

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
RYAN K.P. KANAKA'OLE
FIRST DEPUTY
CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson

Before the House Committee on
WATER & LAND

Thursday, February 5, 2026
9:00 AM

State Capitol, Conference Room 411 and Via Videoconference

In consideration of
HOUSE BILL 1823
RELATING TO THE COASTAL ZONE MANAGEMENT ACT

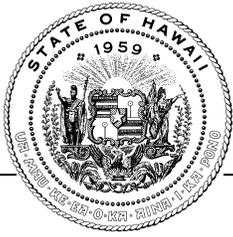
House Bill 1823 proposes to amend the definition of "development," as it pertains to coastal zone management, to clarify that certain activities are excluded from the definition of "development" and are not subject to special management area permit requirements and to exempt state- or county-sponsored infrastructure improvement projects that are consistent with the applicable county's community plans. **The Department of Land and Natural Resources (Department) offers the following comments.**

The measure amends the definition of "development", pursuant to Section 205A-22, Hawaii Revised Statutes (HRS), to "use, activity, or structure, whether temporary or permanent, on land or in the water within the shoreline area that is placed, erected, or modified". The Department notes that Section 205A-22, HRS specifically addresses Special Management Areas, which are under the jurisdiction of the counties. As "shoreline area" is currently undefined in the measure, it blurs the distinction between State and County jurisdictions as the "shoreline" as defined in Section 205A-1, HRS establishes the jurisdictional boundary. As such, the Department recommends this measure be amended as follows:

Page 3, line 12

"[shoreline] special management area that is placed, erected, or modified;"

Mahalo for the opportunity to comment on this measure.



**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
Mailing Address: P.O. Box 2359, Honolulu, Hawaii'i 96804

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

Statement of
MARY ALICE EVANS, Director

before the
HOUSE COMMITTEE ON WATER & LAND
Thursday, February 5, 2026, 9:00 AM
State Capitol, Conference Room 411

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

Chair Hashem, Vice Chair Morikawa, and Members of the House Committee on Water & Land:

HB 1823 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 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, suggests **keeping subsection 205A-22(1)** as it is without the amendments proposed by HB 1823 for the following reasons:

1. “Development” as defined in HRS § 205A-22 provides the county authority an opportunity and clarification 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. Pursuant to HRS § 205A-22, “special management area” is distinct from the “shoreline area” as defined in HRS § 205A-41. Shoreline area is a subset of the special management area, and structures shall be prohibited within the shoreline area unless a shoreline setback variance is granted.

OPSD concurs with the intent of HB 1823 to streamline the delivery of essential public infrastructure by creating a targeted permitting exemption for state- or county-sponsored infrastructure improvement projects. However, whenever the authority finds that any excluded use, activity, or operation may have a cumulative impact, or significant environmental or

HB 1823 RELATING TO COASTAL ZONE MANAGEMENT ACT - COMMENT
State Office of Planning and Sustainable Development
February 5, 2026

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 respectively suggests **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[;], and the following should be exempt from special management area permit requirements:

- (X) Federal, state, or county-funded, authorized or implemented infrastructure and improvement projects that are exempted from an environmental assessment or determined as finding of no significant impact under chapter 343; "Infrastructure" as defined in chapter 343 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

TO: Representative Mark J. Hashem, Chair
Representative Dee Morikawa, Vice Chair
Committee on Water & Land

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

DATE: February 3, 2026

SUBJECT: **SUPPORT OF HB1823, 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 Office of Recovery for the County of Maui is managing and or funding a number of public infrastructure projects that occur within or partially within the Special Management Area (SMA).

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.



February 3, 2026

To: Chair Mark Hashem, Vice Chair Dee Morikawa and the House Committee on Water and Land

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

Aloha,

Hawai'i Food+ Policy **supports** HB1823 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 WAL 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 road construction under subsection (X)(ii), 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 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.

Feb. 5, 2026, 9 a.m.
Hawaii State Capitol
Conference Room 411 and Videoconference

To: House Committee on Water and Land

Rep. Mark Hashem, Chair

Rep. Dee Morikawa, Vice Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

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

Aloha chair, vice chair and other committee members,

The Grassroot Institute of Hawaii **supports** [HB1823](#), 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 lower 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.

Cindy Freitas
makainanqi@gmail.com

OPPOSITION TO H.B. 1823

RELATING TO THE COASTAL ZONE MANAGEMENT ACT**

He Mele komo a he mele aloha no na kupuna o ke au i hala Aloha mai kakou.

Aloha,

My name is Cindy Freitas and I'm a Native Hawaiian descended of the native inhabitants of Hawai'i prior to 1778 and born and raised in Hawai'i.

I am also a practitioner who still practice the cultural traditional customary practices that was instill in me by my grandparents at a young age from mauka (MOUNTAIN TO SEA) to makai in many areas.

I respectfully submit testimony **OPPOSING H.B. 1823**, due to its significant and harmful impacts on the **County of Hawai'i's coastline, communities, and land-use authority**.

H.B. 1823 broadly expands exemptions from Special Management Area (SMA) permitting by redefining what constitutes "development" and exempting state- or county-sponsored infrastructure projects based on **self-determined consistency with county community plans**. While characterized as "streamlining," the bill **removes critical safeguards without replacing them with enforceable protections**.

What is missing from H.B. 1823 is fundamental oversight and accountability. The bill allows the 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**. This effectively converts SMA review into a self-certification process.

For the **County of Hawai'i**, this is especially concerning. Hawai'i County has the **longest coastline in the State**, much of it already experiencing **active erosion, flooding, and sea level rise**. SMA review is one of the County's **primary tools to evaluate coastal risk, protect public access, and safeguard cultural and environmental resources**. H.B. 1823 weakens that tool at a time when coastal resilience is most critical.

The bill also **fails to require**:

- Mandatory environmental review under Chapter 343;
- Objective standards for determining "cumulative" or "significant" impacts;
- Cultural impact assessments or lineal descendant consultation;
- Sea level rise, erosion, or climate exposure analysis;
- Limits on project size, intensity, or scope within SMA areas.

By exempting even **new construction of public infrastructure** from SMA permits, H.B. 1823 allows large-scale coastal projects to proceed without meaningful review, community input, or climate accountability. This increases the risk of **poorly sited infrastructure**, long-term public liability, and irreversible harm to Hawai'i County's coastal resources and cultural landscapes.

Streamlining should not mean **bypassing the very protections designed to prevent coastal damage and costly mistakes**. SMA review exists to balance infrastructure needs with public trust responsibilities, environmental protection, and cultural respect.

For these reasons, I **strongly oppose H.B. 1823 as written** and urge the Legislature not to advance this measure.

Mahalo,

Cindy Freitas

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

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

Submitted to House Committee on Water and Land
Thursday, February 5, 2026, 9 AM Hearing in State Capitol Room 411

Please hold this bill.

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 eliminate safe public access to and recreational use of the ocean makai of low-lying coastal highways. And this is what Hawaii's shoreline will look like makai of low-lying coastal highways.

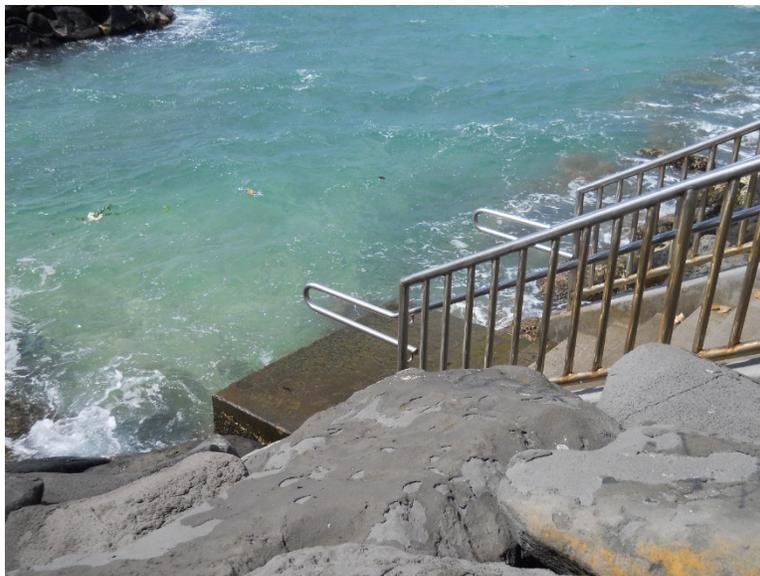


SHORELINE REVETMENT PREVENTS SAFE PUBLIC OCEAN ACCESS AND RECREATIONAL USE

If public hearings and county permits are required for public facilities in the special management area, the counties will have the option to impose permit conditions to preserve safe public ocean access and space for recreational use. Although the DOT would be opposed, potentially this is what Hawaii's shoreline could look like makai of low-lying coastal highways.



SHORELINE REVETMENT INCLUDES SPACE FOR LATERAL ACCESS AND RECREATIONAL USE



SHORELINE REVETMENT ALLOWS SAFE PUBLIC OCEAN ACCESS