

Honolulu, Hawaii

FEB 20 2015

RE: S.B. No. 537

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 S.B. No. 537 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 provide that a project possessing a notice to proceed on a statewide programmatic general permit to reconstruct, restore, repair, or reuse a Hawaiian fishpond shall be exempt from the requirement to obtain a permit or water quality certification pursuant to chapter 342D, Hawaii Revised Statutes.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Land Use Research Foundation of Hawaii, Ko'olaupoko Civic Club, and seven individuals. Your Committees received testimony in opposition to this measure from Loko Ia Consulting and Center for Hawaiian Sovereignty Studies. Your Committees received comments on this measure from the Department of Health, Office of Hawaiian Affairs, and Kua'aina Ulu 'Auamo.

Your Committees find that by requiring the Department of Health to waive the requirement of a water quality certification under certain circumstances, this measure would promote the streamlining of the permitting process for persons seeking to restore, repair, or reuse Hawaiian fishponds.

Your Committees have amended this measure by:

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- (1) Amending the purpose section;
- (2) Inserting a definition for "loko i'a" in section 342D-6.5, Hawaii Revised Statutes, and replacing the term "fishpond" with "loko i'a" throughout that section;
- (3) Specifying that the waiver applies to the water quality certification and shall be granted for the restoration, repair, maintenance, and operation of loko i'a;
- (4) Clarifying that notice of authorization to proceed is from the Office of Conservation and Coastal Lands; and
- (5) Amending the definition of "water quality certification".

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 S.B. No. 537, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 537, 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



**Record of Votes**  
**Committee on Hawaiian Affairs**  
**HWN**

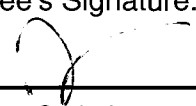
\*Only one measure per Record of Votes

**Record of Votes**  
**Committee on Health**  
**HTH**

\*Only one measure per Record of Votes

The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 537</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">HWN/HTH/WTL, JDL</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">02.09.15</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
THIELEN, Laura H. (C)	✓			
GALUTERIA, Brickwood (VC)	✓			
IHARA, Jr., Les	✓			
RIVIERE, Gil	✓			
RUDERMAN, Russell E.	✓			
SHIMABUKURO, Maile S.L.	✓			
SLOM, Sam				✓
<b>TOTAL</b>	6			1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted           <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="text-align: center; font-size: 1.5em; font-family: cursive;">  </div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

\*Only one measure per Record of Votes