

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843
www.boardofwatersupply.com



February 14, 2022

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Manager and Chief Engineer

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Deputy Manager and Chief Engineer

The Honorable Mike Gabbard, Chair
and Members
Senate Committee on Agriculture & Environment
Conference Room 224 & Videoconference
Honolulu, Hawaii 96813

Dear Chair Gabbard and Members:

Subject: Senate Bill 3273: Relating to a Department of Environmental Protection

The Honolulu Board of Water Supply (BWS) supports Senate Bill (HB) 3273. The bill proposes amending Hawaii Revised Statutes (HRS) Section 26-4 to create a department of environmental protection.

A state department of environmental protection centralizes the work to protect and preserve our environment and natural resources, which will further protect Hawaii's drinking water now and into the future. One example is the California Environmental Protection Agency that uses the latest science based information and research to develop, implement and enforce environmental laws to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality of the state.

The BWS recommends amending the bill to require the department of environmental protection report to a seven member board in a new stand-alone Section added to the HRS, entitled "Board Oversight," that provides:

"The Department of Environmental Protection will report to a seven member board that consists of one member appointed by each of the following:

- (1) the Office of the Governor;
- (2) the Hawaii State Senate;
- (3) the Hawaii State House of Representatives;
- (4) the Honolulu City Council;
- (5) the Kauai County Council;
- (6) the Hawaii County Council; and
- (7) the Maui County Council."

The Honorable Mike Gabbard, Chair
and Members
February 14, 2022
Page 2

Thank you for your consideration of our testimony concerning SB 3273.

Very truly yours,

ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

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 CASE
Chairperson**

**Before the Senate Committees on
AGRICULTURE AND ENVIRONMENT**

**Monday, February 14, 2022
1:20 PM**

State Capitol, Conference Room 224, Via Videoconference

**In consideration of
SENATE BILL 3273
RELATING TO A DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Senate Bill 3273 proposes to establish a firm deadline by which a Department of Environmental Protection shall be created and creates a Department of Environmental Protection Working Group to fulfill the mandate of creating the Department of Environmental Protection. **The Department of Land and Natural Resources (Department) offers comments.**

The Department notes that last Session, Senate Bill 968 and its companion, House Bill 423 were introduced but not heard. Both bills provided an extensive history of the efforts to create a department of Environmental Protection, the reasoning for such a department, and a blueprint for transitioning existing laws and functions to a new department. Senate Bill 3273 pares everything down to 1) establishing a Department of Environmental Protections and 2) creating a working group to develop the structure and funding for the new department as well as a transition plan.

The Department suggests that the working group be the focus of this bill, and that it be expanded to include: the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, the Department of Agriculture and a representative each from the House and Senate. It should also include the Hawaii Climate Change Commission Coordinator and the City and County of Honolulu Chief Resilience Officer and Executive Director of the City's Resiliency Office.

Although much work has already been done by prior working groups, the proposal still needs further discussion. Provide the working group the flexibility to ask if funding or political will are the issues, or is a reorganization required? Have we defined the problem adequately and will a new department solve the problem? If the answer is yes, are small steps better?

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

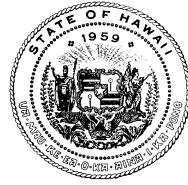
ROBERT K. MASUDA
FIRST DEPUTY

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

The Department notes that there is no budget attached to this bill. Members of the Working Group will find it difficult to divert staff and funding away from Executive Branch priorities. The Department also notes that since this is an election year, much of the Executive Branch leadership will change in January 2023. Without a budget, it's unlikely that the working group will get started until after the new governor chooses department heads. Both funding and timing of the start of the Working Group should be taken into consideration.

Thank you for the opportunity to comment on this measure.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony in SUPPORT of SB3273
RELATING TO A DEPARTMENT OF ENVIRONMENTAL PROTECTION

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Hearing Date: 2/14/2022

Room Number: 224/Videoconference

1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's
2 Executive Budget Request for the Department of Health's (Department's) appropriations and
3 personnel priorities.

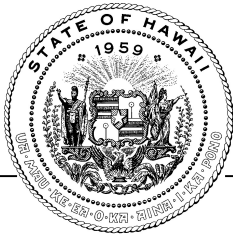
4 **Department Testimony:** The Department supports this measure's thoughtful approach to
5 creating a Department of Environmental Protection. There would be certain advantages, as
6 outlined in the bill's preamble, to creating a department with the core mission of environmental
7 protection. However, the logistical challenges to a successful transition involving so many
8 different existing departments and offices should not be underestimated. We believe it is
9 important to add to the working group a representative each from the Department of Human
10 Resources Development, the Department of Accounting and General Services, and the
11 Department of Budget and Finance to address personnel- and facilities-related logistics in the
12 planning process.

13 To cite one example of challenges that must be overcome, the Hazard Evaluation and
14 Emergency Response Office and branches within the Environmental Management Division of
15 the department are still recovering from losing about 25% of their staff when these offices were
16 moved from Kewalo Basin to Waimano Ridge less than five years ago. The offices were moved
17 to facilities owned by the department to avoid paying costly rent and potentially facing relocation
18 on a short timeline when the Kewalo Basin lease was ended by the new owner. If these offices
19 become part of a new Department of Environmental Protection, will they remain in their present

1 location? If these offices must move again, where will they go and what effect will another move
2 have on personnel issues, including retention and hiring?

3 **Offered Amendments:** In section 3, add members of the working group from the Department
4 of Human Resources Development, the Department of Accounting and General Services
5 (facilities), and the Department of Budget and Finance to address personnel- and facilities-
6 related logistics in the planning process.

7 Thank you for the opportunity to testify on this measure.



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
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Statement of
MARY ALICE EVANS
Director, Office of Planning and Sustainable Development
before the
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENTAL PROTECTION
Monday, February 14, 2022
1:20 PM
State Capitol, Conference Room 325
in consideration of
SB 3273
RELATING TO A DEPARTMENT OF ENVIRONMENTAL PROTECTION

Chair Gabbard, Vice Chair Nishihara, and Members of the Senate Committee on Agriculture and Environmental Protection:

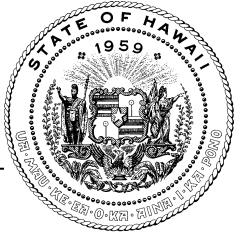
The Office of Planning and Sustainable Development respectfully offers **comments** on SB 3273 which establishes a department of environmental protection by July 1, 2026. Creates a department of environmental protection working group to address the logistics required for the State to establish a department of environmental protection. Requires the working group to submit a report to the legislature prior to the 2025 regular session.

With the recent passage of [Act 45, Session Laws of Hawai'i 2020](#), [Act 152, Session Laws of Hawai'i 2021](#), and [Act 153, Session Laws of Hawai'i 2021](#), the Office of Planning and Sustainable Development continues to transition rapidly despite the office's limited funding and staffing to meet the statewide sea level rise adaptation coordination, sustainability and climate adaptation planning and coordination, economic recovery and resiliency planning, affordable housing collaboration and environmental review requirements over the past six months.

The Office of Planning and Sustainable Development agrees with the preamble of the bill that the ongoing climate crisis is one of the overarching issues of modern times, the protection of the State's environment and natural resources are extremely critical. The Office of Planning and Sustainable Development believes that the State of Hawai'i's sustainability, climate change mitigation, and climate change adaptation requires a multi-agency approach throughout all branches, departments, and agencies of the State of Hawai'i's government and it's counties.

The Office of Planning and Sustainable Development believes that through strong statewide planning and coordination laws in relation to sustainability and climate change issues, including: [Hawai'i Revised Statutes §225M-2](#), [Hawai'i Revised Statutes §225M-3](#), [Hawai'i Revised Statutes §225M-8](#), [Hawai'i Revised Statutes §225M-9](#), [Hawai'i Revised Statutes §225P-3](#), [Hawai'i Revised Statutes §225P-4](#), [Hawai'i Revised Statutes §225P-5](#), [Hawai'i Revised Statutes §225P-7](#), [Hawai'i Revised Statutes §226-108](#), and [Hawai'i Revised Statutes §226-109](#) provides the statewide coordination to unite this important work collectively as a State.

Thank you for the opportunity to testify on this measure.



HAWAII STATE ENERGY OFFICE STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

SCOTT J. GLENN
CHIEF ENERGY OFFICER

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Testimony of
SCOTT J. GLENN, Chief Energy Officer

before the
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Monday, February 14, 2022
1:20 PM

State Capitol, Conference Room 224 & Videoconference

COMMENTS
SB 3273
RELATING TO A DEPARTMENT OF ENVIRONMENTAL PROTECTION.

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee, the Hawai'i State Energy Office (HSEO) offers comments on SB 3273, which establishes a department of environmental protection by July 1, 2026; creates a department of environmental protection working group to address the logistics required for the State to establish a department of environmental protection; and requires the working group to submit a report to the legislature prior to the 2025 regular session; and names the Chief Energy Officer or the Chief Energy Officer's designee as a participant in the working group.

HSEO acknowledges concerns about the bill's potential to replace or adversely impact priorities indicated in the Executive Supplemental Budget.

If this bill moves forward, HSEO is willing to participate in such a working group. Given the administrative aspects of such an effort, including the Department of Human Resources Development, the Department of Accounting and General Services, and the Department of Budget and Finance may be appropriate, as well as the Department of Business, Economic Development and Tourism for the role of business and industry in environmental protection and opportunities for business development in the sector.

HSEO defers to the appropriate agencies concerning the implementation of the bill's requirements.

Thank you for the opportunity to testify.

SB-3273

Submitted on: 2/11/2022 9:47:20 PM

Testimony for AEN on 2/14/2022 1:20:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gerard Silva	Individual	Oppose	No

Comments:

We need protection from the Department of Environmental protection these people are Idiots!!



Senate Committee Agriculture and Environment

Chair Mike Gabbard, Vice Chair Clarence Nishihara

February 14, 2022, 1:20 P.M., Conference Room 224 and Videoconference

SB2054 – Relating to a Department of Environmental Protection

TESTIMONY

Nancy Davlantes, Legislative Committee, League of Women Voters of Hawaii

Chair Gabbard, Vice Chair Nishihara, and Committee Members:

The League of Women Voters of Hawaii supports SB3273 supports the intent of this bill, which would establish a department of environmental protection by July 1, 2026, and offers the following comments.

Given the special nature of Hawaii’s environment, it is surprising that there is no executive-level department coordinating and overseeing the various efforts and duties of other agencies dealing with aspects of this over-arching goal of addressing climate change.

The working group that this bill would establish has an enormous task, and it is all too easy to that the creation of a new department is the end in itself. Too often there has been a lack of follow-through and assignments fall through the cracks.

Unless there is a clear structure and someone in the working group has charge of staying on top of this process, this effort may not achieve what it was created to do.

Thank you for the opportunity to submit testimony.



CORRECTED

Senate Committee Agriculture and Environment

Chair Mike Gabbard, Vice Chair Clarence Nishihara

February 14, 2022, 1:20 P.M., Conference Room 224 and Videoconference

SB3273– Relating to a Department of Environmental Protection

TESTIMONY

Nancy Davlantes, Legislative Committee, League of Women Voters of Hawaii

Chair Gabbard, Vice Chair Nishihara, and Committee Members:

The League of Women Voters of Hawaii supports SB3273 supports the intent of this bill, which would establish a department of environmental protection by July 1, 2026, and offers the following comments.

Given the special nature of Hawaii’s environment, it is surprising that there is no executive-level department coordinating and overseeing the various efforts and duties of other agencies dealing with aspects of this over-arching goal of addressing climate change.

The working group that this bill would establish has an enormous task, and it is all too easy to that the creation of a new department is the end in itself. Too often there has been a lack of follow-through and assignments fall through the cracks.

Unless there is a clear structure and someone in the working group has charge of staying on top of this process, this effort may not achieve what it was created to do.

Thank you for the opportunity to submit testimony.