

Honolulu, Hawaii

MAR 01 2019

RE: S.B. No. 393

S.D. 1

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

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 393 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 ensure that coastal zone management and planning acknowledge and mitigate the effects of sea level rise.

Specifically, the measure:

- (1) Amends coastal zone management laws to further protect against the impacts of sea level rise and coastal erosion;
- (2) Requires new developments to plan for the impacts of projected sea level rise; and
- (3) Prohibits development in areas significantly affected by projected sea level rise.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources; Aha Moku Advisory Committee; IMUAlliance; Sierra Club of Hawaii; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii; and one individual.



Your Committee received written comments in opposition to this measure from the Hawaiian Electric Company, Inc.

Your Committee received written comments on this measure from the Office of Planning and one individual.

Your Committee finds that this measure improves the State's coastal zone management laws in anticipation of sea level rise, a matter of significant public concern.

Your Committee has amended this measure by:

- (1) Deleting a provision that reduced the cost threshold for special management area use permits and special management area minor permits;
- (2) Deleting from the special management area use permit procedure a provision exempting any permits for uses within the state conservation district;
- (3) Deleting the word "temporary" from a reference to protected legal structures for which a public hearing regarding a variance application may be waived;
- (4) Including facilities owned by a public utility regulated pursuant to chapter 269, Hawaii Revised Statutes, as protected legal structures for which a public hearing regarding a variance may be waived;
- (5) Restoring county authority to grant discretionary variances for private facilities or improvements within the shoreline area, while also restricting new shoreline hardening structures;
- (6) Adding a definition for the term "coastal hazards" to chapter 205A, Hawaii Revised Statutes, and making conforming amendments to statutes using this term;
- (7) Changing the term "replacement" to "restoration" in reference to coastal resources;

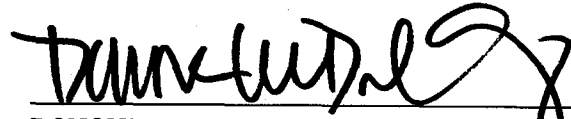


- (8) Changing the term "civil defense" to "emergency management";
- (9) Prohibiting the construction of private, and minimizing the construction of public, shoreline hardening structures at sites with sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities;
- (10) Specifying that the "beach protection" objective of the coastal zone management program includes avoiding grading of and damage to coastal dunes;
- (11) Restoring as part of the "beach protection" objectives of the coastal zone management program certain prohibitions against private property owners creating public nuisances involving vegetation;
- (12) Requiring that construction or reconstruction of a single-family residence must not be situated on a parcel impacted by waves, storm surges, high tide, or shoreline erosion, in order to be exempt from the definition of "development" in the State's coastal zone management plan;
- (13) Deleting a provision that amended section 205A-44(a), Hawaii Revised Statutes, which would have deleted the prohibition exception for the inadvertent taking of sand or other marine deposits from a shoreline area;
- (14) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (15) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 393, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 393, S.D. 1.




Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,


DONOVAN M. DELA CRUZ, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>SB393</i>	<i>REN/WTL, WAM</i>	<i>2/19/19</i>		
<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			
ENGLISH, J. Kalani				X
HARIMOTO, Breene				X
INOUYE, Lorraine R.	X			
KAHELE, Kaiali'i				X
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
MORIWAKI, Sharon Y.	X			
RIVIERE, Gil	X			
SHIMABUKURO, Maile S.L.				X
TANIGUCHI, Brian T.				X
FEVELLA, Kurt	X			
TOTAL	8			5
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