

**SB**

**525**

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
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**Subject:** Submitted testimony for SB525 on Feb 4, 2015 14:45PM  
**Date:** Tuesday, February 03, 2015 9:49:59 AM  
**Attachments:** [SB0525\\_LNR\\_02-04-15\\_WAL.pdf](#)

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**SB525**

Submitted on: 2/3/2015

Testimony for WTL on Feb 4, 2015 14:45PM in Conference Room CR224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carty S. Chang	DLNR	Oppose	Yes

Comments:

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DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
CARTY S. CHANG  
Acting Chairperson**

**Before the Senate Committee on  
WATER AND LAND**

**Wednesday, February 4, 2015  
2:45 PM  
State Capitol, Conference Room 224**

**In consideration of  
SENATE BILL 525  
RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT**

Senate Bill 525 proposes to amend Section 174C-7, Hawaii Revised Statutes (HRS), to require that Commission on Water Resource Management (Commission) include a representative from each county who is a resident of that county. **The Department of Land and Natural Resources opposes this measure.**

At the time of the passage of the State Water Code, Chapter 174C, HRS, the legislature made a conscious decision not to require county representation on the Commission. The concern was that other members would defer to the county representative on matters concerning their respective county. Under the Hawaii State Constitution and Chapter 174C, HRS, all Commission members have the constitutional and statutory responsibilities to carefully and independently consider their public trust responsibilities with regard to water resources. Requiring the appointment of one member from each county may result in the misallocation of responsibility to a single person. The Hawaii Supreme Court has also made it clear that in the context of water, the entire Commission has a responsibility to carry out the State's public trust duties. This should not rest on a single member.

Section 174C-7, HRS, requires that each Commission member have substantial experience in the area of water resource management and that one member have substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage. These are the relevant requirements. Notwithstanding the lack of a statutory requirement for county representation, presently and in the past for the most part, the Commission has enjoyed broad geographic representation. Of the five current non-ex-officio members, two are residents of

**CARTY S. CHANG**  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**DANIEL S. QUINN**  
INTERIM FIRST DEPUTY

**W. ROY HARDY**  
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

the City and County of Honolulu, two are residents of the County of Hawaii, and one is a resident of the County of Maui.

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**SB525**

Submitted on: 2/3/2015

Testimony for WTL on Feb 4, 2015 14:45PM in Conference Room CR224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Office of Hawaiian Affairs	Office of Hawaiian Affairs	Comments Only	Yes

Comments: x

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**SB525**  
**RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT**  
Committee on Water and Land

February 4, 2015

2:45 p.m.

Room 224

The Administration of the Office of Hawaiian Affairs (OHA) will recommend to the Board of Trustees a position of **COMMENT** for SB525, which seeks to ensure that each county is represented on the Commission on Water Resource Management (CWRM).

CWRM is the primary body tasked with managing and regulating the use of our water resources. Accordingly, CWRM decisions have direct, long-term impacts on Native Hawaiians' priority rights protected under the public trust, as described by the Hawai'i State Constitution, the state Water Code, and applicable case law.

Given the significance of the decisions made by CWRM, it is critical for its members to "have substantial experience in the area of water resource management", as called for by HRS § 174C-7, and to understand their duties relating to the public trust in water, including their concomitant responsibilities to protect and enforce Native Hawaiian rights. OHA believes that if CWRM members have such experience and knowledge, they will be more likely to make appropriate decisions that best reflect the public's interest in our water resources, and avoid forcing Native Hawaiians and other interested parties to seek legal intervention or relief in upholding the public trust in these resources. However, by requiring that each county be represented on CWRM, potential CWRM candidates with the best experience, understanding, and knowledge may be excluded from consideration, based solely on their residency. Ultimately, such an inability to select the best and most appropriate commissioners may compromise the protection and appropriate management of our islands' critical and limited public trust water resources.

Mahalo nui for the opportunity to testify on this measure.

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**Date:** Monday, February 02, 2015 10:06:56 AM

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**SB525**

Submitted on: 2/2/2015

Testimony for WTL on Feb 4, 2015 14:45PM in Conference Room CR224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tom Lodge	hawaii hunting association	Support	No

Comments: With a Mayoral appointment to the Commission.

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**Subject:** Submitted testimony for SB525 on Feb 4, 2015 14:45PM  
**Date:** Monday, February 02, 2015 10:05:36 AM

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**SB525**

Submitted on: 2/2/2015

Testimony for WTL on Feb 4, 2015 14:45PM in Conference Room CR224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tom Lodge	Individual	Support	No

Comments: would ask that these be with a Mayoral appointment to the Commission

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**Subject:** \*Submitted testimony for SB525 on Feb 4, 2015 14:45PM\*  
**Date:** Sunday, February 01, 2015 9:00:39 PM

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**SB525**

Submitted on: 2/1/2015

Testimony for WTL on Feb 4, 2015 14:45PM in Conference Room CR224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tony Sylvester	The Society For Hawaii Heritage Animals	Support	No

Comments:

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**Subject:** Submitted testimony for SB525 on Feb 4, 2015 14:45PM  
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**SB525**

Submitted on: 2/4/2015

Testimony for WTL on Feb 4, 2015 14:45PM in Conference Room CR224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jonathan Starr	Individual	Oppose	No

Comments: Dear Senators, I have severe Concerns with the proposed Bill. Only 5 members of CWRM are selected from the community, out of 7 total, with Chair & DOH Chair almost certainly from Oahu. It is important that all members be the best and most diverse skilled individuals possible. Knowledge in many areas is regularly required, from cultural to legal to ag and plumbing and land use, environment, forestry and reuse water, energy, technology and plumbing. This change will make it unlikely that best Candidates in a given year will be applicable. Commission functionality requires diversity of skills and views and experience. If location specific language is added, please make it diffuse. There is a danger that if each County has a "Rep" on CWRM, other members will feel they should defer to the County Rep, and dealmaking would become common. Each member should continue to be involved with every County's issues. The corrent language leads to continued concentration on enforcing CWRM Public trust mandates. The Commission is working with excellence, with complementary skills and experience. Please avoid fixing what isn't broken. With Aloha, Jonathan Starr

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February 4, 2015

TO: Chair Thielen, Vice Chair Galuteria and members of the Committee

FROM: David Fuertes, Board Member  
Kohala Ditch Foundation  
Hawai'i Island

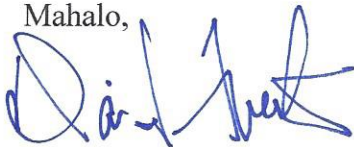
RE: SB 525 Relating to the Commission on Water Resource Management

My name is David Fuertes, a rancher and farmer in North Kohala on the island of Hawaii. I am in support of this bill because I believe Water is our Kuleana and as users of this very precious resource, residents of each island should be represented in its management.

As a resident of each county, an experienced member will be able to bring to this committee the unique requirements, problems, and management needs of each county. Only in this way can there be true representation of board members in our state.

Please consider passing this bill and ensuring neighbor island input.

Mahalo,



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**Subject:** Submitted testimony for SB525 on Feb 4, 2015 14:45PM  
**Date:** Tuesday, February 03, 2015 2:38:18 PM

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**SB525**

Submitted on: 2/3/2015

Testimony for WTL on Feb 4, 2015 14:45PM in Conference Room CR224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ed Teixeira	Individual	Support	No

Comments: I fully support this bill. Each county should be represented on this important commission.

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