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GOVERNOR OF
HAWAII



SUZANNE D. CASE
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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
WAYS AND MEANS

Friday, March 1, 2019
10:10 AM
State Capitol, Conference Room 211

In consideration of
SENATE BILL 934
RELATING TO CONSERVATION DISTRICTS

Senate Bill 934 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 define waste or disposal facility. **The Department of Land and Natural Resources (Department) supports this measure.**

Senate Bill 934 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 Department notes that this 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.

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>

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 19-83

February 27, 2019

The Honorable Donovan Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice-Chair
and Members of the Committee on Ways and Means
State Senate, Room 211
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Dela Cruz, Vice-Chair Keith-Agaran, and Members of the Committee on Ways and Means:

SUBJECT: SB 934
Relating to Conservation Districts

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

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 recommend this bill be modified to allow for the use of conservation district land should it become necessary to mitigate risks to public safety and health.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori M.K. Kahikina", is written over a circular stamp. The stamp is partially obscured by the signature.

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



O`ahu County Committee on Legislative Priorities

COMMITTEE ON WAYS AND MEANS
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

DATE: Friday, March 1, 2019

TIME: 10:10 a.m.

PLACE: Conference Room 211, State Capitol

RE: SB 934, RELATING TO CONSERVATION DISTRICTS

To the Honorable Donovan M. Dela Cruz, Chair; the Honorable Gilbert S.C. Keith-Agaran, Vice Chair; and Members of the Committee on Ways and Means:

My name is Melodie Aduja and I serve as Chair of the O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i ("DPH"). Mahalo for this opportunity to submit testimony on SB 934. The O`ahu County Committee on Legislative Priorities ("OCCLP") hereby submits its testimony in **SUPPORT of SB 934, Relating to Conservation Districts.**

SB 934 provides that the department shall adopt rules governing the use of land within the boundaries of the conservation district that are consistent with the conservation of necessary forest growth, the conservation and development of land and natural resources adequate for present and future needs, and the conservation and preservation of open space areas for public use and enjoyment, provided that no waste or disposal facility shall be located in a conservation district. For purposes of this section, "waste or disposal facility" means any transfer station or landfill as defined in section 340A-1, open dump as defined in section 342H-1, solid waste reduction facility or waste reduction facility as defined in section 342G-1, disposal facility, or any other facility for the disposal of solid waste that is required by law to obtain a permit from the department of health.

PROTECTING OUR PUBLIC LANDS AND WATERS

DPH believes in the conservation and collaborative stewardship of our shared natural heritage: the public lands and waterways, the oceans, mountains and all that makes Hawai`i's great outdoors priceless. We need policies and investments that will keep Hawai`i's public lands public, strengthen protections for our natural and cultural resources, increase access to parks

and public lands for all people, protect native species and wildlife, and harness the immense economic and social potential of our public lands and waters.

DPH will approach conservation of our public lands and waters in a way that reflects the diversity of our State, by actively engaging all people in the great outdoors and protecting natural landscapes and cultural sites that tell the story of Hawai'i's complex history. To help meet these goals, we will work to build a diverse workforce in the Department of Land and Natural Resources (DLNR) that manage Hawai'i's public lands, waters, and cultural sites.

Agricultural practices have a significant impact on our water, land, oceans, and climate. Therefore, we believe that in order to be effective in keeping our air and water clean and combating climate change, we must enlist farmers as partners in promoting conservation and stewardship. *Democratic Party of Hawai'i Platform (2018), p. 18, ln. 36-55.*

For the foregoing reasons, to wit, prohibiting waste or disposal facilities from being located in a conservation district is consistent with providing policies and investments that will keep Hawai'i's public lands public, strengthen protections for our natural and cultural resources, increase access to parks and public lands for all people, protect native species and wildlife, and harness the immense economic and social potential of our public lands and waters, OCCLP supports SB 934, and urges its passage out of the Committee on Ways and Means

Mahalo nui loa
Me ka `oia`i`o

/s/ Melodie Aduja

Melodie Aduja

Chair, O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i

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SB934
RELATING TO CONSERVATION DISTRICTS
Senate Committee on Water and Land

March 1, 2019

10:10 a.m.

Room 211

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB934, 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 Committee to **PASS** SB489. Mahalo nui for the opportunity to testify on this measure.

¹ Haw. Rev. Stat. § 183C-1.

LATE

SB-934

Submitted on: 2/28/2019 4:34:54 PM

Testimony for WAM on 3/1/2019 10:10:00 AM

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

SB-934

Submitted on: 3/1/2019 8:51:58 AM

Testimony for WAM on 3/1/2019 10:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan P. Armstrong	Individual	Support	No

Comments: