

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843
www.boardofwatersupply.com




March 14, 2022

RICK BLANGIARDI, MAYOR

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

ELLEN E. KITAMURA, P.E.
Deputy Manager and Chief Engineer 

The Honorable Mike Gabbard, Chair
and Members
Committee on Agriculture & Environment
The Senate
Conference Room 224 & Videoconference
Honolulu, Hawaii 96813

Dear Chair Gabbard and Members:

Subject: House Bill 2256 HD 1: Relating to a Department of Environmental Protection

The Honolulu Board of Water Supply (BWS) supports House Bill (HB) 2256, House Draft (HD) 1. The bill proposes amending Hawaii Revised Statutes (HRS) Section 26-4 to create a department of environmental protection.

A state department of environmental protection centralizes the work to protect and preserve our environment and natural resources, which will further protect Hawaii's drinking water now and into the future. One example is the California Environmental Protection Agency that uses the latest science based information and research to develop, implement and enforce environmental laws to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality of the state.

The BWS recommends amending the bill to require the department of environmental protection report to a seven member board in a new stand-alone Section added to the HRS, entitled "Board Oversight," that provides:

"The Department of Environmental Protection will report to a seven member board that consists of one member appointed by each of the following:

- (1) the Office of the Governor;
- (2) the Hawaii State Senate;
- (3) the Hawaii State House of Representatives;
- (4) the Honolulu City Council;
- (5) the Kauai County Council;
- (6) the Hawaii County Council; and
- (7) the Maui County Council."

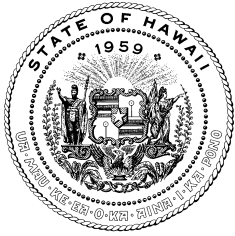
The Honorable Mike Gabbard, Chair
and Members
March 14, 2022
Page 2

Thank you for your consideration of our testimony concerning HB 2256, HD1.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Ernest Y. W. Lau', with a long horizontal flourish extending to the left.

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



STATE ENVIRONMENTAL ADVISORY COUNCIL

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM,
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT, STATE OF HAWAII
235 SOUTH BERETANIA STREET, SUITE 702, HONOLULU, HI 96813

Phone: (808) 586-4185
Email: dbedt.opsd.erp@hawaii.gov

Testimony of the Environmental Advisory Council on HB 2256
Senate Committee on Agriculture and Environment
Monday, March 14, 2022
1:00 PM, Conference Room 224 & Videoconference

David Y. Ige
Governor

Chairperson
Puananionaona Thoene

Vice Chair
Mary Begier

Members
Roy Abe
Stephanie Dunbar-Co
Dawn Hegger-Nordblom
Makaala Kaaumoana
Ian Robin Kaye
Theresita Kinnaman
Ron Terry
Michael Tulang
N. Mahina Tuteur

March 12, 2022

Aloha Chair Gabbard, Vice Chair Nishihara, and Members of the Senate
Committee on Agriculture and Environment:

I am the Chair of the State of Hawai'i Environmental Advisory Council (EAC) and
submit this testimony in **SUPPORT** of HB 2256 on behalf of the EAC.

This bill proposes to establish a Department of Environmental Protection on July 1,
2026. Further, it creates a Department of Environmental Protection working group to
address the logistics required for the State to establish a Department of Environmental
Protection, and requires the working group to submit a report to the legislature prior to
the 2025 regular session of the Legislature.

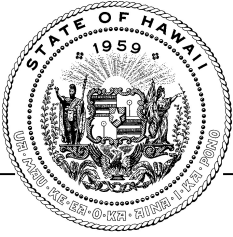
With the growing challenge brought to Hawai'i with ongoing — and worsening —
climate change, environmental actions would surely benefit from a more cohesive,
integrated approach from the State of Hawai'i. Currently, environmental policy and
programs — and priorities — are scattered among many State agencies and offices. A
Department of Environmental Protection would focus Hawai'i's governmental
resources, providing much greater coordination than currently exists.

The EAC believes that the proposed working group is a critical component that should
precede the creation of a new State department. We would suggest that the
membership of the working group be expanded to include a representative from the
EAC as well as representatives from the neighbor islands.

Thank you for the opportunity to testify on this measure.

Puananionaona Thoene
Chair
Environmental Advisory Council

Robin Kaye
Chair
EAC Legislative Committee



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

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR

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Statement of
MARY ALICE EVANS
Director, Office of Planning and Sustainable Development
before the
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Monday, March 14, 2022
1:00 PM
State Capitol, Conference Room 224
in consideration of
HB 2256, HD1
RELATING TO A DEPARTMENT OF ENVIRONMENTAL PROTECTION

Chair Gabbard, Vice Chair Nishihara, and Members of the Senate Committee on Agriculture and Environment.

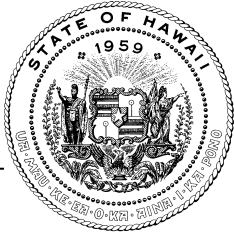
The Office of Planning and Sustainable Development respectfully offers **comments** on HB 2256 HD1 which establishes a department of environmental protection by July 1, 2026. Creates a department of environmental protection working group to address the logistics required for the State to establish a department of environmental protection. Requires the working group to submit a report to the legislature prior to the 2025 regular session.

With the recent passage of [Act 45, Session Laws of Hawai'i 2020](#), [Act 152, Session Laws of Hawai'i 2021](#), and [Act 153, Session Laws of Hawai'i 2021](#), the Office of Planning and Sustainable Development continues to transition rapidly despite the office's limited funding and staffing to meet the statewide sea level rise adaptation coordination, sustainability and climate adaptation planning and coordination, economic recovery and resiliency planning, affordable housing collaboration and environmental review requirements over the past six months.

The Office of Planning and Sustainable Development agrees with the preamble of the bill that the ongoing climate crisis is one of the overarching issues of modern times, the protection of the State's environment and natural resources are extremely critical. The Office of Planning and Sustainable Development believes that the State of Hawai'i's sustainability, climate change mitigation, and climate change adaptation requires a multi-agency approach throughout all branches, departments, and agencies of the State of Hawai'i's government and it's counties.

The Office of Planning and Sustainable Development believes that through strong statewide planning and coordination laws in relation to sustainability and climate change issues, including: [Hawai'i Revised Statutes §225M-2](#), [Hawai'i Revised Statutes §225M-3](#), [Hawai'i Revised Statutes §225M-8](#), [Hawai'i Revised Statutes §225M-9](#), [Hawai'i Revised Statutes §225P-3](#), [Hawai'i Revised Statutes §225P-4](#), [Hawai'i Revised Statutes §225P-5](#), [Hawai'i Revised Statutes §225P-7](#), [Hawai'i Revised Statutes §226-108](#), and [Hawai'i Revised Statutes §226-109](#) provides the statewide coordination to unite this important work collectively as a State.

Thank you for the opportunity to testify on this measure.



HAWAII STATE ENERGY OFFICE STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

SCOTT J. GLENN
CHIEF ENERGY OFFICER

235 South Beretania Street, 5th Floor, Honolulu, Hawaii 96813
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Testimony of
SCOTT J. GLENN, Chief Energy Officer
before the
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Monday, March 14, 2022
1:00 PM
State Capitol, Conference Room 224 & Videoconference

COMMENTS
HB 2256 HD1
RELATING TO A DEPARTMENT OF ENVIRONMENTAL PROTECTION.

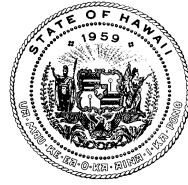
Chair Gabbard, Vice Chair Nishihara, and Members of the Committee, the Hawai'i State Energy Office (HSEO) offers comments on HB 2256, HD1 which establishes a department of environmental protection by July 1, 2026; creates a department of environmental protection working group to address the logistics required for the State to establish a department of environmental protection; and requires the working group to submit a report to the legislature prior to the 2025 regular session; and names the Chief Energy Officer or the Chief Energy Officer's designee as a participant in the working group.

HSEO offers comments concerning the bill's potential to replace or adversely impact priorities indicated in the Executive Supplemental Budget.

If this bill moves forward, HSEO is willing to participate in such a working group. HSEO appreciates the addition in HB2256, HD1 of the Comptroller and the Directors of the Department of Human Resources Development and Finance or their designees in the Department of Environmental Protection Working Group. HSEO recommends the addition of the Department of Accounting and General Services, and the Department of Business, Economic Development and Tourism for its environmental protection responsibilities.

HSEO defers to the appropriate agency concerning the implementation of the bill's requirements.

Thank you for the opportunity to testify.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of HB2256 HD1
RELATING TO A DEPARTMENT OF ENVIRONMENTAL PROTECTION**

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Hearing Date: 3/14/2022

Room Number: 224/Videoconference

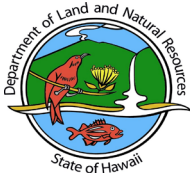
1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's
2 Executive Budget Request for the Department of Health's (department's) appropriations and
3 personnel priorities.

4 **Department Testimony:** The department supports this measure's thoughtful approach to
5 creating a Department of Environmental Protection. There would be certain advantages, as
6 outlined in the bill's preamble, to creating a department with the core mission of environmental
7 protection. However, the logistical challenges to a successful transition involving so many
8 different existing departments and offices should not be underestimated. Additionally, the
9 department notes that there is no budget attached to this bill. Departments and offices asked to
10 provide members to the working group may find it difficult to divert enough staff time to focus
11 on this task.

12 To cite one example of challenges that must be overcome by the working group, the
13 Hazard Evaluation and Emergency Response Office and branches within the Environmental
14 Management Division of the department are still recovering from losing about 25% of their staff
15 when these offices were moved from Kewalo Basin to Waimano Ridge less than five years ago.
16 The offices were moved to facilities owned by the department to avoid paying costly rent and
17 potentially facing relocation on a short timeline when the Kewalo Basin lease was ended by the
18 new owner. If these offices become part of a new Department of Environmental Protection, will

- 1 they remain in their present location? If these offices must move again, where will they go and
- 2 what effect will another move have on personnel issues, including retention and hiring?
- 3 **Offered Amendments:** None.
- 4 Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE CASE
Chairperson**

**Before the Senate Committee on
AGRICULTURE AND ENVIRONMENT**

Monday, March 14, 2022

1:00 PM

State Capitol, Conference Room 224, Via Videoconference

**In consideration of
HOUSE BILL 2256, HOUSE DRAFT 1
RELATING TO A DEPARTMENT OF ENVIRONMENTAL PROTECTION**

House Bill 2256, House Draft 1 proposes to establish a Department of Environmental Protection and to create a working group to develop an organizational and functional plan and a plan for the orderly transition of existing departmental functions and resources to the new department. The working group shall finish its work by July 1, 2026. **The Department of Land and Natural Resources (DLNR) offers comments.**

DLNR notes that in 2021, Senate Bill 968 and its companion, House Bill 423 were introduced but not heard. Both bills provided an extensive history of the efforts to create a Department of Environmental Protection, the reasoning for such a department, and a blueprint for transitioning existing laws and functions to a new department.

DLNR agrees that there are inherent conflicts in the current structure but is not clear that the conflicts rise to the level of making reorganization of several departments, to create a new department, worthwhile. Nor is it clear that a new department would effectively address the inherent conflicts.

DLNR suggests that the working group be expanded to include: the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and a representative each from the House and Senate. It should also include the Hawaii Climate Change Commission Coordinator, the City and County of Honolulu Chief Resilience Officer and Executive Director of the City's Resiliency Office. Other than the affected resource agencies, these would be most affected by the changes.

DLNR notes that there is no budget attached to this bill. The work being requested of the working group is difficult and time consuming. If it's to do its work effectively, the working group must have resources dedicated to its efforts. DLNR recommends adding a budget for the working group and naming the chair.

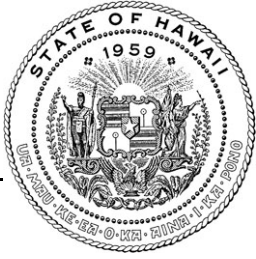
Thank you for the opportunity to comment on this measure.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

DAVID Y. IGE
GOVERNOR

MIKE MCCARTNEY
DIRECTOR

CHUNG I. CHANG
DEPUTY DIRECTOR

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Statement of
MIKE MCCARTNEY
Director

Department of Business, Economic Development, and Tourism
before the
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Monday, March 14, 2022
1:00 PM

State Capitol, Conference Room 224 and videoconference

In consideration of
HB2256, HD1
RELATING TO A DEPARTMENT OF ENVIRONMENTAL PROTECTION.

Chair Gabbard, Vice Chair Nishihara and members of the Committee. The Department of Business, Economic Development and Tourism (DBEDT) offers comments on HB2256, HD1, which would establish a Department of Environmental Protection on July 1, 2026, and create a working group to address the logistics required to fulfill this mandate.

Creating a new department takes careful planning and consideration of not only the affected employees, but also budgetary issues. The working group should consist of members whose departments may potentially be affected by the outcome of the working group. Since a number of agencies that are currently attached to DBEDT as well as statutory mandates assigned to DBEDT may potentially be affected by this new department, DBEDT requests that the director of the Department of Business, Economic Development, and Tourism, or the director's designee be added to the working group.

Thank you for the opportunity to comment.

HB-2256-HD-1

Submitted on: 3/13/2022 9:40:16 AM

Testimony for AEN on 3/14/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
robin knox	Individual	Support	Written Testimony Only

Comments:

Testimony of Robin Knox on HB 2256 HD1

My name is Robin Knox and I support HB 2256 HD1. I am a Qualified Environmental Professional certified by the Global Environmental Health and Safety credentialing board. I have worked on projects in more than 20 states throughout the US, and thus have had experience with many different governmental organizations of environmental regulation. I find that the Hawaii Department of Health (DOH), which is tasked with administering delegated federal programs as well as state environmental regulations, is a large bureaucracy with kuleana for a broad range of health issues. The scope of issues that DOH has responsibility for means it is difficult to even find the environmental programs on the website or in the administrative structure. The emphasis on human health concerns often means a lack of emphasis on protection of the environment. Most of the time, the Director of DOH is a medical professional, not an environmental professional. The environmental programs, in my opinion, are not adequately funded and there is not enough staff trained in environmental science and engineering. I believe moving these programs to a separate agency will provide greater public access to environmental programs and data, and more qualified Director and staffing.

The new Department of Environmental Protection should also include the Office of Environmental Quality Control, Commission of Water Resource Management, and The Environmental Advisory Council. Consolidating environmental protection functions of the state within one agency will resolve inherent conflicts of interest in the current organizational structure, and will allow a greater priority and focus on the environmental issues which have potential to affect every person and business in Hawaii, Protection of the environment is literally protection of life itself, and of the quality of life and environment.

HB-2256-HD-1

Submitted on: 3/13/2022 11:31:59 AM

Testimony for AEN on 3/14/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark Wolfendale	Testifying for Rotary Club Hanelie Bay	Support	Written Testimony Only

Comments:

A primary objective for the Rotary Club of Hanalei Bay over the past three years has been to support efforts to remove sewage caused by cesspools from our rivers and bays.

Rivers and bays are the primary recreational areas for both our residents and visitors. Locally, we have a number of local community initiatives underway to address this important issue on Kauai's Northshore, but we expect the state to establish and maintain focused and structured legal oversight to insure that this endangered resource is protected longterm.

HB-2256-HD-1

Submitted on: 3/13/2022 2:39:07 PM

Testimony for AEN on 3/14/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jonathan McRoberts	Individual	Support	Written Testimony Only

Comments:

I strongly support the passage of this bill. It is extremely important for the health of our citizens and the islands continued attractiveness to tourists.

Sincerely Jonathan McRoberts

HB-2256-HD-1

Submitted on: 3/13/2022 3:07:34 PM

Testimony for AEN on 3/14/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Testifying for Climate Protectors Hawai'i	Support	Written Testimony Only

Comments:

To: The Honorable Michael Gabbard, Chair, The Honorable Clarence Nishihara, Vice Chair, and Members of the Senate Committee on Agriculture and Environment

From: Climate Protectors Hawai'i (by Ted Bohlen)

Re: Hearing HB2256 HD1 RELATING TO A DEPARTMENT OF ENVIRONMENTAL PROTECTION, Monday March 14, 2022 at 1:00 p.m.

Aloha Chair Gabbard, Vice Chair Nishihara and members of the Senate Committee on Agriculture and Environment!

Position: The Climate Protectors Hawai'i supports HB2256 HD1.

The Climate Protectors Hawai'i is a group focused on reversing the climate crisis and encouraging Hawai'i to lead the world towards a safe and sustainable climate and future. The Climate Protectors Hawai'i **supports** this bill.

Unlike most states, Hawaii has no executive-level department dedicated to the mission of environmental protection and implementing the environmental policy goals enacted by the Legislature. Instead, these functions are dispersed among multiple state departments and agencies having differing missions that either do not focus on the importance of environmental protection or have internal conflicts.

Because the ongoing climate crisis is one of the overarching issues of modern times, the protection of the State's environment and natural resources is more critical than ever. Although almost all issues are multi-jurisdictional, creating an executive-level department to unite this important work under one administrative umbrella should lead to greater efficiency in addressing Hawaii's environmental issues in a timely and proactive fashion.

The working group approach is appropriate for this matter, given the complexity.

Please pass this bill!

Mahalo!

Climate Protectors Hawai'i (by Ted Bohlen)

HB-2256-HD-1

Submitted on: 3/13/2022 4:32:09 PM

Testimony for AEN on 3/14/2022 1:00:00 PM

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

Comments:

We do not need a Environmental Protection Dept. There is no Environmental Problems in Hawaii Except for the ones Made up by the Comunist in the Government that we need to get ride of!

HB-2256-HD-1

Submitted on: 3/13/2022 10:07:32 PM

Testimony for AEN on 3/14/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Stuart Coleman	Testifying for WAI: Wastewater Alternatives & Innovations	Support	Written Testimony Only

Comments:

Aloha Chair Gabbard, Vice Chair Nishihara and AEN Committee Members,

As the Executive Director of the non-profit WAI, I am writing in strong support of HB2256 HD1. Hawaii is one of the few states in the country that doesn't have an independent Dept. of Environmental Protection (DEP) and this bill would start the process of creating a desperately needed new department that is dedicated to protecting and preserving Hawaii's most valuable natural assets. Currently, the environmental protection offices in the Dept. Of Health are not receiving the needed staff, policy focus and financial support they need, and a new DEP would likely receive more federal funding to organize their own department. Mahalo for your support and consideration of this important bill.

Aloha, Stuart Coleman, Executive Director, WAI

2927 Hibiscus Pl., Hon., HI 96815