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GOVERNOR OF
HAWAII



SUZANNE D. CASE
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BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
JUDICIARY

Monday, March 31, 2022
9:30 a.m.

State Capitol, Conference Room 016 & Videoconference

In consideration of
HOUSE BILL 2006 HOUSE DRAFT 1 SENATE DRAFT 1
RELATING TO PERMITS

House Bill 2006, House Draft 1, Senate Draft 1 proposes to amend Section 171-55, Hawaii Revised Statutes (HRS), to require, for emergency permits to install sandbags, that the Board of Land and Natural Resources (Board) include as a condition on the emergency permit a requirement for the attachment of identifying information, including the permittee's contact information and the permit number, to the sandbag. **The Department of Land and Natural Resources (Department) supports the bill, and offers the following comments:**

Temporary erosion control devices with sandbag "burritos," which are large tubes of sand wrapped in fabric, have been authorized on a temporary emergency basis to address coastal erosion pursuant to Chapter 13-5, Hawaii Administrative Rules (HAR), which allows the Chairperson (Chair) of the Board to issue emergency permits when there is an imminent threat to public health or safety. This has been an important tool for the Department when addressing short-term emergencies such as floods, landslides, tsunami, and storms.

As these emergency permits are designed to be temporary in nature, in order to allow a landowner time to work on long-range solutions, in the past they have not been required to obtain a land disposition from the Board. However, today the Department requires an emergency shoreline permit holder to post a removal bond and also obtain a land disposition from the Board, such as a Right-of-Entry or Revocable Permit and pay rent pursuant to Section 171-55, HRS.

The Department is currently reviewing the rules and policies surrounding the granting of emergency permits for shoreline protection. We can begin requiring identifying tags on sandbags as a matter of practice, starting immediately.

The Department notes that we have also investigated reports of torn bags and debris that has washed up on the beach. This debris has typically come from propylene bags and other plastic materials that have not been authorized by the Department for use in the shoreline area.

Thank you for the opportunity to comment on this measure.