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GOVERNOR OF
HAWAII



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

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LAND
STATE PARKS

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

POST OFFICE BOX 621
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**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committees on
ENERGY & ENVIRONMENTAL PROTECTION
and
WATER, LAND & HAWAIIAN AFFAIRS**

**Thursday, March 14, 2019
9:30 AM
State Capitol, Conference Room 325**

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

Senate Bill 934, Senate 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 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. Finally, 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.

Thank you for the opportunity to comment on this measure.



SB934 SD1
RELATING TO CONSERVATION DISTRICTS
House Committee on Energy & Environmental Protection
House Committee on Water, Land, & Hawaiian Affairs

March 14, 2019

9:30 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB934 SD1, 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,”¹ 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 Committees to **PASS** SB934 SD1. Mahalo nui for the opportunity to testify on this measure.

¹ Haw. Rev. Stat. § 183C-1.

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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

TIMOTHY A. HOUGHTON
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 19-124

March 12, 2019

The Honorable Nicole E. Lowen, Chair
The Honorable Tina Wildberger, Vice-Chair
and Members of the Committee on Energy and Environmental Protection
House of Representatives
State Capitol, Room 325
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Lowen, Vice-Chair Wildberger, and Members of the Committee on Energy and Environmental Protection:

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

The Department of Environmental Services (ENV) of the City and County of Honolulu has concerns with S.B. No. 934, SD 1 which proposes to prohibit any waste or disposal facility from being located in a conservation district.

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. While ENV will strive to minimize the use of conservation district land in such an event, we strongly recommend this bill be modified to allow for the use of conservation district land in emergency circumstances should it become necessary to mitigate significant risks to public safety and health.

Thank you for your consideration.

Sincerely,

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

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

SB-934-SD-1

Submitted on: 3/12/2019 9:43:04 PM

Testimony for EEP on 3/14/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lois Crozer	Individual	Support	No

Comments:

SB-934-SD-1

Submitted on: 3/12/2019 11:32:24 AM

Testimony for EEP on 3/14/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Erica Scott	Individual	Support	No

Comments:

SB-934-SD-1

Submitted on: 3/13/2019 6:46:01 PM

Testimony for EEP on 3/14/2019 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
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