

Honolulu, Hawaii

March 23, 2012

RE: S.B. No. 2305
S.D. 2
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred
S.B. No. 2305, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO OCEAN RESOURCES,"

begs leave to report as follows:

The purpose of this measure is to prohibit the taking of any amount of sand or other marine deposits seaward from the shoreline, but to allow for exemptions for inadvertent, de minimis takings; the taking of driftwood, shells, beach glass, glass floats, or seaweed; and taking for public emergencies and traditional cultural practices.

Several concerned individuals supported the measure. The Office of Hawaiian Affairs supported the measure with amendments. A concerned individual opposed this measure.

Your Committee has amended this measure by:

- (1) Clarifying that the exemption for materials inadvertently taken, such as those carried away on the body, clothes, toys, recreational equipment, and bags, shall be limited to amounts not to exceed one gallon per person per day;



- (2) Adding the contents of H.B. No. 2820, H.D. 3, which helps to preserve Hawaiian fishponds by, among other things:
 - (A) Requiring the Board of Land and Natural Resources to give preference to the retention of the traditional name of a kanaka maoli fishpond when issuing certain leases for public land;
 - (B) Requiring the Board of Land and Natural Resources to provide preferences for the reconstruction, restoration, repair, or use of Hawaiian fishponds when issuing leases for state land;
 - (C) Prohibiting the granting of a lease for public land containing an existing Hawaiian fishpond or the site of an identifiable historic Hawaiian fishpond if the terms of the lease preclude or foreclose the reconstruction, restoration, repair, or use of the fishpond or site; and
 - (D) Requiring the Department of Land and Natural Resources to establish the East Honolulu Fishpond Heritage Area to preserve existing Hawaiian fishponds and traditional fishpond structures, fish and plant habitats, and the customary and traditional uses of fishponds in the fishpond heritage area;
- (3) Adding a severability clause; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2305, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2305, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Hawaiian Affairs,



FAYE HANOHANO, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

H SCR 1255-12

Record of Votes of the Committee on Hawaiian Affairs

Bill/Resolution No.: SB 2305, SD2	Committee Referral: HAW, JUD	Date: 3/21/12		
<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)				
HAW Members	Ayes	Ayes (WR)	Nays	Excused
1. HANOHANO, Faye P. (C)	✓			
2. LEE, Chris (VC)	✓			
3. BELATTI, Della Au				✓
4. JORDAN, Jo				✓
5. MIZUNO, John M.	✓			
6. MORIKAWA, Dee	✓			
7. WOOLEY, Jessica	✓			
8. YAMANE, Ryan I.	✓			
9. PINE, Kymberly Marcos	✓			✗ cl
10. WARD, Gene	✓			
TOTAL (10)	8			2
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: _____ 				
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