

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 507
S.D. 1

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

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 507 entitled:

"A BILL FOR AN ACT RELATING TO WETLAND PRESERVATION,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Add definitions for "floodway", "natural stormwater infrastructure", and "wetlands" to section 343-2, Hawaii Revised Statutes;
- (2) Require a proposed housing project of the Hawaii Housing Finance and Development Corporation that is exempt from all statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, and construction standards to ensure that the proposed project does not impact wetlands or natural stormwater infrastructure; and
- (3) Require an environmental assessment for actions under the environmental impact statements law that propose any development that would impact wetlands or natural stormwater infrastructure.

Your Committees received testimony in support of this measure from The Nature Conservancy, Wild Kids, and three individuals.



Your Committees received testimony in opposition to this measure from the Office of the Governor and Hawai'i YIMBY. Your Committees received comments on this measure from the Department of Health, Hawaii Housing Finance and Development Corporation, Office of Planning and Sustainable Development, State Environmental Advisory Council, and Grassroot Institute of Hawaii.

Your Committees find that wetlands are some of the most productive and biodiverse habitats on the planet. Wetlands protect beaches against erosion, recharge aquifers, provide flood alleviation, support endangered species, and sequester carbon. Your Committees further find that the destruction of wetlands and waterways is a major concern because development in these areas leads to excessive flooding and inhibits the natural processes that filter sediments and nutrients from stormwater runoff before reaching coral reefs. This measure will establish an ahupuaa-based protection of wetlands and watersheds, and protect natural stormwater infrastructure.

Your Committees have amended this measure by:

- (1) Specifying that the definition of "wetlands" does not apply for the purposes of chapter 342D, Hawaii Revised Statutes;
- (2) Specifying that the development of exempt proposed housing projects shall not have a significant adverse impact on wetlands or natural stormwater infrastructure as defined in section 343-2, Hawaii Revised Statutes;
- (3) Amending section 1 to reflect its amended purpose;
- (4) Inserting an effective date of March 22, 2075, to encourage further discussion; and
- (5) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 507, as amended herein, and recommend that it



pass Third Reading in the form attached hereto as S.B. No. 507,
S.D. 1.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Ways and Means,


DONOVAN M. DELA CRUZ, Chair


KARL RHOADS, Chair

The Senate
 Thirty-Second Legislature
 State of Hawai'i

**Record of Votes
 Committee on Judiciary
 JDC**

Bill / Resolution No.:* SB 507	Committee Referral: AEN/WTL, JDC/WAM	Date: 3/1/23
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
TOTAL	5	—	—	—

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:



Distribution:

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*Only one measure per Record of Votes

The Senate
Thirty-Second Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 507	Committee Referral: AEN/WTL, JDC/WAM	Date: 3/1/23		
<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
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
AQUINO, Henry J.C.	X			
DECOITE, Lynn	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
KIM, Donna Mercado	X			
LEE, Chris	X			
MORIWAKI, Sharon Y.	X			
SHIMABUKURO, Maile S.L.	X			
WAKAI, Glenn	X			
FEVELLA, Kurt		X		
TOTAL	12	1		
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
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