

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAI'I | 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
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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 House Committee on
JUDICIARY & HAWAIIAN AFFAIRS**

**Thursday, February 27, 2025
2:00 PM**

State Capitol, Conference Room 325 & Videoconference

**In consideration of
HOUSE BILL 510, HOUSE DRAFT 1
RELATING TO DECLARATION OF WATER SHORTAGE AND EMERGENCY**

House Bill 510, House Draft 1, proposes to amend the conditions, manner, and areas in which the Commission on Water Resource Management can declare and provide notice of water shortages and emergencies. **The Department of Land and Natural Resources (Department) strongly supports this measure.**

Climate change and drought combined with increased population and aging water infrastructure can lead to water shortage situations in some areas of the state. The changing rainfall patterns in Hawai'i along with more prolonged and intense drought events are causing water demands to meet or exceed the available freshwater supplies in some areas. While the county water departments and private water utilities have the ability to restrict their customers' use of water, only the Commission on Water Resource Management (Commission) has authority over all the water resources in the state. Water shortages impact all water users in a region – and since the counties and private utilities can only restrict uses of water under their control, it is vital for the Commission to have expanded flexibility to respond to conditions anywhere in the state that threaten our water supplies when issuing water shortage declarations. Current language in HRS §174C-62, prevents the Commission from declaring a water shortage in non-designated water management areas, and requires the Commission to declare a water shortage by a lengthy administrative rulemaking process.

This measure proposes amendments to HRS §174C-62, which would:

- Increase public input to the Commission by requiring a rulemaking process under Chapter 91, HRS, when formulating water shortage plans, developing a reasonable system of permit

classification in designated water management areas, and publishing a set of criteria for determining when a water shortage exists;

- Provide the Commission discretion and immediacy to declare water shortages statewide by adding areas outside of designated water management areas to be eligible for water shortage declaration and removing the requirement “by rule” to declare a water shortage;
- Expand the Commission’s authority to impose restrictions on well and stream diversion works owners and operators during a water shortage outside of designated water management areas; and
- Enhance the requirements of public notice and permit holder notification of a water shortage.

Current process under HRS §174C-62 compared with proposed amendments:

Action	Current Process	Proposed Amendments
Formulate plan for implementation during periods of water shortage HRS §174C-62(a)	Commission action	Administrative rulemaking
Adopt reasonable system of permit classification according to source of water, method of extraction/diversion, use of water, or a combination thereof HRS §174C-62(a)	Commission action	Administrative rulemaking
Declare water shortage HRS §174C-62(b)	Administrative rulemaking	Commission action
Publish a set of criteria for determining when a water shortage exists HRS §174C-62(b)	Commission action	Administrative rulemaking

The Commission supports this measure, which would allow the Commission to quickly declare a water shortage during a crisis anywhere in the state. The Commission acknowledges concerns from the agricultural sector, which is an important element of Hawai‘i’s economy as well as a safeguard for the State’s food security. As such, this measure includes an administrative rulemaking process that would ensure public input, including participation from the agriculture sector, when establishing criteria for determining when a water shortage exists, formulating a water shortage plan, and developing a reasonable system of permit classification. If enacted, this measure would allow for the Commission to further protect water resources statewide, particularly as the impacts of climate change threaten the future of our wai.

Mahalo for the opportunity to testify in strong support of this measure.

**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



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February 27, 2025

The Honorable David A. Tarnas, Chair
and Members
Committee on Judiciary and Hawaiian Affairs
House of Representatives
Hawai'i State Capitol, Room 325
Honolulu, Hawai'i 96813

Dear Chair Tarnas and Members:

Subject: House Bill 510, HD1: Relating to Declaration of Water Shortage and
Emergency

The Honolulu Board of Water Supply (BWS) strongly supports House Bill (HB) 510, House Draft (HD) 1. The purpose of the bill is to amend the conditions, manner, and areas in which the Commission on Water Resource Management (Commission) can declare and provide notice of water shortages and emergencies pursuant to Hawai'i Revised Statutes (HRS) chapter 174C.

The BWS supports the proposed amendments, which requires the Commission, to adopt rules, formulate a plan for implementation, adopt a reasonable system of permit classification, and set criteria for determining when a water shortage exist. This provides more transparency to the public and allows ample notification that a water shortage exist.

Thank you for the opportunity to testify in strong support of HB 510, HD 1.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Ernest Y. W. Lau'.

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



LAND USE RESEARCH
FOUNDATION OF HAWAII

1100 Alakea Street, Suite 408
Honolulu, Hawaii 96813
(808) 521-4717
www.lurf.org

February 25, 2025

Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

Comments and Concerns in Opposition to HB 510, H.D. 1, Relating to Declaration of Water Shortage and Emergency (Amends the conditions, manner, and areas in which the Commission on Water Resource Management [Commission] can declare and provide notice of water shortages and emergencies. Effective 7/1/3000.)

**Thursday, February 27, 2025, 2:00 p.m.
State Capitol, Conference Room 325; Via 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 which proposes to afford the Commission the expanded authority to declare and provide notice of water shortages and emergencies if the Commission itself, by its own rule, determines that a water shortage exists within all or part of an area whether within or outside of a water management area, when insufficient water is available to meet the requirements of the permit system or when conditions are such as to require a temporary reduction in total water use within the area to protect water resources from serious harm.

HB 510, H.D. 1.

Aside from a statement that the purpose of this Act is to amend the conditions, manner, and areas in which the Commission can declare and provide notice of water shortages and emergencies, this bill fails to contain any specific, clear, or warranted reasons for this measure.

This measure states that if an emergency condition arises due to a water shortage within any area, whether within or outside of a water management area, and if the Commission, in its sole discretion, finds that the restrictions imposed upon permittees are not sufficient to protect public health, safety, or welfare, or the health of animals, fish, or aquatic life, or recreational, municipal, agricultural, or other reasonable uses, the Commission may issue orders requiring that such actions as the Commission deems necessary to meet the emergency be taken, as well as to authorize the issuance of orders and require actions as the Commission deems necessary to address the emergency be taken, including apportioning, rotating, limiting, or prohibiting the use of the water resources of the area.

In short, the bill broadly expands the Commission's authority over water resources, potentially impacting land and well owners, water permittees, and agricultural stakeholders, **even outside designated water management areas**. LURF believes this may constitute an overreach into private property rights, and the jurisdictional and control rights of the counties over water as well as planning decisions and determinations which are conferred upon the counties by statute.

Given this proposal to grant such overreaching power, a presumption could well be made that the measure may be intended as an unjustified attempt to afford the Commission expanded authority to unilaterally declare water shortages and emergencies in all areas throughout the State, including areas **outside water management areas** over which the Commission currently has no jurisdiction. Such unwarranted authority could allow the Commission to unduly and excessively limit or prohibit use of water resources in all affected areas.

Such a presumption may be reasonable given proposals similarly made by the Commission in the past to 1) expand its authority to unilaterally 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) introduce a similar measure which proposed amendments to Hawaii Revised Statutes (HRS) Section 174-C, to elevate "water shortage" issues to "water emergency" issues in order to justify an expansion of its authority to declare emergencies which would have similarly allowed the Commission itself to take actions as it deemed necessary to address any such emergency, including, but not limited to apportioning, rotating, limiting, or prohibiting the use of water resources.

LURF believes that the authority proposed to be afforded to the Commission by this bill goes far beyond the Commission's 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 expanded authority of the Commission sought by this measure also appears to be unjustified and inadvisable given that such expansive power was not intended to be afforded to the Commission, and the issues identified in this measure are already adequately and appropriately addressed by other existing provisions, making the proposed amendments to HRS Section 174-C-62 unnecessary.

LURF's Position.

Throughout the State, LURF members have continued to serve as 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. HRS Section 174-C Should Not be Amended to Modify or Circumvent State and County Laws and Regulations Which Already Exist to Protect and Manage Water Resources.

HB 510, H.D. 1 now proposes amendments to and **contradicts HRS 174C-62**, by **deleting** the requirement that a water shortage be **declared by rule** in accordance with the water shortage plan **before** the Commission can declare an emergency. Proposed language has also been added to expand the jurisdiction of the Commission from within a water management area to **within or outside of a water management area**.

Affording the Commission authority to unilaterally declare a water emergency within or outside of a water management area **without critical safeguards** such as an established water shortage plan and criteria for an emergency, as well as **without findings supporting implementation of restrictions on existing water permittees**, would be to allow circumvention and disregard of important established protections contained in existing laws and State Water Code which was judiciously and **collaboratively developed and vetted by all essential stakeholders**.

The use of broad terminology in the bill such as "water shortage" or "emergency" without clearly defining the thresholds for declaring such situations is concerning. Such ambiguity could provide the Commission with excessive discretion, which could potentially lead to arbitrary decisions. And LURF believes the expansion of the Commission's authority **without sufficient checks and balances** could lead to abuse of power. The Commission could possibly favor certain water users over others or make decisions based on political influence rather than scientific evidence.

Despite anticipated limited stakeholder participation in rulemaking, this measure should require **the inclusion of all stakeholders and affected parties** so as to ensure the absence of any perceived or actual inequities relating to water use restrictions that could disproportionately affect certain permittees, users, and industries, and so that the Commission may not retain sole and unilateral control over water resources. The proposed expansion of the Commission's authority raises concerns about oversight and accountability, and there should be clearer mechanisms for reviewing the Commission's decisions to ensure they are in the public interest.

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 County via powers conferred upon it by the State Legislature through Hawaii Revised Statutes (HRS), Chapters 46 and 174C.¹ 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 any water emergency orders issued by the Commission 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 authorization currently being sought by the Commission should rightfully be obtained in **full collaboration and agreement** with the counties and their respective water departments, as well as in consultation with and input from all stakeholders and affected parties.

The counties’ water departments have agreed in the past that this type of arbitrary, unregulated, and potentially unchecked power is potentially dangerous and may pose a threat to the health and safety of the public. This bill could also lead to disputes between the Commission and the counties water departments and between the Commission and water users over permit classifications and water allocation during shortages, resulting in costly legal battles and further strained water resources.

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.

LURF believes that the Commission’s intervention into the counties’ administrative and operational jurisdiction over water issues via amendments to HRS Section 174-C may result in inconsistencies between scientific data and conclusions of the Commission, DOH, and respective county water departments; may **conflict** with the counties’ planning decisions; and would lead to the **confusing and chaotic** situation wherein the Commission itself would then be required to administer water laws, rules and

¹ 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)).

regulations applicable to emergency situations and within designated and undesignated areas separate and apart from administration by the counties. Such action by the Commission would set a **bad precedent** and lead to **further complicated issues** relating to the management of those areas subject to such emergency designations.

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

No maximum term has been proposed to be set for any emergency order issued by the Commission, thus doing nothing to mitigate, and in fact exacerbating the unnecessary and potentially substantial costs which would be incurred by the counties, landowners, and businesses to comply with such orders. Should this bill be passed, landowners and businesses would be compelled to invest significant time, resources, and money to obey the emergency orders unilaterally imposed by the Commission. County water departments and their respective staff would also need to invest substantial time reviewing the orders and monitoring conditions imposed. Even given the limited duration of any emergency order, all parties would be forced to incur **substantial time and expense for legal challenges**, including those specifically and expressly authorized to be brought and prioritized pursuant to this proposed measure.

LURF believes the proposed bill is also unsound because it fails to consider or include **specific cost information** regarding the need for additional employees, equipment, and other expenses required in connection with the Commission's unilateral emergency orders which would overlap the efforts of the State and county agencies. The proposal also fails to address the aforementioned cost of legal challenges relating to emergency declarations. 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.²

C. The Proposed Designation Will Discourage Future Water Source Development Throughout the State.

The additional requirements and restrictions that may be imposed pursuant to emergency orders by the Commission will make future development of additional ground water supplies even **more expensive and cost prohibitive**. Private landowners will be less willing to provide land for new water well sites since potential restrictions on uses on lands that surround water wells will be unknown.

The proposed designation could also create **unintended negative consequences** on the development of new water resources by the counties. To avoid restrictions and impacts on surrounding land uses and landowners, the counties may be forced to site future water sources such as drinking water wells in remote locations in areas currently zoned conservation, which will also increase the costs of new water development due to higher capital, power, and transmission costs required by such remote well locations.

² (HAR) §11-200.1-24(b) requires at appropriate points, **cost-benefit analyses**.

D. The Proposed Measure Will Negatively Impact Landowners by Imposing Unknown and Unanticipated Restrictions on the Use of Their Lands.

As discussed above, the proposed authority of the Commission to impose emergency orders in **any area (including non-water management areas)** could prohibit certain uses in the vicinity of existing water sources and may require State Water Use Permits, the application process for which would entail burdensome procedural requirements, and/or legal challenges such as **Contested Case Hearings**. These potential restrictions and requirements are another strong **disincentive** for property owners to expand, reconstruct, or develop their property.

New investment in property in such areas would also be discouraged as any new land use in the vicinity could be restricted, which could affect financing or negate justification for any substantial investment.

E. The Proposed Measure May Negatively Impact the “Vested Rights” of Landowners, Owner-Builders, and Developers of Master Planned Communities and Affordable Housing, as well as Raise Valid Due Process Concerns.

The fact that the proposed measure may prohibit and restrict any new land use or facilities - even those which have been **fully approved and permitted** by the State or counties but not yet built, is one of the most significant and serious concerns. Expanded unilateral authority of the Commission and potential water use restrictions could lead to project delays and increased costs as developers may face difficulties in securing water permits or be forced to implement costly water conservation measures, thereby undermining the financial viability of projects and developments.

There also exists the concern that the Commission’s broad discretionary authority relating to permits and restrictions could result in arbitrary or inconsistent decision-making, making it even more difficult to navigate the already daunting regulatory process. And because interests of stakeholders and affected parties may potentially be marginalized in favor of environmental or other concerns, LURF believes stronger assurances of meaningful consultation and input should be included in the Commission's decision-making process.

The Commission’s proposed unilateral and expanded authority to subject lands to unknown emergency orders may detrimentally affect areas throughout the State that have been designated for urban and other land uses; that have obtained approved zoning for those uses; or that have secured other land use and building permits which are consistent with the counties’ General Plans and other Community Development Plans. The proposed authority of the Commission may impose new laws, rules and regulations that may change existing laws and regulations by prohibiting or restricting the approved land uses which are consistent with the above-referenced county plans, thereby rendering the prior governmental land use plans and approvals **void or ineffective**. County landowners who have already obtained government approvals and assurances for certain land uses and developers of master planned communities and affordable housing have all expended substantial funds in reliance on those existing governmental land use approvals.

Because the proposed bill may change the existing laws and regulations to prohibit or substantially restrict a use or project **after** the government has already granted land use, subdivision, or building permit approval, and the landowner, builder, or developer of master planned communities or affordable housing has altered its position in reliance upon such governmental land use approval, the prohibitions and restrictions of the proposed designation could provoke “**vested rights**” and “**zoning estoppel**” claims against the counties, resulting in expensive and lengthy litigation.

Moreover, this measure requires immediate compliance with emergency orders, even while challenges are pending, which **raises due process concerns** for landowners, builders, and developers who may be forced to halt projects or implement costly changes before their concerns can be adequately addressed.

F. The Commission’s Proposed Expansion of Authority Violates 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 restrict the agricultural use of reclaimed water for agricultural irrigation, confined animal feeding operations, and the use of fumigants and pesticides on lands within the management area. These restrictions would create **major obstacles** 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.” Accordingly, Hawaii’s “Right to Farm” law protects farmers from nuisance lawsuits “if the farming operation has been conducted in a manner consistent with generally accepted agricultural and management practices.” The “Right to Farm” law further creates a rebuttable presumption that a farming operation does not constitute a nuisance.

HB 510, H.D. 1 is therefore arguably inconsistent with Hawaii’s “Right to Farm” law because it may restrict farming and agricultural operations even if the farming operation has been conducted in a manner consistent with generally accepted agricultural and management practices.

Conclusion.

Based on the concerns above; the void of any undisputed material facts to conclusively prove that the amendments proposed to afford the Commission unilateral authority to declare emergency orders are warranted; the fact that State and county laws and regulations already exist to protect water resources during times of emergency; the fact that the proposed authority sought exceeds the role of the Commission as delineated by statute; the lack of consideration of reasonable and more practical alternatives; together with the fact that this proposal could result in significant negative practical and economic repercussions for the counties, the State, landowners, affordable and market housing developers, agricultural stakeholders, and various businesses, LURF must, despite of its steadfast support of efforts to protect and preserve Hawaii’s precious water resources, respectfully **oppose** and request a **deferral** of the proposed measure.

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



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

February 27, 2025

HEARING BEFORE THE
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

TESTIMONY ON HB 510, HD1
RELATING TO DECLARATION OF WATER SHORTAGE AND EMERGENCY

Conference Room 325 & Videoconference
2:00 PM

Aloha Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee:

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

The Hawai'i Farm Bureau respectfully opposes HB 510, HD1, which amends the conditions, manner, and areas in which the Commission on Water Resource Management (CWRM) can declare and provide notice of water shortages and emergencies. While responsible water management is critical, this bill raises concerns about overregulation, lack of clear criteria, and the potential for unnecessary permitting burdens on farmers and ranchers who rely on consistent access to water for irrigation.

When the State Water Code was enacted, it was designed to establish a program of comprehensive water resource planning to address both the supply and conservation of water. It is based on balancing both the use and protection of water and set up the Commission on Water Resource Management (CWRM) to function as a planning and data-collecting agency on water resource matters, a body of experts, while limiting its permitting role to areas identified as having water shortages or in need of protection.. CWRM was intended to focus on big-picture water resource management, including identifying available water resources, tracking usage, and advancing scientific knowledge about water in Hawai'i. Regulation was intentionally limited to designated Water Management Areas (WMAs), which are specific regions experiencing water shortages, competition, or other challenges, as determined through a clear statutory process. Once an area is designated as a WMA, CWRM is authorized to regulate water use through a defined permitting process that ensures fairness and transparency.

HB 510, HD1 attempts to circumvent this existing structure by giving CWRM broad authority to declare water shortages and emergencies without identifying clear criteria, creating a separate and unchecked regulatory system as it would be set up by rule, rather than being included in statute. This bill allows CWRM to impose water restrictions without requiring a formal WMA designation, meaning that water users, especially farmers and ranchers, could be subjected to sudden and arbitrary regulatory changes without legislative oversight or a clear statutory framework.

Key Concerns with HB 510, HD1

1. Potential Water Use Restrictions on Farmers

HB 510, HD1 gives broad discretionary power to CWRM to impose restrictions on water use, including those outside of designated WMAs. This could disproportionately impact farmers who depend on wells, stream diversions, and other natural water sources for irrigation, jeopardizing crop production and livestock operations.

2. Emergency Orders Could Disrupt Agriculture

The bill allows CWRM to apportion, rotate, limit, or prohibit water use during declared emergencies. However, the lack of clear prioritization for agricultural water use raises serious concerns. If agriculture is not recognized as an essential use, farms may experience severe water shortages, resulting in crop losses, reduced yields, and financial hardships.

3. Lack of Clear Permit Classification for Farmers

HB 510, HD1 mandates that CWRM establish a permit classification system but fails to outline how agricultural water users will be prioritized. If urban, residential, or industrial users receive higher priority, farmers will be left with inconsistent and unreliable water access, further exacerbating food security concerns in Hawai'i.

4. Impact of Climate Change Considerations

The bill references the climate crisis as a criterion for determining water shortages. While we acknowledge the realities of climate change, this provision could lead to frequent and unpredictable water shortage declarations. Farmers need long-term stability in water access to make necessary investments in irrigation and sustainable agricultural practices.

5. Burdensome Compliance and Notification Processes

HB 510, HD1 requires that water shortage notices be published online and in newspapers. However, this passive notification system places the burden on farmers to continuously monitor for restrictions. Additionally, compliance with new permit restrictions or reporting requirements may add unnecessary bureaucratic hurdles for already burdened small- and medium-sized farms.

6. Creates a Second, Duplicative Permitting System

CWRM already has an established process for regulating water through the WMA system, which includes statutory criteria and legislative oversight. HB 510, HD1 introduces a separate permitting process, adding uncertainty, confusion, and

unnecessary bureaucracy for water users. There is no demonstrated need for an additional permitting system, as the existing WMA framework provides CWRM with the necessary tools to regulate water use where appropriate.

7. Risk of Arbitrary Water Restrictions Without Stakeholder Input

HB 510, HD1 grants CWRM unchecked authority to declare water shortages and impose regulations without clear statutory guidance. The bill lacks mechanisms for public input or due process, potentially leading to arbitrary and inconsistent enforcement that disrupts Hawai'i's agricultural industry.

The State Water Code already provides a clear, balanced framework for managing water resources while allowing CWRM to step in when necessary through the WMA designation process. HB 510, HD1 sidesteps this framework, creating a regulatory loophole that could result in inconsistent water restrictions, unpredictable permitting requirements, and added burdens on Hawai'i's farmers and ranchers.

For these reasons, we urge the committee to hold HB 510, HD1. Thank you for the opportunity to testify on this measure.



Testimony on HB 510

February 27, 2025

2:00 PM

Conference Room 325

The Climate Change and Health Working Group (CCHWG) is a cross-sector collaborative interested in strengthening climate and health resiliency in Hawai'i. CCHWG supports this measure's goal of declaring and providing notice of water shortages and emergencies.

Testimony of the Hawai'i Climate Change and Health Working Group

In Support of HB510: RELATING TO THE DECLARATION OF WATER SHORTAGE AND EMERGENCY

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Judiciary Committee:

The Climate Change and Health Working Group **supports HB 510's** goal of allowing the Commission of Water Resource Management to declare and provide notice of water shortages and emergencies, within and outside of designated water management areas. Climate change is causing both increased air, land and water temperatures coupled with decreased rainfall. The state faces more dry, drought conditions in the future. This bill would allow the Commission on Water Resource Management to adopt water shortage plans, quickly declare a water shortage, and provide increased transparency to the public on this planning.

Hawai'i is currently facing a water crisis and will be in a better position to handle water emergencies around the state. Water shortages are a human health crisis and limited amounts affect hydration, sanitation, mental health and food systems impact. Having enough water for future generations is essential. The climate crisis is a health crisis. We urge you to support **HB510**.

Thank you for the opportunity to testify.
Sincerely,
The Climate Change and Health Working Group

HB-510-HD-1

Submitted on: 2/26/2025 11:23:58 AM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Emily Werner	Individual	Support	Written Testimony Only

Comments:

In Support of HB 510: RELATING TO THE DECLARATION OF WATER SHORTAGE AND EMERGENCY

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

I support HB 510's goal of allowing the Commission of Water Resource Management to declare and provide notice of water shortages and emergencies, within and outside of designated water management areas.

Climate change is causing both increased air, land and water temperatures coupled with decreased rainfall. The state faces more dry, drought conditions in the future. This bill would allow the Commission on Water Resource Management to adopt water shortage plans, quickly declare a water shortage, and provide increased transparency to the public on this planning.

Hawai'i is currently facing a water crisis and will be in a better position to handle water emergencies around the state. Water shortages are a human health crisis and limited amounts affect hydration, sanitation, mental health and food systems impact. Having enough water for future generations is essential. The climate crisis is a health crisis. We urge you to support HB 510.

Thank you for the opportunity to testify.

Sincerely,

Emily Werner

