



**WRITTEN TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2026**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1823, H.D. 2, S.D. 1, RELATING TO THE COASTAL ZONE MANAGEMENT ACT.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Thursday, April 9, 2026

**TIME:** 10:01 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** **WRITTEN TESTIMONY ONLY.**

(For more information, contact Alison S. Kato,  
Deputy Attorney General, at 808-586-1180.)

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Chair Rhoads and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of this bill is to temporarily exempt certain state- or county-funded infrastructure improvement projects from special management area use permit requirements. Specifically, the bill applies to projects that are: (1) exempt from an environmental assessment or subject to a finding of no significant impact under chapter 343, Hawaii Revised Statutes (HRS); and (2) located within a zone established in Lahaina following the 2023 Maui wildfires that has been designated for reentry by the State or the County of Maui as of January 1, 2026.

The references to Lahaina in the bill were added in Senate Draft 1. Article XI, section 5, of the Hawai'i State Constitution requires the State to legislate through general laws, rather than special laws, with respect to lands owned by or under its control. A general law applies uniformly to a class of persons or things having a reasonable and just relationship to the regulated subject matter. See Haw. Att'y Gen. Op. No. 2007-02. In contrast, a law may be considered special "if it operates upon and affects only a fraction of persons or a portion of the property encompassed by a classification, granting privileges to some and not others." *Id.* A statute relating to particular places is a special law, not a general law. See *id.*

As currently drafted, this bill may be subject to challenge as special legislation because it limits the exemption to projects located within a specifically defined area of Lahaina, which includes lands owned by the State or the County of Maui. By tying the exemption to a particular geographic location, the bill risks being characterized as applying to a discrete set of lands, rather than to a broader class with a reasonable and just relationship to the purpose of the legislation.

To reduce this risk, we recommend excluding any lands owned by or under the control of the State or the County of Maui from the exemption. Specifically, we recommend amending page 2, line 7 as follows:

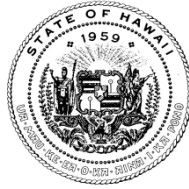
**. . . January 1, 2026, excluding lands owned by or under the control of the State or the County of Maui.**

We also recommend amending page 8, line 5, within the proposed paragraph (2)(X) of the definition of "development" in section 205A-22, HRS, as follows:

**. . . county of Maui as of January 1, 2026, excluding lands owned by or under the control of the State or the County of Maui; provided . . .**

Thank you for the opportunity to provide comments.

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



EDWIN H. SNIFFEN  
DIRECTOR  
KA LUNA HO'OKELE

Deputy Directors  
Nā Hope Luna Ho'okele  
DREANALEE K. KALILI  
TAMMY L. LEE  
CURT T. OTAGURO  
ROBIN K. SHISHIDO

**STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I**  
**DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

Tuesday, April 7, 2026  
10:01 AM  
State Capitol, 016

**HB1823, HD2, SD1**  
**RELATING TO THE COASTAL ZONE MANAGEMENT ACT**

Senate Committee on Judiciary

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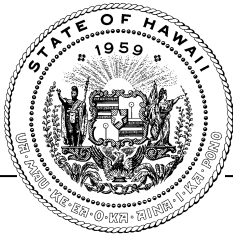
The Department of Transportation (DOT) supports HB1823, HD2, SD1.

This bill amends the definition of 'development' under Hawaii's Coastal Zone Management Act to exempt certain federal-, state-, or county-funded infrastructure and improvement projects that are exempt from an environmental assessment or for which a finding of no significant impact has been issued. The DOT supports this provision because it aligns with the Department's mission to deliver essential transportation infrastructure efficiently while maintaining compliance with environmental standards.

Specifically, the bill's exclusion of infrastructure projects that meet the criteria outlined in chapter 343, Hawaii Revised Statutes, ensures that critical public works such as roadways, bridges, waterlines, wastewater facilities, and utility improvements can proceed without unnecessary delays caused by overlapping permitting processes. These types of projects are often time-sensitive and vital to public safety, economic development, and resilience in coastal communities.

Although the aim of the bill is to streamline project delivery, the bill maintains important safeguards by requiring that any excluded use, activity, or operation shall be defined as "development" if the authority finds that it may have a cumulative impact or significant environmental or ecological effect on a special management area. This preserves the integrity of the CZMA's environmental review framework and ensures that the exemption does not undermine the protection of sensitive coastal ecosystems.

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



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

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

**SYLVIA LUKE**  
LT. GOVERNOR

**MARY ALICE EVANS**  
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawaii'i 96813  
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Statement of  
**MARY ALICE EVANS, Director**

before the  
**SENATE COMMITTEE ON JUDICIARY**  
Thursday, April 9, 2026, 10:01AM  
State Capitol, Conference Room 016

in consideration of  
**HB 1823 HD2 SD1**  
**RELATING TO COASTAL ZONE MANAGEMENT ACT.**

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

HB 1823 HD2 SD1 proposes to amend the definition of “development” under chapter 205A, Hawai‘i Revised Statutes (HRS), to temporarily exempt from special management area use permit requirements a state- or county-funded infrastructure project that is within a zone established in Lahaina in the aftermath of the 2023 Maui wildfires that has been designated for reentry by the State or county of Maui as of January 1, 2026.

The Office of Planning and Sustainable Development (OPSD) is the lead agency of the Hawai‘i Coastal Zone Management Program, codified in HRS chapter 205A.

OPSD **supports the intent of HB 1823 HD2 SD1**, as the bill would create a targeted permitting exemption to streamline the delivery of essential public infrastructure. OPSD respectively recommends amended language to subsection 205A-22(2), which would account for a **potential special legislation challenge and seek to align with HRS chapter 343 requirements**, with the following reasons:

1. “Special management area” defined in section 205A-22 under part II of chapter 205A includes the “shoreline area” as defined in section 205A-41 under part III of chapter 205A. Shoreline area, the land area between the shoreline and the shoreline setback line, is the most sensitive special management area (SMA), and provides a buffer zone to protect beaches, and reduce the risk of coastal hazards.

Unless a shoreline setback variance is granted, except as provided in subsection 205A-44(b), **all structures, including state- or county-sponsored infrastructure, shall be prohibited within the shoreline area** to protect shoreline processes, provide shoreline public access, and reduce the risk of coastal hazards such as coastal erosion, storm surges, coastal flooding and sea level rise. Except as provided

in section 205A-43.5, application for a shoreline setback variance for a public infrastructure project will require a public hearing held under HRS chapter 91.

2. Even if a proposed public infrastructure project were to be exempted from a requirement for an SMA permit, the use of state or county funds or the use of state or county lands, will **require preparation of an environmental assessment as set forth in HRS chapter 343**. In accordance with HRS chapter 343 and Hawai‘i Administrative Rules chapter 11-200.1, such environmental assessment must include findings on consistency with applicable county general plan, county’s community plan, zoning and other land use and environmental policies. The community will have opportunities to provide input on the impacts of the proposed public infrastructure project.
3. In accordance with section 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. In other words, **if a public infrastructure and improvement project has significant impacts**, including cumulative impacts on the SMA, an SMA Use Permit will be required.

In addition, federal funds highly contribute to public infrastructure projects across the State of Hawai‘i. OPSD respectively recommends **amended language to subsection 205A-22(2)**, as follows:

SECTION 2. Section 205A-22, Hawai‘i Revised Statutes, is amended by amending the definition, and adding a new definition to be appropriately inserted as subsection (2)(X) and to read as follows:

“Development”:

(2) Does not include the following:

(X) Federal-, state-, or county-funded, authorized **and** implemented infrastructure and improvement projects that are exempted from an environmental assessment or for which a finding of no significant impact has been issued under chapter 343; provided that for the purposes of this subparagraph, "infrastructure" 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;

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](http://www.mauicounty.gov)

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

FROM: Richard T. Bissen, Jr., Mayor  
Jodran Molina, Director of Public Works

DATE: April 7, 2026

SUBJECT: **COMMENTS for HB1823 HD2 SD1, RELATING TO THE COASTAL ZONE MANAGEMENT ACT.**

Thank you for the opportunity to **COMMENT** on this important measure which amends the definition of "development," as it pertains to coastal zone management, to exclude any state- or county-funded infrastructure improvement project that is exempted from an environmental assessment or determined as a finding of no significant impact under chapter 343, HRS. Applies only to zones established in Lahaina in the aftermath of the 2023 Maui wildfires that have been designated for reentry by the State or county of Maui as of January 1, 2026. Effective 7/1/2050. Sunsets 6/30/2029. (SD1)

At the March 23, 2026 hearing, the bill was amended to limit its applicability to Lahaina. The County of Maui respectfully requests restoration of the HD2 version to ensure countywide applicability and provides the following comments for your consideration:

This request is based on ongoing challenges in delivering critical infrastructure projects that have already been identified as county priorities in our general plans, community plans, transportation improvement plans, and capital improvement plans. All these plans undergo robust stakeholder and community outreach in their development and approval. Additionally, all these projects undergo public review and consultation under the Hawaii Environmental Policy Act (HEPA, HRS Chapter 343) and the National Environmental Policy Act (NEPA, when federally funded). The following examples – all outside of the Lahaina area - illustrate these challenges:

Kahawaiokapia Bridge Replacement:

The project is located in Hana, Maui and seeks to replace an existing bridge in-kind. The project requires construction of a temporary bridge to ensure that Hana Highway thru this region remains operational during the replacement work. The temporary bridge will be removed once the replacement work is completed.

Maui County has endeavored for over 10 years to get the plans approved by the Federal Highways Administration, the State Department of Transportation, the State Historic Preservation Division, and the Hawaii Historic Foundation that adequately address concerns for the historic look of the bridge.

This type of project is exempt under HEPA, NEPA, and SMA. However, HRS 205A does not provide consideration for the temporary bridge and the project is required to obtain an SMA major permit solely because of the temporary bridge.

Ohukai and South Kihei Rd Sidewalks:

In 2019, the County initiated project to construct new sidewalks along exiting urban roadways in South Maui along Ohukai Rd and South Kihei Rd. This project would've closed sidewalk gaps along these heavily traveled corridors and provide for continuous sidewalks from North Kihei into South Kihei.

Despite the minimal impact that a pedestrian facility has on an existing urban collector road, the project was required to obtain SMA major permits. This is clearly an ineffective and unnecessary application of HRS 205A, but nonetheless is what the statutes directs.

In response, the County lobbied for the introduction of HB365 in 2023 which became SLH 2023 Act 229 that added an SMA exemption for bike and ped facilities. While future projects may see benefit of this Act, the sidewalk project remains unconstructed to this day. The delay created by the additional SMA permitting requirement required work to stop, contractors to demobilize, and escalation costs to be incurred while waiting for the SMA conflict to be addressed.

Liloa Drive Extension (North South Collector Road):

This long-anticipated project is a cornerstone of the South Maui Community Plan. In 2022, the County was awarded a highly competitive \$25 million RAISE grant under the Bipartisan Infrastructure Law to advance its implementation.

Although the project has completed HEPA and NEPA review with findings of no significant impact, it remains at risk due to SMA permitting requirements. The project depends on coordination with multiple property owners for easements and rights of entry, and in some cases, the use of eminent domain. Without secured landowner authorizations, the County cannot initiate the SMA application process. As a result, delays threaten the County's ability to meet federal deadlines and obligate grant funds, placing the entire project at risk.

The above examples provides a few key reasons why the County requests your support in restoring the HD2 version of the bill. This would restore and achieve the purpose and intent of the bill. Alternatively, we'd request support for amending the bill for all of Maui County. In addition to the 2023 Wildfires, Maui County has experienced damaging floods almost every year since 2020, and again this with the Kona Low storms. Flooding disproportionately affected infrastructure in SMA areas. With dwindling fiscal resources and with the climate outlook expecting more frequent and intense storms, the ability to implement infrastructure repairs and improvements timely and efficiently is more critical than ever.

Mahalo for your consideration on this important measure.



## SENATE COMMITTEE ON JUDICIARY

April 9, 2026

10:01 PM

Conference Room 016

### Offering **COMMENTS** and **CONCERNS** on **HB1823 HD2 SD1**: RELATING TO THE COASTAL ZONE MANAGEMENT ACT

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Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee,

On behalf of our more than 20,000 members and supporters, the Sierra Club of Hawai'i offers the following **COMMENTS** on HB1823 HD2 SD1, which risks diminished public planning, community input, and oversight in certain taxpayer-funded infrastructure projects in Lahaina.

The Sierra Club does first wish to express its appreciation for the amendments made to the current draft of this measure, to ensure that uses, activities, or operations that may have significant or cumulative impacts remain subject to special management area permitting requirements, even if they would otherwise be excluded from the definition of "development." The previous versions of this bill would have exempted any of the two dozen types of uses or activities excluded from the definition of "development" from any special management area permit requirement whatsoever, *regardless of their potential impacts*, due to new language proposed for the beginning of section (2) in the definition of "development" (i.e. "..and the following shall/should be exempt from special management area permitting requirements"). With the removal of this problematic language in the current draft, the risk of significant unintended and unanticipated impacts in our sensitive coastal areas due to under-informed planning has been substantially mitigated.

**Nonetheless, the Sierra Club does express concerns regarding the propriety of expanding the types of uses, activities, or operations that would be facially excluded from the definition of "development," and accordingly excused from special management area permitting requirements.**

Recent events have highlighted the longstanding consequences of poorly planned coastal development: vanishing beaches; flooded communities; 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.

This measure proposes to instead diminish the mindfulness and prudent planning for coastal development that would otherwise be provided through the special management area permitting process. By excluding from the definition of "development" taxpayer-funded



public and private infrastructure development projects, this measure would excuse such projects from special management area permitting requirements (unless they are determined, based on cursory reviews, to have cumulative or significant impacts). Excusing such projects from special management area permitting requirements, which may include expert and interagency review as well as community and practitioner input, may lead to missed opportunities to identify and account for the myriad, highly localized vulnerabilities that can arise in infrastructure development projects. **This in turn may risk environmental, cultural, public health, and even economic harms to Lahaina that could have otherwise been avoided through a more rigorous planning and review process.**

Mahalo nui for the opportunity to testify.



Queen's Court  
800 Bethel Street, Suite 501  
Honolulu HI 96813

Phone 808.587.7770  
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## **TESTIMONY IN STRONG SUPPORT WITH COMMENTS**

HB 1823 H.D.2 S.D.1 — RELATING TO THE COASTAL ZONE MANAGEMENT ACT

DATE: April 9, 2026

TIME: 10:01 A.M.

COMMITTEE: Senate Committee on Judiciary

Chair: Senator Karl Rhoads

Vice Chair: Senator Mike Gabbard

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

Avalon Development Company respectfully submits this testimony in **STRONG SUPPORT** of the intent of HB 1823, with comments and concerns regarding the amendments adopted in S.D.1 by the Senate Committee on Water and Land Use.

At its core, this bill advances an important and necessary policy objective: avoiding duplicative regulatory review for state- and county-funded infrastructure projects that have already satisfied the environmental review requirements of Chapter 343, Hawai'i Revised Statutes. As the Committee is aware, Chapter 343 exemptions are limited in scope and apply only to actions that are routine, de minimis, or determined to have no significant environmental impact. Even where an exemption applies, or where an Environmental Assessment results in a Finding of No Significant Impact—public infrastructure projects may still be subject to additional permitting under the Special Management Area (SMA).

Avalon Development Company strongly supports the principle that once environmental review has been completed under Chapter 343, requiring an additional layer of SMA permitting often results in delay without providing corresponding environmental benefit. Publicly funded infrastructure projects already undergo substantial planning, disclosure, and agency oversight, and duplicative permitting consumes limited public resources, increases costs, and delays delivery of essential public improvements.

Avalon Development Company is actively involved in rebuilding a commercial property lost in the Lahaina wildfires. Through this experience, we have seen firsthand how delays in public infrastructure, such as roads, utilities, drainage, and other essential systems, directly impede recovery and private reinvestment. Recent flooding on the North Shore of O'ahu and in parts of the Neighbor Islands further illustrates how critical timely infrastructure repair and replacement is to community recovery and resilience. These events highlight the consequences of regulatory delay, but the underlying issue addressed by this bill is broader: the inefficiency of duplicative permitting once environmental impacts have already been reviewed.



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That said, Avalon Development Company does not support the amendments adopted in S.D.1, which limit the application of the bill to certain zones in Lahaina and impose a sunset date of June 30, 2029.

First, limiting this policy solely to Lahaina is overly narrow. While Lahaina's recovery is unquestionably important, infrastructure needs arising from natural disasters and other public priorities occur statewide. A uniform approach that streamlines review for qualifying state- and county-funded infrastructure projects would improve consistency, efficiency, and responsiveness across Hawai'i.

Second, the inclusion of a June 30, 2029 sunset date significantly undermines the effectiveness of the bill. Public infrastructure projects routinely require many years to plan, finance, permit, and construct, particularly in post-disaster environments where agency capacity and construction resources are constrained. The current sunset risks expiring before meaningful progress can be achieved.

In closing, HB 1823 promotes sound governance by preserving environmental review under Chapter 343 while reducing unnecessary duplication, improving efficiency, and ensuring that public infrastructure can be delivered in a timely and responsible manner. With the removal of the geographic limitation and sunset provision added in S.D.1, this bill would better serve communities across Hawai'i and ensure more effective use of public resources.

Thank you for the opportunity to submit testimony and for your consideration of this measure.

Respectfully submitted,

**Avalon Development Company**



**MAUI**  
CHAMBER OF COMMERCE  
VOICE OF BUSINESS

**HEARING BEFORE THE SENATE COMMITTEE ON JUDICIARY  
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 016  
THURSDAY, APRIL 9, 2026 AT 10:01 A.M.**

To The Honorable Senator Karl Rhoads, Chair  
The Honorable Senator Mike Gabbard, Vice Chair  
Members of the Committee on Judiciary

**SUPPORT FOR HB1823 HD2 SD1 RELATING TO THE  
COASTAL ZONE MANAGEMENT ACT**

The Maui Chamber of Commerce supports HB1823 HD2 SD1 as a targeted measure to expedite critical infrastructure improvements in Lahaina following the 2023 Maui wildfires.

We recognize that timely infrastructure restoration is foundational to rebuilding homes, businesses, and communities. The bill's provision to exempt certain state- and county-funded infrastructure projects from additional coastal zone management permitting—when these projects have already cleared environmental review—directly addresses barriers that can delay housing delivery and increase costs for residents and local businesses.

Mahalo for the opportunity to share our support of HB1823 HD2 SD1. We ask that you move this bill forward.

Sincerely,

Pamela Tumpap  
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

April 9, 2026, 10:01 a.m.  
Hawaii State Capitol  
Conference Room 016 and Videoconference

**To: Senate Committee on Judiciary**  
**Sen. Karl Rhoads, Chair**  
**Sen. Mike Gabbard, Vice Chair**

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

RE: TESTIMONY IN SUPPORT OF HB1823 HD2 SD1 — RELATING TO THE COASTAL ZONE MANAGEMENT ACT

Aloha Chair, Vice Chair and other Committee Members,

The Grassroot Institute of Hawaii **supports** [HB1823 HD2 SD1](#), which would exempt certain state and Maui County infrastructure improvements in Lahaina from the state's Special Management Area rules.

Specifically, the bill would exempt road, wastewater, drainage and any other publicly funded infrastructure project in Lahaina from SMA rules as long as the project has been determined to have a "finding of no significant impact" under the state's environmental notice law and complies with the area's community plan.

An SMA use permits can take six months to a year to process,<sup>1</sup> and Maui County requires a public hearing and vote by one of its planning commissions, which introduces uncertainty to every project. As such, this legislation could speed up the delivery of critical infrastructure projects and reduce taxpayer costs associated with those projects.

Thank you for the opportunity to testify.

Ted Kefalas  
Director of Strategic Campaigns  
Grassroot Institute of Hawaii

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

**HB-1823-SD-1**

Submitted on: 4/3/2026 12:35:22 PM

Testimony for JDC on 4/9/2026 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
William Caron	Individual	Comments	Written Testimony Only

Comments:

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

I am submitting **comments only** on HB1823, as amended by the previous committee to limit its scope only to areas in Lahaina impacted by the wildfires.

**Acknowledging Lahaina's Unique Circumstances**

I am not an expert on disaster recovery, and I do not want to inadvertently stand in the way of something the people of Lahaina may want and need as they work to rebuild their community after the devastating 2023 wildfires. In limited areas destroyed by wildfire, it is reasonable to imagine that exceptions and exemptions could be necessary to move quickly to remediate damaged land and rebuild infrastructure and housing. The people of Lahaina have suffered enough, and they should not be forced to wait years for bureaucratic processes if there are genuine emergency circumstances.

**But I Remain Deeply Concerned**

Having said that, the underlying principle of this bill makes me deeply concerned—even with its scope limited to Lahaina.

It seems unwise—especially in remediation—to omit environmental review entirely, even in the name of speed. Careful environmental planning is always critical, but it is even more so in the wake of disaster. When a community has been devastated, the instinct to rebuild quickly is understandable and perhaps even necessary. But rebuilding quickly should not mean rebuilding carelessly. The decisions made in the months and years after a disaster will shape Lahaina for generations. If we bypass environmental review, cultural impact assessments, and public input processes now, we may look back with regret at opportunities lost to build back better, safer, and more sustainably.

The lessons of poorly planned coastal development are all around us: beaches disappearing, properties collapsing into the ocean, marine habitat lost to contaminated runoff, and cultural and subsistence activities curtailed or eliminated. We have seen what happens when development proceeds without adequate review. We have watched as seawalls accelerate beach loss and runoff smothers coral reefs. These harms are not theoretical—they are the lived reality of communities across Hawai‘i.

I do not want to see Lahaina repeat those mistakes in the name of speed.

### **A Request for Balance**

I understand the tension between the urgent need to rebuild and the important protections of environmental and cultural review. I do not have an easy answer. But I hope that as this bill moves forward, the committee will consider whether there is a middle ground—a way to expedite truly necessary rebuilding without entirely abandoning the safeguards that protect our coastlines, our cultural sites, and our communities.

Perhaps that means time-limited exemptions with mandatory review after a certain period. Perhaps it means streamlined processes rather than eliminated ones. Perhaps it means robust community oversight to ensure that the exemptions are not abused.

What I do not want to see is a blanket exemption that removes all oversight, even in the name of disaster recovery. The people of Lahaina deserve to rebuild their community—but they also deserve to rebuild it in a way that is safe, sustainable, and respectful of the land and culture that make that place home.

### **Conclusion**

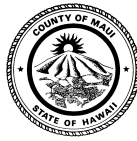
I am submitting comments only because I recognize the unique circumstances of Lahaina and do not wish to stand in the way of what the community may need. But I do so with deep concern about the precedent this bill sets, even in a limited scope. I urge the committee to proceed with caution, to ensure that any exemptions are narrowly tailored and time-limited, and to prioritize the long-term health and resilience of Lahaina's coastlines and community over short-term expediency.

Mahalo for the opportunity to testify.

Council Chair  
Alice L. Lee

Vice-Chair  
Yuki Lei K. Sugimura

Councilmembers  
Kauanoë 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  
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April 7, 2026

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

FROM: Nohelani U'u-Hodgins  
Councilmember

A handwritten signature in cursive script that reads "Nohelani U'u-Hodgins".

DATE: Thursday, April 9, 2026  
10:01 a.m., Conference Room 016

SUBJECT: **TESTIMONY IN SUPPORT OF HB 1823, HD2, SD1, RELATING TO THE COASTAL ZONE MANAGEMENT ACT**

Thank you for the opportunity to submit testimony in support of this measure. The purpose of this measure is to amend the definition of “development,” as it pertains to coastal zone management, to exclude any state- or county-funded infrastructure improvement project that is exempted from an environmental assessment or determined as a finding of no significant impact under chapter 343, HRS; and applies only to zones established in Lahaina in the aftermath of the 2023 Maui wildfires that have been designated for reentry by the State or county of Maui as of January 1, 2026.

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 plays an important role in clarifying the definition of “development” within the special management areas (SMAs) by identifying activities that should be excluded from permitting requirements. This clarification helps prevent unnecessary delays for routine, low-impact, and essential projects while maintaining environmental safeguards through existing agency oversight.

By more clearly aligning exemptions with established environmental review processes under Chapter 343, HB 1823, HD2, SD1 reduces ambiguity and provides greater certainty for project implementation. This ensures that critical infrastructure—such as

April 7, 2026  
Page 2

water systems, drainage, transportation, and utilities—can proceed more efficiently while still being subject to appropriate environmental review when necessary.

HB 1823, HD2, SD1 retains the safeguard that allows permitting authorities to require review if a project may result in cumulative or significant environmental or ecological impacts. This continued provision ensures that streamlining efforts do not come at the expense of environmental protection.

Overall, this measure provides clearer standards, reducing duplicative permitting requirements, and better supports the timely delivery of public infrastructure, an urgent need for rebuilding Lahaina.

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