

Honolulu, Hawaii

April 28, 2011

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

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

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

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 117, H.D. 2, S.D. 2, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to prudently facilitate development in Special Management Areas by:

- (1) Expediting and facilitating work on construction projects by allowing the Board of Land and Natural Resources (BLNR)--regardless of Part II of Chapter 205A, Hawaii Revised Statutes--to plan, design, construct, operate, and maintain any lands or facilities under its jurisdiction without the need to obtain a Special Management Area Minor Permit or Special Management Area Use Permit;



- (2) Amending the definition of "development" under the Special Management Areas law to exclude:
  - (A) Construction of a single-family residence that is not part of a larger development, as long as a single-family residence that is situated on a Tax Map Key parcel that is subject to a shoreline setback is included within the definition of "development"; and
  - (B) Preliminary or tentative subdivision approval;
- (3) Amending the definition of "Special Management Area Minor Permit" to mean an action by the applicable county authority authorizing development the valuation of which does not exceed \$500,000 and which has no substantial adverse environmental or ecological effect, taking into consideration potential cumulative effects;
- (4) Amending the definition of "Special Management Area Major Use Permit" to mean an action by the applicable county authority authorizing development the valuation of which exceeds \$500,000 or which may have a substantial adverse environmental or ecological effect, taking into consideration potential cumulative effects;
- (5) Allowing an agency authorized to issue permits pertaining to any development within the Special Management Area to authorize any development in accordance with the procedures adopted pursuant to the Special Management Areas law; and
- (6) Making it a violation of Special Management Area guidelines for the applicable county authority to approve a development unless the authority has provided adequate notice to the public.

After careful consideration, your Committee on Conference has amended this bill by:

- (1) Allowing BLNR--regardless of Part II of Chapter 205A, Hawaii Revised Statutes--to plan, design, construct, operate, and maintain any lands or facilities under the jurisdiction of the Division of Boating and Ocean Recreation of the Department of Land and Natural Resources without the need to obtain a Special Management Area Minor Permit or Special Management Area Use Permit;



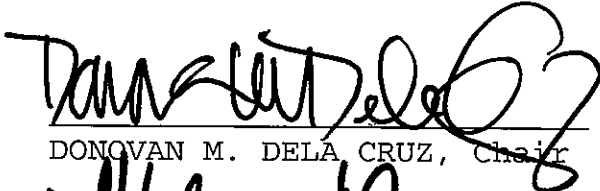
- (2) Amending the definition of "development" under the Special Management Areas law to exclude:
  - (A) Construction or reconstruction of a single-family residence that is less than 7,500 square feet of floor area and is not part of a larger development; and
  - (B) Final subdivision approval;
- (3) Changing the name of the "Special Management Area Major Use Permit" back to the "Special Management Area Use Permit";
- (4) Removing the provisions allowing an agency authorized to issue permits pertaining to any development within the Special Management Area to authorize any development in accordance with the procedures adopted pursuant to the Special Management Areas law;
- (5) Removing the provisions making it a violation of Special Management Area guidelines for the applicable county authority to approve a development unless the authority has provided adequate notice to the public;
- (6) Changing its effective date to July 1, 2011; and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 117, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 117, H.D. 2, S.D. 2, C.D. 1.

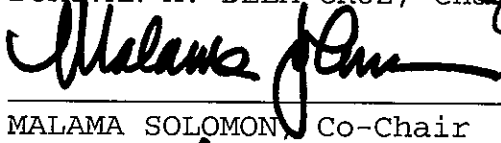


Respectfully submitted on behalf  
of the managers:

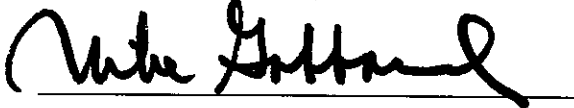
ON THE PART OF THE SENATE



DONGVAN M. DELA CRUZ, Chair

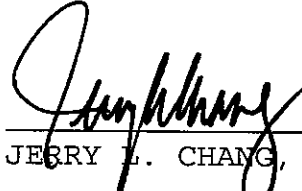


MALAMA SOLOMON, Co-Chair

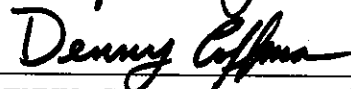


MIKE GABBARD, Co-Chair

ON THE PART OF THE HOUSE



JERRY L. CHANG, Co-Chair



DENNY COFFMAN, Co-Chair



GILBERT KEITH-AGARAN, Co-Chair



