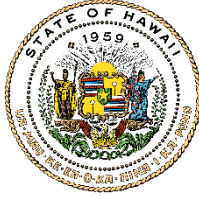


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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N.S. CHANG
Chairperson

Before the House Committee on
WATER AND LAND

Tuesday, March 25, 2025
9:40 AM

State Capitol, Conference Room 411 & Videoconference

In consideration of
HOUSE CONCURRENT RESOLUTION 197
REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO
CONVENE A WORKING GROUP TO CLARIFY THE PURPOSE OF THE COMMISSION
ON WATER RESOURCE MANAGEMENT AND DETERMINE WHETHER THE
LEADERSHIP STRUCTURE AND COMPOSITION OF THE COMMISSION SHOULD BE
AMENDED

House Concurrent Resolution 197 requests the Department of Land and Natural Resources (Department) to convene a working group to clarify the purpose of the Commission on Water Resource Management (Commission) and determine whether the leadership structure and composition of the Commission should be amended. **The Department offers comments.**

The Commission plays a crucial role in overseeing and managing the state's precious water resources. Established by the Hawai'i State Legislature in 1987 to implement and administer the State Water Code (Hawai'i Revised Statutes chapter 174C), the Commission is charged with a public trust obligation of the highest order — "to protect, control, and regulate the use of Hawai'i's water resources for the benefit of its people."

Under the laws and constitution of the State of Hawai'i, the Commission has a dual mandate: to protect and preserve the state's freshwater resources while ensuring the maximum beneficial use of water for present and future generations. This includes balancing diverse and often competing demands, from municipal water supply and agricultural use to the protection of traditional and customary Native Hawaiian practices, the development of Hawaiian Home Lands, and the safeguarding of native ecosystems. Given the growing pressures of changing weather patterns and increasing demand for limited water supplies, the Commission's role is more vital than ever.

As a part of the Department, the Commission also contributes to a broader framework of natural and cultural resource stewardship. The Deputy Director for Water Resource Management serves on the Department's leadership team, ensuring that water decisions align with the integrated management of lands, streams, forests, nearshore ecosystems, and other natural resources.

This resolution continues an important conversation about how best to support the Commission in fulfilling its mission. These discussions are not new. In 1994, the Review Commission on the State Water Code submitted recommendations to the Legislature that raised structural concerns and proposed changes to the Commission's legal and organizational framework. That same report recommended that a follow-up review take place ten years after the adoption of its recommendations. However, no such follow-up review occurred.

Since that time, the Department now has the benefit of more than 30 years of additional case law, which has developed a body of legal interpretation regarding the public trust doctrine as applied specifically to water and the work of the Commission. The accumulated experience of Commission staff, together with these legal developments, provides a valuable foundation from which to consider whether updates to the State Water Code or changes to the Commission's structure may be appropriate.

The Department supports this resolution's intent to promote further evaluation and public dialogue. Taking the time to thoughtfully examine the Commission's structure, responsibilities, and resources will help strengthen its capacity to uphold its constitutional and statutory mandates and steward Hawai'i's water for generations to come.

Mahalo for the opportunity to provide comments on this measure.

HCR-197

Submitted on: 3/24/2025 8:07:23 AM

Testimony for WAL on 3/25/2025 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Hawaii Reef and Ocean Coalition	Support	Written Testimony Only

Comments:

Hawai'i Reef and Ocean Coalition SUPPORTS more aggressive enforcement of the public trust in water as set forth by the Hawai'i Supreme Court in multiple decisions over decades.

Hawai'i Reef and Ocean Coalition supports HCR197 as a vehicle to clarify the need for CWRM to provide greater accountability and protection of the State's waters.

Hawaii Reef and Ocean Coalition (by Ted Bohlen)