

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

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DEPUTY DIRECTOR - WATER

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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committees on
WAYS AND MEANS
and
JUDICIARY

Tuesday, April 1, 2025
10:00 AM

State Capitol, Conference Room 211 & Videoconference

In consideration of
HOUSE BILL 306, HOUSE DRAFT 2, SENATE DRAFT 1
RELATING TO STATE WATER CODE PENALTIES

House Bill 306, House Draft 2, Senate Draft 1 proposes to: add a minimum penalty and a maximum penalty per violation of the State Water Code; expand the types of potential violations of the State Water Code; and make each day that a violation exists or continues to exist a separate offense. This bill also requires the Commission on Water Resource Management (Commission) to consider certain factors when imposing penalties and makes the setting, charging, and collecting of administrative fines by the Commission mandatory, rather than discretionary. **The Department of Land and Natural Resources (Department) supports this measure.**

As the “primary guardian” of the critical public trust resource, fresh water,¹ this bill will support the Commission in its affirmative duty “to protect, control and regulate the use of Hawaii’s water resources” as articulated in Article XI Section 7 of the Constitution of the State of Hawai‘i. The Commission places great importance on deterring violations of the State Water Code but has found that the current maximum penalty of \$5,000 per violation² does not have a sufficient deterrent effect in certain cases.

In its 1994 Report to the State Legislature, the Review Commission on the State Water Code, pursuant to Section 5 of Act 45, proposed a maximum fine of \$25,000 for reckless, knowing, or intentional violations of the State Water Code. This bill proposes to increase the maximum penalty from \$5,000 to \$25,000 for repeat violations and those that cause harm to other water users, the environment, or water

¹ *In re Water Use Permit Applications*, 94 Hawai‘i, 97, 141, 9 Pd.3, 409, 453 (2000). (*Waiāhole I*)

² Hawai‘i Revised Statutes (HRS) Section 174C-15

source. This increase will also bring penalties under the Hawai'i Water Code up to a level comparable to those imposed by other states such as Arizona, Texas, California, and North Carolina. The bill will allow the Commission to gradually increase the maximum fine every five (5) years beginning in the year 2030 to account for inflation.

The Department appreciates the amendments made to this measure and believes these changes strike an appropriate balance with the interests mentioned earlier in opposition to this bill. As currently drafted, the bill emphasizes the Commission's intent to target repeat violations and those that cause harm. In its 38-year history, the Commission has issued a total of 49 fines. Of those, the vast majority of fines assessed by the Commission (87% of violations) are under \$5,000, yet these fines constitute only 3% of the total dollar amount imposed. This illustrates that the Commission takes a measured approach to deterrence but highlights the need for stronger penalties for the most egregious violators with the financial means to absorb fines.

Thank you for the opportunity to testify in support of this measure.



**COMMENTS ON HOUSE BILL 306 HD2_SD1
RELATING TO STATE WATER CODE PENALTIES**

Senate Committee on Judiciary
Senate Committee on Ways and Means
Hawai'i State Capitol

April 1, 2025 10:00 a.m. Conference Room 211

Dear Chais Rhoad and Dela Cruz, Vice Chairs Gabbard and Moriwaki, and Members of the Senate Committees on Judiciary and Ways and Means:

The Office of Hawaiian Affairs (OHA) provides **COMMENTS ON HB306 HD2 SD1**. OHA has a vested interest in protecting Hawai'i's natural and cultural resources, particularly water, which throughout Hawai'i's history, has always been considered a public trust resource to be managed and administered for the benefit of present and future generations. Effective management of precious resources requires effective enforcement.

Under our current law, no matter how egregious a Water Code violation may be, or how severe and/or permanent the damage caused, \$5,000 is the maximum penalty per violation.¹ Wai is our most precious resource, and the Commission on Water Resource Management (Commission) needs the power to impose penalties that will effectively deter violations. As it stands, this penalty—and existing enforcement mechanisms—do not have a sufficient deterrent effect. Some bad actors with deep pockets persistently violate the State Water Code and penalties should be imposed at a high enough rate to deter continued future violations that threaten our water resources.

OHA notes that the proposed \$25,000 maximum penalty was suggested in a 1994 Final Report to the Hawai'i State Legislature submitted by a Review Commission on the State Water Code.² In other words, over 20 years ago, \$25,000 was already considered the necessary penalty to deter intentional violations of the code. Implementing this proposed penalty over 20 years later does not pose a substantial burden for those to whom it would apply, and is already within the Commission's discretion. **However, OHA respectfully suggests that the Committees amend the bill to preserve the existing discretionary language of "may" rather than "shall"** (page 4 line 12) to ensure that the

¹ Hawai'i Revised Statutes § 174C-15(b).

² Pursuant to Section 5 of Act 45.

Commission's limited resources can be focused on the worst violators whose conduct falls into the second class of violations identified in the bill: those that cause significant harm to the environment, the public, and other water public trust water users.

Mahalo for the opportunity to testify on this important measure.

**BOARD OF WATER SUPPLY
KA 'OIHANA WAI
CITY AND COUNTY OF HONOLULU**

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RICK BLANGIARDI
MAYOR
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ERNEST Y. W. LAU, P.E.
MANAGER AND CHIEF ENGINEER
MANAKIA A ME KAHU WILIKI

ERWIN KAWATA
DEPUTY MANAGER
HOPE MANAKIA



NĀ'ĀLEHU ANTHONY, Chair
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April 1, 2025

The Honorable Donovan M. Dela Cruz, Chair
and Members
Senate Committee on Ways and Means
Hawai'i State Capitol, Room 211
Honolulu, Hawai'i 96813

The Honorable Karl Rhoads, Chair
and Members
Senate Committee on Judiciary
Hawai'i State Capitol, Room 211
Honolulu, Hawai'i 96813

Dear Chair Dela Cruz, Chair Rhoads and Members:

SUBJECT: House Bill 306, HD2, SD1: Relating to State Water Code Penalties

The Honolulu Board of Water Supply (BWS) supports House Bill (HB) 306, House Draft (HD) 2, Senate Draft (SD) 1, which enables the Department of Land and Natural Resources (DLNR) and Commission of Water Resource Management (Commission) to establish two tiers of violations with different maximum fines based on whether the violation has caused harm to other water users, the environment, or water source, and whether the violator has been assessed a fine by the Commission within the five years preceding the violation.

Should this bill pass this session, we expect the DLNR and Commission staff to exercise its due diligence and outreach to the public for feedback when adopting rules for implementing the new state water code penalties. The maximum penalty should be reasonable in that it could negatively impact the agriculture industry, individuals, water utilities, etc. It is for the betterment of our State to be as transparent as possible to the people of our Island State.

Exercising all due diligence and outreach to the public for feedback would determine if the compounded increase per day per violation is an effective deterrent and if the

The Honorable Donovan M. Dela Cruz, Chair
The Honorable Karl Rhoads, Chair
and Members
April 1, 2025
Page 2

penalty could negatively impact the agricultural industry, water utilities, individuals, and affordable housing projects.

Thank you for your consideration and the opportunity to testify sharing our concerns on HB 306, HD 2, SD1.

Very truly yours,



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





LAND USE RESEARCH
FOUNDATION OF HAWAII

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March 27, 2025

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Senate Committee on Judiciary

Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair
Senate Committee on Ways and Means

Comments and Concerns in Opposition to HB 306, H.D. 2, S.D. 1, Relating to State Water Code Penalties (Adds a minimum penalty and maximum penalty per violation of the State Water Code [Code], and authorizes the Commission on Water Resource Management [Commission] to consider each day that a violation exists or continues to exist a separate offense. Establishes factors the Commission must consider when determining the amount of the penalty. Increases maximum fines in five-year increments from 2030 to 2045. Effective 7/1/2040.)

Tuesday, April 1, 2025, 10:00 a.m.
State Capitol, Conference Room 211 & Videoconference

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers, and utility companies. LURF's mission is to advocate for reasonable, rational, and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF appreciates the opportunity to submit comments **in opposition** to this measure proposing to add penalties for violation of the Code and to afford the Commission the authority to assess the existence and length of time of the violation, and determine the amount of the penalty imposed based on the Commission's consideration of certain factors.

HB 306, H.D. 2, S.D. 1. The stated purpose of this bill is to ensure that all violators of the Code are held accountable for their violations by 1) adding a minimum penalty and maximum penalty per violation of the Code and clarifying what constitutes a separate offense; and 2) requiring the Commission to consider certain factors when imposing penalties.

This S.D. 1 version of H.B. 306 continues to fail to set forth clear and warranted justification for this measure, as well as facts, information, and evidence supporting the need for requiring imposition and increase of penalties, as well as justification for the expansion of the Commission's power and authority to effectuate such penalties.

While details and considerations relating to the imposition of fines (which should, as a matter of course, be included in decision making by the Commission in any case) have now been included in this S.D. 1, and added to the factors the Commission should contemplate when assessing a violation and determining the associated penalty to be imposed, required and credible justification for the expansion of the Commission's statutory authority sought to be granted pursuant to this bill has not been presented. A presumption can therefore still be made that the measure is intended to improperly afford the Commission expanded authority to subjectively and unilaterally assess the existence and period of time of any violation, and to determine the amount of any mandatory penalty imposed for any violation of a provision, rule, order, or permit condition adopted pursuant to the Code.

Moreover, this measure proposes that each day such a violation exists or continues to exist shall constitute a separate offense. Such authority would arguably afford the Commission unbridled power to subjectively and arbitrarily impose **mandatory** penalties upon water users and permittees which could potentially control and prohibit use of water resources throughout the State.

Such a presumption is plausible given at least two proposals similarly made in the recent past to expand the Commission's authority to 1) unilaterally allow the Commission to designate an area as a water management area by disregarding appropriate procedural vehicles, circumventing existing laws, failing to properly collaborate with county water authorities, and neglecting potential negative impacts to affected stakeholders and community members in doing so; and 2) amend Hawaii Revised Statutes (HRS) Section 174-C, to technically separate "water shortage" from "water emergency" issues to justify an expansion of the Commission's authority to declare an emergency which would allow itself to take actions as it unilaterally deems necessary to address the emergency, including but not limited to apportioning, rotating, limiting or prohibiting the use of the water resources.¹

Consistent with those previous attempts to expand the powers of the Commission, LURF believes the authority now being sought to allow the Commission to assess violations and impose penalties **goes far beyond its statutory role as a policy-making body and will inappropriately overstep the counties' administrative and operational jurisdiction over State and county water management issues.** The proposed amendments to HRS Section 174-C-15 also appear to be unwarranted and inadvisable given that penalties are already adequately and appropriately addressed by existing provisions, making said amendments unnecessary.

¹ Your Honorable Committees are respectfully urged to note that the latter attempt was made in 2023 by HB 1088 which proposed to expand the Commission's authority to amend the conditions, manner, and areas in which the Commission can declare and provide notice of water shortages and emergencies was vetoed by Governor Josh Green on July 7, 2023, via Gov. Msg. No. 1371.

LURF's Position. Throughout the State, LURF members have continued to serve as good stewards of Hawaii's water resources and as active partners with the State and counties in the conservation of water resources, as well as the preservation and protection of existing and potential water sources. LURF, therefore, unquestionably supports the objectives of the Commission to preserve and protect the State's precious water resources.

Based, however, on its understanding and review of the information presented relating to the proposed bill, LURF must respectfully **oppose** the proposed expansion of the Commission's authority for the following reasons:

A. Provisions of HRS Section 174-C-15 Which Adequately Protect and Manage Water Resources Should Not be Amended Without Facts and Information Necessary to Justify the Proposed Amendments.

HB 306, H.D. 2, S.D. 1 now proposes amendments to HRS Section 174-C-15 to afford the Commission authority to unilaterally assess and impose penalties for violation of the Code and the Commission's orders, as well as the sole authority to determine the amount of the penalties based on the Commission's evaluation of the circumstances of the violation. As far as LURF is aware, proponents of this measure have not presented any findings or evidence to support a viable reason or justification for such a proposal to impose such mandatory penalties, nor has any information or findings been offered to support the imposition of mandatory penalties in the amounts as indicated in the bill.

Any attempt made by proponents of this measure to justify the proposed imposition of increased penalties by relying upon the Commission's alleged intent to "**create parity**" with its co-trustee, the Department of Health (DOH), to establish the same maximum penalties for "water quality violations" would not be appropriate in this case. LURF believes such a parity-based justification is misplaced since the DOH penalties apply to violations relating to the **quality** of water, as opposed to the **usage and allocation** of water in the context of protecting and managing water resources pursuant to the provisions of HRS Section 174-C-15. As there may likely be different attending concerns, issues, and factors relating to the imposition of penalties for the two distinctive types of violations, any assertion that parity may be required is arguably mitigated, if not invalidated as justification for this bill. Moreover, and more importantly, the DOH is in fact the designated agency which is statutorily empowered and qualified to impose penalties for water quality violations, and does not exceed its statutory authority by doing so.

Proposed expansion of the Commission's authority **without proper amendment of existing law which defines and limits the Commission's role with respect to the State's water resources**, and **without critical safeguards** (including, but not limited to established criteria for the implementation of different types of Code violations as well as the corresponding dollar amounts of penalties to be implemented), together with the lack of **sufficient information, facts, and findings** to support the need to **mandatorily** impose such penalties in subjective amounts upon water users and existing water permittees, would be to allow circumvention and disregard of important established rights and protections contained in existing laws and the Code which were **judiciously and collaboratively developed and vetted by all essential stakeholders.**

LURF believes that this type of arbitrary, unregulated, and potentially unmonitored action is dangerous and may actually pose a threat to the health and safety of the public, and to the economy of the State.

1. Laws and Regulations Relating to Water Resources Should at the Very Least, be Properly Exercised in “Collaboration” With the Counties.

State and county laws and regulations regarding water resources that relate to land use and waterworks already exist and are properly administered by the counties via powers conferred upon it by the State Legislature through Hawaii Revised Statutes (HRS), Chapters 46 and 174C.² Section 174C-2(e) of the HRS, provides that the State Water Code shall be liberally interpreted and applied in a manner which conforms with intentions and plans of the counties in terms of land use planning.

Because the Commission’s mandatory imposition of penalties for Code violations would affect the statutory powers of the counties relating to land use and waterworks, as well as impact local land use planning determinations and policy decisions made by the counties, it is LURF’s position that the expanded authorization of the Commission currently being sought should rightfully be obtained in **full collaboration and agreement** with the counties and their respective water departments, and not unilaterally by the Commission.

2. The Delineated Role of the Commission is to Set Policies, Protect Resources, Define Uses and Establish Priorities Relating to the State’s Water Resources.

Pursuant to HRS 174C, the Commission is the entity charged with the policy-making responsibilities of the State, as trustee of water resources, including setting policies, defining uses, establishing priorities while assuring rights and uses, and establishing regulatory procedures.

In the past, the various counties have expressed their concerns, and LURF agrees, that the Commission’s intervention into the counties’ administrative and operational jurisdiction over water issues via amendments to HRS Section 174-C-15 may result in inconsistencies between conclusions of the Commission, DOH, and respective county water departments; may **conflict** with the counties’ decisions; and would lead to the **confusing and chaotic** situation wherein the Commission itself would then be required to administer penalties and fines imposed by the Commission for violation of laws, rules and regulations of the Code separate and apart from administration by the counties. Such action by the Commission would set **bad precedent** and lead to **further complicated issues** relating to the management of the State’s water resources.

² HRS Chapter 46 confers certain powers, including powers relating to land use and waterworks to the counties, and HRS Chapter 174C-31 grants unto the counties the power to establish, pursuant to the State Water Code, water use development plans which include, amongst other things, future land uses and related water needs (HRS 174C-31(f)(2)); and “regional plans for water developments and relationship to the water resource protection” (HRS 174C-31(f)(3)). For example, County Charter provisions (Article 8, Chapter 11 of the Maui County Charter) affords the counties’ water departments the authority to manage and operate all water systems owned by the counties.

B. The Proposed Amendments May Result in Substantial Unnecessary Costs for Landowners, Water Users, Permittees, and the Counties.

Should this bill be passed, landowners, water users and permittees would be compelled to invest inordinate time, resources, and money to ensure strict compliance with provisions of the Code in order to avoid subjective noncompliance determinations and resulting subjective penalties imposed by the Commission. County water departments and their respective staff would also need to invest substantial time reviewing Commission orders and monitoring actions required of and conditions imposed by water users and permittees.

Concerns regarding potential impacts to housing projects still exist, as described in Governor Green’s veto message and statement of objections to H.B. 153 (2023). This measure could have unintended negative consequences and increase the costs and risks of existing and future state and private housing developments which unknowingly utilize water from county systems that may be in minor violation of water code provisions. Given even the slightest infraction, all parties would be forced to incur **substantial time and expense for legal challenges** brought as a result of this proposed measure.

LURF believes the proposed bill is also unsound because it fails to include **specific cost information** regarding the need for any additional employees, equipment, and other expenses required in connection with the Commission’s imposition of penalties which would overlap the efforts of state and county agencies. The proposal also fails to address the aforementioned cost of legal challenges relating to the subjective implementation and imposition of penalties. Approval of any expansion of the Commission’s authority without determining or even identifying the potential resulting costs to the State and county taxpayers would be arguably imprudent and irresponsible.³

C. The Proposed Expansion of Authority May Discourage Future Water Source Development Throughout the State.

Looking ahead, the unjustified expansion of the Commission’s authority and arbitrary penalties that may be imposed pursuant to this measure will make the development of additional ground water supplies even **more expensive and cost prohibitive** in the future. Private landowners will be less willing to provide land for new water well sites since the harsh and subjective imposition of mandatory penalties for subjective Code violations, as well as the potential for separate offenses will be unknown.

The proposed amendment could also create **unintended negative consequences** on the development of new water resources by the counties attempting to avoid arbitrary penalties. Such apprehension due to the subjective imposition of penalties will increase the costs of new water development.

³ Hawaii Administrative Rules §11-200.1-24(b) requires at appropriate points, **cost-benefit analysis**.

D. The Proposed Measure May Negatively Impact Landowners Due to the Fear of Unknown, Unanticipated and Arbitrary Penalties Which May be Incurred in Connection With the Use of Water Resources on Their Lands.

As discussed above, the proposed authority of the Commission to impose discretionary penalties for violations of the Code could potentially impact current uses of existing water sources, requiring new State Water Use Permits, the application process for which would entail burdensome procedural requirements, and/or legal challenges such as **Contested Case Hearings**. These concerns are another strong **disincentive** for property owners to expand, reconstruct, or develop their property for various uses, including providing housing.

E. The Commission's Proposed Expansion of Authority Could Violate the Spirit and Intent of the "Right to Farm" Law and May Negatively Impact Farmers and Agricultural Operations.

The proposed expansion of the Commission's authority may also arbitrarily restrict the agricultural use of reclaimed water for agricultural irrigation, continuance of animal feeding operations, and the use of fumigants and pesticides despite those practices having been conducted for years until present in a manner consistent with generally accepted agricultural and management practices. These concerns could create major issues for farmers and agricultural operators and violate the spirit and intent of the Hawaii State Planning Act and Hawaii's "Right to Farm" law, HRS Chapter 165. Under the Hawaii State Planning Act, it is a declared policy of this State to "foster attitudes and activities conducive to maintaining agriculture as a major sector of Hawaii's economy."

HB 306, H.D. 2, S.D. 1 is therefore arguably inconsistent with Hawaii's "Right to Farm" law because its subjective application may allow the imposition of arbitrary penalties upon agricultural stakeholders, thereby impacting farming and agricultural operations even if the farming operation has been heretofore conducted in a manner consistent with generally accepted agricultural and management practices.

Conclusion.

Over the past decades and throughout the State, LURF members have continued to serve as stewards of Hawaii's precious water resources and as active partners with the State and counties in support of the conservation of these resources, as well as the preservation and protection of existing and potential water sources.

Based, however, on its understanding and review of the facts and information underlying and relating to H.B. 510, H.D. 1, S.D.1, LURF has significant concerns regarding this bill, and must respectfully **oppose** the proposed expansion of the Commission's authority for the following reasons:

- 1) the inability of the bill's proponents and the Commission to justify that the stated need for this measure actually exists, and to present any undisputed material facts and/or evidence to conclusively prove that the proposed amendments to afford the Commission unilateral authority to expand and modify existing penalty provisions currently contained in the HRS and

authorize the Commission to determine the amount of such mandatory penalties (regardless of additional clarifications and considerations offered in this S.D. 1) are clearly warranted;

- 2) the fact that adequate current State and county laws and regulations already exist to adequately protect water resources;
- 3) the fact that the proposed authority sought exceeds the role of the Commission as delineated by statute;
- 4) the fact that any and all laws and regulations relating to water resources should be properly vetted with the counties which are conferred the authority to administer State and county laws and regulations regarding water resources that relate to land use and waterworks;
- 5) the lack of consideration of reasonable, well-collaborated, and more practical alternatives; and
- 6) the fact that this proposal could potentially result in significant negative practical and economic repercussions for the counties, the State, water users, water permittees, landowners, agricultural stakeholders, and State and private housing developments.

For the reasons set forth above, LURF must, despite its steadfast support of efforts to protect and preserve Hawaii's precious water resources, respectfully **oppose**, and request a **deferral** of the proposed measure.

While LURF and its members have respectfully and consistently supported the objectives of the Commission to preserve and protect Hawaii's precious water resources, there is unanimous belief and agreement amongst them that the unjustified and unauthorized expansion of power by any governmental authority is dangerous and a threat to the safety and economy of the State. LURF is willing, however, to work with the Commission, the Hawaii Farm Bureau, the county water department and other stakeholders over the summer, to address the issue of Commission penalties.

Thank you for the opportunity to provide comments and concerns regarding this important matter.



Email: communications@ulupono.com

SENATE COMMITTEES ON JUDICIARY & WAYS AND MEANS
Tuesday, April 1, 2025 — 10:00 a.m.

Ulupono Initiative strongly supports HB 306 HD 2 SD 1, Relating to State Water Code Penalties.

Dear Chair Rhoads, Chair Dela Cruz, and Members of the Committees:

My name is Micah Munekata, and I am the Director of Government Affairs at Ulupono Initiative. We are a Hawai'i-focused impact investment firm that strives to improve the quality of life throughout the islands by helping our communities become more resilient and self-sufficient through locally produced food, renewable energy, clean transportation choices, and better management of freshwater resources.

Ulupono strongly supports HB 306 HD 2 SD 1, which adds a minimum penalty and maximum penalty per violation of the State Water Code; authorizes the Commission on Water Resource Management (CWRM) to consider each day that a citation exists or continues to exist a separate offense; establishes factors the CWRM must consider when determining the amount of the penalty; and increases maximum fines every five years from 2030 to 2045.

What value do we place on an irreplaceable resource? Currently, CWRM can only impose a maximum fine of \$5,000 per violation of the State Water Code. This stands in stark contrast to other jurisdictions like Arizona, California, and Texas that have the authority to issue fines of \$10,000 per day to water users who exceed their permitted allocations. Even within our own state, the Hawai'i Department of Health (DOH) can charge a maximum penalty of \$60,000 per water pollution violation.

We cannot issue a water pollution fine if there is no water in our streams or aquifers left to pollute. The State Water Code was established to protect Hawai'i's water resources, but its effectiveness depends on compliance and meaningful enforcement. This bill sends a message that we value the health and wellbeing of water, and mistreatment of such a vital resource can have serious financial consequences.

We applaud the Legislature for underscoring the immeasurable value of *wai* by considering this measure for passage.

Thank you for the opportunity to testify.

Respectfully,
Micah Munekata
Director of Government Affairs

Investing in a Sustainable Hawai'i



Testimony of **Lahaina Strong**
Before the Senate Committees on
Judiciary & Ways and Means

In Consideration of House Bill No. 306 HD2 SD1
RELATING TO STATE WATER CODE PENALTIES

To Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki and the honorable members of the committees,

We are writing on behalf of Lahaina Strong, an organization deeply rooted in our community's resilience and advocacy. Originally formed in 2018 following the Hurricane Lane fire in Lahaina and revitalized after the devastating fires of August 8, 2023, Lahaina Strong has become the largest grassroots, Lahaina-based community organization, with over 35,000 supporters. Our mission is to amplify local voices and champion community-driven solutions, which are more critical than ever as we continue rebuilding and recovering.

Lāhainā Strong stands in **support of House Bill 306 HD2 SD1**, which seeks to bolster enforcement mechanisms for water violations by increasing penalties. As a community that has fought tirelessly for responsible water stewardship, we have seen firsthand how weak enforcement and insufficient fines have allowed the continued exploitation of our wai—threatening ecosystems, public health, and the resilience of our communities.

Water is not a commodity to be abused—it is a public trust resource that sustains our way of life, ecosystems, and future generations. For too long, over-extraction and illegal diversions have drained the lifelines of our 'āina, leaving streams dry, ecosystems struggling, and lo'i farmers in crisis. Existing penalties have been too low to deter violations, allowing corporations and bad actors to treat fines as the cost of doing business. This bill takes a necessary step in correcting that imbalance.

We appreciate the Legislature's recent amendments to this measure, which begin to address these concerns through a tiered penalty structure, daily violation counts, and

scheduled increases to the maximum fine over time. These changes are thoughtful and necessary to ensure the law has real weight behind it.

Penalties should match the severity of harm caused and reflect the true value of Hawai'i's water. Strong minimums, alongside the well-structured tiers and escalating maximums, will help ensure that chronic violators face real consequences. These tools are critical to protecting our wai, kahawai, and aquifers—especially as we continue the long road to recovery following the August 8, 2023, wildfires.

Lāhainā Strong urges you to **support HB306 HD2 SD1** with the strongest possible penalty structure. Water stewardship requires more than values—it requires enforceable action and structural accountability.

Ola i ka wai.

Sincerely,

Lahaina Strong



Senate Committee on Judiciary &

Senate Committee on Ways & Means

Hawai'i Alliance for Progressive Action (HAPA) Supports: HB306 HD2 SD1

April 1st, 2025 at 10:00am; Conference Room 211

Aloha Chair Rhoads, Chair Dela Cruz, Vice Chair Gabbard, Vice Chair Moriwaki and members of the committees,

HAPA is testifying in support of HB306 HD2 SD1 which proposes to add a minimum penalty and maximum penalty per violation of the State Water Code and makes each day that a violation exists or continues to exist a separate offense. Establishes factors the Commission on Water Resource Management must consider when determining the amount of the penalty.

Enforcement of the Hawai'i's Water Code is essential to the health of traditional and customary practices by ensuring streamflows are sufficient for kalo cultivation, health of riparian species, and for overall conservation efforts to ensure abundant clean water resources for future generations.

The authority to set fines based on the severity of the violation provides the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing streams and aquifers. This is particularly critical in communities such as west Maui where water resources are already severely constrained.

HAPA supports the provisions that direct the Water Commission to consider the nature, circumstances, extent, gravity, and history of the violation and of any prior violations; the economic benefit to the violator, or anticipated by the violator, resulting from the violation; the opportunity, difficulty, and history of corrective action; good faith efforts to comply; the degree of culpability; and such other matters as justice may require. Given the extensive history of water code violations in Hawaii that have enriched large scale corporate diverters at the expense of small scale subsistence practices, it is vital that increased penalties are appropriately targeted to address and dissuade the truly egregious violations.

Please support HB 306 HD2 SD1. Mahalo for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anne Frederick', written in a cursive style.

Anne Frederick, Executive Director

HB-306-SD-1

Submitted on: 3/29/2025 9:00:22 AM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Susan B Roberts Emery	Testifying for Green Party of Hawai'i	Support	Written Testimony Only

Comments:

Aloha Chairs Rhodes and Dela Cruz , Vice Chairs Gabbard and Moriwaki, and Members of Committee,

My name is Susan RobertsEmery, and I am Co chair of the Green Party of Hawai'i. Today the Greens reach out to offer our Strong Support of HB306 HD2 SD1. We must protect our Islands from water grabs and greed. This bill will help us by enforcement of the Hawai'is Water Code , essential , to the health of traditional and customary practices by ensuring streamflows are sufficient for kalo cultivation, health of riparian species, and for overall conservation efforts to ensure abundant clean water resources for future generations.

Green Party Hawai'i asks for your support of HB306 HD2 SD.
Ola i ka Wai!

Mahalo,

Susan RobertsEmery
Green Party Hawai'i
Paauilo

HB-306-SD-1

Submitted on: 3/28/2025 4:27:19 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
kimdonghyeon	Individual	Support	Written Testimony Only

Comments:

Enforcement of the Hawai‘is Water Code is essential to the health of traditional and customary practices by ensuring streamflows are sufficient for kalo cultivation, health of riparian species, and for overall conservation efforts to ensure abundant clean water resources for future generations. Please support HB306 HD2 SD. Ola i ka Wai!

HB-306-SD-1

Submitted on: 3/28/2025 4:50:27 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Georgia L Hoopes	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Members.

Enforcement of the Hawai‘is Water Code is essential to the health of traditional and customary practices by ensuring streamflows are sufficient for kalo cultivation, health of riparian species, and for overall conservation efforts to ensure abundant clean water resources for future generations. Please support HB306 HD2 SD. Ola i ka Wai!

Mahalo for your consideration.

Georgia Hoopes, Kalaheo

HB-306-SD-1

Submitted on: 3/28/2025 5:21:21 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Beryl Blaich	Individual	Support	Written Testimony Only

Comments:

ALOHA, REPRESENTATIVES,

I AM VERY PEASED TO SEE STRNG SUPPORT FOR THIS BIL AS IT HAS MOVED DURING THIS SESSION. CLEARLY WATER IS THE CRITICAL RESOURCE FOR LIFE, AND HAWAII IS BLESSED TO HAVE THE CULTURAL AND LEGAL UNDERSTANDINGS THAT WAI MUST BE CAREFULLY MANAGED IN THE PUBLIC INTEREST. AN OVERSIGHT ENTITY MUST HAVE THE CAPCATU, AS WELL AS THE MANDATE,TO ENFORCE PUBLICALLY AGREED UPON POLICIES AND REGULATIONS. PLEASE VOTE FOR HB 306.

RESPECTFULLY,

BERYL BAICH

HB-306-SD-1

Submitted on: 3/28/2025 6:01:27 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Pam Murphy	Individual	Support	Written Testimony Only

Comments:

The Hawai'i Makai Watch Program is a collaborative, statewide initiative where communities become directly involved with the DLNR and DOCARE in the management and protection of nearshore marine resources through promoting education and compliance to rules and regulations. This collaborative approach has resulted in an increase of awareness about the rules and regulations protecting our marine resources and a decrease in both intentional and unintentional poaching. This has a direct, positive impact on the nearshore marine environment

HB-306-SD-1

Submitted on: 3/28/2025 6:02:26 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer Lum	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Jennifer Lum and I am from 'Ewa Beach. I am writing to urge you to support HB306 HD2 SD. Enforcement of the Hawai'i Water Code is essential to the health of traditional and customary practices by ensuring streamflows are sufficient for kalo cultivation, health of riparian species, and for overall conservation efforts to ensure abundant clean water resources for future generations. Please support HB306 HD2 SD. Ola i ka Wai!

Mahalo,

Jennifer Lum, 'Ewa Beach

HB-306-SD-1

Submitted on: 3/28/2025 6:05:16 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lorna Holmes	Individual	Support	Written Testimony Only

Comments:

I write in support of HB306. This bill is focused on fining the major violators engaged in extractive water grabs, thus conserving water for everyone.

Enforcement of Hawai‘is Water Code is essential to overall conservation efforts to ensure abundant clean water resources for present and future generations. Please pass this bill.

Mahalo for your attention,

Dr. Lorna Holmes

Honolulu 96817

HB-306-SD-1

Submitted on: 3/28/2025 8:59:39 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Safia Gravel	Individual	Support	Written Testimony Only

Comments:

Please protect our water. By protecting our water you are protecting our people and our planet. Water is precious life for all beings.

HB-306-SD-1

Submitted on: 3/28/2025 9:50:48 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Noreen Dougherty	Individual	Support	Written Testimony Only

Comments:

I am Noreen Dougherty, a resident of Kapaa, Kauai and I very strongly support of HB306. I have seen the health of our streams steadily decline over the 47 years that I have lived on Kauai. During the last 27 years I have lived on a Kapa'a property that has a stream flowing through it...or did. In 1997 the waters always flowed the water was deep. There were multiple species of small fish, tilapia, prawns, crayfish and o'opu. Damselflies flew over the water escorting the o'opu back up to the mountains. Auku'u the Night Heron flew down and stood still preparing to snatch a meal. I've seen generations of those herons over the years, but not lately. There was a huge catfish that was caught and released by my children 3 times that was living in the tall grass at the location of the fresh water spring area. It was a thriving ecosystem with ferns growing on the sides.

Currently, there is hardly a puddle and I don't even see tadpoles in it. Since the rain has been scarce there is rarely a sign that the water is moving at all. There has been zero sign of an o'opu the stream. They go up the streams that the hatched in, so if we had water they may be able to be re-introduced. We need to be guardians of our natural habitats, educate the public, and specifically inform residents that live on waterways how to be protective. Natural environments have a balance that is easily disrupted, I strongly recommend that you support HB306 HD2 SD1.

Mahalo.

Noreen Dougherty 808 634-3098

HB-306-SD-1

Submitted on: 3/28/2025 11:34:32 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Enforcement of the Hawai‘is Water Code is essential to the health of traditional and customary practices by ensuring streamflows are sufficient for kalo cultivation, health of riparian species, and for overall conservation efforts to ensure abundant clean water resources for future generations. Please support HB306 HD2 SD. Ola i ka Wai! Mahalo.

HB-306-SD-1

Submitted on: 3/29/2025 3:40:16 AM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Christy Shaver	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard and Members of the Committees,

I am writing in full support of House Bill 306 HD2 SD1, which strengthens penalties for violations of the Hawai'i State Water Code. This bill is critical for protecting water resources, especially in places like Lahaina, where access to water has been an ongoing struggle for local families and cultural practitioners.

For too long, West Maui's water has been diverted and mismanaged, prioritizing large corporate interests over the needs of 'ohana who have lived here for generations. Lahaina's streams have run dry while resorts, golf courses, and private entities benefit from lax enforcement and minimal consequences for violations. Meanwhile, our community fights just to ensure water reaches kalo farmers, local households, and ecosystems that depend on it.

I appreciate the Legislature's recent amendments to strengthen this bill's enforcement provisions and ensure greater accountability in protecting our water resources. This bill helps ensure that our water is managed responsibly, upholding its role as a public trust resource for the people of Hawai'i.

I urge you to pass HB306 HD2 SD1 and take this step toward restoring balance and justice in how our water is managed. Mahalo for your time and consideration.

Sincerely,

Christy

Lahaina

HB-306-SD-1

Submitted on: 3/29/2025 8:14:38 AM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ezgi Green	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I strongly support HB306 HD2 SD, which strengthens the enforcement of Hawai‘i’s Water Code by setting clear minimum and maximum penalties for violations and ensuring that repeat offenses are addressed appropriately. This bill provides the Commission on Water Resource Management (CWRM) with the necessary tools to hold major violators accountable, discouraging exploitative water grabs that threaten our communities, environment, and cultural practices.

Water is a vital and sacred resource in Hawai‘i, essential to traditional and customary practices, including kalo cultivation and the health of our native ecosystems. By ensuring that fines are proportionate to the severity of violations and the economic gains made by violators, this bill helps protect our water sources for present and future generations. Strengthening enforcement is not just about regulation—it’s about safeguarding the sustainability of our water systems and upholding our responsibility to mālama ‘āina.

I urge you to pass this bill to ensure stronger protections for our water resources and to hold those who violate the Water Code accountable.

Ola i ka Wai!

Mahalo for your time and consideration.

Ezgi Green

HB-306-SD-1

Submitted on: 3/29/2025 8:33:59 AM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Catherine Tieva	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing in support of HB306 HD2 SD1.

Water is such a precious commodity for the people of our state. The ability to enforce Hawai‘is Water Code is essential to maintain both traditional and customary practices. Passage of this bill will ensure streamflows remain adequate for kalo cultivation, the health of riparian species, and for overall conservation efforts to ensure abundant clean water resources for all, not only now but for future generations. Please support!!

Mahalo

HB-306-SD-1

Submitted on: 3/29/2025 10:01:16 AM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shay Chan Hodges	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard and Members of the Committees,

I am writing in full support of House Bill 306 HD2 SD1, which strengthens penalties for violations of the Hawai'i State Water Code. This bill is critical for protecting water resources, especially in places like Lahaina, where access to water has been an ongoing struggle for local families and cultural practitioners.

For too long, West Maui's water has been diverted and mismanaged, prioritizing large corporate interests over the needs of 'ohana who have lived here for generations. Lahaina's streams have run dry while resorts, golf courses, and private entities benefit from lax enforcement and minimal consequences for violations. Meanwhile, our community fights just to ensure water reaches kalo farmers, local households, and ecosystems that depend on it.

I appreciate the Legislature's recent amendments to strengthen this bill's enforcement provisions and ensure greater accountability in protecting our water resources. This bill helps ensure that our water is managed responsibly, upholding its role as a public trust resource for the people of Hawai'i.

I urge you to pass HB306 HD2 SD1 and take this step toward restoring balance and justice in how our water is managed. Mahalo for your time and consideration.

Sincerely,

Shay Chan Hodges

HB-306-SD-1

Submitted on: 3/29/2025 11:03:19 AM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Marcia Kemble	Individual	Support	Written Testimony Only

Comments:

Greetings Committee Chairs and Committee Members,

Enforcement of Hawai‘i’s Water Code is essential to the health of traditional and customary practices by ensuring streamflows are sufficient for kalo cultivation, health of riparian species, and for overall conservation efforts to ensure abundant clean water resources for future generations. Please support HB 306 HD2 SD1.

Mahalo for your consideration.

Marcia Kemble

Makiki

HB-306-SD-1

Submitted on: 3/29/2025 11:41:22 AM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nicki Tedesco	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard and Members of the Committees,

I am writing in full support of House Bill 306 HD2 SD1, which strengthens penalties for violations of the Hawai'i State Water Code. This bill is critical for protecting water resources, especially in places like Lahaina, where access to water has been an ongoing struggle for local families and cultural practitioners.

For too long, West Maui's water has been diverted and mismanaged, prioritizing large corporate interests over the needs of 'ohana who have lived here for generations. Lahaina's streams have run dry while resorts, golf courses, and private entities benefit from lax enforcement and minimal consequences for violations. Meanwhile, our community fights just to ensure water reaches kalo farmers, local households, and ecosystems that depend on it.

I appreciate the Legislature's recent amendments to strengthen this bill's enforcement provisions and ensure greater accountability in protecting our water resources. This bill helps ensure that our water is managed responsibly, upholding its role as a public trust resource for the people of Hawai'i.

I urge you to pass HB306 HD2 SD1 and take this step toward restoring balance and justice in how our water is managed. Mahalo for your time and consideration.

Sincerely,
Nicole Tedesco

HB-306-SD-1

Submitted on: 3/29/2025 1:16:46 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kathy Lomeli	Individual	Support	Written Testimony Only

Comments:

SUPPORT for House Bill 306 HD2 SD1

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard and Members of the Committees,

I am writing in **full support of House Bill 306 HD2 SD1**, which strengthens penalties for violations of the Hawai'i State Water Code. This bill is critical for protecting water resources, especially in places like Lahaina, where access to water has been an ongoing struggle for local families and cultural practitioners.

For too long, West Maui's water has been diverted and mismanaged, prioritizing large corporate interests over the needs of 'ohana who have lived here for generations. Lahaina's streams have run dry while resorts, golf courses, and private entities benefit from lax enforcement and minimal consequences for violations. Meanwhile, our community fights just to ensure water reaches kalo farmers, local households, and ecosystems that depend on it.

I appreciate the Legislature's recent amendments to strengthen this bill's enforcement provisions and ensure greater accountability in protecting our water resources. This bill helps ensure that our water is managed responsibly, upholding its role as a public trust resource for the people of Hawai'i.

I urge you to **pass HB306 HD2 SD1** and take this step toward restoring balance and justice in how our water is managed. Mahalo for your time and consideration.

Sincerely,

Kathy Lomeli

HB-306-SD-1

Submitted on: 3/29/2025 2:01:32 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
mary drayer	Individual	Support	Written Testimony Only

Comments:

the State Water Code exists for a reason - please enforce it

Ola I Ka Wai

mahalo

HB-306-SD-1

Submitted on: 3/29/2025 2:07:12 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacqueline Hudson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chairs Moriwaki & Gabbard, and Committee Members,

I strongly support HB306 HD2 SD1 to strengthen penalties for violating the Hawai'i State Water Code. Water access is a long-standing issue in Lahaina, where families and cultural practitioners struggle while large corporations benefit from mismanagement.

West Maui's water has been diverted for too long, leaving streams dry while water is wasted at resorts and landscapes that ignore environmental concerns. Meanwhile, our community fights to ensure kalo farmers, local households, and ecosystems get the water they need. Strengthening enforcement will help protect this vital public resource.

Please pass HB306 HD2 SD1 to restore balance and accountability.

Mahalo nui loa for your valuable time.

Jacqueline Hudson, 6 Kiohuohu Lane Unit 8, Lahaina, HI 96761 (808) 269-0295

HB-306-SD-1

Submitted on: 3/29/2025 3:14:08 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ann Dorsey	Individual	Support	Written Testimony Only

Comments:

I urge you to support HB306 HD2 SD, which will ensure streamflows are sufficient for kalo cultivation, the health of riparian species, for overall conservation efforts, and for future generations by enforcing Hawai'i's Water Code.

Thank you

HB-306-SD-1

Submitted on: 3/29/2025 5:08:10 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Melissa Barker	Individual	Support	Written Testimony Only

Comments:

Honorable Members,

I am writing to respectfully ask that you support HB306 which increases increases water code penalties.

Thank you for your attention and consideration.

Melissa Barker

Kapaa, HI

HB-306-SD-1

Submitted on: 3/29/2025 9:19:56 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sarah Biggs	Individual	Support	Written Testimony Only

Comments:

This bill helps ensure that our water is managed responsibly and requires greater accountability in protecting our water resources.

HB-306-SD-1

Submitted on: 3/30/2025 6:58:06 AM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Richard Ho	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Moriwaki, Vice Chair Gabbard and Members of the Committees,

I am writing in full support of House Bill 306 HD2 SD1, which strengthens penalties for violations of the Hawai'i State Water Code. This bill is critical for protecting water resources, especially in places like Lahaina, where access to water has been an ongoing struggle for local families and cultural practitioners.

For too long, West Maui's water has been diverted and mismanaged, prioritizing large corporate interests over the needs of 'ohana who have lived here for generations. Lahaina's streams have run dry while resorts, golf courses, and private entities benefit from lax enforcement and minimal consequences for violations. Meanwhile, our community fights just to ensure water reaches kalo farmers, local households, and ecosystems that depend on it.

I appreciate the Legislature's recent amendments to strengthen this bill's enforcement provisions and ensure greater accountability in protecting our water resources. This bill helps ensure that our water is managed responsibly, upholding its role as a public trust resource for the people of Hawai'i.

I urge you to pass HB306 HD2 SD1 and take this step toward restoring balance and justice in how our water is managed. Mahalo for your time and consideration.

Sincerely,

Richard Ho

HB-306-SD-1

Submitted on: 3/30/2025 7:43:46 AM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessica Kuzmier	Individual	Support	Written Testimony Only

Comments:

Aloha, I am writing in favor of HB306 HD SD1, as I believe enforcement is important for conservation in general, for traditional practices such as kalo cultivation, and to ensure that future generations have access to clean water. It is a win for everyone to have abundant clean water and we must protect the resources we have, not treat them casually. Water is definitely one of those vital resources. Mahalo.

HB-306-SD-1

Submitted on: 3/30/2025 8:42:11 AM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nalani	Individual	Support	Written Testimony Only

Comments:

Aloha e,

Enforcement of the Hawai‘is Water Code is essential to the health of traditional and customary practices by ensuring streamflows are sufficient for kalo cultivation, health of riparian species, and for overall conservation efforts to ensure abundant clean water resources for future generations. Please support HB306 HD2 SD. Ola i ka Wai!

mahalo nui,

Nalani from Lahaina

HB-306-SD-1

Submitted on: 3/30/2025 10:45:10 AM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
pamela burrell	Individual	Support	Written Testimony Only

Comments:

Aloha Committee members,

Ola i ka Wai! Please support HB306 HD2 SD.

Clean water is essential for the life of all. Please don't let the violaters get off with a mere slap of the hand.

Mahalo,

Pamela Burrell, Kalihiwai, Kaua'i 96754

HB-306-SD-1

Submitted on: 3/30/2025 11:04:16 AM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth ray	Individual	Support	Written Testimony Only

Comments:

The penalties of those breaking water codes especially big hotels corporations and luxury houses should not only be enforced but be max fined and 1 day of jail time proposed ammendment.

Stealing is a crime...stealing Wai from the hawaiian community for personal gain and profits is not only a crime but morally wrong and depletes islands number one resource....take look at the resident community parks in lahaina them cast ur eyes on the abundance of lush greenery flowing waterfalls and endless infinity pools proposed for visitors not residence of the island! When was Wai theirs to sell?to exploit? Water is a natural resource and should be allocated according to the community appointed Hawaiian Vai specialist....I vote Kekai keahi...he has shown due diligence to his people and his Aina and his knowledge of our most precious resource. A recourse that could have prevented the lahaina fires! Kaanapali flowing pools still as lahaina water pumps went out that day!! It enrages all of us who help sustain this aina...

I suggest Max penalty max fine jail time and a criminal record for any break in water code

Mahalo

Elizabeth Ray

HB-306-SD-1

Submitted on: 3/30/2025 2:53:35 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Stacey Alapai	Individual	Support	Written Testimony Only

Comments:

Enforcement of the Hawai‘is Water Code is essential to the health of traditional and customary practices by ensuring streamflows are sufficient for kalo cultivation, health of riparian species, and for overall conservation efforts to ensure abundant clean water resources for future generations. Please support HB306 HD2 SD. Ola i ka Wai!

HB-306-SD-1

Submitted on: 3/30/2025 3:24:34 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

SUPPORT!

HB-306-SD-1

Submitted on: 3/30/2025 5:48:53 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Malia Chun	Individual	Support	Written Testimony Only

Comments:

Enforcement of the Hawai‘is Water Code is essential to the health of traditional and customary practices by ensuring streamflows are sufficient for kalo cultivation, health of riparian species, and for overall conservation efforts to ensure abundant clean water resources for future generations. Please support HB306 HD2 SD. Ola i ka Wai!

HB-306-SD-1

Submitted on: 3/30/2025 7:15:36 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kazuo Flores	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Inouye, Vice Chair Elefante and Members of the Committee,

I am writing in full support of House Bill 306 HD2, which strengthens penalties for violations of the Hawai'i State Water Code. This bill is critical for protecting water resources, especially in places like Lahaina, where access to water has been an ongoing struggle for local families and cultural practitioners.

For too long, West Maui's water has been diverted and mismanaged, prioritizing large corporate interests over the needs of 'ohana who have lived here for generations. Lahaina's streams have run dry while resorts, golf courses, and private entities benefit from lax enforcement and minimal consequences for violations. Meanwhile, our community fights just to ensure water reaches kalo farmers, local households, and ecosystems that depend on it.

Increasing penalties for water code violations is a necessary step toward accountability. Without stronger enforcement, the same players will continue to exploit our wai with little to no repercussions. This bill helps ensure that our water is managed responsibly, upholding its role as a public trust resource for the people of Hawai'i.

I urge you to pass HB306 HD2 and take this step toward restoring balance and justice in how our water is managed. Mahalo for your time and consideration.

Mahalo,

Kazuo Flores

HB-306-SD-1

Submitted on: 3/30/2025 10:47:15 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kiana Otsuka	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Vice Chair Kidani, and Members of the Committee,

My name is Kiana Otsuka, and I am an O‘ahu resident writing in **STRONG support of HB306 HD2 SD1**, which adds a minimum penalty and maximum penalty per violation of the State Water Code and authorizes the Commission on Water Resource Management to consider each day that a violation exists or continues to exist a separate offense, establishes factors the CWRM must consider when determining the amount of the penalty, and increases maximum fines every five years from 2030 to 2045.

Enforcement of the Hawai‘is Water Code is essential to the health of traditional and customary practices by ensuring streamflows are sufficient for kalo cultivation, health of riparian species, and for overall conservation efforts to ensure abundant clean water resources for future generations.

Thank you for the opportunity to provide testimony on this important bill.

Mahalo,

Kiana Otsuka

HB-306-SD-1

Submitted on: 3/31/2025 5:45:30 AM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer Chiwa	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Senator Dela Cruz, Vice Chair Senator Moriwaki and Members of the Committee on Ways and Means, and Chair Senator Rhoads, Vice Chair Senator Gabbard and Members of the Committee on Judiciary.

Please vote for HB 306 HD 2 SD 1 to increase Water Code penalties. To my understanding, this bill would be helpful to ensuring stream flows are sufficient for kalo cultivation and overall conservation efforts to ensure clean water resources remain abundant.

Mahalo.

Jennifer Chiwa

Makiki and life long resident of Oahu

HB-306-SD-1

Submitted on: 3/31/2025 8:24:23 AM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dennis O'Shea	Individual	Support	Written Testimony Only

Comments:

Water is the life blood of our aina and must be protected from corrupt big Ag parasites, for the benefit of all Hawaiians.

HB-306-SD-1

Submitted on: 3/31/2025 10:34:31 AM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Greg Kahn	Individual	Support	Written Testimony Only

Comments:

Aloha Chair(s) and Committee(s),

I strongly support HB306 HD2 SD1 to increase water code penalties. I believe that enforcement of the State Water Code is essential to the health and coservation of water systems and water usage.

Mahalo,

Greg Kahn

HB-306-SD-1

Submitted on: 3/31/2025 11:58:10 AM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
KEALA FUNG	Individual	Support	Written Testimony Only

Comments:

To whom it may concern,

Aloha, my name is Keala from Honolulu and I'm writing in strong SUPPORT of HB306. Enforcement of the Hawai'i Water Code is essential to the health of traditional and customary practices by ensuring streamflows are sufficient for kalo cultivation, health of riparian species, and for overall conservation efforts to ensure abundant clean water resources for future generations. Please support HB306 HD2 SD. Ola i ka Wai!

Keala Fung, Honolulu

HB-306-SD-1

Submitted on: 3/31/2025 12:03:30 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ann V Saffery	Individual	Support	Written Testimony Only

Comments:

Aloha All,

Enforcement of the Hawai‘is Water Code is essential to the health of traditional and customary practices by ensuring streamflows are sufficient for kalo cultivation, health of riparian species, and for overall conservation efforts to ensure abundant clean water resources for future generations. Please support HB306 HD2 SD. Ola i ka Wai!

Mahalo for all you do,

Ann V Saffery

Honolulu, HI

LATE

HB-306-SD-1

Submitted on: 3/31/2025 2:27:41 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
emily gambino	Individual	Support	Written Testimony Only

Comments:

Enforcement of the Hawai‘is Water Code is essential to the health of traditional and customary practices by ensuring streamflows are sufficient for kalo cultivation, health of riparian species, and for overall conservation efforts to ensure abundant clean water resources for future generations. Please support HB306 HD2 SD. Ola i ka Wai!

Mahalo,

Emily Gambino

LATE

HB-306-SD-1

Submitted on: 3/31/2025 10:38:37 PM

Testimony for JDC on 4/1/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Manawaiakea	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

My name is Roslyn Manawaiakea Cummings, and I submit this testimony as a ho‘oilina, lawful mālama, and representative of the Cummings ‘Ohana GodTrust, under exclusive equity jurisdiction of the Hawaiian Kingdom, not under the color of U.S. municipal law.

I write in strong support of HB306 HD2 SD1, a measure that increases penalties for violations of the Water Code and establishes daily fines for ongoing offenses. This bill is not merely administrative—it is a moral and legal necessity, restoring integrity to the kuleana of mālama i ka wai, and reinforcing accountability for extractive actors who have long profited from theft of a sacred resource.

Wai is not a commodity—it is a covenant.

“Tell them not to sell it. It’s worth more than gold.”

For too long, water has been diverted, stolen, and commodified for corporate interests and private gain, with little to no consequence. These actions violate Article 3 of the 1839 Hawaiian Kingdom Declaration of Rights, which protects life, property, and dignity; and violate customary trust principles requiring fiduciaries to protect common resources in perpetuity.

The rule of evidence confirms a history of extractive behavior by major violators who profit economically while streams run dry and ecosystems collapse. The rule of law, under Hawaiian

Kingdom and international trust law, demands enforcement against those who breach public trust and infringe on traditional and customary rights—including kalo cultivation, spiritual practices, and native tenancy rights.

This bill rightfully directs the Commission on Water Resource Management to weigh:

- The gravity and extent of harm
- The economic benefit to the violator
- The long-term impact on wai and cultural practices

As a lawful heir of Ko Hawai‘i Pae ‘Āina, I assert that each day of violation constitutes not just a civil offense but a spiritual transgression. Without firm enforcement, we risk normalizing the desecration of sacred waters.

I urge the committee to PASS HB306 HD2 SD1 without amendment. Let the law speak clearly:

The protection of wai is not optional. It is required. It is righteous. It is overdue.

Ola i ka wai – Water is life.

Wai is law. Wai is sacred.

Me ka ‘oia‘i‘o,

Roslyn Manawaiakea Cummings

Mālama: Cummings ‘Ohana GodTrust

Ho‘oilina of Ko Hawai‘i Pae ‘Āina

Under Exclusive Equity Jurisdiction | Rule of Law | Common Law

