

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

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BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
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LAND
STATE PARKS

**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
WATER & LAND**

**Tuesday, February 16, 2021
8:30 AM**

State Capitol, Via Videoconference, Conference Room 430

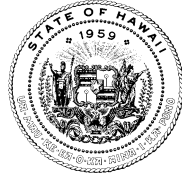
**In consideration of
HOUSE BILL 1258
RELATING TO HAWAIIAN HOME LANDS**

House Bill 1258 proposes a non-substantive change to Section 174C-49(a)(5), Hawaii Revised Statutes, switching the terms “county” and “state” in reference to the conditions for obtaining a water use permit and consistency of the proposed use of water with county and state general plans and land use designations. **The Department of Land and Natural Resources supports this bill as written.**

Thank you for the opportunity to comment on this measure.

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF WILLIAM J. AILA, JR, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEE ON WATER & LAND
HEARING ON FEBRUARY 16, 2021 AT 8:30AM VIA VIDEOCONFERENCE

HB 1258 RELATING TO HAWAIIAN HOME LANDS

February 16, 2021

Aloha Chair Tarnas, Vice Chair Branco, and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) submits comments on this bill that makes technical nonsubstantive amendments to the application requirements for water use permits. The bill appears to be unnecessary as the only change is from state and county to county and state.

Thank you for your consideration of our testimony.



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON WATER AND LAND

February 16, 2021 8:30 AM

In **OPPOSITION** to **HB1258**: Relating to Hawaiian Home Lands

Aloha Chair Tarnas, Vice Chair Branco, and members of the committee,

On behalf of our 27,000 members and supporters, the Sierra Club of Hawai'i **strongly opposes HB1258, which proposes to amend HRS Chapter 174C- State Water Code.**

The State Water Code was enacted in 1987 to manage ground and surface water resources in Hawai'i. It declares the waters of the state are held in public trust and mandates "the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State." HRS §174C-2(c).

The State Water Code is an important tool for the conservation and protection of Hawai'i's fresh water resources. We oppose HB1258 because it has the potential to undo these critical protections by opening up the State Water Code to unnecessary amendments.

HB1258 also lacks transparency and justification. The title of this bill is inaccurate and misleading, as it does not address Hawaiian Home Lands, but rather the issuance of water permits under the State Water Code. HB1258 does so by proposing a technical amendment to language in HRS §174C-49 by switching the words from "state and county" to "county and state." There is no purpose or justification for this change. We see no reason for the legislature to advance this bill or any piecemeal amendment to the State Water Code.

The management and use of water in Hawai'i is often a contentious issue at the state legislature. We oppose HB1258 and have strong concerns about advancing this bill through the legislative process, particularly during an all-remote session where public access is limited.

For all of these reasons, we respectfully ask the committee to defer this measure.

HB-1258

Submitted on: 2/13/2021 12:09:19 PM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
briana kawata	Individual	Oppose	No

Comments:

The [State Water Code](#) manages all fresh water resources in Hawai'i. It declares all water in Hawai'i a public trust, includes strong protections for our water resources and ecosystems, and mandates the protection of traditional and customary rights for Hawaiians. The State Water Code is an important tool to also regulate water use permits.

HB-1258

Submitted on: 2/13/2021 3:13:25 PM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Yuen	Individual	Oppose	No

Comments:

I strongly oppose HB1258 which attempts to manipulate the State Water Code. The State Water Code manages all fresh water resources in Hawai'i. It includes strong protections for our water resources and ecosystems and mandates the protection of traditional and customary rights for Hawaiians. It also regulates complex and controversial water use permits. I strongly oppose changing the water code.

HB-1258

Submitted on: 2/13/2021 3:51:34 PM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Will Caron	Individual	Oppose	No

Comments:

I strongly oppose HB1258, a bill deceptively labeled as “Relating to Hawaiian Home Lands.” This bill has nothing to do with HHL. Instead, HB1258 would completely open up the State Water Code without any reason or explanation.

The State Water Code manages all fresh water resources in Hawai‘i. It includes strong protections for our water resources and ecosystems and mandates the protection of traditional and customary rights for Hawaiians. It also regulates complex and controversial water use permits. This bill appears to be an underhanded attempt to circumvent those protections, passed under false pretenses.

It is also relevant to note that this bill is being pushed along during a session in which the public has less access to the Capitol building than it does in a normal year. In previous years, large community coalitions successfully blocked similar bills intended to give away public water rights to corporations by organizing at the capitol building and drawing attention to the process. These coalitions cannot do so this year, making it easier for such a bill to slip by unnoticed.

Please OPPOSE HB1258. Do not allow such a dubious vehicle to dismantle the water code during an all-remote legislative session where the Capitol is closed to the public.

HB-1258

Submitted on: 2/13/2021 11:53:27 PM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Raelyn Reyno Yeomans	Individual	Oppose	No

Comments:

Oppose!

HB-1258

Submitted on: 2/14/2021 1:18:20 PM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nanea Lo	Individual	Oppose	No

Comments:

Hello,

My name is Nanea Lo and I'm writing in FIERCE Opposition of HB1258.

â•

Don't be fooled by a title that says "Relating to Hawaiian Home Lands", because HB1258 has nothing to do with that. Instead, this deceptive bill would completely open up the State Water Code...without any reason or explanation. â•

â•

The State Water Code manages all fresh water resources in Hawai'i. It includes strong protections for our water resources and ecosystems and mandates the protection of traditional and customary rights for Hawaiians like me. It also regulates complex and controversial water use permits.â•

â•

Please DO NOT touch the water code, especially during an all-remote legislative session where the Capitol is closed to the public.

Oppose this bill.

me ke aloha 'Ä• ina,

Nanea Lo

HB-1258

Submitted on: 2/14/2021 2:11:01 PM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Brandt	Individual	Oppose	No

Comments:

Oppose

HB-1258

Submitted on: 2/14/2021 4:07:30 PM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Max Castanera	Individual	Oppose	No

Comments:

'A'ole HB 1258! Please do not make it easier to get a water use permit. The protections already in place are there for a reason - to protect our waters from that which is not in the best interest of the 'aina and people of this place. Mahalo for your time.

HB-1258

Submitted on: 2/14/2021 10:36:56 PM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laura Ramirez	Individual	Oppose	No

Comments:

Do not touch the water code that protects Native Hawaiian rights while the Capitol is closed. The State Water Code must be maintained as is until the many complex and controversial water use permits can be fairly addressed by the community.

HB-1258

Submitted on: 2/15/2021 8:45:43 AM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Vickie Parker Kam	Individual	Oppose	No

Comments:

I am writing to STRONGLY oppose HB1258 which would endanger the State Water Code that manages all fresh water resources in Hawaii. Either this bill is poorly written or is intentionally trying an end run around the protections our island home needs for fresh water.

Presenting this bill while the public does NOT have clear access to the legislative process is also suspect. I am asking you to consider the need to protect our ecosystems and water resources. Please also note that the current water use permits are controversial and complex and this bill would allow even less oversight of this process.

Please, do NOT pass HB1258. This is a dangerous and reckless bill that endangers one of the precious resources of our citizens. Mahalo for your time.

HB-1258

Submitted on: 2/15/2021 9:23:52 AM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
kelii ho	Individual	Oppose	No

Comments:

On behalf of kanaka maoli, I oppose this bill.

HB-1258

Submitted on: 2/15/2021 10:14:30 AM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sherry Pollack	Individual	Oppose	No

Comments:

It is clear this bill has ill intent. I am strongly urging the committee to defer this bad legislation. You should NOT touch the state water code. It is very disturbing that a bill like this is even on the agenda. Think about our keiki. Please do the right thing.

HB-1258

Submitted on: 2/15/2021 10:52:56 AM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John Fitzpatrick	Individual	Oppose	No

Comments:

Aloha Honorable Representatives,

I oppose HB 1258 because it is ambiguous and there does not be an apparent reason to amend the water code except to allow further theft of water from the Hawaiian people like the kalo farmers in east maui.

Mahalo,

Fitz

HB-1258

Submitted on: 2/15/2021 12:31:39 PM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Meredith Buck	Individual	Oppose	No

Comments:

I strongly oppose HB1258, the so-called "sneaky water bill" which has nothing to do with Hawaiian Homelands. Instead, this bill opens up the State Water Code without reason or explanation. The State Water Code manages all fresh water resources in Hawai'i. It includes strong protections for our water resources and ecosystems and mandates the protection of traditional and customary rights for Hawaiians. It also regulates complex and controversial water use permits.

Please do not touch the Water Code, and reject HB 1258. Especially during COVID, an all-remote legislative season in which the Capitol is closed to the public, this bill should not be considered even remotely passable. Please ditch HB1258.

HB-1258

Submitted on: 2/15/2021 1:52:07 PM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Monica Stone	Individual	Oppose	No

Comments:

I OPPOSE HB 1258. Mahalo for receiving my testimony.

Monica Rott Stone

HB-1258

Submitted on: 2/15/2021 2:50:44 PM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alana Naomi Pohakulehua Makaio- San Jose	Individual	Oppose	No

Comments:

I stand OPPOSED to any thing that does not perpetuate the land in righteousness.

HB-1258

Submitted on: 2/15/2021 5:23:44 PM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sandy	Individual	Oppose	No

Comments:

I oppose HB1258 because it sounds like it would open up the State Water Code without and reason or explanation.

HB-1258

Submitted on: 2/15/2021 6:35:27 PM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Aaberg	Individual	Oppose	No

Comments:

Dear Chair Tarnas and Committee,

I oppose HB1258. This is not really about Hawaiian Homelands, but rather opens up the water code without any reason or explanation. The water code manages all fresh water resources in Hawai'i. It declares all water in Hawai'i a public trust, includes strong protections for our water resources and ecosystems, and mandates the protection of traditional and customary rights for Hawaiians. The State Water Code is an important tool to also regulate water use permits. Why now? I oppose this strongly.

Sincerely,

LYnn Aaberg

HB-1258

Submitted on: 2/15/2021 7:31:04 PM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gordon B. Lindsey	Individual	Oppose	No

Comments:

I strongly oppose HB 1258 for varrious reasons

HB-1258

Submitted on: 2/15/2021 8:53:45 PM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Hansen	Individual	Oppose	No

Comments:

Dear Legislators - please oppose this bill.

HB-1258

Submitted on: 2/16/2021 12:25:34 AM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sandee Moniz Ps	Individual	Oppose	No

Comments:

Strongly oppose

HB-1258

Submitted on: 2/16/2021 7:20:00 AM

Testimony for WAL on 2/16/2021 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Katrina Berry	Individual	Oppose	No

Comments:

I oppose this bill