

STAND. COM. REP. NO. 1076

Honolulu, Hawaii

MAR 27 2015

RE: H.B. No. 393
H.D. 2
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committees on Hawaiian Affairs, Health, and Water and Land, to which was referred H.B. No. 393, H.D. 2, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to waive the water quality certification requirement of the Department of Health for the restoration, repair, and operation of traditional Hawaiian fishponds, or loko i'a, that have been issued a permit under the Statewide Programmatic General Permit Process administered by the Department of Land and Natural Resources.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Aha Moku Advisory Committee, Land Use Research Foundation of Hawaii, Lanai Culture and Heritage Center, Hawaiian Affairs Caucus of the Democratic Party of Hawaii, Association of Hawaiian Civic Clubs, Honua Consulting, and four individuals. Your Committees received comments on this measure from the Department of Health.

Your Committees find that this measure addresses the decade long difficulties that have been faced by people seeking to restore, repair, and operate loko i'a. Your Committees received testimony describing the difficulties that have been faced by those attempting to comply with the various permit requirements in order to restore, repair, or operate loko i'a. Further, your

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Committees received testimony from Dr. Trisha Kehaulani Watson of Honua Consulting who has been involved in the efforts to restore, repair, and operate loko i'a. In her testimony, Dr. Watson represents that the Environmental Protection Agency and the Department of the Attorney General have recognized that federal law allows for the waiver of the water quality certification process.

Your Committees have amended this measure by:

- (1) Inserting language to make it effective upon its approval; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs, Health, and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 393, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 393, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committees on Hawaiian Affairs,
Health, and Water and Land,



JOSH GREEN, Chair



MAILE S.L. SHIMABUKURO, Chair



LAURA H. THIELEN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

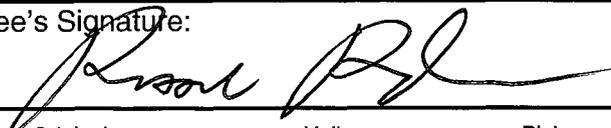
Record of Votes
Committee on Hawaiian Affairs
HWN

Bill / Resolution No.:*	Committee Referral:	Date:		
HB393 HD 2	HWN/HTH/WTL, JDL	03/20/2015		
<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
SHIMABUKURO, Maile S.L. (C)	✓			
GALUTERIA, Brickwood (VC)	✓			
INOUYE, Lorraine R.	✓			✓
KAHELE, Gilbert				✓
SLOM, Sam				✓
TOTAL	3			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 393, HD2	HWN/HTH/WTL, JDL	3/20/15		
<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
GREEN, Josh (C)	X			
WAKAI, Glenn (VC)				X
BAKER, Rosalyn H.	X			
GABBARD, Mike	X			
RIVIERE, Gil				X
RUDERMAN, Russell E.	X			
SLOM, Sam				X
TOTAL	4	0	0	3
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

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