitutional mandate, filling substantive gaps left by the Hawai'i Environmental Policy Act (HEPA). SMA review requires coastal-specific analysis of shoreline hazards, erosion, water quality, sedimentation, habitat impacts, and cumulative effects that directly affect public trust resources.

This measure weakens that framework by broadly exempting major state and county-sponsored infrastructure projects from SMA oversight whenever they receive an exemption or FONSI under HEPA. But HEPA is not a coastal protection law: it does not require analysis of sea-level rise, erosion hazards, shoreline access, impacts on loko i'a and limu, or cumulative coastal development, leaving major gaps that only SMA review currently fills.

While the front-end reformatting of the definition of "development" appears largely structural, the expanded list of exemptions, particularly the HEPA-triggered exemption, has substantive and far-reaching consequences for coastal protections. In practice, it creates a near-automatic SMA exemption for the very project categories most likely to cause shoreline damage, runoff, turbidity, and long-term harm to nearshore ecosystems. The cumulative-impact clause added to Section 2 of the proposed statute is a cosmetic safeguard; counties cannot invoke it without the SMA information that exempt projects never provide.

By allowing a limited HEPA review to serve as the basis for exempting projects from SMA oversight, the measure creates a situation where the absence of coastal analysis is treated as justification for avoiding coastal review altogether. **SMA was designed to evaluate coastal impacts. HEPA was not. Yet this bill would allow HEPA to override SMA, the only framework designed to evaluate those concerns — a fundamental contradiction that undermines Hawai'i's coastal management system.** This inconsistency directly weakens Hawai'i's coastal protections and increases the risk of unintended harm to beaches, reefs, water quality, and culturally significant places.

The Hawai'i Supreme Court has repeatedly held that the State cannot delegate away or dilute its core public trust responsibilities simply for administrative convenience (*In re Waihole Ditch*, 94 Haw. 97 (2000); *Kelly v. 1250 Oceanside Partners*, 111 Haw. 205 (2006)). Exempting entire

categories of infrastructure from SMA review, particularly those most likely to alter coastal hydrology, increase runoff, or trigger shoreline hardening, directly undermines these constitutional obligations. It also weakens county authority to require mitigation, limits public participation, and increases the risk of cumulative coastal degradation.

For these reasons, I respectfully urge the Committee to **hold this measure**. As climate impacts accelerate, Hawai'i's coastlines, cultural resources, and nearshore ecosystems require stronger, not weaker, oversight.

Mahalo for the opportunity to testify.

Frederick Smith

82-5996 Napo'opo'o Road
Captain Cook, HI 96704

HB-1823-HD-1

Submitted on: 2/23/2026 1:07:59 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Katherine Fryer	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB1823 HD1, which would weaken our coastal protection laws by exempting a range of development activities from special management area permit requirements. Taxpayer-funded coastal development projects could proceed without environmental review, as could any of the activities listed in HRS §205A-22(2) – from constructing and remodeling homes, to building walls, to maintenance of existing structures even if they contribute to shoreline erosion.

Construction along beaches disrupts sand deposition and changes nearshore currents, causing rapid undercutting of sea walls and building foundations. Over the past 40 years I’ve watched Oahu’s beaches shrinking and fragmenting as homeowners build retaining walls and extend their properties past the original vegetation line. I’ve seen buildings destabilized by shoreline hardening efforts that accelerate erosion rather than prevent it. HB1823 HD1 would encourage more shortsighted projects, with more damage both to coastlines and to offshore ecosystems. Polluted runoff from coastal construction harms marine life, and rapid erosion can smother coral reefs. We risk losing iconic places with great cultural, historical and ecological significance, which should be protected as public lands.

Healthy coastal environments provide an essential buffer zone between our communities and the sea. When coral reefs die or coastlines recede, tsunami and storm surge impacts can extend further inland. Sea level rise is already increasing these threats, and we need to preserve as much resilience as possible. Now is the time to enforce coastal protection laws, not gut them.

HB-1823-HD-1

Submitted on: 2/23/2026 1:29:44 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
janice palma-glenie	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

Whoever introduced this should lose their seat in our legislature.

This bill would undermine all our communities have fought for in protecting public shorelines. It would decimate our fundamental coastal protection laws by exempting a range of development activities from special management area permit requirements, even if they may result in cumulative impacts, and/or significant environmental and ecological effects on our coastal areas and nearshore waters.

Vote against this bill or have your legacy -- and our shorelines -- undermined forever.

mahalo and sincerely,

janice palma-glennie

kailua-kona

HB-1823-HD-1

Submitted on: 2/23/2026 1:45:58 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Taecia Kukui Akana	Individual	Oppose	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Morikawa, and Members of the Committee,

‘O wau nō ‘o Kukui Akana, he kupa ‘ai au no Waimānalo. I respectfully submit testimony TO OPPOSE HB1823.

This bill weakens critical Special Management Area (SMA) safeguards by exempting certain state and county infrastructure projects from permit review. SMA permitting provides essential oversight, public input, and environmental review to protect Hawai‘i’s coastal resources, public access, and cultural practices. This bill values project efficiency and cost savings over the protection of our coastlines and the public interest of our communities and future generations—especially as we face increasing sea level rise and erosion. Communities statewide continue to manage the impacts of coastal development alongside rising sea levels and increasing erosion.

The bill's current writing lacks the safeguards to ensure that streamlined permitting does not weaken environmental protections for public trust resources that sustain local food practices.

Cost savings and reduction in time of delivery should not be at the expense of the current interests and needs of the community, nor should it be at the expense of future generations. Moreover, the bill's current writing may not uphold and protect Hawaiian traditional and customary practices. Some of the cultural impacts that will be impacted are: traditional and customary practices related to access to shoreline areas, the protection of loko i‘a, limu, ocean burials, and cultural sites, as well as subsistence gathering rights. For many communities across the islands, where coastal practices and shoreline stewardship are lived, daily practices, this shift has significant impacts.

Furthermore, the bill allows a project sponsor to issue its own written determination of consistency, with no independent county SMA authority review, no Planning Commission approval, and no public notice or hearing. Streamlining infrastructure should not come at the expense of transparency, accountability, and long-term coastal resilience.

For these reasons, I urge you to hold HB1823 until it expressly addresses the issues above.

Mahalo for your consideration.

Na‘u mau,

Kukui Akana

Council Chair
Alice L. Lee

Vice-Chair
Yuki Lei K. Sugimura

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



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

Deputy Director of Council Services
Richelle K. Kawasaki, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 23, 2026

TO: Honorable David A. Tarnas, Chair, and
Members of the House Committee on Judiciary & Hawaiian Affairs

FROM: Nohelani U'u-Hodgins
Councilmember

DATE: Tuesday, February 24, 2026
2:00 p.m., Conference Room 325

SUBJECT: **TESTIMONY IN SUPPORT OF HB 1823, HD1, RELATING TO THE
COASTAL ZONE MANAGEMENT ACT**

Thank you for the opportunity to testify in support of this important measure. The purpose of this measure is to amend the definition of "development," as it pertains to coastal zone management, to clarify that certain activities are excluded from the definition of "development" and are not subject to special management area use permit requirements and to exempt state, or county, sponsored infrastructure improvement projects that are consistent with the applicable county's community plans. Effective 7/1/3000.

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.

This measure provides important clarification to the definition of "development" within special management areas (SMAs) and updates existing law to reflect practical realities. By clearly identifying activities that are excluded from the definition of development, the bill helps to ensure that routine, low-impact, and necessary projects are not subject to unnecessary delays or duplicative permitting requirements.

HB 1823, HD1 strikes an appropriate balance. It maintains safeguards by allowing the authority to require review if an otherwise excluded activity may have cumulative or significant environmental or ecological impacts on an SMA. This ensures that environmental protections remain intact while allowing routine and essential work to proceed efficiently.

February 23, 2026

Page 2

Streamlining the permitting process for clearly defined and publicly beneficial activities will help deliver infrastructure improvements more quickly, reduce administrative burdens, and make better use of limited public resources, all while upholding the intent and integrity of the Coastal Zone Management Act.

For these reasons, I respectfully urge your support of HB 1823, HD1.

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

HB-1823-HD-1

Submitted on: 2/23/2026 1:53:33 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Louella Aquino	Individual	Oppose	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Morikawa, and Members of the Committee,

My name is Louella Aquino, and I respectfully submit testimony TO OPPOSE HB1823.

This bill weakens critical Special Management Area (SMA) safeguards by exempting certain state and county infrastructure projects from permit review. SMA permitting provides essential oversight, public input, and environmental review to protect Hawai'i's coastal resources, public access, and cultural practices. This bill values project efficiency and cost savings over the protection of our coastlines and the public interest of our communities and future generations—especially as we face increasing sea level rise and erosion. Communities statewide continue to manage the impacts of coastal development alongside rising sea levels and increasing erosion.

The bill's current writing lacks the safeguards to ensure that streamlined permitting does not weaken environmental protections for public trust resources that sustain local food practices.

Cost savings and reduction in time of delivery should not be at the expense of the current interests and needs of the community, nor should it be at the expense of future generations. Moreover, the bill's current writing may not uphold and protect Hawaiian traditional and customary practices. Some of the cultural impacts that will be impacted are: traditional and customary practices related to access to shoreline areas, the protection of loko i'a, limu, ocean burials, and cultural sites, as well as subsistence gathering rights. For many communities across the islands, where coastal practices and shoreline stewardship are lived, daily practices, this shift has significant impacts.

Furthermore, the bill allows a project sponsor to issue its own written determination of consistency, with no independent county SMA authority review, no Planning Commission approval, and no public notice or hearing. Streamlining infrastructure should not come at the expense of transparency, accountability, and long-term coastal resilience.

For these reasons, I urge you to hold HB1823 until it expressly addresses the issues above.

Mahalo for your consideration.

Respectfully,

Louella Aquino

HB-1823-HD-1

Submitted on: 2/23/2026 2:41:07 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leah Kocher	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

My name is Leah Kocher and I STRONGLY OPPOSE HB1823 HD1.

This bill’s proposed new exemption from the definition of “development” would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

However, the current draft of this bill now goes even further, and seeks to exempt any of the activities listed in HRS §205A-22(2) - from home repair and construction, to fencing installation, to the reconstruction of outdated and potentially dangerous structures - from special management area permit requirements, even if they may threaten our shoreline and coastal areas with cumulative impacts or significant environmental and ecological effects. This is unacceptable.

Our coastal areas are as fragile as they are important to our cultural, ecological, recreational, and economic rights and interests. Our special management area permitting processes accordingly provide a layer of review and oversight, including through public input in certain instances, that can identify and mitigate the impacts of development activities on our cherished coastlines and nearshore areas. As our dependence on our beaches, estuaries, and reefs only continues to grow, we should be increasing our thoughtfulness and care in planning for coastal development - not turning our back to our rising seas.

Please HOLD this misguided measure.

Sincerely,

Leah Kocher

HB-1823-HD-1

Submitted on: 2/23/2026 2:45:16 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Anne Lorenzo	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

My name is Anne M. Lorenzo and I **STRONGLY OPPOSE** HB1823 HD1.

This bill's proposed new exemption from the definition of "development" would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

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Please **HOLD** this misguided measure.

Sincerely,
Anne M. Lorenzo

HB-1823-HD-1

Submitted on: 2/23/2026 4:40:15 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Denise E Antolini	Individual	Oppose	Written Testimony Only

Comments:

Aloha JHA Chair Tarnas, Vice Chair Poepoe, and Members,

I strongly oppose HB1823 HD1, which weakens CZMA/SMA and Chapter 343 protections for public infrastructure projects.

As a (retired) practitioner and professor of environmental law in Hawai‘i for the past 35 years, and a former Chair of the State Environmental Council, I am concerned about the continued weakening of our core environmental laws that protect our islands.

Please defer this measure.

Mahalo,

Denise Antolini

Pūpūkea, O‘ahu resident

HB-1823-HD-1

Submitted on: 2/23/2026 5:19:14 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Monica Morris	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

My name is Monica Morris and I STRONGLY OPPOSE HB1823 HD1.

This bill's proposed new exemption from the definition of "development" would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

However, the current draft of this bill now goes even further, and seeks to exempt any of the activities listed in HRS §205A-22(2) - from home repair and construction, to fencing installation, to the reconstruction of outdated and potentially dangerous structures - from special management area permit requirements, even if they may threaten our shoreline and coastal areas with cumulative impacts or significant environmental and ecological effects. This is unacceptable.

Our coastal areas are as fragile as they are important to our cultural, ecological, recreational, and economic rights and interests. Our special management area permitting processes accordingly provide a layer of review and oversight, including through public input in certain instances, that can identify and mitigate the impacts of development activities on our cherished coastlines and nearshore areas. As our dependence on our beaches, estuaries, and reefs only continues to grow, we should be increasing our thoughtfulness and care in planning for coastal development - not turning our back to our rising seas.

Please HOLD this measure.

Mahalo, Monica Morris

Honolulu, Hawai'i

HB-1823-HD-1

Submitted on: 2/23/2026 6:47:42 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
DIANE CHOY FUJIMURA	Individual	Oppose	Written Testimony Only

Comments:

/Cmd+VAloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

My name is Diane Choy Fujimura and I **STRONGLY OPPOSE** HB1823 HD1.

This bill does not malama our precious 'aina.

This bill’s proposed new exemption from the definition of “development” would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

However, the current draft of this bill now goes even further, and seeks to exempt any of the activities listed in HRS §205A-22(2) - from home repair and construction, to fencing installation, to the reconstruction of outdated and potentially dangerous structures - from special management area permit requirements, even if they may threaten our shoreline and coastal areas with cumulative impacts or significant environmental and ecological effects. This is unacceptable.

Our coastal areas are as fragile as they are important to our cultural, ecological, recreational, and economic rights and interests. Our special management area permitting processes accordingly provide a layer of review and oversight, including through public input in certain instances, that can identify and mitigate the impacts of development activities on our cherished coastlines and nearshore areas. As our dependence on our beaches, estuaries, and reefs only continues to grow, we should be increasing our thoughtfulness and care in planning for coastal development - not turning our back to our rising seas.

Please **HOLD** this misguided measure.

Sincerely,
Diane Choy Fujimura

HB-1823-HD-1

Submitted on: 2/23/2026 11:52:42 PM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Soo Sun Choe	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas and Members of the Committe,

Please keep our existing coastal shoreline protections in place. In the age of climate change and sea level rise, our shorelines face enough challenges, loosening restrictions to allow for little regulated development would not be wise.

Mahalo for your attention,

Soo Sun Choe

HB-1823-HD-1

Submitted on: 2/24/2026 7:55:03 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elena Arinaga	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

My name is Elena Arinaga and I STRONGLY OPPOSE HB1823 HD1.

This bill’s proposed new exemption from the definition of “development” would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

However, the current draft of this bill now goes even further, and seeks to exempt any of the activities listed in HRS §205A-22(2) - from home repair and construction, to fencing installation, to the reconstruction of outdated and potentially dangerous structures - from special management area permit requirements, even if they may threaten our shoreline and coastal areas with cumulative impacts or significant environmental and ecological effects. This is unacceptable.

Our coastal areas are as fragile as they are important to our cultural, ecological, recreational, and economic rights and interests. Our special management area permitting processes accordingly provide a layer of review and oversight, including through public input in certain instances, that can identify and mitigate the impacts of development activities on our cherished coastlines and nearshore areas. As our dependence on our beaches, estuaries, and reefs only continues to grow, we should be increasing our thoughtfulness and care in planning for coastal development - not turning our back to our rising seas.

Please HOLD this misguided measure.

Sincerely,

Elena Arinaga

HB-1823-HD-1

Submitted on: 2/24/2026 8:17:26 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jubilee Westergaard	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

My name is Jubilee Westergaard and I **STRONGLY OPPOSE** HB1823 HD1.

This bill's proposed new exemption from the definition of "development" would allow short-sighted taxpayer-funded coastal development projects, self-declared as exempt from environmental review, to avoid special management area permit requirements. This is highly problematic at best, particularly given the high variability and sensitivity of our coastal areas, shorelines, and nearshore waters that require heightened mindfulness and protection.

However, the current draft of this bill now goes even further, and seeks to exempt any of the activities listed in HRS §205A-22(2) - from home repair and construction, to fencing installation, to the reconstruction of outdated and potentially dangerous structures - from special management area permit requirements, even if they may threaten our shoreline and coastal areas with cumulative impacts or significant environmental and ecological effects. This is unacceptable.

Our coastal areas are as fragile as they are important to our cultural, ecological, recreational, and economic rights and interests. Our special management area permitting processes accordingly provide a layer of review and oversight, including through public input in certain instances, that can identify and mitigate the impacts of development activities on our cherished coastlines and nearshore areas. As our dependence on our beaches, estuaries, and reefs only continues to grow, we should be increasing our thoughtfulness and care in planning for coastal development - not turning our back to our rising seas.

Please **HOLD** this misguided measure.

Sincerely,
Jubilee Westergaard

HB-1823-HD-1

Submitted on: 2/24/2026 8:56:09 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
J. Kehau Lucas	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

My name is Kēhau Lucas and I **strongly oppose HB1823 HD1.**

HB1823 HD1 would create a new exemption from the definition of “development” that allows publicly funded coastal projects to self-declare themselves exempt from environmental review and Special Management Area (SMA) permitting. SMA permitting was established under Hawai‘i’s Coastal Zone Management Act (HRS Chapter 205A) specifically to ensure that development in coastal areas does not cause cumulative, irreversible, or significant environmental impacts.

1. Hawai‘i’s coastal zones are among the state’s most vulnerable and rapidly changing environments.

Scientific assessments consistently show that Hawai‘i’s shorelines face accelerated erosion, sea-level rise, and coastal hazards:

- The University of Hawai‘i Sea Grant Program has documented that **70% of beaches on O‘ahu, 50% on Maui, and 60% on Kaua‘i** are undergoing chronic erosion (UH/SOEST, Fletcher et al., *Chronic Coastal Erosion in Hawai‘i*, 2012).
- The Hawai‘i Climate Change Mitigation & Adaptation Commission’s Sea Level Rise Report (2017) identifies **3.2 feet of projected sea-level rise** as likely this century, with associated damage to infrastructure and coastal ecosystems.

Given this variability and sensitivity, environmental review and SMA permitting serve as essential safeguards, not bureaucratic burdens.

2. The current draft of HB1823 goes significantly further by exempting all activities listed under HRS §205A-22(2).

This includes:

- Residential construction and repairs
- Installation of fencing and accessory structures
- Reconstruction of older or nonconforming structures
- Other activities that may modify terrain or alter coastal processes

Although each activity may seem small in isolation, research shows that **incremental and cumulative coastal alterations are major drivers of erosion, habitat loss, and sedimentation** in nearshore waters (NOAA Office for Coastal Management; Hawai‘i CZM Program Technical Reports).

Eliminating SMA oversight for these activities removes the state’s ability to identify cumulative impacts—one of the primary purposes of the SMA permitting system.

3. SMA review is an established and necessary tool for protecting resources of cultural, ecological, and economic importance.

The Legislature has repeatedly affirmed that coastal areas provide critical ecosystem services, cultural practices, recreation, and economic value (HRS §205A-1). SMA review:

- Ensures consistency with the Coastal Zone Management objectives
- Allows agencies to require mitigation measures
- Provides opportunities for public input for actions that may affect traditional and customary practices, public beach access, or marine ecosystems

Weakening this framework increases the likelihood of unintended harm to shorelines, wetlands, estuaries, and coral reef systems that are already under stress from climate impacts (State of Hawai‘i Coral Reef Strategy, 2020).

4. Coastal hazards are increasing, not decreasing, and require stronger—not weaker—planning and oversight.

The Hawai‘i Sea Level Rise Vulnerability and Adaptation Report notes that without careful planning, coastal development will face escalating risks from flooding, erosion, and saltwater intrusion. The report specifically warns against actions that could “lock in” vulnerable infrastructure or reduce natural shoreline buffers such as beaches and dunes.

Creating new exemptions that bypass review contradicts the state’s own climate adaptation guidance and increases long-term costs to taxpayers.

For these reasons, I respectfully urge the Committee to HOLD HB1823 HD1.

Maintaining SMA review is critical to ensuring that coastal development—regardless of scale—does not compromise Hawai‘i’s beaches, cultural resources, or nearshore ecosystems.

Mahalo for the opportunity to testify.

Aloha ‘āina,

J. Kēhau Lucas

HB-1823-HD-1

Submitted on: 2/24/2026 9:46:35 AM

Testimony for JHA on 2/24/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diane Shepherd	Individual	Oppose	Written Testimony Only

Comments:

No, No, No