

Honolulu, Hawaii

March 23, 2012

RE: S.B. No. 2782
S.D. 2
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Water, Land, & Ocean Resources and Energy & Environmental Protection, to which was referred S.B. No. 2782, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION,"

beg leave to report as follows:

The purpose of this measure, as received by your Committees, is to appropriate funds to the Department of Land and Natural Resources for watershed protection.

For the purposes of a public hearing on this measure, your Committees circulated Proposed S.B. No. 2782, S.D. 2, H.D. 1 and notified the public that it would be accepting testimony on the proposal, which:

- (1) Appropriates funds to the Department of Land and Natural Resources for watershed protection; and
- (2) Statutorily establishes the Division of Aquatic Resources under the Department of Land and Natural Resources.

The Office of Hawaiian Affairs, the Board and Water Supply of the City and County of Honolulu, the Department of Water of the County of Kauai, an individual member of the County Council of the County of Maui, the Coordinating Group on Alien Pest Species, and



several individuals supported this measure as received by your Committees. The Hawaii Hunting Association, the Mauna Kea Recreational Users Group, and several individuals opposed this measure as received by your Committees. Alexander & Baldwin, Inc.; the Hawaii Green Growth Initiative; The Nature Conservancy; The Three Mountain Alliance; and an individual commented on the measure as received by your Committees.

The Governor; the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Hawaii Nearshore Fishermen; and several individuals supported the proposed draft. The Department of Land and Natural Resources commented on the proposed draft.

Your Committees adopted the proposed draft and amended it by:

- (1) Requiring that any new fences constructed with funds from the appropriation made to the Department of Land and Natural Resources in accordance with watershed management plans shall be constructed on state land only and funds used for maintenance of fences shall be for fences on state land only;
- (2) Requiring that private land owners reimburse the Department of Land and Natural Resources for any funds appropriated to the watershed management plans which are used for private lands; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committees recognize that there are traditional and customary rights provided to Hawaii's indigenous people pursuant to article XII, section 7 of the Hawaii State Constitution; section 1-1, Hawaii Revised Statutes; and the holding in *Public Access Shoreline Hawaii v. Hawaii County Planning Commission*, 79 Haw. 425 (1995), and to the extent that any part of the watershed management plan impedes upon any of these rights, your Committees find that those parts of the watershed management plan shall be void. Your Committees further recognize that while the watershed management plan allows the Department of Land and Natural Resources to be exempt from the environmental impact statement law, codified in Chapter 343, Hawaii Revised Statutes, the Department of Land and Natural Resources shall follow all other environmental laws, including but not limited to Coastal Zone Management and the Endangered Species Act.

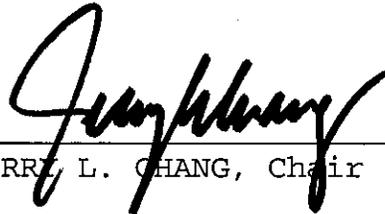


As affirmed by the records of votes of the members of your Committees on Water, Land, & Ocean Resources and Energy & Environmental Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2782, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2782, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committees on Water, Land, &
Ocean Resources and Energy &
Environmental Protection,



DENNY COFFMAN, Chair



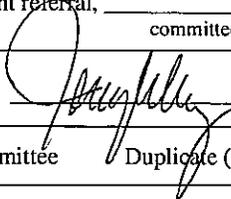
JERRY L. CHANG, Chair



HSR 1306-12

State of Hawaii
House of Representatives
The Twenty-sixth Legislature

Record of Votes of the Committee on Water, Land, & Ocean Resources

Bill/Resolution No.: SB 2782, SD 2	Committee Referral: WLO/EEP, FIN	Date: 3/22/12		
<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)				
WLO Members	Ayes	Ayes (WR)	Nays	Excused
1. CHANG, Jerry L. (C)	X			
2. HAR, Sharon E. (VC)	X			
3. CABANILLA, Rida T.R.				X
4. CARROLL, Mele				X
5. COFFMAN, Denny	X			
6. HERKES, Robert N.				X
7. ITO, Ken	X			
8. KAWAKAMI, Derek S.K.	X			
9. NAKASHIMA, Mark M.	X			
10. RIVIERE, Gil	X			
11. THIELEN, Cynthia	X			
TOTAL (11)	8			3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				

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State of Hawaii
House of Representatives
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Record of Votes of the Committee on Energy & Environmental Protection

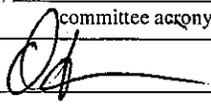
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 Pass short form bill with HD to recommit for future public hearing (recommit)

EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. COFFMAN, Denny (C)	✓			
2. KAWAKAMI, Derek S.K. (VC)	✓			
3. CABANILLA, Rida T.R.				✓
4. CARROLL, Mele				✓
5. CHANG, Jerry L.	✓			
6. HAR, Sharon E.	✓			
7. HERKES, Robert N.				✓
8. ITO, Ken	✓			
9. NAKASHIMA, Mark M.	✓			
10. RIVIERE, Gil	✓			
11. THIELEN, Cynthia	✓			
TOTAL (11)	8			3

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

Vice Chair's or designee's signature: 

Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO