



Testimony Presented Before the
House Committee on
ENERGY AND ENVIRONMENTAL PROTECTION
Thursday, February 12, 2015; 8:30 am

By
HAWAII SHORE AND BEACH PRESERVATION ASSOCIATION

In consideration of
HOUSE BILL 872 RELATING TO NATURAL RESOURCES

House Bill 872 provides that naturally occurring beach sand shall not be considered a “water pollutant” if used for beach erosion mitigation and certain related purposes. The bill proposes to amend Section 342D-1, Hawaii Revised Statutes, to exclude beach sand from the Definition of “water pollutant,” provided that it is 1) Naturally-occurring beach sand sourced from a beach stream mouth, or channel that is located in the State and 2) Is utilized on the adjacent beach for the purposes of beach erosion mitigation sediment management, beach restoration, erosion control or dune restoration. **The Hawaii Shore and Beach Preservation Association (HSBPA)* strongly supports House Bill 872.**

It can be very difficult to implement these types of minor beach restoration projects in a timely, cost-effective manner because clean naturally-occurring beach sand is considered a “water pollutant” by the State, even if the sand is moved from one area of a beach to another. The HSBPA feels that the State’s interpretation of clean beach sand as a “water pollutant” for the types of projects described above is an unnecessarily strict interpretation of the Federal Clean Water Act (CWA). As a result of this interpretation, these types of projects are required to go through a CWA Section 401 Water Quality Certification (401 WQC). This can be especially troublesome because these types of projects often need to be implemented in a matter of days to weeks in response to a sudden erosion episode. In practice, the 401 WQC process can take a year or more. Excluding clean beach sand from the Definition of “water pollutant,” as described above, or otherwise waiving these types of projects from the 401 WQC process, will support government and stakeholder efforts to effectively preserve and restore degraded beaches as an alternative to shoreline armoring.

This bill will not lessen the intentions or effectiveness of the Federal Clean Water Act. Beach nourishment projects using sand from an outside source would still be subject to a 401 WQC. The amendments in this bill are intended to address smaller restoration and sediment management projects using clean, locally-sourced sand from the active beach that will have no substantial impact on marine water quality. Projects should follow sand compatibility guidelines and best management practices provided by the Department of Land and Natural Resources.



*The Hawaii Shore and Beach Preservation Association (HSBPA, <http://www.hawaiishoreandbeach.org/>), formed in 2014, is an organization of private sector, academic, and government professionals, students and local community members dedicated to the preservation and restoration of Hawaii's beaches and coastal environments. The HSBPA aims to bring together various members of the coastal community to foster dialogue and cooperation on beach and coastal resource conservation, management, and regulation; supporting professional development of chapter members; and providing education to students and community members on Hawaii's beaches and coastal environments.

Thank you for considering our testimony on this bill. Please consider HSBPA a resource should you have any questions or want more information about beach preservation and restoration. We can be reached at aloha@hawaiishoreandbeach.org.