

STAND. COM. REP. NO.

1853

Honolulu, Hawaii

APR 09 , 2021

RE: S.B. No. 367
S.D. 2
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 367, S.D. 2, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to waive the federal Clean Water Act's requirement for section 401 water quality certification for certain small-scale beach restoration projects authorized by the Department of Land and Natural Resources.

Your Committee received testimony in support of this measure from the Department of Health, Department of Land and Natural Resources, Mayor of the County of Maui, Hawai'i Shore and Beach Preservation Association, Waikiki Beach Special Improvement District Association, and one individual. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that Hawaii is losing its beaches at an alarming rate due to chronic beach erosion, sediment deficiencies, sea-level rise, and shoreline armoring. Your Committee further finds that while the Department of Land and Natural Resources promotes adaptive ecosystem-based management approaches to mitigate erosion and beach loss, these restoration and maintenance activities must be authorized in a streamlined manner and on a

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recurring basis to be effective. Waiving the section 401 water quality certification requirement for small-scale beach restoration permit applicants that have met the regulations and qualifying criteria needed to receive a notice of authorization to proceed from the Department will ensure that the program functions efficiently and responsibly.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 367, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 367, S.D. 2, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: <i>SB 367, SD2, HD1</i>	Committee Referral: <i>EEP/WAL, JHA</i>	Date: <i>3-30-21</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris				✓
11. TOKIOKA, James Kunane	✓			
12. WARD, Gene	✓			
TOTAL (12)	11	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; font-size:small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <i>[Signature]</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				