

Honolulu, Hawaii

APR 08 2011

RE: H.B. No. 117
H.D. 2
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committees on Water, Land, and Housing and Energy and Environment, to which was referred H.B. No. 117, H.D. 2, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to expedite and facilitate work on projects that have been or may be stalled due to delays relating to Special Management Area permitting requirements.

Your Committees received testimony in support of this measure from City and County of Honolulu, Department of Planning and Permitting; County of Maui, Department of Planning; County of Kauai, Planning Department; Hawaii Association of REALTORS Livit Callentine; and Nancy McPherson. Your Committees received testimony in opposition to this measure from the Office of Environmental Quality Control, Department of Health; Office of Hawaiian Affairs; Sierra Club Hawai'i Chapter; Hawaiian Electric Company, Inc.; Hawaii's Thousand Friends; Thorne Abbott; Robert Harris; Marjorie Erway; Carol Philips; Robin Kaye; Pauline MacNeil; Duane Erway; Carl Imperato; Chris Cramer; and Jonathan Starr. Your Committees received comments on this measure from the Office of Planning; Department of Business, Economic Development, and Tourism; and Robin Knox.

Your Committees find that the costs of purchasing and importing construction materials, along with the costs of labor,



have risen at a rate that has increased overall costs of projects that in the past may have been viewed as unsubstantial or minor. Your Committees recommend adopting a bright line criterion that reflects current market costs to determine whether a Special Management Area minor permit or a Special Management Area use permit is required to expedite the permitting process.

Your Committees further find that the construction of ocean front single-family residences poses a significant threat to coastal environments. Currently, construction of ocean front single-family residences is exempt from the Special Management Area permitting requirements, even though construction of an ocean front single-family residence could have an immediate and irreversible impact on the coastal environment.

Accordingly, your Committees have amended this measure by:

- (1) Adding language to expedite and facilitate work on land and facilities under the jurisdiction of the Department of Land and Natural Resources;
- (2) Requiring a "development" to hold Special Management Area permit for the construction of a single-family residence that is situated on a tax map key parcel that is subject to a shoreline setback;
- (3) Amending the definitions of "special management area minor permit" and "special management area use permit" to reflect current market costs in a value not to exceed \$500,000 and increase governmental efficiencies;
- (4) Requiring adequate notice to the public of developments in the Special Management Area and defining "adequate notice" to require certain types of signage; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

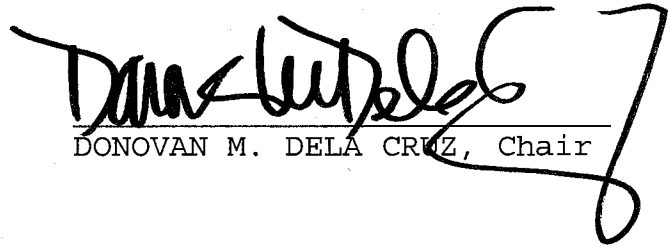
As affirmed by the records of votes of the members of your Committees on Water, Land, and Housing and Energy and Environment that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 117, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 117, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committees on Water, Land, and
Housing and Energy and
Environment,



MIKE GABBARD, Chair



DONOVAN M. DELA CRUZ, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Energy and Environment
ENE

Bill / Resolution No.:* HB 117, HD2	Committee Referral: WLH/ENE	Date: 7 April 2011		
<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
GABBARD, Mike (C)	/			
ENGLISH, J. Kalani (VC)		/		
GREEN, M.D., Josh		/		/
IHARA, Jr., Les		/		
SLOM, Sam				/
TOTAL	1	2		2
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