

STAND. COM. REP. NO.

1265

Honolulu, Hawaii

MAR 20 2019

RE: H.B. No. 549
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committees on Agriculture and Environment and Water and Land, to which was referred H.B. No. 549, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE ENVIRONMENT,"

beg leave to report as follows:

The purpose and intent of this measure is to amend chapter 205A, Hawaii Revised Statutes, to strengthen state policies to reduce residential exposure to coastal hazards, protect state beaches, and update statutory language for consistency.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; City and County of Honolulu Office of Climate Change, Sustainability and Resiliency; Environmental Caucus of the Democratic Party of Hawai'i; IMUAlliance; Sierra Club of Hawai'i; and twenty-three individuals. Your Committees received testimony in opposition to this measure from the Chamber of Commerce Hawaii and Building Industry Association of Hawaii. Your Committees received comments on this measure from the Office of Planning and County of Kaua'i Department of Planning.

Your Committees find that the existing coastal zone management policies and regulations, with respect to the protection of beaches, beach access, and beach ecosystems, are inadequate to address present-day concerns, including sea level



rise and other natural and human impacts. Your Committees further find that existing policies and regulations need to be updated to reconcile development along dynamic beach systems while protecting the natural environment. Your Committees also find that state coastal zone management policies should be strengthened to conserve beaches for present and future generations while reducing hazard exposure to shorefront communities.

Your Committees have amended this measure by:

- (1) Defining the term "beach";
- (2) Defining the term "coastal hazards" to include sea level rise, and substituting that term where appropriate;
- (3) Updating objectives of the coastal zone management program relating to beach protection and policies of the coastal zone management program relating to recreational resources, economic uses, coastal hazards, and beach protection;
- (4) Specifying that "development", for purposes of special management areas, does not include construction or reconstruction of a single-family residence that is not situated on a parcel that is impacted by waves, storm surges, high tide, or shoreline erosion;
- (5) Deleting the provision that made section 205A-29, Hawaii Revised Statutes, inapplicable to permits for uses within the conservation district;
- (6) Amending the conditions that must be met in order for a county planning commission or county council to:
 - (A) Waive the public hearing requirement prior to action on a shoreline setback variance application for protection of a legal structure or public facility; and
 - (B) Grant a shoreline setback variance for certain private facilities or improvements;



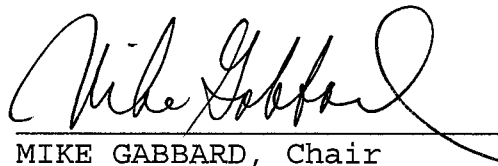
- (7) Deleting language that would have excepted the inadvertent taking from the shoreline area of certain materials from the prohibition on mining or taking of certain items from the shoreline area;
- (8) Making it effective on July 1, 2019; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 549, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 549, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

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



KAIALANI KAHLE, Chair

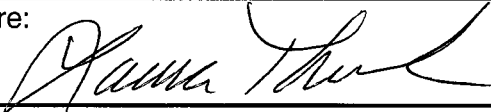


MIKE GABBARD, Chair



The Senate
Thirtieth Legislature
State of Hawai'i


Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:*	Committee Referral:	Date:		
HB549, HD1	AEN/WTL, DOC/WAM	03.15.2019		
<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)	X			
RUDERMAN, Russell E. (VC)				X
RHOADS, Karl	X			
THIELEN, Laura H.	X			
FEVELLA, Kurt				X
TOTAL	3			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

The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* HB5049, HD1	Committee Referral: AEN/WTL, JDC/WAM	Date: 3/15/2019		
<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
KAHELE, Kaiali'i (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)				X
NISHIHARA, Clarence K.	X			
RIVIERE, Gil	X			
FEVELLA, Kurt				X
TOTAL	3	0	0	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				

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