

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 Senate Committee on
WATER AND LAND**

**Wednesday, January 30, 2019
1:15 PM
State Capitol, Conference Room 229**

**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 defines waste or disposal facility. **The Department of Land and Natural Resources 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. 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.

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
RELATING TO CONSERVATION DISTRICTS
Senate Committee on Water and Land

January 30, 2019

1:15 p.m.

Room 229

The Administration of the Office of Hawaiian Affairs (OHA) will recommend that the Board of Trustees **SUPPORT** 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.

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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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 19-41

January 30, 2019

The Honorable Kaiali'i Kahele, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice-Chair
and Members of the Committee on Water and Land
State Senate, Room 229
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Kahele, Vice-Chair Keith-Agaran, and Members of the Committee on Water and Land:

SUBJECT: SB 934
Relating to Conservation Districts

The Department of Environmental Services (ENV) of the City and County of Honolulu supports the intent 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".

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

SB-934

Submitted on: 1/29/2019 2:05:53 PM

Testimony for WTL on 1/30/2019 1:15:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

SB-934

Submitted on: 1/27/2019 7:16:00 PM

Testimony for WTL on 1/30/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl	Individual	Comments	No

Comments:

Does this include waste facilities for large buildings in conservation areas which will require the elimination of hazardous waste?

SB-934

Submitted on: 1/29/2019 2:58:13 AM

Testimony for WTL on 1/30/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Randy Gonce	Individual	Support	No

Comments:

LATE

SB-934

Submitted on: 1/29/2019 11:22:07 PM
Testimony for WTL on 1/30/2019 1:15:00 PM

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

Comments: