

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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committees on
AGRICULTURE AND ENVIRONMENT
and
WATER AND LAND**

**Friday, January 28, 2022
2:00 PM**

State Capitol, Conference Room 229 & Videoconference

**In consideration of
SENATE BILL 2062
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS**

Senate Bill 2062 proposes to add a new section to Chapter 343, Hawai'i Revised Statutes, adding an exemption from the requirements of the environmental impact statements law for the proposed drilling, construction, or use of a well on lands leased from the Department of Agriculture, provided that the land is being used to support agriculture and food production. **The Department of Land and Natural Resources (Department) offers the following comments.**

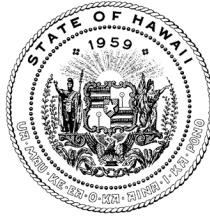
Agricultural water needs are for uses such as irrigation of crops, pasture, livestock, and processing for sale and have been an important part of the State's economy. As of 2021, reported agricultural ground water use from 256 of the total 434 agricultural wells in the State is around 20 million gallons per day (mgd) as the industry transitions from large scale to smaller diversified agriculture. This does not account for surface water use, which has been equally if not more significant and an important issue with the changes in setting instream flow standards in various places of the State by the Department's Commission on Water Resource Management (Commission).

County Water Use and Development Plans and the State Water Projects Plan forecast that non-potable water use will increase over the next 20-years or so. The Commission's guiding policies in its Water Resource Protection Plan promotes alternative uses of water for agriculture in lieu of potable groundwater: (1) quality of the water source should be matched to the quality of the water needed, (2) if there is a practical alternative water source available, that alternative source should

be used in lieu of natural supplies, and (3) encouraging best and highest use of water while disallowing the application of lower quality water over a higher quality aquifer.

Research from the University of Hawai'i, Water Resource Research Center, and United States Geological Survey shows that agricultural water use may have significant impacts on: 1) ground water recharge and corresponding ground water sustainable yields; and 2) setting of instream flow standards.

Thank you for the opportunity to comment on this measure.



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Thank you for the opportunity to comment on this measure.

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS ATTA
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEES ON
AGRICULTURE AND ENVIRONMENT
AND
WATER AND LAND

JANUARY 28, 2022

2:00 P.M.

CONFERENCE ROOM 229
and VIA VIDEOCONFERENCE

SENATE BILL NO. 2062
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Chairpersons Gabbard, Inouye and Members of the Committees:

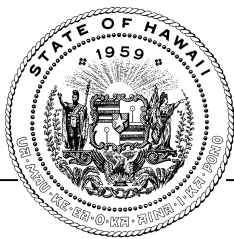
Thank you for the opportunity to testify on Senate Bill 2062. This bill exempts the drilling, construction, or use of a well on lands leased from the Department of Agriculture from the requirements of the environmental impact statements law, provided that the land is being used to support agriculture and food production. The Department of Agriculture offer the following comments:

The Department recognizes the desire and intent of this bill. Chapter 343, HRS can add a significant amount of time and cost to a project. Exempting Departmental tenants from the requirements of the environmental impact statement law will lower the



costs of drilling and constructing wells, however, the Department feels it is still important to understand the environmental impacts of new well constructions.

Thank you for the opportunity to offer comments on this measure.



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

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
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Web: <https://planning.hawaii.gov/>

Coastal Zone
Management
Program

Environmental Review
Program

Land Use Commission

Land Use Division

Special Plans Branch

State Transit-Oriented
Development

Statewide Geographic
Information System

Statewide
Sustainability Program

Statement of
MARY ALICE EVANS
Director, Office of Planning and Sustainable Development
before the
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
SENATE COMMITTEE ON WATER AND LAND
Friday, January 28, 2022
2:00 PM
State Capitol, Conference Room 229

in consideration of
SB 2062
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

The Office of Planning and Sustainable Development (OPSD) would like to provide comments on SB2062. This bill would categorically exempt various activities associated with drilling, constructing and using water wells on Department of Agriculture lands from complying with the requirements of the environmental review law (HRS, Chapter 343).

There are valid reasons and longstanding policy and practices establishing why proposed uses on State lands that affect ground water resources should undergo environmental review. Additionally, HRS, Chapter 343 already provides a commonly-used mechanism for agencies to make exemptions from environmental review (HRS, 343-6 and Hawaii Administrative Rules, Subchapter 8). This mechanism provides for the public to become aware that the exemption was made.

However, this bill would foreclose the opportunity for the public to know that the Department of Agriculture made an exemption. Thus, there is no reason to create a new exemption for the range of activities proposed in this measure.

Thank you for the opportunity to testify on this measure.



SIERRA CLUB OF HAWAI'I

SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

SENATE COMMITTEE ON WATER AND LAND

January 28, 2022 2:00 PM CCR229

In **OPPOSITION** to **SB2062**: Relating to Environmental Impact Statements

Aloha Chairs Gabbard and Inouye, Vice Chairs Nishihara and Keith-Agaran, and Members of the Senate Committees on Agriculture and Environment and Water and Land,

On behalf of our 27,000 members and supporters, the Sierra Club of Hawai'i **OPPOSES SB2062**, which could result in significant and unnecessary impacts to natural and cultural resources and sites from well development on public agricultural lands.

A broad exemption from our environmental review law, as proposed by this measure, may needlessly and irrevocably impact natural and cultural resources and sites. Our environmental review law, established four decades ago, plays a critical role in ensuring that decisions potentially impacting our islands' cultural and environmental integrity are carefully and transparently assessed, by agencies and others who may have a wide range of expertise, insight, and experiences. The environmental review law also helps to ensure that decisionmakers explicitly consider ways to avoid unnecessary impacts to natural and cultural resources and sites to the extent feasible. Well development decisionmaking in particular could result in a range of potentially avoidable impacts that could be identified and avoided or mitigated under the environmental review process, including impacts to streams and springs fed by groundwater sources, associated Native Hawaiian traditional and customary practices and recreational or other public uses, Native Hawaiian cultural sites, and native species habitat. Accordingly, the Sierra Club of Hawai'i strongly believes that the environmental review law should continue to apply to the drilling, construction, or use of wells on our public agricultural lands.

Notably, to the extent that an action involving well drilling, construction, or use is not likely to result in significant environmental effects, it may already be eligible for an exemption under our existing environmental review law.

Our lands and waters are as limited as they are fragile, and potential irrevocable impacts to our finite resources and sensitive environment should be carefully considered when making major decisions such as the drilling and construction of wells. Accordingly, the Sierra Club respectfully urges the Committees to **HOLD** SB2062. Thank you very much for this opportunity to testify.



Environmental Caucus of The Democratic Party of Hawai'i

Monday, January 24, 2022

To: Senate Committee on Agriculture and the Environment
Hon. Mike Gabbard, Chair
Hon. Clarence K. Nishihara, Vice Chair

Senate Committee on Water and Land
Hon. Lorraine R. Inouye, Chair
Hon. Gilbert S.K. Keith-Agaran, Vice Chair

Re: SB 2062 relating to Environmental Impact Statements
Hearing: Friday, January 28, 2022, 2:00 p.m., Room 229 & videoconference

Position: Strong opposition

Aloha, Chairs Keohokalole and Inouye, Vice Chairs Nishihara and Keith-Agaran, and Members of the Committee on Agriculture and Environment and the Committee Water and Land:

The Environmental Caucus of the Democratic Party of Hawai'i regrets that it must stand in strong opposition to SB 2062. This measure would allow leaseholders on lands from the Hawaii Department of Agriculture to completely avoid any of the environmental impact requirements of HRS Chapter 343 for the drilling, construction, and/or the operation of water wells on such lands.

We believe that the bill provides overbroad blanket immunity in exchange for very little, if anything, that promotes the public interest in protecting our environment. Among other things, this bill fails to provide any limits relating to the size of such wells, the durational time periods of operation, the volume of water that might be extracted from the wells, or any consideration whatever of the actual environmental impact such wells might have, or consideration of any environmental conditions relating to where the well is placed.

In "exchange" for such absolute exemptions, the leaseholder evidently needs only make representations that "the land is used to support agriculture and food production." We would think that the leaseholder would not even be using the land unless it were to "support agriculture and food production." Thus, we wonder if there is any substance to this proviso at all. Moreover, the bill fails to set out any standards for approval of such wells.

In our view, this bill is basically a blank check from the people of Hawai'i to leaseholders that potentially will allow for great environmental damage without any assurance that it will

promote any measurable benefits to the public interest. Accordingly, we respectfully request that this bill not be passed by your Committees.

Mahalo for the opportunity to testify,

Melodie Adyja

Alan Burdick

Co-Chairs,
Environmental Caucus of the
Democratic Party of Hawai`i

Email: legislativepriorities@gmail.com



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

January 28, 2022

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
SENATE COMMITTEE ON WATER AND LAND

TESTIMONY ON SB 2062
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Room 229 & Videoconference
2:00 PM

Aloha Chairs Gabbard and Inouye, Vice-Chairs Nishihara and Keith-Agaran, and Members of the Committees:

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

The Hawaii Farm Bureau supports SB 2062, which will make it possible for farmers to produce more food on agricultural land leased from the department of agriculture. It is well-known that the requirements of the environmental impact statement law, while important, can delay beneficial projects until they are no longer feasible. In addition, the enormous cost of hiring consultants to conduct these reviews and provide reports can also preclude farmers from using land they own or lease.

The COVID-19 pandemic has brought a renewed awareness of the critical importance of growing food and other agricultural products. It has highlighted the need for our islands to become more self-sufficient. This bill will facilitate the achievement of those goals and our constitutional mandate because although water is essential for farming, it is not currently available to all agricultural lands that could be productive.

Thank you for the opportunity to provide our support on this measure and for your continued support of Hawaii's farmers and ranchers.



**Senate Committee on Agriculture and Environment
Senate Committee on Water and Land**

Friday, January 28, 2022, 2:00PM

Hawai'i Alliance for Progressive Action OPPOSES: SB2062

Aloha Chair Gabbard, Chair Inouye, Vice Chair Nishihara and Vice Chair Keith-Agaran and Members of the Committees,

On behalf of the Hawai'i Alliance for Progressive Action (HAPA) I am submitting testimony in opposition of SB2062.

SB2062 will likely result in significant and unnecessary impacts to natural and cultural resources and sites from well development on public agricultural lands.

Exempting the drilling, construction or use of a well from our environmental review law, as proposed by this measure, may needlessly and irrevocably impact our environment and cultural practices and use.

Our environmental review law plays a critical role in ensuring that decisions potentially impacting our islands' cultural and environmental integrity are carefully and transparently assessed, by agencies and others who may have a wide range of expertise, insight, and experiences. The environmental review law also helps to ensure that decision makers thoroughly consider ways to avoid unnecessary impacts to natural and cultural resources and sites to the extent feasible. Well-related decision making in particular could result in a range of potentially avoidable impacts that could be identified and avoided or mitigated under the environmental review process, including impacts to streams and springs fed by groundwater sources, associated Native Hawaiian traditional and customary practices and recreational or other public uses, Native Hawaiian cultural sites, and native species habitat.

HAPA strongly supports the environmental review laws and believe they should continue to apply to the drilling, construction, or use of wells on our public agricultural lands.

There are already ways for an exemption to be granted under existing law for an action deemed to not likely result in significant environmental effects.

Our lands and waters are finite and fragile, and potential irrevocable impacts to our these important resources and environments should be carefully considered when making major decisions, such as the drilling and construction of wells.

Please oppose SB2062 and defer this potentially harmful bill.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read 'Anne Frederick', with a stylized, cursive script.

Anne Frederick
Executive Director



AMERICANS FOR DEMOCRATIC ACTION

OFFICERS		DIRECTORS		MAILING ADDRESS
John Bickel, President	Melodie Aduja	Jan Lubin	Bill South	P.O. Box 23404
Alan Burdick, Vice President	Keola Akana	John Miller	Zahava Zaidoff	Honolulu
Dave Nagajji, Treasurer	Juliet Begley	Jenny Nomura		Hawaii 96823
Doug Pyle, Secretary	Stephanie Fitzpatrick	Stephen O'Harrow		

January 25, 2022

TO: Chairs Gabbard & Inouye and Members of the Agriculture & Water Land Committees

RE: SB 2062 Relating to Environmental Impact Statements

Opposition for a Hearing on January 28

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

Americans for Democratic Action Hawaii opposes this bill as it would allow leaseholders on lands from the Dept. of Agriculture to avoid environmental impact requirements for drilling, construction, and operation of water on such lands.

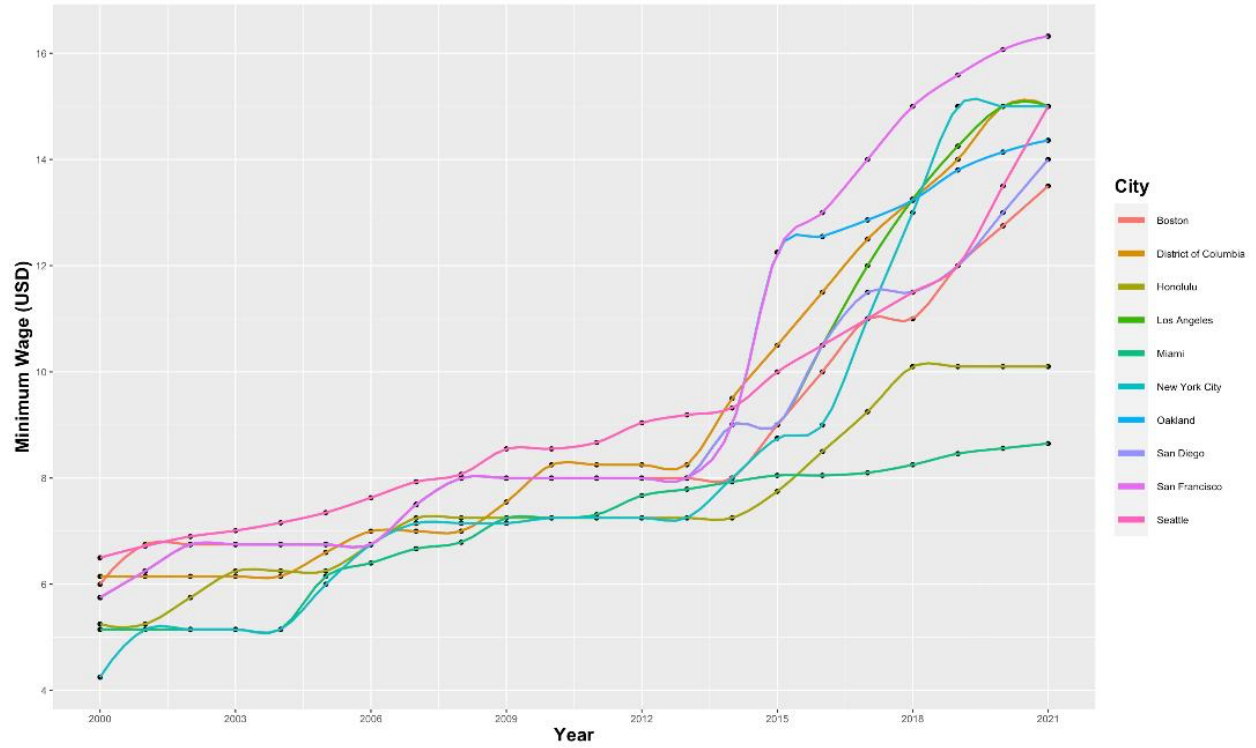
The exemption is too broad and unwarranted. The public has the right to know about the impact of these wells and their impact on flora and fauna as well as human safety. Yes we like promoting agriculture and food production, but those goals should only be pursued if we know the consequences.

Thank you for your consideration.

Sincerely,

John Bickel, President

The Minimum Wage in Notable Expensive U.S. Cities From 2000-2021



SB-2062

Submitted on: 1/25/2022 10:55:59 PM

Testimony for AEN on 1/28/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
pahnelopi mckenzie	Individual	Oppose	No

Comments:

I oppose SB 2062 Environmental impact statements are and should be required for all the proposed drilling, construction, or use of a well on lands leased from the Department of Agriculture. This is terrible to think that just because one is producing food they should be exempt from having environmental impact statement. This bill without knowing further details sounds dangerous and lacks accountability! I oppose SB 2062

SB-2062

Submitted on: 1/26/2022 8:59:56 PM

Testimony for AEN on 1/28/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
kaira resch	Individual	Oppose	No

Comments:

Hawai'i's Environmental Review laws help to protect Hawai'i's natural and cultural resources from exploitation and degradation. Not to mention that Hawai'i's public trust water resources are already under strain from climate change, over extraction, diversions, and pollution. Exempting major infrastructure projects, like wells, from our environmental review requirements may result in needless impacts to our natural and cultural resources and associated cultural and recreational activities, by removing public and expert review in project planning and development.



Restore the Commons

Friday January 28, 2022, 2:00 pm

Senate Committees on Agriculture & Environment and Water & Land

SENATE BILL 2062 – RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Position: Support while Seeking Clarity

Me ke Aloha, Chairs Gabbard and Inouye, Vice-Chairs Nishihara and Agaran, and Members of the Committees on Agriculture & Environment and Water & Land:

The apparent intent of this bill is to promote the construction of wells to serve agriculture and food production. It is not clear why an exemption from an environmental impact statement is relevant, as the construction of wells falls under the jurisdiction of the Commission on Water Resource Management (“Water Commission”) and does not require an environmental impact statement.

Agriculture and food production is an overwhelming strategic priority for Hawaii, as Hawaii imports some 90% of all its food requirements. Hawaii is susceptible to the increasing number and ferocity of disasters befalling food growing regions with the unfortunate escalation of climate change, as well as globalized supply chain disruptions. It is essential that Hawaii prioritize agriculture and food production, through a number of initiatives being offered to this Legislature, particularly in regenerative soil efforts, including composting and afforestation.

As a 25-year senior Hydrologist (now retired) in the Ground Water Regulation Branch of the Water Commission, I can attest to the increase on private well construction all across the State, at increasingly high elevations and in all sorts of situations. Much of our agricultural land is being subdivided into “gentleman estates”, and these recent arrivals are wealthy enough to afford well construction. The resulting proliferation of wells is accompanied by strict construction standards and a very efficient and effective administration of applications and construction. These wells typically are relatively small compared with earlier major plantation sources, and spread more widely, and therefore provide a more hydrologically sound and efficient extraction of our valuable ground water sources.

The State Agriculture District has long been a source of redistricting and rezoning, prompting many concerned about adequate food production to become alarmed by alternative uses allowed in the District. At least gentleman estates preserve agricultural options. The uses of ground water are regulated in the first impression by land use decisions, which may require environmental review, but once an agricultural priority is set, wells do not require an environmental review. A clarification is requested.

Mahalo for this opportunity to address this issue.

Charley Ice, Waimalu, 'Aiea, Pu'uloa

***Building the new normal with People and Land -- Food Security Health Care Public Banking
Eliminating GHG emissions Regenerating Soils Cutting Waste***

SB-2062

Submitted on: 1/27/2022 1:59:20 PM

Testimony for AEN on 1/28/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Elna Nagasako	Individual	Oppose	No

Comments:

I oppose SB2062 because it is essential to maintain Hawai'i's environmental review protections. Hawai'i's water systems are essential for the health of our population; weakening this process by removing opportunities for public and expert review risks further harms to our already strained water resources. As a physician trained in health equity and the mother of two children, I believe that protecting our water resources is essential for healthy families, a health environment, and a healthy economy. Please do not advance this harmful bill.