

STAND. COM. REP. NO. 2709

Honolulu, Hawaii

FEB 14 2020

RE: S.B. No. 2756
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committees on Water and Land and Agriculture and Environment, to which was referred S.B. No. 2756 entitled:

"A BILL FOR AN ACT RELATING TO WATER QUALITY,"

beg leave to report as follows:

The purpose and intent of this measure is to waive the requirement for section 401 water quality certification for certain small scale beach restoration projects authorized by the Department of Land and Natural Resources without limiting or impeding state environmental controls on water pollution.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Department of Health, Hawaii Shore and Beach Preservation Association, Waikiki Beach Special Improvement District Association, and two individuals.

Your Committees find that Hawaii is losing its beaches at an alarming rate due to chronic beach erosion, sediment deficiencies, sea-level rise, and shoreline armoring. Your Committees find that burdensome regulations and permit requirements for the beach restoration and maintenance projects discourage and prevent individuals, community organizations, and government agencies from initiating beach restoration projects. Further, restoration of Hawaii beaches using appropriate carbonate sands may require permits and certifications from the Department of Land and Natural



Resources, Department of Health, Office of Planning, and various federal and county agencies. This permit process may be prohibitively time-consuming, complicated, costly, and inconsistent across agencies. Additionally, uncertain permit approval timeframes; related costs; and requirements from eight separate state, county, and federal authorizations result in potential carbonate sand users opting to instead use shoreline armoring to mitigate erosion. Your Committees find that waiving the requirement of a water quality certification will streamline the process for beach restoration projects.

Your Committees have amended this measure by:

- (1) Incorporating the proposal made by the Department of Health to clarify that the Department of Health shall not require a section 401 quality certification for certain beach restoration programs; and
- (2) 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 Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2756, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2756, S.D. 1, and be referred to your Committee on Judiciary.

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



MIKE GABBARD, Chair



KAIA'I KAHELE, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

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|--|---|------------------------|------------|----------------|
| Bill / Resolution No.:* SB 2756 | Committee Referral: WTLAEN, JDC | Date: 2/7/20 | | |
| <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 | | | |
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| 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 | | | | |

*Only one measure per Record of Votes

The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Agriculture and Environment
AEN

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|--|--|----------------------------|------------|----------------|
| Bill / Resolution No.:* <i>SB 2756</i> | Committee Referral: <i>WTL/AEN, JDC</i> | Date: <i>02/07/2020</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 |
| GABBARD, Mike (C) | <i>X</i> | | | |
| RUDERMAN, Russell E. (VC) | | | | <i>X</i> |
| RHOADS, Karl | <i>X</i> | | | |
| THIELEN, Laura H. | <i>X</i> | | | |
| FEVELLA, Kurt | <i>X</i> | | | |
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| TOTAL | <i>4</i> | | | <i>1</i> |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: <i>[Handwritten Signature]</i> | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | |

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