

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

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Statement of
MARY ALICE EVANS, Director

before the
SENATE COMMITTEE ON WATER, LAND, CULTURE AND THE ARTS

Friday, February 6, 2026, 1:00 PM
State Capitol, Conference Room 224

in consideration of
SB 2547
RELATING TO COASTAL ZONE MANAGEMENT ACT.

Chair Lee, Vice Chair Inouye, and Members of the Senate Committee on Water, Land, Culture and the Arts:

SB 2547 proposes to amend the definition of “development” under Chapter 205A, Hawai‘i Revised Statutes (HRS), as it pertains to coastal zone management areas, 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 SB 2547 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 SB 2547 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 ecological effect on a SMA, that use, activity, or operation shall be defined as “development” for the purpose of part II of chapter 205A.

SB 2547 RELATING TO COASTAL ZONE MANAGEMENT ACT - COMMENT
State Office of Planning and Sustainable Development
February 6, 2026

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:

(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.

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

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AQUATIC RESOURCES
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COMMISSION ON WATER RESOURCE
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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 Senate Committee on
WATER, LAND, CULTURE AND THE ARTS

Friday, February 6, 2026
1:00 PM

State Capitol, Conference Room 224 and Via Videoconference

In consideration of
SENATE BILL 2547
RELATING TO THE COASTAL ZONE MANAGEMENT ACT

Senate Bill 2547 proposes to amend the definition of "development," as it pertains to coastal zone management, 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.

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director



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COUNTY OF MAUI
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LATE

TO: Senator Chris Lee, Chair
Senator Lorraine R. Inouye, Vice Chair
Committee on Water, Land, Culture and the Arts

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

DATE: February 5, 2026

SUBJECT: **SUPPORT OF SB2547, RELATING TO THE COASTAL ZONE
MANAGEMENT ACT**

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

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

We **SUPPORT** this measure for the following reasons:

The 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).

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.



THE SENATE
KA' AHA KENEOKOA

THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2026

COMMITTEE ON WATER, LAND, CULTURE AND THE ARTS

Senator Chris Lee, Chair

Senator Lorraine R. Inouye, Vice Chair

TESTIMONY IN OPPOSITION OF SENATE BILL 2547

Friday, February 6, 2026, 1:00 p.m.

Conference Room 224 State Capitol & Videoconference
415 South Beretania Street

Dear Chair Chris Lee, Vice Chair Lorraine R. Inouye and Committee Members:

Earthjustice **strongly opposes SB 2547**, 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 Hawai'i Revised Statutes § 205A-22 of Hawai'i's CZMA. 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 state- and county-sponsored “infrastructure improvement projects.” Hawai‘i’s coastal zones contain precious coastal ecosystems, historically and culturally significant resources, and shared public recreational resources. Neither the 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

Feb. 6, 2026, 1 p.m.
Hawaii State Capitol
Conference Room 415 and Videoconference

To: Senate Committee on Water, Land, Culture and the Arts
Sen. Chris Lee, Chair
Sen. Lorraine R. Inouye, Vice Chair

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

RE: TESTIMONY IN SUPPORT OF SB2547 — RELATING TO THE COASTAL ZONE MANAGEMENT ACT

Aloha chair, vice chair and other committee members,

The Grassroot Institute of Hawaii **supports** [SB2547](#), 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 review,¹ and each county requires a public hearing and vote by either a planning commission or a county council, which subjects every project to uncertainty.

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.

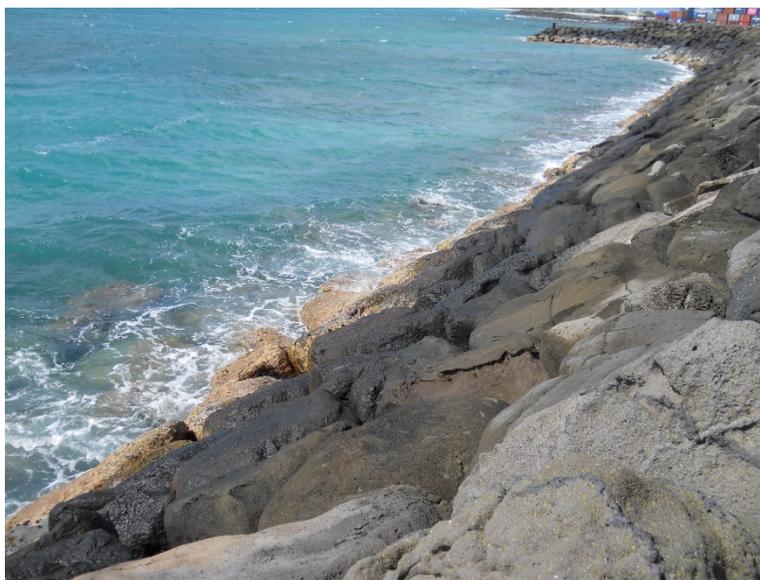
Douglas Meller
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Honolulu, Hawaii 96813
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Testimony Opposing SB 2547, Relating to the Coastal Zone Management Act

Submitted to Senate Committee on Water, Land, Culture and the Arts
Friday, February 6, 2026, 1 PM Hearing in State Capitol Room 224

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.

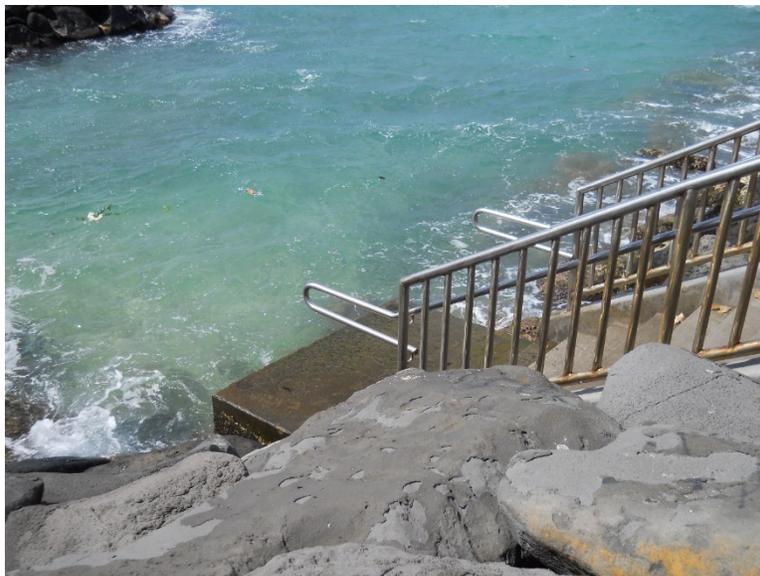


SHORELINE REVETMENT PREVENTS SAFE PUBLIC OCEAN ACCESS AND RECREATIONAL USE

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