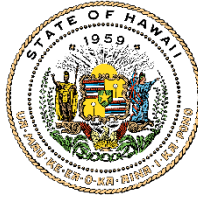


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
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 House Committee on
WATER & LAND

Tuesday, January 28, 2025
9:00 AM

State Capitol, Conference Room 411 & Videoconference

In consideration of
HOUSE BILL 306
RELATING TO STATE WATER CODE PENALTIES

House Bill 306, 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 with comments.**

As the “primary guardian” of the critical public trust resource, fresh water,¹ the Commission places great importance on deterring violations of the State Water Code. The Department found that the current maximum penalty of \$5,000 per violation in Hawai'i Revised Statutes (HRS) Section 174C-15 does not have a sufficient deterrent effect.

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. The Department recommends a maximum fine of at least **\$25,000** to match the recommendations of the Review Commission.

The Department appreciates the clarification of what constitutes a continuing violation and the expansion of the types of potential violations. The Department recommends adding language as follows to

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

SECTION 2, page 3, lines 16-18, in recognition of the need for enforcement of standardized water audit requirements:

"violates any order of the commission, fails to obtain a permit when a permit is required under this chapter, ~~[or]~~ fails to comply with permit conditions, or fails to comply with standardized water audit requirements pursuant to Act 169, Session Laws of Hawaii 2016, shall be subject to a fine imposed by the commission."

The Department also appreciates the addition of mandatory factors for the determination of the penalty amount in the newly added subsection (c) to HRS Section 174C-15. These are similar to those articulated in the Administrative and Civil Penalty Guideline (G14-01)² that the Commission adopted on October 1, 2014.³ The Department notes that G14-01 provides for an initial administrative fee of \$500, if the Commission issued a written notice of alleged violation, in addition to any fine.

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.

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

² https://files.hawaii.gov/dlnr/cwrmp/planing/wrpp2019update/WRPP_AppP_201907.pdf

³ <https://files.hawaii.gov/dlnr/cwrmp/submittal/2014/sb201410D1.pdf>

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

630 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96843
Phone: (808) 748-5000 • www.boardofwatersupply.com

RICK BLANGIARDI
MAYOR
MEIA

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
JONATHAN KANESHIRO, Vice Chair
BRYAN P. ANDAYA
LANCE WILHELM
KĒHAULANI PU'U
EDWIN H. SNIFFEN, Ex-Officio
GENE C. ALBANO, P.E., Ex-Officio

January 28, 2025

The Honorable Mark J. Hashem, Chair
The Honorable Rachele F. Lamosao, Vice Chair
and Members
Committee on Water and Land
House of Representatives
Hawaii State Capitol, Room 411
Honolulu, Hawaii 96813

Dear Chair Hashem, Vice Chair Lamosao and Members:

SUBJECT: House Bill 306: Relating to State Water Code Penalties

The Honolulu Board of Water Supply (BWS) submits this letter to respectfully express its concerns regarding House Bill (HB) 306, which is similar to a bill introduced by Governor Green this 2025 Legislative Session. The purpose of HB 306 proposes to do the same, but the provisions in the Governor's bill differ slightly. This HB 306 enables the Department of Land and Natural Resources (DLNR) and Commission of Water Resource Management (CWRM or Commission) to increase the water code's penalties and fines from a minimum of \$50 to a maximum of \$60,000 to serve as a deterrence to violators of the State Water Code in section 174C-15, Hawaii Revised Statutes (HRS).

BWS has concerns about the propriety of raising the penalty ceiling for violations of the State Water Code from \$5,000 to \$60,000 per violation, far in excess of (1) DLNR's initial testimony before the House Committee on Water & Land dated January 31, 2023 requesting that the penalty be raised to a maximum violation of \$25,000, and (2) the rate of inflation measured by the Consumer Price Index.

Similar to last legislative 2024 session, HB306 does not explicitly set forth the Commission's practice and procedure relating to the administrative proceedings of civil resource violations of State law and to the assessment of administrative sanctions for such violations. While HRS § 174C-15.5 ("With the mutual consent of both the commission and the department, the commission may use the civil natural resource violations system of the department of land and natural resources . . .") appears to

The Honorable Mark J. Hashem, Chair
The Honorable Rachele F. Lamosao, Vice Chair
and Members
January 28, 2025
Page 2

permit the commission to use the Civil Resource Violations System (HAR chapter 13-1, subchapter 7), there is no requirement that the commission do so.

Without a fixed procedure, respondents are left without the due process protections provided by the Civil Resource Violations System, including, but not limited to, minimum notice requirements and response deadlines, the criteria used for calculating and assessing sanctions, procedures to contest the notice or address mitigation requests, and a stay of enforcement pending judicial review of the case.

Should this bill pass this session, we expect the DLNR and CWRM staff exercise its due diligence and outreach to the general public for feedback. The increase of the \$60,000 penalty 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.

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

Very truly yours,



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



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

January 27, 2025

TESTIMONY OF KEITH K. OKAMOTO, MANAGER-CHIEF ENGINEER
DEPARTMENT OF WATER SUPPLY, COUNTY OF HAWAII

HEARING BEFORE THE HOUSE COMMITTEE ON WATER & LAND

DATE: Tuesday, January 28, 2025

TIME: 9:00 a.m.

PLACE: Videoconference, Conference Room 411

HB 306 - RELATING TO STATE WATER CODE PENALTIES

Honorable Chair Hashem, Vice-Chair Lamosao, and committee members,

The County of Hawaii, Department of Water Supply (DWS) submits this letter to respectfully provide its comments regarding House Bill (HB) 306.

This bill proposes to enable the Department of Land and Natural Resources (DLNR) and the Commission on Water Resource management (CWRM or Commission) to set the water code's penalties, at a "no less than" amount to a "shall not exceed" amount, to serve as a deterrence to violators of the State Water Code in section 174C-15, Hawaii Revised Statutes (HRS). The proposed language lists factors to be considered when the Commission is determining the penalty amounts. DWS requests to be included in the process for establishing or revising rules and/or guidelines on how penalties are assessed. It is DWS' belief that an open and transparent rule making process would result in equitable and consistent application and enforcement of these penalties in the future. And thus, could avoid the potential for arbitrary and inconsistent applications.

We thank you for your attention to this matter, and for your dedication and commitment to serving our State.

Please feel free to contact me at (808) 961-8050 or via email at dws@hawaiiidws.org with any questions you may have regarding DWS' comments. Thank you for your time and consideration of our testimony on HB 306.

...Water, Our Most Precious Resource...Ka Wai A Kāne...

The Department of Water Supply is an Equal Opportunity provider and employer.



House Committee on Water and Land

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

January 28th, 2025 at 9:00am; Conference Room 411

Aloha Chair Hashem, Vice Chair Lamosao and members of the committee,

HAPA is testifying in support of HB306 which adds a minimum penalty of \$50 and a maximum penalty of \$60,000 per violation of the State Water Code and makes each day that a violation exists or continues to exist a separate offense. This bill appropriately requires the Commission on Water Resource Management to determine the amount of the penalty based on the circumstances of the violation.

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 increased fine limit provides the necessary power to dissuade private interests from repeatedly taking more water than allowed and overstressing aquifers. This is particularly critical in communities such as west Maui where water resources are already severely constrained.

Please support HB 306.

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

Submitted on: 1/26/2025 7:29:11 PM

Testimony for WAL on 1/28/2025 9:00:00 AM

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

Comments:

Aloha Chair Hashem, Vice Chair Lamosao, and Members of Committee,

The Green Party of Hawai'i is in 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 HB 306.

Mahalo nui,

Green Party of Hawai'i

Susan RobertsEmery

Co chair GPH

Paauilo



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON WATER & LAND

January 28, 2025 9:00 AM Conference Room 411

In SUPPORT of HB306: Relating to State Water Code Penalties

Aloha Chair Hashem, Vice Chair Lamosao, and Members of the Water & Land Committee,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **SUPPORTS** HB306, to allow the Commission on Water Resource Management ("CWRM") to more meaningfully enforce laws concerning the management and allocation of our public trust water resources.

HB306 would allow CWRM to impose meaningful fines against powerful entities who could otherwise over pump our aquifers and drain our streams dry with impunity, notwithstanding the law or the needs of our communities. CWRM's current \$5,000 maximum daily fine is wholly insufficient to hold multinational corporations or the Department of Defense accountable if and when their water code violations impact priority public needs – such as, but not limited to, affordable housing, or fire prevention.

Without the increased fines authorized under this measure, millions of gallons of water per day could be illegally monopolized by deep pocket entities for a fraction of a cent per gallon in penalties, harming our precious water resources and the houses, schools, farms, small businesses, and others that rely on them.

Notably, this measure requires CWRM to consider an explicit set of factors in setting and imposing fines, such as the gravity of a violation, any economic benefit realized by the violator, and degree of culpability. This will ensure that fines are appropriate to the circumstances of each case. Concerns about automatic and excessive fines that ignore the realities of any given situation, including mitigating and extenuating circumstances and impacts to local residents, would therefore appear unfounded.

Accordingly, the Sierra Club respectfully urges the Committee to **PASS** this measure.

Mahalo nui for the opportunity to testify.

HB-306

Submitted on: 1/27/2025 1:43:56 PM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ian Kennedy	Strata Farms LLC	Support	Written Testimony Only

Comments:

I support this bill because 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 pass this. - Ian Kennedy



Environmental Caucus of The Democratic Party of Hawai'i

January 27, 2025

Testimony in Support of HB306: Relating to the Commission on Water Resource Management

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

We, Melodie Aduja and Alan Burdick, are testifying on behalf of the Environmental Caucus of the Democratic Party of Hawaii in strong support of HB306, which aims to strengthen the enforcement of the State Water Code by establishing penalties for violations and ensuring the effective management of Hawaii's water resources.

Key Points of Support:

1. **Enhanced Enforcement:** HB306 adds a minimum penalty of \$50 and a maximum penalty of \$60,000 per violation of the State Water Code. This will ensure that violations are taken seriously and that there are significant consequences for non-compliance.
2. **Daily Penalties:** The bill makes each day that a violation exists or continues to exist a separate offense. This provision will encourage timely compliance and deter prolonged violations.
3. **Commission's Authority:** HB306 requires the Commission on Water Resource Management to determine the amount of the penalty based on the circumstances of the violation. This will allow the Commission to consider factors such as the severity of the violation and the violator's history of compliance.
4. **Protecting Water Resources:** By strengthening the enforcement of the State Water Code, this bill will help protect Hawaii's precious water resources and ensure their sustainable management for future generations.

In conclusion, the Environmental Caucus of the Democratic Party of Hawaii strongly supports HB306 and urges the committee to pass this important legislation. By enhancing the enforcement of the State Water Code, we can ensure the effective management and protection of Hawaii's water resources.

Mahalo for the opportunity to testify in support of this critical bill.

Sincerely,

Melodie Aduja and Alan Burdick

Co-chairs, Environmental Caucus of the Democratic Party of Hawaii

HB-306

Submitted on: 1/25/2025 1:04:32 PM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Olderr	Individual	Comments	Written Testimony Only

Comments:

I support the intentions of this bill, but instead of having a fixed fine. I propose changing the bill's language so it would implement a sliding scale, adjusting the fine depending on the income or net worth of the individual or bodies of people who commit the penalty. That way, it would encourage those of higher means to follow the laws more carefully.

HB-306

Submitted on: 1/25/2025 5:35:21 PM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tasman Kekai Mattox	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 HB 306.

HB-306

Submitted on: 1/25/2025 6:05:25 PM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
yvonne mahelona	Individual	Support	Written Testimony Only

Comments:

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.

Chair Mark Hashem
Vice Chair Rachele Lamosao

House Committee on Water & Land

Tuesday, January 28, 2025
9:00 AM

**TESTIMONY IN SUPPORT OF HB306 RELATING TO STATE WATER
CODE PENALTIES**

Aloha Chair Hashem, Vice Chair Lamosao, Members of the House Committee on Water & Land,

My name is Jun Shin and I am testifying as an individual in **SUPPORT** of **HB306**, Relating to State Water Code Penalties. The ability to actually enforce our Water Code will ensure that we actually hold polluters accountable, meet constitutional and other legal obligations, as well as enable a more equitable distribution of water that is sensitive to historical injustices and the lives that depend on it, human or otherwise. It will also ensure that we protect and preserve our clean water resources for future generations to come.

Please **PASS** House Bill 306 out of your committee.

Mahalo for the opportunity to testify,

Jun Shin,
State House District 23 | State Senate District 12
Cell: 808-255-6663
Email: junshinbusiness729@gmail.com

HB-306

Submitted on: 1/26/2025 4:55:08 AM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lela Kalama	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 HB 306.

mahalo,

Lela Kalama, Kea'au, HI

HB-306

Submitted on: 1/26/2025 6:13:22 AM

Testimony for WAL on 1/28/2025 9:00:00 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 HB 306. Mahalo.

HB-306

Submitted on: 1/26/2025 7:07:19 AM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Irena Bliss	Individual	Support	Written Testimony Only

Comments:

Aloha,

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 HB 306.

It is vital to continue to live the values of Aloha ‘Āina, Mālama ‘Āina and make decisions that support the well-being and thriving of all future generations on island.

Mahalo nui for your consideration and support.

Irena Bliss

Ha‘ikū, Maui 96708

HB-306

Submitted on: 1/26/2025 7:19:17 AM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
cheryl hendrickson	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 HB 306.

HB-306

Submitted on: 1/26/2025 8:47:00 AM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tamara Luthy	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.

Now is the time to support our kalo farmers by ensuring sufficient clean freshwater to flow into their lo‘i at all times. Strong enforcement of the Water Code promotes social-ecological resilience. Kalo farmers are in the front line of ecological change and are often the first to notice when riparian species like ‘o‘opu are struggling. We must do everything we can to promote ancestral lifeways so that our Keiki have a future on these islands. We have limited freshwater. If we manage it appropriately it will be enough to sustain us today just as it sustained Native Hawaiians for over a millennia. However, if we don't take care of our wai, then we open ourselves to wildfire risk. Please support this bill. Mahalo.

HB-306

Submitted on: 1/26/2025 9:15:03 AM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Debra M Javar	Individual	Support	Written Testimony Only

Comments:

I fully SUPPORT HB306. Water is essential for life, we need water to grow our food especially Taro. We need water to restore life to our lands, forests.

Mahalo

HB-306

Submitted on: 1/26/2025 9:50:50 AM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shay Chan Hodges	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 HB 306.

HB-306

Submitted on: 1/26/2025 9:57:55 AM

Testimony for WAL on 1/28/2025 9:00:00 AM

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

Comments:

I urge you to support HB 306, which, by enforcing of the Hawai‘is Water Code, will ensure streamflows are sufficient for kalo cultivation, health of riparian species, and for overall conservation efforts because there will be abundant clean water resources for future generations.

Thank you

HB-306

Submitted on: 1/26/2025 9:59:09 AM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
De Austin	Individual	Support	Written Testimony Only

Comments:

Greetings, members of the House Committee on Water and Land (WAL),

I hope you are well.

Please support HB306.

It is my understanding that this bill adds a minimum penalty of \$50 and a maximum penalty of \$60,000 per violation of the State Water Code and makes each day that a violation exists or continues to exist a separate offense. Requires the Commission on Water Resource Management to determine the amount of the penalty based on the circumstances of the violation.

A bill of this kind will help protect our precious and limited water resources. Maui is currently in a multi-year drought. I used to live in California. I am sadly not surprised by the impact the loss of water had on the recent Pasadena/Altadena wildfires. Although **not the sole factor** for the wildfires, both that wildfire and the Lahaina wildfire of 2024, poor water management certainly contributed to those devastating results.

We should have a water code and a water code that is *enforced*. Without penalties, it is a dog without teeth. 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 this bill.

Respectfully,

D. Austin

Kihei, Maui

HB-306

Submitted on: 1/26/2025 10:02:05 AM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michele Nihipali	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 HB 306.

Mahalo for your consideration,

Michele Nihipali

54-074 A Kam Hwy.

Hauula, HI 96717

HB-306

Submitted on: 1/26/2025 12:55:06 PM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacqueline S. Ambrose	Individual	Support	Written Testimony Only

Comments:

YES to- The legislature finds that in 1987, the state water code was adopted to protect the precious water resources of the State. To better enable the department of land and natural resources and commission on water resource management to carry out that mission, the legislature further finds that the water code's penalties and fines must be amended and increased to serve as an effective deterrence to violators.

HB-306

Submitted on: 1/26/2025 3:43:30 PM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Isis Usborne	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Hashem, Vice Chair Lamosao, and Members of the Committee,

I support this bill to protect our water resources.

Mahalo,

Isis “Izzy” Usborne (they/them)

Kapahulu Ave resident (96815)

2026 JD Candidate at William S. Richardson School of Law

HB-306

Submitted on: 1/26/2025 3:46:46 PM

Testimony for WAL on 1/28/2025 9:00:00 AM

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

Comments:

Aloha Chair Representative Hashem, Vice Chair Representative Lamosao and Members of the Committee on Water and Land.

Please support HB306 to increase penalties for violations of the State Water Code.

Mahalo.

Jennifer Chiwa

Makiki

HB-306

Submitted on: 1/26/2025 3:54:05 PM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaia Medeiros	Individual	Support	Written Testimony Only

Comments:

Ola I Ka Wai!

HB-306

Submitted on: 1/26/2025 5:51:27 PM

Testimony for WAL on 1/28/2025 9:00:00 AM

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

Comments:

HB306 STRONG SUPPORT

Aloha Representatives. I'm writing to ask you to support HB306.

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 HB 306.

Mahalo for your consideration!

Georgia Hoopes, Kalaheo

HB-306

Submitted on: 1/26/2025 8:07:39 PM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Troy Schacht	Individual	Support	Written Testimony Only

Comments:

Please support

HB-306

Submitted on: 1/26/2025 8:28:15 PM

Testimony for WAL on 1/28/2025 9:00:00 AM

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

Comments:

Please protect our water supply. We can't live without it.

HB-306

Submitted on: 1/27/2025 6:28:45 AM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Priscilla Stuckey	Individual	Support	Written Testimony Only

Comments:

Aloha, my name is Priscilla Stuckey, and I am writing in strong support of HB 306.

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 HB 306.

Priscilla Stuckey

Kihei HI

HB-306

Submitted on: 1/27/2025 8:03:39 AM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lory Ono	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. I support HB 306.

HB-306

Submitted on: 1/27/2025 8:47:18 AM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sven Sorge	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 HB 306.

HB-306

Submitted on: 1/27/2025 9:29:00 AM

Testimony for WAL on 1/28/2025 9:00:00 AM

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

Comments:

Honorable Committee Members,

I am writing to respectfully ask that you support HB306 which adds a minimum penalty of \$50 and a maximum penalty of \$60,000 per violation of the State Water Code and makes each day that a violation exists or continues to exist a separate offense. Requires the Commission on Water Resource Management to determine the amount of the penalty based on the circumstances of the violation.

The 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 you attention and consideration of this request.

Melissa Barker

Kapaa, HI

HB-306

Submitted on: 1/27/2025 9:42:02 AM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Keila Paahana	Individual	Support	Written Testimony Only

Comments:

I support

HB-306

Submitted on: 1/27/2025 10:34:45 AM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaua Kama	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of HB306

January 27th, 2025

Aloha,

I am writing in strong support of HB306, which seeks to strengthen enforcement mechanisms under the State Water Code by establishing a minimum penalty of \$50 and a maximum penalty of \$60,000 per violation, while making each day a violation persists a separate offense. This measure also requires the Commission on Water Resource Management (CWRM) to evaluate the circumstances of each violation when determining penalty amounts.

Hawai'i's water resources are precious and finite, and they are critical to the health of our environment, economy, and communities. As we face increasing challenges such as climate change, drought, and overuse, it is essential that our state take strong steps to protect and manage this vital resource. HB306 provides the necessary tools to ensure compliance with the State Water Code and holds violators accountable for actions that jeopardize Hawai'i's water supply.

The proposed penalty structure ensures that violations are met with meaningful consequences, deterring bad actors and encouraging responsible behavior. By empowering CWRM to determine penalties based on the circumstances of each case, this bill ensures that enforcement is both fair and effective. Importantly, treating each day of a continuing violation as a separate offense highlights the seriousness of ongoing harm to our water resources, incentivizing prompt corrective action.

This bill represents a balanced and essential step toward preserving Hawai'i's most critical resource for future generations. I urge you to support HB306 and help ensure the sustainability of our water resources.

Mahalo for your time and consideration.

Respectfully,

Kauaililinoe Kama

HB-306

Submitted on: 1/27/2025 1:54:37 PM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Riley Bond	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Riley Bond and I strongly support HB 306, which increases penalties for violations of the State Water Code. It's crucial that we protect our water resources, especially as we face mounting pressures from climate change, overuse, and contamination. Raising these fines will help ensure that our water is better managed and conserved, and will also protect our ecosystems, public health, and the economy.

After attending the *I Mana i ka Wai: Kūkulu Kahuwai DHHL Water Law & Leadership Training* classes, I came to fully understand the scope of the water crisis we're dealing with. It's clear that the priorities of those in power often place corporate interests above the well-being of the people. This is something that needs to change. People must be held accountable, and policies must be enforced to make sure water is protected as a public trust.

Water is not just a resource—it's sacred, and it sustains our communities who rely on it for their way of life. Stricter penalties will ensure violators are held responsible, encourage more people to follow the law, and protect our water for future generations. I urge the legislature to pass this bill for the sake of all of us who depend on clean and accessible water.

Mahalo,

Riley Bond

Lahaina, Maui

HB-306

Submitted on: 1/27/2025 4:37:49 PM

Testimony for WAL on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Uilani Kapu	Individual	Support	Written Testimony Only

Comments:

I Uilani Kapu, Support this bill due to so much violations accuring all over Hawai'i nei and it will give CWRM money to hire mre people so that they may catch the violators.

Mahalo

U'ilani kapu