



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2017**

ON THE FOLLOWING MEASURE:

H.B. NO. 119 H.D. 1, RELATING TO MARINE RESOURCES.

BEFORE THE:

HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

DATE: Tuesday, February 14, 2017 **TIME:** 8:30 a.m.

LOCATION: State Capitol, Room 312

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Edward Bohlen, Deputy Attorney General

Chair Ing and Members of the Committee:

The Attorney General provides the following comments on this measure.

The bill proposes to exclude sand from the definition of "water pollutant" under state law when the sand is "naturally occurring" and "utilized on the adjoining beach or littoral cell for the purposes of beach erosion mitigation, sediment management, beach restoration, erosion control, or dune restoration." Page 3, lines 12 – 19.

Sand is defined as a "water pollutant" under the federal Clean Water Act (CWA), section 502(6), and Hawaii water pollution law, section 342D-1, Hawaii Revised Statutes. Under the CWA, section 510, state standards and limits may be more stringent than the CWA but may not be less stringent. This bill would appear to make Hawaii law less stringent than the CWA. If Hawaii law is less stringent than the federal law, that may cause the United States Environmental Protection Agency to withdraw its delegation of authority to Hawaii under the National Pollutant Discharge Elimination System that has been in place since 1974.

Thank you for the opportunity to testify on this matter.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 12, 2017 10:30 PM
To: omhtestimony
Cc: hanapaaj@hotmail.com
Subject: *Submitted testimony for HB119 on Feb 14, 2017 08:30AM*

HB119

Submitted on: 2/12/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Hori, DDS	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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MARINE AND COASTAL ZONE ADVOCACY COUNCIL

KE KAHU O NA KUMU WAI

COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

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Rep. Cedric Asuega Gates, Vice Chair

Rep. Richard P. Creagan Rep. Gregg Takayama

Rep. Lynn DeCoite Rep. Cynthia Thielen

Rep. Matthew S. LoPresti

NOTICE OF HEARING

DATE: Tuesday, February 14, 2017

TIME: 830 a.m.

PLACE: Conference Room 312

TESTIMONY OF JAMES E. COON SPEAKING IN SUPPORT OF HB 119, HD1

Aloha Chair Ing, Vice Chair Gates, Members of the OMH Committee:

My name is James Coon. I have served as a Council Member of Ke Kahu O Na Kumu Wai (Marine and Coastal Zone Advocacy Council) since its inception in 2001. I speak in support of HB 119, HD1.

MACZAC has advocated for beach erosion mitigation. This legislation will have no negative impact on water quality and could greatly reduce the impact of sea level rise erosion on our shorelines by facilitating the use of local sand. This concept is also supported in the Ocean Resources Management Plan (ORMP) where I serve on the working group.

However, I feel this bill is still too restrictive and suggest that on Page 3 line 16 the intent be expanded to include other eroded beaches on the same island. Possible to read: (2) Utilized on [the adjoining] any eroded beach or littoral cell, on the same island, for the purpose of.....restoration."

This proposed legislation helps facilitate that goal. Please pass HB 191, HD1.

Sincerely,



James E. Coon, MACZAC Legislative Committee

808-870-9115 captcoon@gmail.com

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 10, 2017 9:11 PM
To: omhtestimony
Cc: rnvfishing@gmail.com
Subject: Submitted testimony for HB119 on Feb 14, 2017 08:30AM

HB119

Submitted on: 2/10/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Roy N Morioka	Individual	Comments Only	No

Comments: Good Morning Chair Ing, Vice Chair Gates and Members of the House Committee on OMH: Isolating local sand from the definition of a pollutant is inconsiderate of other "pollutants" affecting nearshore state assets and properties from erosion and activities associated with the facilities. The seawall protecting the parking area and boat ramp area at Maunalua Bay (aka Hawaii Kai) smallboat ramp is suffering and soon more costly correction measures will be required. When the seawall falls especially when there are extra high tides associated with the full and new moon phases and south winds, the erosion effects will accelerate and locally secured sand will not help mitigate the problem. The State's Clean Water Act provisions must provide the department with exceptions when greater or catastrophic destruction can occur that will result in extraordinary costs to the state. Thank you for your consideration and the opportunity to provide comments. Respectfully, Roy Morioka

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Cc: mjellings@hawaii.rr.com
Subject: Submitted testimony for HB119 on Feb 14, 2017 08:30AM

HB119

Submitted on: 2/10/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Carl M Jellings Sr	Individual	Support	No

Comments: Strong Support

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