

Honolulu, Hawaii

MAR 16 2023

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

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred H.B. No. 365, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to expand the list of exclusions from the definition of "development" as it applies to special management areas 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 Land and Natural Resources, Office of Planning and Sustainable Development, Maui Metropolitan Planning Organization, Office of the Mayor of the County of Maui, Department of Planning and Permitting of the City and County of Honolulu, and one member of the Maui County Council.

Your Committee finds that targeted amendments to the definition of "development" as it relates to special management areas will promote, not weaken, the environmental controls that special management area regulations are intended to protect. Under existing law, the broad definition of "development" can trigger a mandatory special management area use permit review for the installation, maintenance, and repair of minor improvements and incidental structures and for trash and vegetation removal



that do not generally warrant such intense scrutiny, which can be both costly and time consuming. Therefore, this measure establishes additional exclusions from the definition of "development" to hone and refine the existing law.

Your Committee has amended this measure by exempting "incidental ground disturbances" related to trash removal or invasive vegetation removal from the definition of "development".

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

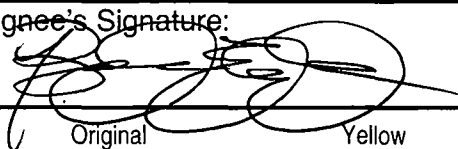
Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


LORRAINE R. INOUE, Chair



The Senate
Thirty-Second Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">HB 365, HD 1</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">WTL, JDC</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">3/13/23</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley	✓			
MCKELVEY, Angus L.K.	✓			
FEVELLA, Kurt				✓
TOTAL	4	0	0	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; text-align: center;">  </div>				
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> Distribution: File with Committee Report </div> <div style="text-align: center;"> Original Yellow Clerk's Office </div> <div style="text-align: center;"> Pink Drafting Agency </div> <div style="text-align: center;"> Goldenrod Committee File Copy </div> </div>				

*Only one measure per Record of Votes