

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the House Committee on  
JUDICIARY  
Monday, March 19, 2019  
2:05 PM  
State Capitol, Conference Room 325**

**In consideration of  
SENATE BILL 934, SENATE DRAFT 1 HOUSE DRAFT 1  
RELATING TO CONSERVATION DISTRICTS**

Senate Bill 934, Senate Draft 1, House Draft 1 proposes to amend Section 183C-4, Hawaii Revised Statutes, regarding the rules governing land uses within the Conservation District by inserting language stipulating that no waste or disposal facility shall be located in the Conservation District and defines waste or disposal facility. **The Department of Land and Natural Resources supports this measure.**

Senate Bill 934, Senate Draft 1, House Draft 1 would prohibit future waste or disposal facilities from being developed within the State Land Use Conservation District and would render all existing facilities nonconforming uses. The measure refers to “any other facility for the disposal of solid waste that is required by law to obtain a permit from the department of health.” This language should not inadvertently apply to facilities or residences that are required to obtain a permit from the department of health for sewage/waste disposal.

The bill has been amended to include a provision for “emergency circumstances where it may be necessary to mitigate significant risks to public safety and health.” The Legislature may want to further define or clarify what constitutes an emergency [e.g. Governor’s Proclamation].

Thank you for the opportunity to comment on this measure.

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
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



**SB934 SD1 HD1**  
RELATING TO CONSERVATION DISTRICTS  
House Committee on Judiciary

March 18, 2019

2:05 p.m.

Room 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB934 SD1 HD1, which would expressly affirm that waste and disposal facilities are an inappropriate use for lands in the conservation district.

The state conservation district is intended to conserve, protect, and preserve our most naturally and culturally significant lands and resources, with land uses accordingly subject to high standards of review and regulation. Containing “important natural resources essential to the preservation of the State’s fragile natural ecosystems and the sustainability of the State’s water supply,”<sup>1</sup> the conservation district is also host to cultural sites and resources essential to the perpetuation of constitutionally protected Native Hawaiian traditional and customary practices. Waste and disposal facilities, in which hazardous and toxic materials may accumulate and be stored indefinitely, can significantly compromise the environmental and cultural integrity of conservation district lands and resources; such facilities would appear to be highly inappropriate uses for lands otherwise subject to the highest standards of protection and care. OHA accordingly supports this measure’s clarification that waste and disposal facilities should not be an acceptable use of conservation district lands.

OHA notes that, should a parcel of land in the conservation district be the only available and suitable location for a waste or disposal facility, the land use redistricting process can be utilized to amend the conservation district boundary and thereby accommodate such a facility. Notably, the land use redistricting process includes substantive and procedural mechanisms that can identify and mitigate the impacts of redistricting on important and valued natural and cultural resources, as well as associated Native Hawaiian traditional and customary practices.

Accordingly, OHA urges the Committee to **PASS** SB934 SD1 HD1. Mahalo nui for the opportunity to testify on this measure.

---

<sup>1</sup> Haw. Rev. Stat. § 183C-1.

DEPARTMENT OF ENVIRONMENTAL SERVICES  
**CITY AND COUNTY OF HONOLULU**

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707  
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://envhonolulu.org>

**LATE**

KIRK CALDWELL  
MAYOR



LORI M.K. KAHIKINA, P.E.  
DIRECTOR

TIMOTHY A. HOUGHTON  
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.  
DEPUTY DIRECTOR

IN REPLY REFER TO:  
WAS 19-126

March 18, 2019

The Honorable Chris Lee, Chair  
The Honorable Joy A. San Buenaventura, Vice-Chair  
and Members of the Committee on Judiciary  
House of Representatives  
State Capitol, Room 325  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Lee, Vice-Chair San Buenaventura, and Members of the Committee on Judiciary:

SUBJECT: SB 934 SD 1 HD 1  
Relating to Conservation Districts

The Department of Environmental Services (ENV) of the City and County of Honolulu supports S.B. No. 934, SD 1 HD1 which proposes to prohibit any waste or disposal facility from being located in a conservation district except in emergency circumstances where it may be necessary to mitigate significant risks to public safety and health.

ENV is responsible for managing the removal and processing of a significant portion of any waste that would be generated from an environmental hazard or natural disaster such as a hurricane, tornado, tsunami, earthquake, or flood. Managing this waste in a safe and efficient manner that minimizes or eliminates impacts to public safety and health may require the temporary use of strategically located land within a conservation district. In the event it becomes necessary to use land in a conservation district as a waste or disposal facility, ENV will strive to keep use to a minimum.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori M.K. Kahikina".

Lori M.K. Kahikina, P.E.  
Director

**SB-934-HD-1**

Submitted on: 3/18/2019 7:48:13 AM

Testimony for JUD on 3/18/2019 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members:

Please support SB934. It is critical that waste or disposal facilities not be located on or near conservation areas because the harmful chemicals that can leach out of disposed products will potentially have a negative impact on said areas.

Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihei