

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
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DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
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DEAN D. UYENO
ACTING 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

Thursday, February 8, 2024
9:00 AM
State Capitol, Conference Room 430

In consideration of
HOUSE BILL 2331
RELATING TO INFRASTRUCTURE

House Bill 2331 proposes to establish a dam and reservoir working group to ensure and enhance the continued availability and operation of dams and reservoirs in the state and consider their role in drought mitigation, water supply and fire suppression. The bill also appropriates funds. **The Department of Land and Natural Resources (Department) acknowledges the intent of the measure and offers the following comments.**

The Department recognizes the many beneficial uses that dams and reservoirs provide and the importance of the continued availability and operations of these structures for food and water sustainability and public health and safety. However, the Department cautions that any effort of this working group should not compromise any law, administrative rule, or operational policy intended to protect public health and safety and minimize the risk of a dam failure.

The 2006 Kaloko Dam failure killed seven people and was the impetus for the Legislature to pass the Dam and Reservoir Safety Act of 2007. Subsequently, the Department spent several years working with dam owners, the agricultural industry, and other stakeholders to develop its dam safety rules found in Chapter 190.1, Hawaii Administrative Rules. These rules were established through collaboration with the Federal Emergency Management Agency, the United States Army Corps of Engineers, and the Association of State Dam Safety Officials and are consistent with national dam safety standards. The rulemaking process required public hearings where community input was solicited, and comments were addressed and incorporated.

The Department continues to be a resource to dam and reservoir owners/operators and is willing to participate, listen, educate, and work collaboratively to support the proposed working group. The Department's Dam Safety Program does not receive any State general funds and relies solely on special funds and user fees to operate and fulfill its mandate. This measure appropriates an unspecified amount of general funds to support the proposed working group. To fulfill the legislative intent of this measure, the Department anticipates the State Office of Planning and Sustainable Development will require \$1,000,000 in general funds to accommodate the 23-member working group and supporting staff over the course of the next two years for meeting venues / logistics, reimburse neighbor island members' travel and related expenses and hire a consultant team to perform the scope of work described in the measure.

Mahalo for the opportunity to provide testimony offering comments on this measure.



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

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
INTERIM DIRECTOR

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Statement of
MARY ALICE EVANS, Interim Director

before the
HOUSE COMMITTEE ON WATER AND LAND

Thursday, February 8, 2024

9:00 AM

State Capitol, Conference Room 430

in consideration of
HOUSE BILL 2331
RELATING TO INFRASTRUCTURE.

Chair Ichiyama, Vice Chair Poepoe, and Members of the House Committee on Water and Land:

The Office of Planning and Sustainable Development (OPSD) **supports** HB2331, which would establish a working group to evaluate the current and potential role of the dams and reservoirs in the State for food and water sustainability and public health and safety, prioritize them by county, develop a ten-year dam and reservoir financial and management plan to address the priority dams and reservoirs, and propose appropriate legislation to implement the financial and management plan.

OPSD finds that there are many good reasons to support the creation of such a working group. In the wake of the 2006 Kaloko Dam failure and the Legislature's passage of the Dam and Reservoir Safety Act of 2007, the Department of Land and Natural Resources (DLNR) devoted several years working with dam owners, the agricultural industry, and other stakeholders to develop the current dam safety Hawaii Administrative Rules. Maintaining dam safety standards remains of utmost importance. Our dams, reservoirs, and their distribution systems are also important to our State's response to wildfires and diversifying agriculture.

Given that the OPSD has no staff to conduct the research identified in the measure, we appreciate that funding is being contemplated to help hire a consultant to facilitate the efforts of this working group.

OPSD also recommends that DLNR be designated as the co-chairperson of the working group along with OPSD since DLNR has expertise in this subject matter.

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



SanHi

GOVERNMENT STRATEGIES

A LIMITED LIABILITY LAW PARTNERSHIP

DATE: February 8, 2024

TO: Representative Linda Ichiyama
Chair, Committee on Water & Land

Representative Della Au Belatti
Chair, Committee on Health & Homelessness

FROM: Mihoko Ito / Tiffany Yajima

RE: **H.B. 1836 – Relating to Health**
Hearing Date: Thursday, February 8, 2024 at 8:30 a.m.
Conference Room: 430

Dear Chair Ichiyama, Chair Belatti, and Members of the Joint Committees on Water & Land and Health and Homelessness:

We submit this testimony on behalf of Walgreen Co. (“Walgreens”). Walgreens operates stores at more than 9,000 locations in all 50 states, the District of Columbia, and Puerto Rico. In Hawaii, Walgreens has 17 stores on the islands of Oahu and Maui.

Walgreens submits this testimony in **support of this measure with amendments**. H.B. 1836 allows pharmacists, during declared states of emergency, to refill prescriptions of up to thirty-day supplies of drugs if the prescriber is unavailable or cannot be contacted to authorize the refill and if, in the pharmacist’s professional judgement, failure to refill the prescription might interrupt the patient’s ongoing care and have a significant adverse effect on the patient’s well-being.

In the aftermath of the Maui wildfires, Walgreens participated in a group with other stakeholders to address emergency pharmacy needs so that people who were affected by the disaster could access critical medicines. These pharmacy provisions are set forth in the Governor’s current wildfire [emergency proclamation](#) and cover three areas: 1) allowing pharmacists to refill prescriptions up to a thirty-day supply, 2) allowing pharmacies to utilize centralized services, where available, to review prescriptions and counsel patients, and 3) establishing mobile or temporary pharmacies.

While HB 1836 allows pharmacists to dispense up to a 30-day supply, it does not cover the ability to use centralized services or establish mobile or temporary pharmacies. We would recommend inclusion of this language from the existing emergency proclamation, as well as other conforming amendments to be consistent with the emergency proclamation, as proposed in the draft H.D.1.

Thank you for the opportunity to submit this testimony.



Email: communications@ulupono.com

HOUSE COMMITTEE ON WATER & LAND
Thursday, February 8, 2024 — 9:00 a.m.

Ulupono Initiative supports HB 2331, Relating to Infrastructure.

Dear Chair Ichiyama and Members of the Committee:

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

Ulupono supports HB 2331, which establishes a dam and reservoir working group to ensure and enhance the continued availability and operation of dams and reservoirs in the State and consider their role in drought mitigation and the maintenance of a dependable water supply.

Ulupono supports funding for critical water infrastructure across the State. The working group established in this measure will be useful for the State as we seek to provide safe, reliable water resources for local agriculture and our communities. According to the Association of State Dam Safety Officials' latest Dam Safety Performance Report, more than a third of Hawai'i's dams are rated either in poor or unsatisfactory condition. Many of our dams and reservoirs require our attention, and walking away from such important infrastructure will not serve our communities as we look to battle climate change.

Thank you for the opportunity to testify.

Respectfully,

Micah Munekata
Director of Government Affairs

Investing in a Sustainable Hawai'i



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February 8, 2024

HEARING BEFORE THE
HOUSE COMMITTEE ON WATER AND LAND

TESTIMONY ON HB 2331
RELATING TO THE DAM AND APPURTENANCE IMPROVEMENT OR REMOVAL
GRANT PROGRAM

Conference Room 430 & Videoconference
9:00 AM

Aloha Chair Ichiyama, 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 supports HB 2331, which establishes a Dam and Reservoir Working Group to ensure and enhance the continued availability and operation of dams and reservoirs in the State and consider their role in drought mitigation and the maintenance of a dependable water supply.

While dam and reservoir safety rules represent an important public safety initiative, the rules codified in HRS chapter 179D are having an adverse effect by reducing water storage capacity across the state. At a time when changing weather patterns have demonstrated alternating periods of drought punctuated by significant storm events, coupled with the noble goal of achieving food security for our island state, water storage is more critical than ever. The new rules will discourage new dam and reservoir construction, and in many cases cause dam and reservoir owners to minimize the capacity or decommission existing storage capability.

Many of the reservoirs – built in an era of plantation agriculture—no longer generate enough revenue to be economically sustainable. But they are needed in ways few people have yet imagined. The issue of how to pay for the upgrading and maintenance of this critical infrastructure is now gaining more attention as the state's budget comes into focus.

Dams and reservoirs are the keys not just to a future sustainable agricultural system in Hawai'i, but to the entire water and environmental health of the State. In addition to the conventional benefits of storing and delivering reliable water for agriculture in dry times,

wildlife habitats, flood control during large storms, erosion control, and the reduction of sediment loading on our nearshore ocean reefs, reservoirs also ensure a supply of potable drinking water (after treatment) and provide water to help battle wildfires.

Reservoirs also help recharge our groundwater aquifers by capturing stormwater (for later release) that would otherwise rush to the ocean. There is growing evidence that there will be a pattern of fewer, but larger storms separated by longer intervals of drought. If the large rainfall flows are not captured, overall groundwater recharge may be significantly reduced. Groundwater is our primary source of drinking water and demand is relentlessly rising. We already face declining groundwater recharge every time we place hard impermeable surfaces (e.g. concrete) over previously open ground (agriculture).

Recent Dam and Reservoir Safety rules levy additional burdens on reservoir owners and Hawai'i farmers. Fuel, labor, equipment, transportation, and other expenses are already higher in Hawai'i than on the mainland, placing locally-grown products at a competitive disadvantage. Inevitably, increased costs will be passed on to consumers and are counterproductive to efforts to grow more food in Hawai'i. Some landowners will simply decommission their dams, abandon their reservoir systems, and decide what to do with their now-fallow lands when agriculture is no longer viable.

Thank you for the opportunity to testify on this matter of great importance to the agricultural community.

HB-2331

Submitted on: 2/8/2024 7:21:37 AM

Testimony for WAL on 2/8/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Yoshito LHote	Aina Hookupu o Kilauea	Support	Written Testimony Only

Comments:

As the state assumes its responsibility towards protecting the public trust, water, it is vital to have a proper assessment of the use and need of reservoirs.

I strongly support this bill to ensure that no irreversible actions take place that will jeopardize our survival in the islands as we have no other recourse when it comes to providing access to domestic water.

Yosh, CEO for AHK

HB-2331

Submitted on: 2/8/2024 8:36:19 AM

Testimony for WAL on 2/8/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeremy Burns	Individual	Support	Written Testimony Only

Comments:

I support the establishment of a dam working group and a review process to completely value the unique position of each reservoir in the context of its watershed, maintenance costs, and potential benefits for current and future users such as fire suppression, agriculture irrigation volumes, wetlands, fisheries, recreation, climate change mitigation, risk management, and others.