

STAND. COM. REP. NO. 143

Honolulu, Hawaii

FEB 10 2023

RE: S.B. No. 1095
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 S.B. No. 1095 entitled:

"A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to add to the list of exceptions from the special management area definition of "development" certain activities related to pedestrian and bicycle facilities, trash removal, invasive vegetation control, fencing for invasive species control and native habitat preservation, access devices and utilities, and lighting fixtures at existing public recreation facilities.

Your Committee received testimony in support of this measure from the Office of Planning and Sustainable Development, University of Hawai'i System, and one individual.

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. Currently, the broad definition of "development" can result in a special management area use permit review being required for improvements, facilities, and incidental structures that may not warrant such intense scrutiny nor the economic burdens of the rising costs of labor, building materials, and



delays that go along with it. Therefore, this measure adds to the list of exceptions from the special management area definition of "development" certain activities related to pedestrian and bicycle facilities, trash removal, invasive vegetation control, fencing for invasive species control and native habitat preservation, access devices and utilities, and lighting fixtures at existing public recreation facilities.

Your Committee has amended this measure by:

- (1) Removing the addition of improvements; construction of pedestrian and bicycle facilities; the placement of barriers for the control of vehicle movement; and removal of fences, walls, or barriers and replacement with gates or other access devices and associated minor improvements for inspection and maintenance of utilities from the list of excepted activities in the definition of "development" within special management areas;
- (2) Specifying that the exception for the installation, maintenance, repair, and replacement of existing lighting, fixtures, and equipment to establish compliance with current standards applies to existing public facilities, not just recreation facilities;
- (3) Adding Hawaiian traditional and customary practices to the list of excepted activities;
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 1095, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1095, S.D. 1, and be referred to your Committee on Judiciary.



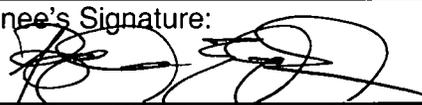
Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


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.:* SB 1095	Committee Referral: WTL, JDC	Date: 02/06/2023		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley	✓			
MCKELVEY, Angus L.K.	✓			
FEVELLA, Kurt	✓			
TOTAL	5	ϕ	ϕ	ϕ
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes