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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
CARTY S. CHANG
Interim Chairperson

Before the House Committees on
ENERGY AND ENVIRONMENT PROTECTION
and
WATER AND LAND

Tuesday, February 10, 2015
11:00 AM
State Capitol, Conference Room 325

In consideration of
HOUSE BILL 1502
RELATING CLIMATE CHANGE

House Bill 1502 proposes amend the State Water Code, Chapter 174C, Hawaii Revised Statutes (HRS), to add a new section mandating the Department of Land and Natural Resources' (Department) Commission on Water Resource Management (Commission) to engage in climate adaptation and resilience planning, studies, and policy development to address the effects of climate change through 2050 to protect the State's fresh ground and surface water, forests and reefs, economy, health, environment, traditional Hawaiian practices, and way of life. This bill also directs the Commission to assess fees pursuant to Section 174C-61, HRS, to be deposited into the water resource management fund to monitor and manage Hawaii's ground and surface water resources.

The Department opposes this measure.

Specifically, the bill proposes to require the Commission to:

- (1) Conduct climate adaptation and resilience planning with other agencies and organizations by preparing plans, studies, and reports to develop, monitor, and evaluate strategic climate adaption plans;
- (2) Participate in public-private partnerships to engage public and private parties in projects to address potential climate change impacts in Hawaii through 2050; and
- (3) Provide planning, actionable policy guidance, and assistance to state and county agencies regarding climate change and water resources.

With the exception of (3) above, the additional responsibilities assigned to the Commission appear to duplicate Act 83, Session Laws of Hawaii (SLH) 2014, which assigns climate change adaptation

planning to the Office of Planning. If approved as drafted, this bill would create conflict and confusion due to duplication of effort with the current responsibilities and duties of the Office of Planning. Additionally, the Hawaii Water Plan, through its various components is the current planning document and process administered by the Commission through which **changes and impacts to water resources due to climate change** can and should be addressed.

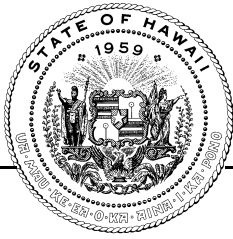
The Commission's mission is to protect the State's ground and surface water resources, while striving to achieve maximum beneficial uses of public trust water resources. As such, the Commission is already actively engaged in climate change studies, planning and policy development to address impacts on water resources. For example, the Commission contracted with University of Hawaii researchers to update the Rainfall Atlas of Hawaii (2013), to provide updated rainfall trends and observed quantities to study potential climate change impacts on rainfall across the State. A similar study was conducted by the University of Hawaii in partnership with the Commission to conduct the first comprehensive analysis of evapotranspiration in Hawaii (2014), which is an important component of the hydrologic cycle and water budget. An ongoing study with the University of Hawaii is looking at rainfall trends and extreme events to try to understand how future climate may be affected. The Commission, in partnership with the respective county water departments, has also contracted the United States Geological Survey to use the updated rainfall and evapotranspiration information to update ground water recharge estimates for the islands of Maui and Oahu, and to include climate change scenarios to help assess the changes and impacts on ground water recharge for the island of Hawaii. The Commission is also involved with the East West Center's Pacific Regional Integrated Sciences and Assessments program that is working to downscale the global climate model for Maui County and model the impacts of climate change on ground water recharge for future scenarios of land use. The Commission is now in the process of taking this updated recharge information and, applying the Precautionary Principle, using the updated recharge information to re-assess established ground water sustainable yields. Resource assessments and water availability studies through the Water Resource Protection Plan are just one of a multi-prong approach that the Commission is utilizing to ensure the viability and protection of our water resources given an uncertain climate future. Other measures include water conservation and drought planning, water resource monitoring, resource augmentation studies, permitting, and long-range planning.

Adaptation and resilience planning, studies, and policy development for the other stated purposes in this bill - protection of forests and reefs, economy, health, environment, traditional Hawaiian practices, and way of life – beyond the scope and jurisdiction of the Commission. Historically and to the present, the Commission has suffered from the lack of adequate staff and funds to carry out the many mandates of the State Water Code. Being required to carry out these additional duties would distract the Commission from its basic mission and fundamental management actions, which include but are not limited to the above mentioned activities, as well as instream flow standard establishment, appurtenant right determinations, surface and ground water source development permitting, water use reporting, water shortage planning, enforcement of permit conditions, and resolution of water-related complaints and disputes.

The bill references Section 174C-61, HRS, which provides for the collection of fees, directing the Commission to use the fees collected to monitor and manage Hawaii's ground and surface water resources. Monitoring and managing Hawaii's water resources is but one of several uses of the Commission's Water Resource Management Fund (Section 174C-5.5, HRS), which is supported by fees collected by the Commission. As stated above, the Commission is already using the revenue to accomplish water resource monitoring and management; therefore, we believe this provision of the bill is unnecessary.

Additionally, the fees collected by the Commission pursuant to Section 174C-61, HRS, must be used to defray the administrative costs of the permitting system. As such, these fees cannot be used to support any purposes not covered under Section 174C-5.5, HRS. In 2014, fees collected pursuant to Section 174C-61, HRS, totaled \$3,625. This amount does not cover the administrative costs associated with the permitting system, and the Commission is currently undertaking rule-making to increase its permit fees.

For the above reasons, we believe and respectfully suggest that this bill is unnecessary and defer to the Office of Planning for their position on any concerns regarding the impact of this bill on Act 83, SLH 2014.



**OFFICE OF PLANNING
STATE OF HAWAII**

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Statement of
LEO R. ASUNCION
Acting Director, Office of Planning
before the
**HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
AND
HOUSE COMMITTEE ON WATER & LAND**
Tuesday, February 10, 2015
11:00 AM
State Capitol, Conference Room 325

in consideration of
HB 1502
RELATING TO RELATING TO CLIMATE CHANGE

Chairs Lee and Yamane, Vice Chairs Lowen and Cullen, and Members of the House
Committees on Energy & Environmental Protection and Water & Land.

The Office of Planning (OP) respectfully offers the following comments on HB 1502.

HB 1502 amends the State Water Code, Chapter 174C Hawaii Revised Statutes (HRS),
authorizing the Commission on Water Resource Management (CWRM) to execute the
following:

- (1) “Conduct climate adaptation and resilience planning with other agencies and organizations by preparing plans, studies, and reports to develop, monitor, and evaluate strategic climate adaptation plans;
- (2) Participate in public-private partnerships to engage public and private parties in projects to address climate change impacts in Hawaii through 2050; and
- (3) Provide planning, actionable policy guidance, and assistance to state and county agencies regarding climate change and water resources.”

As currently written, the above responsibilities appear to conflict with the duties previously assigned to OP pursuant to Act 83, Session Laws of Hawaii (SLH) 2014. Specifically, Act 83, SLH 2014 amends HRS §225M-2(b), authorizing OP to engage in the following activity:

(1) “Climate adaptation planning. Conducting plans and studies and preparing reports as follows:

- (A) Develop, monitor, and evaluate strategic climate adaptation plans and actionable policy recommendations for the State and counties addressing expected statewide climate change impacts identified under Act 286, Session Laws of Hawaii 2012, through the year 2050;
- (B) Provide planning and policy guidance and assistance to state and county agencies regarding climate change; and
- (C) Publish its findings, recommendations, and progress reports on actions taken no later than December 31, 2017, and in its annual report to the governor and the legislature thereafter.”

As a result, OP respectfully recommends that HB 1502 be amended in order to clarify and distinguish the proposed responsibilities assigned to CWRM from the authority already bestowed to OP in order to resolve the apparent overlap between HB 1502 and Act 83, SLH 2014. For example, HB 1502 could be amended to explicitly task CWRM with the exclusive task of developing a climate adaptation plan for freshwater resources.

For all other concerns regarding this measure, we respectfully defer to CWRM for their position.

Thank you for the opportunity to provide testimony on this measure.

Testimony of The Nature Conservancy of Hawai'i
Supporting H.B. 1502 Relating to Climate Change
House Committee on Energy and Environmental Protection
House Committee on Water and Land
Tuesday, February 10, 2015, 11:00PM, Room 325

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of the lands and waters upon which life in these islands depends. The Conservancy has helped to protect nearly 200,000 acres of natural lands in Hawai'i. Today, we actively manage more than 35,000 acres in 11 nature preserves on Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.

The Nature Conservancy supports H.B. 1502.

However, we recommend the Committees amend Section 2 of the bill to make clear that the Commission on Water Resources Management is being directed to conduct adaptation and resilience planning with respect to fresh water resources, not all aspects and effects of climate change. In 2014, the Legislature amended the authorities of the Office of Planning to require it to undertake adaptation planning related to the broader effects of climate change. See, HRS §225M-2(b)(9) [H.B.1714 CD1, §3 (Act 83, 2014)].

Climate change caused by burning fossil fuels is an imminent and unprecedented threat to every person in Hawai'i. It is our responsibility to do what we can and what is necessary reduce our own carbon emissions, however small on a global scale, to contribute to the worldwide effort needed to mitigate the growing effects of climate change.

Even if we drastically reduce CO2 emissions now, however, we will still feel certain effects of climate change. In Hawai'i, science indicates that this will likely include:

- More frequent and more severe storms that can increase runoff and siltation;
- Overall, less rainfall and therefore less fresh water;
- Higher temperatures that affect watershed and agricultural health, while being beneficial to invasive species;
- Sea level rise and high waves that will harm coastal areas and groundwater systems;
- Ocean acidification that will inhibit the growth of protective coral reefs.

Several locations in the state have recently experienced intense and ongoing drought, water management areas are being declared, and the UH's 2011 Rainfall Atlas catalogues a century of declining rainfall that is worse in recent decades. Easily available fresh water is not a limitless resource.

In response, we must plan and implement mitigative and adaptive measures to ensure the resilience of our natural and human systems. Protecting and enhancing the health and function of our forested watersheds is one critically important initiative. Healthy Hawaiian forests that are not overrun by invasive species act like a sponge, collecting rain and moisture, slowly delivering fresh water into streams and aquifers, absorbing greenhouse gases, and reducing runoff and siltation into near shore waters during storm events.

Thank you for the opportunity to share our support for this measure.

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EEPtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 07, 2015 4:01 PM
To: EEPtestimony
Cc: fernrosenstiel@yahoo.com
Subject: *Submitted testimony for HB1502 on Feb 10, 2015 11:00AM*

HB1502

Submitted on: 2/7/2015

Testimony for EEP/WAL on Feb 10, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Fern Rosenstiel	Individual	Support	No

Comments:

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**Testimony of Hawai'i Green Growth
In Support of HB1502 Relating to Climate Change
House Committee on Energy & Environmental Protection
House Committee on Water & Land
10 February 2015, 11:00am, Room 325**

Audrey Newman
Hawai'i Green Growth
P.O. Box 535 Ho'olehua, Hawai'i 96729

Hawai'i Green Growth is a voluntary partnership of more than 70 state, county, federal, business, and non-governmental leaders from energy, food production, natural resources, waste reduction, planning, green jobs, and other sectors who have come together to support a shared statewide commitment and tangible actions toward sustainability and a model green economy.

Aloha Chairs Lee & Yamane, Vice Chairs Lowen & Cullen, and Members of the Committees:

Hawai'i Green Growth (HGG) strongly supports HB1502 which requires the Commission on Water Resources Management to conduct climate adaptation and resilience planning for Hawai'i through 2050 to provide assistance to the State and counties. HB1502 also directs the commission to assess fees to monitor and manage Hawai'i's ground and surface water.

This builds on the Hawai'i Climate Adaptation Initiative (House Bill 1714 (2014)) passed by the Legislature last year. The University of Hawai'i's Rainfall Atlas indicates that rainfall has been declining for the past 100 years in Hawai'i; climate change may result in even less rainfall. State preparedness for changing rainfall patterns and freshwater security is urgent.

HB1502 will also help advance action on the *Aloha+ Challenge: A Culture of Sustainability – He Nohona 'Ae'ōia*, a joint leadership commitment to achieve six sustainability targets by 2030 in the areas of clean energy, local food production, natural resource management, solid waste reduction, smart growth and climate resilience, green jobs and education. The *Aloha+ Challenge* was unanimously endorsed by the 2014 Legislature (SCR 69) and signed by Hawai'i's Governor, Mayors and Office of Hawaiian Affairs. It was also internationally recognized as a model of integrated sustainability at the UN Conference on Small Island Developing States in Samoa.

As a partnership representing Hawai'i's leaders in environment, food and energy, HGG asks for your support of **HB1502** as an important step in climate preparedness.

Mahalo,

A handwritten signature in black ink that reads "Audrey Newman". The signature is written in a cursive style and is positioned above a light gray rectangular box.

Audrey Newman

Senior Advisor, Hawai'i Green Growth (HGG)

Bringing leaders together to achieve sustainability in Hawai'i & be a model for a green economy

<http://www.hawaiigreengrowth.org>

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 4:40 PM
To: EEPtestimony
Cc: kalepa@maui.net
Subject: Submitted testimony for HB1502 on Feb 10, 2015 11:00AM



HB1502

Submitted on: 2/9/2015

Testimony for EEP/WAL on Feb 10, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jonathan Starr	Individual	Support	No

Comments: CWRM has begun this important work on a small scale over the past 2 years in collaboration with Pacific RISA and other Agencies. The Proposed HB1502 will enable this essential preparation for future conditions in Hawaii to move forward expeditiously. Mahalo, Jonathan Starr

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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