

Honolulu, Hawaii

February 20, 2015

RE: H.B. No. 872

H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 872 entitled:

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

begs leave to report as follows:

The purpose of this measure is to protect Hawaii's beaches by amending the State's water pollution law to permit the use of naturally occurring and locally sourced beach sand for beach restoration and erosion mitigation purposes.

The Hawaii Shore and Beach Preservation Association submitted testimony supporting this measure. The Department of Health opposed this measure. The Department of Land and Natural Resources submitted comments.

Your Committee finds that Hawaii's beaches are being lost at an alarming rate due to natural erosion and human impacts. However, beach loss mitigation activities have been hampered by state water quality laws under Chapter 342D, Hawaii Revised Statutes, that treat clean, locally sourced beach sand as a water pollutant. This measure excludes natural and local beach sand used in beach restoration and erosion mitigation efforts from the definition of "water pollutant".

Your Committee respectfully requests the Committees on Ocean, Marine Resources, & Hawaiian Affairs and Water & Land to consider the concerns raised by the Department of Health and consult with



the Attorney General to assess the legal viability of this measure's implementation, given the potential conflict with the requirements of the Federal Clean Water Act.

Your Committee has amended this measure by changing the effective date to January 1, 2050, to encourage further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 872, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 872, H.D. 1, and be referred to the Committees on Ocean, Marine Resources, & Hawaiian Affairs and Water & Land.

Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,



CHRIS LEE, Chair



State of Hawaii
House of Representatives
The Twenty-eighth Legislature

HSCR 402

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: HB 872	Committee Referral: EEP, OMH/WAL	Date: 2/17/15		
<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)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	✓			
2. LOWEN, Nicole E. (VC)	✓			
3. CULLEN, Ty J.K.	✓			
4. EVANS, Cindy	✓			
5. ING, Kaniela				/
6. NISHIMOTO, Scott Y.	✓			
7. SAY, Calvin K.Y.	✓			
8. YAMANE, Ryan I.	✓			
9. POUHA, Feki				/
10. THIELEN, Cynthia	✓			
TOTAL (10)	8	0	0	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: 10pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>Nicole E. Lowen</i></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				