

STAND. COM. REP. NO.

206

Honolulu, Hawaii

FEB 09 , 2023

RE: H.B. No. 365
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.B. No. 365 entitled:

"A BILL FOR AN ACT RELATING TO SPECIAL MANAGEMENT AREAS,"

begs leave to report as follows:

The purpose of this measure is to expand exclusions to the definition of "development" in chapter 205A, Hawaii Revised Statutes, to reduce the need for Special Management Area permits for certain activities.

Your Committee received testimony in support of this measure from the Department of Planning and Permitting of the City and County of Honolulu and one member of the Maui County Council. Your Committee received comments on this measure from the Office of Planning and Sustainable Development.

Your Committee finds that targeted amendments to the definition of "development" as it relates to Special Management Areas will promote, not undercut, the environmental controls and quality that special management area regulations are intended to protect. Under existing law, the broad definition of "development", coupled with rising labor and materials costs, can trigger a mandatory Special Management Area use permit review for improvements, facilities, and incidental structures that may not



warrant such intense scrutiny and the associated costs and delays that accompany it.

Your Committee has amended this measure by:

- (1) Retaining at 7,500 square feet, instead of decreasing to 5,000 square feet, the floor-area criterion for the construction or reconstruction of certain single-family residences that are excluded from the definition of "development" within Special Management Areas;
- (2) Clarifying that Hawaiian traditional and customary practices, including work conducted by traditional means near, in, or related to loko i'a, traditional Hawaiian fishponds, are excluded from the definition of "development" within Special Management Areas;
- (3) Changing its effective date to June 30, 3000, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 365, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 365, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Water & Land,


LINDA ICHIYAMA, Chair



