

STAND. COM. REP. NO.

1617

Honolulu, Hawaii

April 5, 2013

RE: S.B. No. 1207
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred S.B. No. 1207, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

begs leave to report as follows:

The purpose of this measure is to enable the Harbors Division of the Department of Transportation to implement needed state harbor projects by exempting all work involving submerged lands used for state commercial harbors purposes from permitting and site plan approval requirements applicable to lands in a conservation district.

Your Committee received testimony in support of this measure from the Department of Transportation. The Office of Hawaiian Affairs, Country Talk Story, and several individuals submitted testimony in opposition to this measure. The Building Industry Association of Hawaii and one individual submitted comments.

Your Committee has amended this measure by:

- (1) Clarifying that the exemption from permitting and site plan approval requirements applies only in contexts where those permitting and approval requirements overlap with other state or federal environmental regulatory requirements;

SB1207 HD2 HSCR WAL HMS 2013-3138



- (2) Clarifying that the exemption applies only to maintenance work to rehabilitate and upgrade the existing state harbor system, and not to submerged lands that are not currently part of that system; and
- (3) Changing its effective date to July 1, 2020, to encourage further discussion.

Your Committee finds that the Department of Land and Natural Resources is consulted and has the opportunity to comment on existing Department of Transportation commercial harbors projects or actions through existing agency consultation processes associated with various state and federal regulatory requirements applicable to conservation lands and resources including the environmental review process pursuant to Chapter 343, Hawaii Revised Statutes, and federal regulations for projects involving the United States Army Corps of Engineers.

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 S.B. No. 1207, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1207, H.D. 2.

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


CINDY EVANS, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

HSCR 1617

Record of Votes of the Committee on Water & Land

Bill/Resolution No.: SB 1207, HD1 (HSCR 1146)	Committee Referral: TRN, WAL	Date: 4/3/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WAL Members	Ayes	Ayes (WR)	Nays	Excused
1. EVANS, Cindy (C)	✓			
2. LOWEN, Nicole E. (VC)			✓	
3. COFFMAN, Denny	✓			
4. CULLEN, Ty J.K.	✓			
5. HANOHANO, Faye P.		✓		
6. KAWAKAMI, Derek S.K.	✓			
7. LEE, Chris				✓
8. FALE, Richard Lee	✓			
9. THIELEN, Cynthia			✓	
TOTAL (9)	5	1	2	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>Nicole E. Lowen</i></u>				
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