

Honolulu, Hawaii

February 12, 2015

RE: H.B. No. 393
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 Ocean, Marine Resources, & Hawaiian Affairs, to which was referred H.B. No. 393 entitled:

"A BILL FOR AN ACT RELATING TO HAWAIIAN FISHPONDS,"

begs leave to report as follows:

The purpose of this measure is to streamline the permitting process for restoration, repair, and maintenance of na loko i'a (Hawaiian fishponds) under the Statewide General Programmatic Permit and Programmatic Agreement while maintaining compliance with the federal Clean Water Act and other environmental protection measures.

This measure waives the requirement for a Department of Health water pollution permit for loko i'a permit applicants that have already received notice of authorization to proceed from the Department of Land and Natural Resources under the Statewide Programmatic General Permit.

The Department of Land and Natural Resources, Hui o Kuapa, Malama Loko Ea Foundation, Conservation International - Hawaii, Ka Honua Momona International, and three individuals submitted testimony in support of this measure. The Department of Health, Office of Hawaiian Affairs, and Kua'aina Ulu 'Auamo submitted comments.



Your Committee finds that the Department of Land and Natural Resources has led a coordinated effort to streamline the permitting process for na loko i'a pursuant to the Legislature's direction under Senate Resolution No. 86, S.D. 1 (2012). The result of this effort is the Statewide Programmatic General Permit and Programmatic Agreement. To date, various federal, state, and county agencies, with contributions from cultural practitioners, community members, and experts, have erected the necessary institutional infrastructure to allow for a single-application permit process that subjects an application for loko i'a activities to review by all governmental regulators required under the federal Clean Water Act and other applicable law. Your Committee finds that the statutory waiver of separate review and approval by the Department of Health is the final step necessary to fully realize the streamlined process established by the Statewide Programmatic General Permit and Programmatic Agreement.

Your Committee has amended this measure by:

- (1) Clarifying that the Department of Health's waiver shall apply to the water quality certification requirement; and
- (2) Making nonsubstantive amendments to include certain Hawaiian terms in the text of the measure.

As affirmed by the record of votes of the members of your Committee on Ocean, Marine Resources, & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 393, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 393, H.D. 1, and be referred to the Committee on Health.

Respectfully submitted on
behalf of the members of the
Committee on Ocean, Marine
Resources, & Hawaiian Affairs,


KANIELA ING, Chair



HSOR 182

State of Hawaii
House of Representatives
The Twenty-eighth Legislature

Record of Votes of the Committee on Ocean, Marine Resources, & Hawaiian Affairs

Bill/Resolution No.: HB 393	Committee Referral: OMH, HLT, FIN	Date: 2-4-15
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The committee is reconsidering its previous decision on the measure.

The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold
 Pass short form bill with HD to recommit for future public hearing (recommit)

OMH Members	Ayes	Ayes (WR)	Nays	Excused
1. ING, Kaniela (C)	✓			
2. LOWEN, Nicole E. (VC)	✓			
3. CULLEN, Ty J.K.	✓			
4. EVANS, Cindy	✓			
5. LEE, Chris	✓			
6. NISHIMOTO, Scott Y.	✓			<i>W/ 6/21</i>
7. SAY, Calvin K.Y.	✓			
8. YAMANE, Ryan I.	✓			
9. POUHA, Feki	✓			
10. THIELEN, Cynthia	✓			
TOTAL (10)	10			

The recommendation is: Adopted Not Adopted
 If joint referral, _____ did not support recommendation.
committee acronym(s)

Vice Chair's or designee's signature: *Nicole E. Low*

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