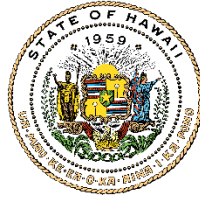
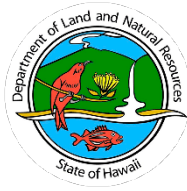


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA**

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

LAURA H.E. KAAKUA
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

**Testimony of
DAWN N.S. CHANG
Chairperson**

**Before the Senate Committees on
WATER AND LAND
and
AGRICULTURE AND ENVIRONMENT**

**Monday, January 30, 2023
1:00 PM
Senate Capitol, Conference Room 224**

**In consideration of
SENATE BILL 71
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS**

Senate Bill 71 proposes to add a new section to Chapter 343, Hawai'i Revised Statutes (HRS), adding an exemption from the requirements of the environmental impact statements law for the proposed drilling, construction, or use of a well on lands leased from the Department of Agriculture, provided that the land is being used to support agriculture and food production. **The Department of Land and Natural Resources (Department) offers the following comments.**

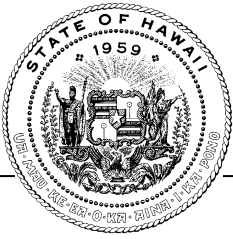
While DLNR supports agricultural use towards a more sustainable Hawaii, we believe that Chapter 343, HRS, provides necessary safeguards and community engagement in considering any well development, including for agricultural purposes. Research from the University of Hawai'i, Water Resource Research Center, and United States Geological Survey shows that agricultural water use may have significant impacts on: 1) ground water recharge and corresponding ground water sustainable yields; 2) setting of instream flow standards; 3) surface and ground water quality from the use of chemicals for nutrients and pest control; and 4) surface runoff quality and quantity to the nearshore waters throughout the State. These are important issues that should be addressed when Chapter 343, HRS, triggers are met. We also note that there are provisions in Chapter 343, HRS, for agencies to request exemptions from environmental review.

Agricultural water needs are for uses such as irrigation of crops, pasture, livestock, and processing for sale and have been an important part of the State's economy. As of 2022, reported agricultural ground

water use from 256 of the total 434 agricultural wells in the State is around 20 million gallons per day (mgd) as the industry transitions from large scale to smaller diversified agriculture. This does not account for surface water use, which has been equally if not more significant and an important issue with the changes in setting instream flow standards in various places of the State by the Department's Commission on Water Resource Management (Commission).

County Water Use and Development Plans and the State Water Projects Plan forecast that non-potable water use will increase over the next 20-years or so. The Commission's guiding policies in its Water Resource Protection Plan promotes alternative uses of water for agriculture in lieu of potable groundwater: (1) quality of the water source should be matched to the quality of the water needed, (2) if there is a practical alternative water source available, that alternative source should be used in lieu of natural supplies, and (3) encouraging best and highest use of water while disallowing the application of lower quality water over a higher quality aquifer.

Mahalo for the opportunity to comment on this measure.



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

JOSH GREEN, M.D.
GOVERNOR

SCOTT J. GLENN
DIRECTOR

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Statement of
SCOTT GLENN, Director

before the
**SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
and
SENATE COMMITTEE ON WATER AND LAND**

Monday, January 30, 2023, 1:00 PM
State Capitol, Conference Room 224

in consideration of
**SB 71
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.**

Chairs Gabbard and Inouye, Vice Chairs Richards and Elefante, and members of the Committees on Agriculture and Environment and Water and Land:

The Office of Planning and Sustainable Development (OPSD) offers the following comments on SB 71, which would exempt the proposed drilling, construction, or use of a well and well appurtenances on lands leased from the Department of Agriculture (DOA) from the requirements of HRS Chapter 343 provided that the land is used to support agriculture and food production.

Proposed uses on State lands that can affect ground water resources have been subject to environmental review to analyze the potential impact of such uses. To the extent that DOA believes the subject activities related to drilling and using wells are not likely to have a significant impact on the environment, HRS Chapter 343 provides the authority to exempt these actions from the requirement to prepare an environmental assessment. HRS Chapter 343 also provides agencies the ability to pursue programmatic assessments to address multiple wells or uses at one time. This bill would categorically exclude these activities from DOA oversight regarding analyzing the potential environmental impact. OPSD notes that these activities may still require regulatory oversight by other agencies or DOA in other ways, such as determining the applicability of the proposed statutory exclusion based on the land being used to support agriculture and food production.

Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
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**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE
COMMITTEE ON AGRICULTURE AND ENVIRONMENT
AND
COMMITTEE ON WATER AND LAND**

**MONDAY, JANUARY 30, 2023
1:00PM
CONFERENCE ROOM 224
& VIDEOCONFERENCE**

SENATE BILL NO. 71

RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Chairpersons Gabbard and Inouye and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill 71. This bill exempts the proposed drilling, construction, or use of a well and well appurtenances on lands leased from the Department of Agriculture from the requirements of the environmental impact statements law, provided that the land is being used to support agriculture and food production. The Department respectfully provides comments.

The Department recognizes the desire and intent of this bill. Chapter 343, HRS can add a significant amount of time and cost to a project. Exempting departmental tenants from the requirements of the environmental impact statement law will lower the costs of drilling and constructing wells, however, the Department feels it is still important to understand the environmental impacts of new well constructions and to consider the comments from the Office of Planning and Sustainable Development (OPSD) that these activities may still require regulatory oversight by other agencies.

Thank you for the opportunity to testify.





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January 30, 2023

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
SENATE COMMITTEE ON WATER AND LAND

TESTIMONY ON SB 71
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Conference Room 224 & Videoconference
1:00 PM

Aloha Chairs Gabbard and Inouye, Vice-Chairs Richards and Elefante, and Members of the Committees:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports SB 71, which exempts the proposed drilling, construction, or use of a well and well appurtenances on lands leased from the Department of Agriculture from the requirements of the environmental impact statements law, provided that the land is being used to support agriculture and food production.

The proposed exemption in SB 71 will make it possible for farmers to produce more food on agricultural land leased from the department of agriculture. It is well-known that the requirements of the environmental impact statement law, while important, can delay beneficial projects until they are no longer feasible. In addition, the enormous cost of hiring consultants to conduct these reviews and provide reports can also preclude farmers from using land they own or lease.

The COVID-19 pandemic has brought a renewed awareness of the critical importance of growing food and other agricultural products. It has highlighted the need for our islands to become more self-sufficient. This bill will facilitate the achievement of those goals and our constitutional mandate because although water is essential for farming, it is not currently available to all agricultural lands that could be productive.

Thank you for the opportunity to provide our support on this measure and for your continued support of Hawai'i's farmers and ranchers.



SIERRA CLUB OF HAWAI'I

SENATE COMMITTEE ON WATER AND LAND SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

January 30, 2023

1:00 PM

Conference Room 224

In OPPOSITION to SB71: Relating to the Environmental Impact Statements

Aloha Chair Inouye, Chair Gabbard, Vice Chair Richards, Vice Chair Elefante, and Members of the Committees,

On behalf of our 27,000 members and supporters, the Sierra Club of Hawai'i **OPPOSES SB71**, which could result in significant and unnecessary impacts to natural and cultural resources and sites from well development, construction, and use on department of agriculture lands.

A broad exemption from our environmental review law, as proposed by this measure, may needlessly and irrevocably impact natural and cultural resources and sites. Our environmental review law, established four decades ago, plays a critical role in ensuring that decisions potentially impacting our islands' cultural and environmental integrity are carefully and transparently assessed, by agencies, cultural practitioners, and others who may have a wide range of expertise, insight, and experiences. The environmental review law also helps to ensure that decisionmakers explicitly consider ways to avoid unnecessary impacts to natural and cultural resources and sites to the extent feasible.

Well development decisionmaking in particular could result in a range of potentially avoidable and significant impacts that could be identified and avoided or mitigated under the environmental review process - including impacts to streams and springs fed by groundwater sources, associated Native Hawaiian traditional and customary practices and recreational or other public uses, Native Hawaiian cultural sites, and native species habitat. Such impacts may also impair our islands' overall food production potential, both through the direct impairment of water sources, estuarine and shoreline gathering areas, and fishponds, as well as through the indirect foreclosure of future agricultural opportunities based on Native Hawaiian science and practice.

Notably, Department of Agriculture planners and decisionmakers are unlikely to have the site-specific familiarity with potential well development locations to identify habitats, sites, and resources that may be irrevocably and unnecessarily impacted by well development and use without the environmental review process.

Accordingly, the Sierra Club of Hawai'i strongly believes that the environmental review law should continue to apply to the drilling, construction, or use of wells on our public agricultural lands.

To the extent that an action involving well drilling, construction, or use is not likely to result in significant environmental effects, the Sierra Club also notes that it may already be eligible for an exemption under our existing environmental review laws and regulations.

Our lands and waters are as limited as they are fragile, and potentially irrevocable impacts to our finite resources and sensitive environment should be carefully considered when making major decisions such as the drilling and construction of wells. Accordingly, the Sierra Club respectfully urges the Committees to **HOLD** SB71. Thank you very much for this opportunity to testify.

SB-71

Submitted on: 1/27/2023 3:50:45 PM

Testimony for WTL on 1/30/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Smith	Individual	Oppose	Written Testimony Only

Comments:

Oppose. Why would lands leased from the state be exempt from environmental impacts?

SB-71

Submitted on: 1/27/2023 8:06:52 PM

Testimony for WTL on 1/30/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

If we need a Permit the Government better get a Permit!!!!!!