



United States Department of the Interior

OFFICIAL ELECTRONIC MAIL SENT VIA EMAIL
NO HARD COPY TO FOLLOW



NATIONAL PARK SERVICE
Kaloko-Honokōhau National Historical Park
73-4786 Kanalani Street, # 14
Kailua-Kona, Hawai'i 96740

IN REPLY REFER TO:

L54 2022-01

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees:

Thank you for providing Kaloko-Honokōhau National Historical Park, a unit of the national park system, with the opportunity to provide information related to SB 2884 "Relating to Water Resource Management for Affordable Housing Development."

Kaloko-Honokōhau National Historical Park (park) was authorized in 1978 by Congress to preserve, interpret, and perpetuate traditional native Hawaiian activities and culture (Public Law 95-625). The park contains two large (11- and 15-acre) ancient Hawaiian fishponds with large associated wetlands, more than 180 known anchialine pools, and 596 acres of marine waters. The pools and fishponds are significant cultural resources that define the park and also provide habitat for four federally listed species under the Endangered Species Act.

The park water resources are fed by, and in the case of the anchialine pools and `Aimakapa Fishpond, are solely dependent upon ground water inputs to maintain these ecosystems. `Aimakapa Fishpond and wetland is core habitat for the recovery of two endangered waterbird species, the Hawaiian stilt (*Himantopus mexicanus Knudseni*) and the Hawaiian coot (*Fulica americana alai*) and is habitat for migratory waterfowl.

The current process run by the Commission on Water Resource Management (CWRM) and the Hawaii Water Code provides the opportunity to protect Hawai'i's unique and fragile natural, biocultural and cultural resources while also recognizing the needs of water consumers. Developing an understanding of the complex impacts of proposed wells to groundwater dependent ecosystems is difficult and time consuming. The current process allows for engagement between all interested parties in a collaborative and productive way. This process allows all viewpoints to be shared in a space that promotes careful and deliberate planning to protect park resources and allow for development to proceed.

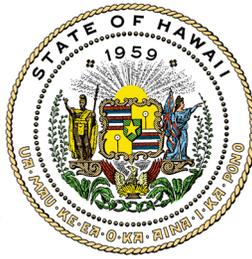
SB 2884 would change the process by creating an automatic application approval for new water uses or new water sources for affordable housing development if CWRM fails to review a permit application within the existing statutory period. Automatic approval could limit the opportunity for appropriate engagement on these issues that have the potential to impact important park resources, including groundwater-dependent ecosystems. If passed as currently written, SB 2884 would result in the automatic approval of new water uses, such as wells, without consideration of mitigating objectives.

Please contact me at 808-345-0434 or email at John_Broward@nps.gov with any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "John Broward". The signature is written in a cursive style with a large, looping initial "J".

John Broward
Superintendent
Kaloko-Honokōhau NHP



SENATE COMMITTEE ON HOUSING
The Honorable Stanley Chang, Chair
The Honorable Dru Mamo Kanuha, Vice Chair

SENATE COMMITTEE ON WATER AND LAND
The Honorable Lorraine R. Inouye, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair

**S.B. NO. 2884, RELATING TO WATER RESOURCE MANAGEMENT FOR
AFFORDABLE HOUSING DEVELOPMENT**

Hearing: Thursday, February 10, 2022, 1:00 p.m.

The Office of the Auditor appreciates the opportunity to testify on S.B. No. 2884, requesting the auditor submit a report on the effectiveness of the Act, and offers the following comments.

The bill requires us to submit a report on the effectiveness of the Act, including recommendations and proposed legislation, to the legislature no later than twenty days prior to the convening of the Regular Session of 2023.

The Office of the Auditor was established to conduct audits of state departments, offices, and agencies. Our work primarily is performance audits, meaning we evaluate a department or program's operations against appropriate criteria, such as relevant statutes, administrative rules, policies, procedures, and best practices, to assist the Legislature and the departments with improving program performance, reducing costs, and facilitating greater efficiency in state government.

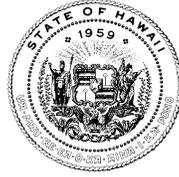
The report requested in S.B. No. 2884 is not an audit, and as such, we are unsure how much value we would add by conducting this study, and it is possible, reporting by the commission may provide the information that the legislature is seeking.

If we are tasked with performing the proposed study, there are no criteria upon which we are to assess the "effectiveness" of the Act. We strongly recommend that, if the bill advances with a study to be completed by the Office of the Auditor, the committee include the criteria that it believes determine whether the Act is effective.

Thank you for considering our testimony related to S.B. No. 2884.

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF WILLIAM J. AILĀ, JR, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEES ON HOUSING & WATER AND LAND
HEARING ON FEBERUARY 10, 2022 AT 1:00 PM VIA VIDEOCONFERENCE

**SB 2884 RELATING TO WATER RESOURCE MANAGEMENT
FOR AFFORDABLE HOUSING DEVELOPMENT.**

February 10, 2022

Aloha Chair Chang, Chair Inouye, and members of the Committees:

The Department of Hawaiian Home Lands (DHHL) submits comments on this bill that requires automatic approval of a permit application relating to new water uses or new water sources and convenes a Water Resource Management for Affordable Housing Development Working Group upon the initiation of a federal investigation or inquiry relating to the Commission on Water Resource Management.

DHHL appreciates the motivation behind this bill, but is concerned that this bill would allow automatic approval for any proposed water uses and sources. DHHL recommends that if approved, the measure be amended to ensure the water automatically approved is used only for homesteading projects by DHHL. Automatic approval of all water permits could result in continuing to have private and commercial uses of water outcompete DHHL.

DHHL also notes that the approved [Water Policy Plan](#) of the Hawaiian Homes Commission states it is our policy to “Develop, manage, and steward water in a manner that balances cost, efficiency measures, and Public Trust uses in the short and long term.” DHHL does not believe that automatic approval of all new water sources would allow for the balancing of cost, efficiency measures, and Public Trust uses in the short and long term.

DHHL is open to designating a person to serve on the Working Group upon the initiation of a federal investigation or inquiry related to the Commission on Water Resource Management.

Thank you for consideration of our testimony.

DAVID Y. IGE
GOVERNOR



DENISE ISERI-MATSUBARA
EXECUTIVE DIRECTOR

STATE OF HAWAII

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
677 QUEEN STREET, SUITE 300
HONOLULU, HAWAII 96813
FAX: (808) 587-0600

IN REPLY REFER TO:

Statement of
DENISE ISERI-MATSUBARA
Hawaii Housing Finance and Development Corporation
Before the

SENATE COMMITTEE ON HOUSING

February 10, 2022 at 1:00 p.m.
State Capitol, Room 225

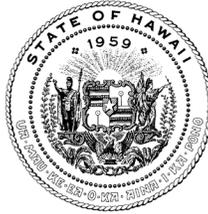
In consideration of
S.B. 2884
RELATING TO WATER RESOURCE MANAGEMENT FOR
AFFORDABLE HOUSING DEVELOPMENT.

HHFDC is in **strong support** of S.B. 2884, which provides that, if the Commission on Water Resource Management fails to review a permit application relating to new water uses or new water sources for affordable housing development, and issue a decision on that application within the existing statutory period, the application is deemed to be approved, among other things.

HHFDC needs access to potable water for its affordable housing development in the Village of Laiopua. This bill would help address delays in issuing water use permits connected to affordable housing.

Thank you for the opportunity to testify.

DAVID Y. IGE
GOVERNOR OF
HAWAII



**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
HOUSING
and
WATER AND LAND**

**Thursday, February 10, 2022
1:00 PM**

State Capitol, Conference Room 225, Videoconference

**In consideration of
SENATE BILL 2884
RELATING TO WATER CONSERVATION**

Senate Bill 2884 proposes to provide for automatic approval for permits issued by the Department of Land and Natural Resources' (Department) Commission on Water Resource Management (Commission) under Section 174C-53(c), Hawaii Revised Statutes (HRS), if the Commission fails to review a permit application relating to new water uses or new water sources for affordable housing development, and issue a decision on that application within the existing statutory period; convenes a Water Resource Management for Affordable Housing Development Working Group upon the initiation of a federal investigation or inquiry relating to the Commission to address the concerns raised by the investigation or inquiry; and requires the Auditor to submit a report on the effectiveness of this Act. **The Department opposes this measure.**

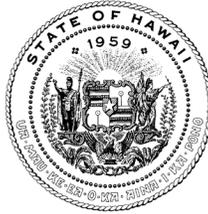
The Department acknowledges and appreciates the urgent need for affordable housing across the State of Hawai'i. The Department also understands that a source of water supply is needed to develop affordable housing projects. The Commission's Hawai'i Water Plan includes a process for identifying water sources for planned affordable housing projects. The County Water Use and Development Plans and the State Water Projects Plan are the documents where planned affordable housing development projects would be identified along with estimated water demands. These plans may also articulate strategies for providing water to the planned affordable housing projects, which may be to develop new sources, connect to existing water utilities, or a combination of both.

The Department believes that the existing statutory time periods in Chapter 174C, HRS, relating to permitting are appropriate and automatic approval is unnecessary and unwarranted. The Commission has a constitutional duty to protect water resources while ensuring reasonable and beneficial uses in Hawai'i. The permitting processes referenced by this measure under Sections 174C-49 and §174C-53, HRS, are designed to ensure that wells are properly constructed, sited, and would not interfere with any existing legal uses of water in the area (and includes other conditions for a permit). Any delays in permit issuance are usually caused by incomplete permit applications or the lack of adequate supporting documentation provided by the applicant. The Commission's planning and permitting programs are in place to ensure the proper protection of our state's precious water resources, provide water for reasonable and beneficial uses – including affordable housing, and to protect public trust purposes of water.

The Department feels it is unnecessary to establish a Water Resource Management for Affordable House Development Working Group. The Hawai'i Water Plan and its component plans are in place to properly plan and set forth the allocation of water to land use, which includes the development of affordable housing. The planning process includes public hearing requirements and county approvals to ensure adequate public participation. Due process dictates that certain Commission decisions can be and have been appealed to the Hawai'i Supreme Court for adjudication. In these cases, the Commission has adjusted its decisions and processes as directed by the Hawai'i Supreme Court's orders. This level of oversight and Hawai'i case law for water obviates the need for a working group to review Commission activities.

Thank you for the opportunity to comment 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

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
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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
HOUSING
and
WATER AND LAND**

**Thursday, February 10, 2022
1:00 PM**

State Capitol, Conference Room 225, Videoconference

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SENATE BILL 2884
RELATING TO WATER CONSERVATION**

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The Department acknowledges and appreciates the urgent need for affordable housing across the State of Hawai'i. The Department also understands that a source of water supply is needed to develop affordable housing projects. The Commission's Hawai'i Water Plan includes a process for identifying water sources for planned affordable housing projects. The County Water Use and Development Plans and the State Water Projects Plan are the documents where planned affordable housing development projects would be identified along with estimated water demands. These plans may also articulate strategies for providing water to the planned affordable housing projects, which may be to develop new sources, connect to existing water utilities, or a combination of both.

The Department believes that the existing statutory time periods in Chapter 174C, HRS, relating to permitting are appropriate and automatic approval is unnecessary and unwarranted. The Commission has a constitutional duty to protect water resources while ensuring reasonable and beneficial uses in Hawai'i. The permitting processes referenced by this measure under Sections 174C-49 and §174C-53, HRS, are designed to ensure that wells are properly constructed, sited, and would not interfere with any existing legal uses of water in the area (and includes other conditions for a permit). Any delays in permit issuance are usually caused by incomplete permit applications or the lack of adequate supporting documentation provided by the applicant. The Commission's planning and permitting programs are in place to ensure the proper protection of our state's precious water resources, provide water for reasonable and beneficial uses – including affordable housing, and to protect public trust purposes of water.

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Thank you for the opportunity to comment on this measure.



NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY



An Authority of the State of Hawaii attached to the Department of Business, Economic Development & Tourism

Written Only

Statement of
Gregory P. Barbour
Executive Director
Natural Energy Laboratory of Hawaii Authority
before the

SENATE COMMITTEE ON WATER AND LAND
and
SENATE COMMITTEE ON HOUSING

Thursday, February 10, 2022
1:00 pm
State Capitol, Conference Room 225 & Videoconference

in consideration of

SB 2884
RELATING TO WATER RESOURCE MANAGEMENT
FOR AFFORDABLE HOUSING DEVELOPMENT.

The Natural Energy Laboratory of Hawaii Authority (NELHA) strongly supports SB 2884 which amends the existing Commission on Water Resource Management (CWRM) decision-making timeline, pursuant to section 174C-49(b), Hawaii Revised Statutes, for water use permit applications with respect to affordable housing projects.

NELHA is jointly developing, with the Hawaii Housing and Finance Development Corporation (HHFDC), an exploratory well for new potable water resources which will supply freshwater to NELHA's Hawaii Ocean Science and Technology Park and the HHFDC's Kamakana Village affordable housing development. We have obtained all the final permits required for

construction except for a permit from the Commission on Water Resource Management (CWRM) to begin drilling the exploratory well.

NELHA continues to invest significant time and effort working with CWRM staff, HHFDC, well development partners, and other stakeholders in keeping the process moving forward. This measure will facilitate the permitting process.

Thank you for the opportunity to offer these comments.

Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

Robert H. Command
Deputy Managing Director



Susan K. Kunz
Housing Administrator

Harry M. Yada
Assistant Housing Administrator

County of Hawai'i
Office of Housing and Community Development

1990 Kino'ole Street, Suite 102 • Hilo, Hawai'i 96720 • (808) 961-8379 • Fax (808) 961-8685
Existing Housing: (808) 959-4642 • Fax (808) 959-9308
Kona: (808) 323-4300 • Fax (808) 323-4301

Senator Stanley Chang, Chair
Senator Dru Mamo Kanuha, Vice Chair
Committee on Housing

Senator Lorraine R. Inouye, Chair
Senator Gilbert Keith-Agaran, Vice Chair
Committee on Water and Land

Thursday, February 10, 2022, 1:00 p.m.

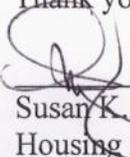
Support for S.B. 2884, Relating to Water Resource Management for Affordable Housing Development

Thank you to Senate Committee on Housing Chairman Stanley Chang, Vice Chairman Dru Mamo Kanuha, and Senate Housing Committee members, and Senate Committee on Water and Land Chairperson Lorraine R. Inouye, Vice Chairman Gilbert Keith-Agaran and Senate Water and Land Committee members for this opportunity to submit testimony in support of SB 2884, a bill relating to water resource management for affordable housing development.

The shortage of affordable housing on Hawai'i island remains a challenge. The 2019 Hawai'i Housing Planning Study conducted by SMS Research cites a need for an additional 10,796 housing units, at the 140% AMI and below, by the year 2025. The Hawai'i County Office of Housing and Community Development supports this measure in its ability to assist in alleviating a crucial barrier for developing affordable housing, which is having access to potable water.

We support this measure which would require the Commission on Water Resource Management to review a permit for a new water use or new water source within a 90 day time period for applications not requiring a hearing, and a 180 day time period for applications requiring hearings. We also support the 60 day time period which would allow the affected County to comment on the proposed use.

Thank you for the opportunity to testify.



Susan K. Kunz
Housing Administrator

Mitchell D. Roth
Mayor



Lee E. Lord
Managing Director

Robert H. Command
Deputy Managing Director

County of Hawai'i
Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553
KONA: 74-5044 Ane Keohokalole Hwy., Bldg C • Kailua-Kona, Hawai'i 96740
(808) 323-4444 • Fax (808) 323-4440

February 9, 2022

Senator Stanley Chang, Chair
Senator Dru Mamo Kanuha, Vice Chair
Committee on Housing

Senator Lorraine R. Inouye, Chair
Senator Gilbert Keith-Agaran, Vice Chair
Committee on Water and Land

Hawai'i State Legislature
415 S. Beretania Street
Honolulu, Hawai'i 96813

Subject: SB 2884 RELATING TO WATER RESOURCE MANAGEMENT AND AFFORDABLE HOUSING

Hearing Date: Thursday, February 10, 2022 at 1:00 p.m.

Time/Place of Hearing: Via Video Conference

Conference Room 225

Aloha Chair Chang, Vice Chair Kanuha, and Housing Committee members; Chair Inouye, Vice Chair Keith-Agaran and Water and Land Committee members;

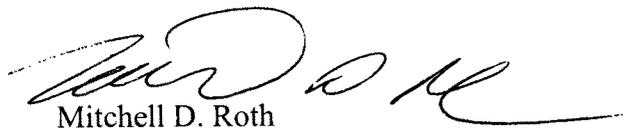
On behalf of the County of Hawai'i, I am expressing my unequivocal support for SB 2884 for fiscal year 2022-2023 which addresses water resource management issues and supports affordable housing development.

The availability of potable water is the single greatest hindrance to the development of affordable housing in West Hawai'i. SB 2884 would increase access to potable water which in turn would benefit homestead and farm lot development on Hawaiian Homes land; enhance technology and innovation initiatives at the Natural Energy Laboratory of Hawai'i and support fixed based operations such as Ellison Onizuka International Airport. The entire Kona Enterprise Zone would blossom under the expansion of potable water sources.

I firmly believe SB2884 has the potential to produce a multiplier effect that will enhance the quality of life for residents in West Hawai'i as well as our entire county.

Your consideration of this bill is sincerely appreciated. Please feel free to contact me for any additional information.

Mahalo,

A handwritten signature in black ink, appearing to read 'M. Roth', written in a cursive style.

Mitchell D. Roth
Mayor
County of Hawai'i



STANFORD CARR DEVELOPMENT, LLC

*February 7, 2022

Honorable Lorraine R. Inouye, Chair
Honorable Gilbert S.C. Keith-Agaran, Vice Chair
and Committee Members, Senate Committee on Water and Land

Honorable Stanley Chang, Chair
Honorable Dru Mamo Kanuha, Vice Chair
and Committee Members, Senate Committee on Housing
Hawaii State Capitol
Honolulu, Hawaii 96813

Dear Senator Inouye, Senator Chang, and Committee Members:

SUBJECT: SB 2884 Relating to Water Resource Management for Affordable Housing
Development

I am writing to express **support** for Senate Bill 2884 that proposes to establish a process to identify, support, and expedite the approval of potable water sources for affordable housing development.

Act 350 enacted during the 1997 Regular Session of the Nineteenth State Legislature recognized the critical need for housing affordability and availability, further noting the cost added by government regulation. In the public interest of expediting affordable housing, Act 350 created Hawaii Revised Statutes (HRS) section 201E-118 requiring counties to approve or disapprove a project within 45 days or on the forty-sixth day a project is deemed approved.

The 2005 Regular Session of the Twenty-Third Legislature enacted Act 196 whereby section 35 established a joint legislative housing and homeless task force to further identify solutions to Hawaii's affordable housing problem. Recommendations of the task force included a need to "streamline government approvals and permitting of affordable housing projects."

Consistent with the HRS 201H process that expedites agency review related to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of units, the same approval language is recommended for implementation by the Commission on Water Resource Management of potable water sources for affordable housing development. Specifically, if a decision on the water use permit application is not issued within the statutory period set forth in HRS 174C-53(c), the application will be deemed approved with no further action.

Honorable Lorraine R. Inouye, Chair
Honorable Gilbert S.C. Keith-Agaran, Vice Chair
Honorable Stanley Chang, Chair
Honorable Dru Mamo Kanuha, Vice Chair
Page 2

February 4, 2022

Thank you for the opportunity to share my perspective on the urgency and importance of expediting approvals for potable water sources that are vital to the development of affordable housing.

Respectfully,

A handwritten signature in black ink, appearing to read 'Stanford S. Carr', with a long horizontal flourish extending to the right.

Stanford S. Carr

SB-2884

Submitted on: 2/9/2022 1:26:42 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lucienne de Naie	Testifying for Haiku Community Association	Oppose	Yes

Comments:

Aloha

Our Haiku Community Association **STRONGLY OPPOSES** this bill. Maui County rules already provides that 100 % affordable housing developments get priority to water meters. We already see extreme abuses of the term "affordable housing" on Maui by developers who built a few affordable units and the rest are market priced beyond the reach of Maui residents. The few affordable units only remain affordable for 10 or 5 or 3 years, yet the water permits they get remain for the lifetime of the project .

Ninty days may seem like a lot of time to make a decision, but when that decision may need to weigh a century of water being illegally removed from Kuleana users, it pays to give the time to get the facts and have a thoughtful approach. No one can even get a water permit in our community, but we see this hurting our fellow kuleana water users in Na Wai 'Eha and West Maui and Moloka'i. Please don't support thios shortsighted bill.

Mahalo

Lucienne de Naie, President

Ha'iku Community Association



Native Hawaiian LEGAL CORPORATION

1164 Bishop Street, Suite 1205 • Honolulu, Hawai'i 96813
Phone (808) 521-2302 • www.nativehawaiianlegalcorp.org



SB2884

RELATING TO WATER RESOURCE MANAGEMENT FOR AFFORDABLE HOUSING DEVELOPMENT

SENATE COMMITTEES ON WATER AND LAND and HOUSING

February 10, 2022

1:00 p.m.

Conference Room 225

Aloha e Chairs Inouye and Chang, Vice Chairs Keith-Agaran and Kanuha, and Members of the Committee,

The Native Hawaiian Legal Corporation **STRONGLY OPPOSES SB2884**, a glaring example of special interest legislation that would allow automatic approval of any and all water permit applications in the name of “affordable housing”.

In Hawai'i, water has always been considered a public trust resource to be managed for the benefit of present and future generations. Traditionally, water was treated as a community resource that belonged to everyone; it was respected and shared in such a way to address Native Hawaiians' social, ecological, and spiritual needs. This traditional view is enshrined in our constitution and water code, which mandate that this fundamental resource be managed and used to fulfill specific public trust purposes – the maintenance of waters in their natural state, domestic water use, the exercise of Native Hawaiian traditional and customary rights, and the Department of Hawaiian Home Land's (“DHHL's”) reservations and use of water. *See Kauai Springs, Inc v. Planning Comm'n of the County of Kaua'i*. 133 Hawai'i 141, 172, 324 P.3d 951, 982 (2014).

The concept of automatic approval of water permit applications blatantly contradicts these critical public trust purposes and undermines the Commission on Water Resource Management's (“CWRM's” or “Commission's”) kuleana to uphold its constitutional duty to protect this fundamental resource for the benefit of the public now and in the future. *See In Re Water Use Permit Applications*, 94 Hawai'i 97, 141, 9 P.3d 409, 453 (2000) (“The state has an affirmative duty to take the public trust into account in the planning and allocation of water resources, and to protect public trust uses whenever feasible.”). For years, various communities have worked to ensure water permits receive more scrutiny by going through a process to designate aquifers as water management areas. SB2884 would undo that good work, effectively “undesignate” the state, and remove the few protections for public trust water uses outside of designated water management areas. Significantly, although the title and preface of SB2884 indicates that its purpose is to facilitate affordable housing, its language

contains absolutely no restrictions on the types of water uses that would receive automatic approval. As drafted, this bill would allow automatic water permit approval everywhere for all sources and all purposes.

What also stands out in this bill is its clear aim to fast track an automatic approval of the highly contested “Ota well” in North Kona, despite the Commission’s prudent deferral of the application to more carefully analyze impacts on the shoreline, coastal waters, and Native Hawaiian traditional and customary practices. The Ota well – proposed by the Natural Energy Laboratory of Hawai’i Authority (“NELHA”) and the Hawai’i Housing Finance and Development Corporation as an expansion of NELHA’s ocean and science park and an affordable housing project – is the first major well proposed in the Keauhou aquifer since CWRM (1) denied a petition to designate the aquifer a water management area in 2017 and (2) imposed conditions requiring review of all future wells in the aquifer to determine their impact on the coast and on traditional and customary practices. NHLC represents Hui Ola Ka Wai, a group of practitioners and kia’i loko i’a from along the Kona coast, who raised concerns regarding the Ota well’s effect on the ecosystems of Kaloko fishpond and the hui members’ cultural practices. In response, the Commission voted to defer action on the application and is currently consulting with cultural practitioners to better understand potential impacts.

It is also completely misleading to tout Ota well as a means to provide affordable housing to the West Hawai’i community, as it will not provide water for the housing the community actually needs and can afford. Based on the Ota well proposal, half of the water drawn would be used for a new industrial park at NELHA and commercial development at Keahuolū (Kamakana Villages). Despite the public assertion that the remaining 50% of the water is reserved for affordable housing at Kamakana Villages, an undisclosed amount of that reservation is in fact being set aside for people making 140% of adjusted gross income – essentially market rate housing – while less than 3% of the total water drawn would be allocated to DHHL to develop its truly affordable homestead lots. These are the types of water uses this kind of special interest legislation will rubberstamp.

Not only does SB2884 greenlight actions that violate the public trust but it also improperly circumvents the authority of the very agency tasked with protecting Hawai’i’s water resources and promotes development at all costs without actually addressing our community’s housing crisis. While housing and economic development is indeed important, this is not the pono way. For these reasons, we ask the Committees to **HOLD** SB2884.

Mahalo for the opportunity to testify.



Ashley K. Obrey
For the Native Hawaiian Legal Corporation

SB-2884

Submitted on: 2/9/2022 10:36:51 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Neal Desai	Testifying for National Parks Conservation Association	Oppose	Yes

Comments:

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees,

The National Parks Conservation Associations writes to **OPPOSE SB 2884**, which as drafted would upend the fundamental scientific and public process used by the State to ensure water resources are protected and sustainably used. The matter of water protection is of great importance to the Association and its more than 6,000 members and supporters in Hawai'i because water resources support life and culture within our communities and national parks.

Despite having the appearance of supporting affordable housing, SB 2884 is actually special interest legislation that would remove water protections across Hawai'i. Removing these protections and the deliberative process to understand complex scientific matters not only risks harming the environment, but it ironically *harms* housing and other development goals by permitting a water supply that may not really exist. It does not help anyone when taps need to be turned off because the water can't be sustainably provided.

The Commission on Water Resource Management, the Water Code, and the transparent, scientific process should be supported. We should not legislate an arbitrary scheme that automatically allows anyone to take water for any use. SB 2884 would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas.

Please **HOLD SB 2884**.

Neal Desai

Senior Program Director, Pacific Region

National Parks Conservation Association



Aloha 'Āina Legal Group, LLC

Elwen A. Freitas, Esq.
Sharde K.M. Freitas, Esq., MPH

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SB2884

Relating to Water Resource Management for Affordable Housing Development
Senate Committee on Water and Land
Senate Committee on Housing

February 10, 2022

1:00 PM

Room 225

Aloha 'Āina Legal Group stands in solidarity with the Sierra Club of Hawai'i and others and **strongly OPPOSES SB2884**, which would result in the automatic approval of any and all well permit and water use permit applications, if they cannot be decided upon within certain statutory deadlines. **Water is our most precious resource, and must be carefully managed to both conserve it for present and future generations, and ensure that it is appropriately shared for purposes that are beneficial to the public.** This measure may result in automatic water use approvals that could lead to the waste or unsustainable overconsumption of our islands' water resources, and that could unduly impact stream and coastal ecosystems, Native Hawaiian traditional and customary practices, kuleana rights, domestic and household uses, agricultural activities, and numerous other public trust purposes and reasonable beneficial uses of water that should be carefully considered and protected in water management decisionmaking.

Accordingly, we respectfully urge your Committees to **HOLD** SB2884.

E OLA I KA WAI!!!

SB-2884

Submitted on: 2/9/2022 11:59:01 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jacqui Hoover	Testifying for Hawaii Leeward Planning Conference	Support	No

Comments:

Incorporated in 1974, Hawaii Leeward Planning Conference (HLPC) has a long history and successful record working collaboratively with our community, public, and private sector partners to ensure sound planning and development on Hawaii Island including and not limited to, ensuring housing for all socio-economic levels. Through our Kona Housing Foundation, we own, manage, and operate the Captain Cook Elderly Housing complex that provides affordable, safe, clean, well-maintained housing and grounds for kupuna in our community. SB2884 addresses water resource and management which is necessary for housing development and thus must be made available in timely fashion. Requiring that the Commission on Water Resource Management review, consider, and make its determination in punctual manner will help to expedite and efficiently advance housing that is desperately needed in our community. Mahalo for this opportunity to speak in strong support of SB2884.



SIERRA CLUB OF HAWAI'I

LATE

SENATE COMMITTEE ON WATER AND LAND SENATE COMMITTEE ON HOUSING

February 10, 2022 1:00 PM Conference Room 430

In OPPOSITION to SB2884: Relating to Water Resource Management for Affordable Housing Development

Aloha Chairs Inouye and Chang, Vice Chairs Keith-Agaran and Kanuha, and Members of the Water and Land and Housing Committees,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **OPPOSES SB2884**, which would violate the public trust principles that have underpinned the protection and management of our islands' water resources since time immemorial.

Water is our islands' most precious resource, and its protection and careful management have always been of the utmost importance to the people and environment of Hawai'i. The traditional understanding of the central importance of water is now reflected in our current constitution, statutes, and case law, which mandate a high standard of care to ensure that our limited water resources are allocated in a manner that protects and balances the various interests of the public.

By calling for the automatic approval of applications to develop wells or use water in designated water management areas, this measure may force the Water Commission to significantly lower its standard of care in evaluating the appropriateness of the proposed well or use of water, or allow the requested action to proceed. **Either scenario may lead to significant and undue impacts to stream and estuarine ecosystems, watershed health, Native Hawaiian traditional and customary practices, kuleana water rights, the rights of the Department of Hawaiian Home Lands and its beneficiaries, domestic uses, agricultural activities, and myriad other public trust purposes and reasonable beneficial uses otherwise protected under the public trust doctrine and state water code.**

The precious and fundamentally important nature of water in our islands requires that all necessary care and time be taken in water management and use decisions that may have far ranging and broad impacts to the public interest, including the public trust purposes and reasonable beneficial uses described above. Automatic approval deadlines for wells and water uses would foreclose such care from being exercised, and may even lead to the effective privatization of public trust water resources to the detriment of the public – violating the very public trust principles that have guided water protection and management in our islands since time immemorial.

Accordingly, the Sierra Club of Hawai'i urges the Committees to **HOLD** SB2884. Mahalo nui for the opportunity to testify.

February 9, 2022

RE: SB 2884 Relating to Water Resource Management for Affordable Housing Development

Dear Chair Chang and the Senate Committee on Housing and Chair Inouye and the Senate Committee on Water and Land.

The Kona-Kohala Chamber of Commerce brings together the business community as a strong, united voice to address key issues on our island and in our state. With 425 member businesses and organizations, we strive to enhance the quality of life for our community through a strong, sustainable economy on Hawai'i Island.

The Kona-Kohala Chamber of Commerce 2022 top priorities are Housing and Water Development. We **strongly support housing projects** at all inventory levels in West Hawai'i. This includes the development of infrastructure to support more housing along with an emphasis on improvements in permitting processes. We also believe new water resource development, maintenance and protection are crucial considerations.

We appreciate that legislators aim to address Hawai'i's critical need for housing and **support Senate Bill 2884** relating to water resource management for affordable housing development.

Mahalo for this opportunity to testify.

Sincerely,



Wendy J. Laros, President and CEO
Kona-Kohala Chamber of Commerce



LATE

SENATOR STANLEY CHANG, CHAIR
SENATOR DRU KANUHA, VICE CHAIR
SENATE COMMITTEE ON HOUSING

SENATOR LORRAINE INOUYE, CHAIR
SENATOR GILBERT KEITH-AGARAN, VICE CHAIR
SENATE COMMITTEE ON WATER AND LAND

TESTIMONY IN OPPOSITION TO SENATE BILL 2884

February 10, 2022, 1:00 p.m.
Room 225 State Capitol
415 South Beretania Street

Dear Chairs Chang and Inouye, Vice-Chairs Kanuha and Keith-Agaran, and members of the Senate Committee on Housing and Senate Committee on Water and Land:

Thank you for accepting this testimony **in strong opposition to SB2884**. Earthjustice opposes this bill because it undermines fundamental protections for freshwater resources in the State of Hawai'i and fails to advance the goal of providing more affordable housing for Hawai'i's working families. The bill's overbroad language would mandate fast-track and automatic approval of any new water proposal—not just those related to affordable housing—effectively gutting the state's water use permitting process. Further, this shortcut process would apply in areas which the Commission on Water Resources Management (the "Commission") has **already determined qualify for designation based on limited water resources**.

Earthjustice is a non-profit environmental and clean energy law firm with decades of experience litigating cases to protect the public trust in Hawai'i's natural resources. One of the Mid-Pacific Office's primary practices areas is Hawai'i water law, and Earthjustice has litigated several leading Hawai'i Supreme Court cases interpreting and implementing the State Water Code, Haw. Rev. Stat. chapter 174C. Earthjustice has consistently opposed ad hoc amendments to the Water Code that undermine the comprehensive regulatory scheme established to protect our water resources. This proposed amendment is a particularly ill-advised, undermining the Water Code at a time when our state is facing increasing water problems, including imminent threats to our fresh drinking water supply from climate change and pollution.

Mandatory Deadlines Would Destroy Protections Established in the Water Code and Run Afoul of the Constitutional Public Trust Doctrine

The Water Code was established 30 years ago to comprehensively protect and manage public trust water resources, as mandated by the Hawai'i Constitution. A key mechanism for accomplishing these goals is the permitting framework administered by the Commission. This bill proposes to fundamentally undermine this critical tool by imposing a hard deadline for every type of permit the Commission issues. The bill states:

any permit application relating to a new water source or new water use shall be approved within ninety days if the application does not require a hearing, or within one hundred eighty days if a hearing is required.

This would mean that **all water permits must be automatically approved with no regard for geographic location, proposed purpose of the water use, or effects on surrounding water users and the environment.** It would apply a hard deadline on every single water permit. It is difficult to conceive of bill language that is more sweeping and less on-point.

Of particular concern, these mandatory timelines would apply in designated water management areas. Among the many factors the Commission weighs when designating water management areas are existing conflicts among water users, and limited water resources based on the threat of exceeding the existing sustainable yield (ground water management areas) or declining stream flow levels that threaten instream water uses (surface water management areas). See Haw. Rev. Stat. §§ 174C-44(1), (7), -45(1), (7). Fast-tracking permitting in such areas by imposing mandatory deadlines and automatic permitting eviscerates the entire regulatory scheme designed to protect areas with limited water resources. This runs contrary to the state and Water Commission's duties as trustee of Hawai'i's water resources and runs afoul of the public trust mandate under the Hawai'i Constitution, article XI, sections 1 and 7.

The consequences of such a sweeping change to the water permitting process would be dramatic for communities across the islands seeking to protect their freshwater resources from overuse. Many communities have worked for years to manage conflicts over water by designating their areas' water sources to require permitting and greater oversight by the Commission. This bill would undo that work, effectively *undesignating* water management areas across the state, and nullifying the few protections for public trust water uses outside of water management areas.

The Water Code Amendment Does Not Specifically Concern Affordable Housing

The overbroad language in this bill does not actually mention affordable housing other than in a task force to respond to federal inquiries, which has nothing to do with water use permitting in the Water Code. The bill offers no substantive incentives or efficiencies to encourage the construction of affordable housing. Indeed, the Legislature already granted every possible

incentive, streamline, and deregulation possible to encourage affordable housing when it enacted the Housing Finance and Development Corporation, Haw. Rev. Stat. chapter 201H, in 2006. To be clear, Earthjustice acknowledges the need for more affordable housing to be built in Hawai'i. The issue with this bill is that it does not meet that need at all, but eviscerates important protections for our water resources, nonetheless.

In summary, passing this bill would gut the Water Code and undermine the Water Commission's thoughtful process for balancing the many competing demands for freshwater. As climate change sets in and water resources become more uncertain, the Commission will be challenged like never before to set and maintain the right balance between Hawai'i's many water users. Imposing automatic approvals on all water permits would significantly undermine the Commission's ability to fulfill their crucial role in the implementation of the Water Code and the state's constitutional public trust duties.

Because this bill negatively affects public trust water resources and fails even to advance affordable housing Earthjustice respectfully request that this Committee **hold** this bill.

Marti Townsend, Esq.
Specialist
Earthjustice, Mid-Pacific Office

SB-2884

Submitted on: 2/9/2022 5:47:33 PM

Testimony for WTL on 2/10/2022 1:00:00 PM



Submitted By	Organization	Testifier Position	Remote Testimony Requested
Keeaumoku Kapu	Testifying for Aha Moku O Maui Inc.	Oppose	No

Comments:

Dear chairs Chang and Inouye, Vice chair Kanuha and Keith-Agaran and members of the Senate Housing and water and Land Committies,

I strongly oppose SB 2884 which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawaii. Our water is precious and we all have a duty to protect our islands resources of life for present and future generations. The commission on water resource management and our water code should be supported, not legislated into approving anyone who wants to take water for any use.

this bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designations after communities worked years to have water permits recieve more scrutiny. It would effectively "undesignate" the State and removed the few protections for public trust water uses outside of the water management areas. I urge you all to hold in trust the publics rights to clear and untainted water for we the people of Hawaii nei.

Please Hold SB 2884

with utmost respect Ke'eaumoku Kapu

SB-2884

Submitted on: 2/9/2022 9:34:33 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Joseph Kohn MD	Testifying for We Are One, Inc. - www.WeAreOne.cc - WAO	Oppose	No

Comments:

Aloha Chairs Inouye and Chang, Vice Chairs Keith-Agaran and Kanuha, and members of the Water and Land and Housing Committees,

I strongly OPPOSE SB2884, which would result in the automatic approval of any and all well permit and water use permit applications, if they cannot be decided upon within certain statutory deadlines. Water is our most precious resource, and must be carefully managed to both conserve it for present and future generations, and ensure that it is appropriately shared for purposes that are beneficial to the public. This measure may result in automatic water use approvals that could lead to the waste or unsustainable overconsumption of our islands' water resources, and that could unduly impact stream and coastal ecosystems, Native Hawaiian traditional and customary practices, kuleana rights, domestic and household uses, agricultural activities, and numerous other public trust purposes and reasonable beneficial uses of water that should be carefully considered and protected in water management decisionmaking. Accordingly, I respectfully urge your Committees to HOLD SB2884.

Mahalo nui,

Joseph Kohn MD

www.WeAreOne.cc

Arwen Revere

February 6th, 2022

LATE

Aloha Housing and Water and Land Committees,

My name is Arwen Revere and I'm a high school student from Kailua and a member of the environmental organization Wild Kids, who I am representing today. I am testifying to express Wild Kids' opposition to SB 2884 which we believe would remove water protections across the state. Water is a vital resource that we all must strive to protect for ourselves as well as future generations. Wild Kids believes that the Commission on Water Resource Management and our Water Code should be supported, not legislated into approving just anyone who wants to take water for just any use. SB 2884 would allow automatic water permit approval everywhere for all purposes. This includes areas the state designated after communities worked years to have water permits receive more scrutiny. This is why we are asking you to please hold SB 2884.

Thank you for the opportunity to testify,

Arwen Revere on behalf of Wild Kids

SB-2884

Submitted on: 2/8/2022 9:16:20 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mark A. Koppel	Individual	Oppose	No

Comments:

Aloha Senators,

My name is Mark Koppel, P O Box 283, Hakalau, testifying in STRONG OPPOSITION TO THIS BILL.

With all due respect, this bill is an insane theft of our precious water resources.

The bill states that "any permit application relating to a new water source or new water use "shall be approved within ninety days if the application does not require a hearing, or within one hundred eighty days if a hearing is required." The title and preface of the bill indicate that it is to facilitate affordable housing but there is *no restriction whatsoever on what kind of new water uses would receive automatic approval. As drafted this bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas.*

In addition the bill provides for the creation of a "working group" if a federal agency initiates an inquiry to address the concerns, and send proposed actions to address the concerns to CWRM for action and adoption of administrative rules.

If the latter part doesn't make sense, the context is that the bill is trying to make sure that the "Ota well" in North Kona is automatically approved. It has not been approved since it is the first major well in Keauhou that is up for approval since CWRM rejected the NPS petition for Keauhou Designation in 2017. When rejecting designation, the CWRM did require that new wells take into account their impact on the coast. In April of 2021, CWRM considered approval of the well with conditions (<https://files.hawaii.gov/dlnr/cwrn/submittal/2021/sb20210420B2>).

[pdf](#)). However, Kia`i loko i`a and others expressed concerns with the impact of the permit on the environment and traditional and customary practices (<https://files.hawaii.gov/dlnr/cwrn/minute/2021/mn20210420.pdf>).

The Commission voted to defer action based on concerns the community expressed.

Sen. Kanuha, the bill's introducer, has been a strong proponent of issuing the Ota well permit. This bill is a special interest bill designed to support two west Hawai`i developments, but would also harm water protectors and public trust uses across the islands.

About the "Ota" well

Based on the Ota well's applicants and their needs, half of the well's water will be used for a new industrial park at NELHA and commercial development at Keahuolu (Kamakana Villages). Of the remaining water for housing, only 50% of the housing at Kamakana Villages is affordable, and a certain portion of that "affordable" is for units for people making 140% of adjusted gross income -- which is essentially market rate housing. By agreement between NELHA HHFDC and DHHL, a small amount of the water will also be allocated to DHHL if it is approved, sufficient for 17 homestead lots. This well will not provide water for the housing our communities actually need and can afford.

SB-2884

Submitted on: 2/8/2022 9:18:02 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Megan Lamson Leatherman	Individual	Oppose	No

Comments:

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees,

I OPPOSE SB 2884, which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawai'i. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations. The Commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use.

This bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas.

Please HOLD SB 2884. Mahalo nui!

Sincerely,

Megan Lamson Leatherman, M. Sc.

Honalo, Hawai'i Island

SB-2884

Submitted on: 2/8/2022 9:48:05 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
janice palma-glennie	Individual	Oppose	No

Comments:

Aloha,

"Automatic approval" is never good. When it comes to water, it's even more onerous.

SB2884 is a disguised wolf. it pretends to support affordable housing while being a Trojan horse in water use regulation and protections. After having gone through the dog and pony show that were hearings related to Keauhou aquifer protections several years back, it's clear that the powers that be, including the real estate industry, tourism and other corporate and corporate-backed interests including the Chamber of Commerce see water regulations as being a major obstacle to their plans of developing our island faster and more furiously.

This bill won't just allow automatic approval for affordable units. it will allow that approval for water permits everywhere and for all sources of water and all purposes despite the hard work (like in the case of the keauhou aquifer cited above) that cultural and environmental advocates have put into protecting our most precious Public Trust resource for decade after decade.

Because SB2884 is so bad, Senator Kanuha and his cohorts who introduced it should now rescind it. i believe that a strong understanding of the value of water and its uncompromised protection is paramount to the ability of an elected leader to effectively and intelligently make decisions for our region and state, and we will use this bill as a strong indication of how capable and strong our current leaders are in the face of pressures hellbent on leaving our islands and people high and dry from water overuse.

Please use your wisdom and integrity to kill this bill.

mahalo and sincerely,

janice palma-glennie

kailua-kona

SB-2884

Submitted on: 2/8/2022 12:21:27 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
tlaloc tokuda	Individual	Oppose	No

Comments:

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees,

I OPPOSE SB 2884, which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawai'i. This is a stupid bill and shows the real intent of the Senator who is sponsoring it. This has nothing to do with sustainable water use and is a treat to our aquifers! Our water is precious and we all have a duty to protect our islands' source of life for present and future generations. The Commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use. DO NOT PASS this STUPID BILL!!!!

Tlaloc Tokuda

Kailua Kona, HI 96740

This bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas.

Please **HOLD** SB 2884. Mahalo nui!

SB-2884

Submitted on: 2/8/2022 1:32:21 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mary True	Individual	Oppose	No

Comments:

Aloha, I wanted to voice strong opposition to SB2884. I'm not sure why this state is so gung ho on automatic approval, but I think its usually a very poor idea which could have many unintended consequences in the future; or is that the idea in the first place? The wai is the most precious thing on our island and needs to be respected, not opened up for abuse.

Mahalo, Mary True, Pepekeo

SB-2884

Submitted on: 2/8/2022 2:31:45 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Christopher Dean	Individual	Oppose	No

Comments:

Generally, I'm in favor of streamlining bureaucracy, but this sounds like it's open to abuse. I feel that all requests for permits should be reviewed, even if it's just to deter anyone contemplating malfeasance.

SB-2884

Submitted on: 2/8/2022 4:03:14 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
shantee brown	Individual	Oppose	No

Comments:

as a kona resident, i feel strongly against rubber stamping development without thoroughly looking at future impact on the entirety of kona's subterranean estuary system. in addition, "affordable housing" is almost never the first build in developers plans, is rarely enough to meet demands, and is not very affordable. require the water commission to fullfil their public duty of water resource management. please oppose SB2884.

mahalo

SB-2884

Submitted on: 2/8/2022 4:14:05 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nate Gytoku	Individual	Oppose	No

Comments:

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees,

I **OPPOSE** SB 2884, which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawai`i. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations. The Commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use.

This bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water use outside of water management areas.

Please **HOLD** SB 2884.

Mahalo,

Nate Gytoku

SB-2884

Submitted on: 2/8/2022 6:21:54 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
carol lee kamekona	Individual	Oppose	No

Comments:

I oppose enabling automatic water permit approvals which will remove the review of Environmental impacts and impacts to my Native Hawaiian Traditional and Customary practices.

SB-2884

Submitted on: 2/8/2022 8:01:37 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Naomi Tachera	Individual	Oppose	No

Comments:

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees,

I OPPOSE SB 2884, which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawai`i. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations. The Commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use.

This bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas.

Please HOLD SB 2884.

Mahalo nui! Naomi Tachera

SB-2884

Submitted on: 2/8/2022 8:19:05 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Walter Kunitake	Individual	Support	Yes

Comments:

I am in support of SB2884. By passage of the bill, it will expedite decisions on water resources badly needed in Kona. As a third generation resident in Holualoa I am unable to add a water meter to a family subdivided property into 3 lots because of inadequate water resources. I also serve as chair to the Japanese Cultural Center of Kona and facing difficulty pursuing building a magnificent Cultural Center in Kona because of lack of water available for the project.

SB-2884

Submitted on: 2/8/2022 8:47:43 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kimberly Pecana	Individual	Oppose	No

Comments:

Water is life therefore we shall protect our waters

SB-2884

Submitted on: 2/8/2022 8:52:42 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
JarraeTehani Manasas	Individual	Oppose	No

Comments:

I am writing to oppose SB 2884 which appears to support affordable housing but is it is really a special interest legislation that would remove water protections across Hawai'i. The commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use. This bill would allow automatic water permit approval everywhere for all sources and all purposes even in the many areas the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas. Please Hold SB 2884. Mahalo

SB-2884

Submitted on: 2/8/2022 9:20:45 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jonah Bobilin	Individual	Oppose	No

Comments:

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees,

My name is Jonah Bobilin and I am a constituent from Pearl City. I am writing in strong opposition to SB2884, which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawai`i. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

The Commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use.

This bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas.

Please HOLD SB 2884. Mahalo nui!

SB-2884

Submitted on: 2/8/2022 9:58:07 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Samuel Wolff	Individual	Oppose	No

Comments:

A completely absurd idea and a slap in the face to all those that have fought to protect precious water resources

SB-2884

Submitted on: 2/8/2022 10:10:38 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sherry Shimizu	Individual	Oppose	No

Comments:

I oppose SB2884, because the State's current protocols to review water permits are to protect public trust water across the pae 'āina, including the Keauhou aquifer in North Kona. These protections are in place after years of work Water Protectors have done and include review of environmental impacts and impacts on Native Hawaiian traditional and customary practices. Pending bill SB2884 would enable automatic water permit approvals, effectively removing these important protections.

SB-2884

Submitted on: 2/8/2022 11:14:34 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kimeona Kane	Individual	Oppose	No

Comments:

Aloha Kākou,

Mahalo nui for hearing testimony today. Please do not progress this bill as written. While I believe the intent is to support the growing and ever present need for affordable housing, I feel like this will become a loop hole, that ultimately will push projects forward without the proper oversight necessary to ensure that the project serves in the way it is designed to. This is an extremely slippery slope to allow a free pass on an assumption. Please do not open the flood gates for projects that may not have the best intention of the public at heart. Keeping the layers of protections are absolutely necessary. I am afraid that if we go down this path, we may never be able to close it. OPPOSE SB 2884, all of our futures depend on the protections.

Mahalo nui,

Kimeona Kane

SB-2884

Submitted on: 2/8/2022 11:37:09 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Noel Shaw	Individual	Oppose	No

Comments:

Protect our water resources. At all costs! Ola I ka wai.

SB-2884

Submitted on: 2/8/2022 11:46:23 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lorraine Waianuhea	Individual	Oppose	No

Comments:

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees,

I OPPOSE SB 2884, which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawai`i. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations. The Commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use. This bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas. Please HOLD SB 2884.

Mahalo nui!

Lorraine Waianuhea

SB-2884

Submitted on: 2/9/2022 12:10:29 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Tara Rojas	Individual	Oppose	No

Comments:

How is this even possible to become a law? Failure to review does NOT equal automatic approval. Please bring back justice and most importantly common sense into these bills, this legislative process, into the mindset of those elected and working for - the good of - the people, and most importantly for this unique and special space and place of Native Hawaiians, Hawai'i.

SB-2884

Submitted on: 2/9/2022 7:25:46 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

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

Comments:

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees,
I OPPOSE SB 2884, which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawai`i. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations. The Commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use. The amount of wells and development water theft is out of control. Bills like this that use the much needed guise of affordable housing to push forward laws that create loop holes to continued desecrations is criminal. SB 2884 would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas.
Thank you, Pahnelopi McKenzie

SB-2884

Submitted on: 2/9/2022 7:33:11 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
David Hunt	Individual	Oppose	No

Comments:

SB2884 is GARBAGE - AND YOU KNOW IT..!!

This is the absolute WORST kind of "good -ol-boy, special favor, underhanded CRAP.

We, your constituents who VOTE, expect you to REPRESENT US, and to honor your DUTY TO PROTECT OUR PUBLIC TRUST WATER.

A vote for SB2884 is nothing less than a COMPLETE ABDICATION OF YOUR DUTY.

SHAME on you sponsors of this CORRUPT GARBAGE!

SHAME on any of you who vote for this corrupt abandonment of your RESPONSIBILITY, YOUR LEGAL DUTY to PROTECT our PUBLIC TRUST WATER.

SB2884 MUST BE DEFEATED.

SPONSORS OF THIS CORRUPT BILL MUST BE CALLED OUT AND HELD ACCOUNTABLE!!!

SB-2884

Submitted on: 2/9/2022 7:33:48 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Curen Ohama	Individual	Oppose	No

Comments:

Why in the world we do this?!?!

Water is our most precious resource, we always need to have time to discuss water.

if developers have to wait, so be it. Money is nothing compared to fresh water. You all know this. STOP POOR WATER MANAGEMENT ALREADY!!!

Lets get our act TOGETHER already

SB-2884

Submitted on: 2/9/2022 7:36:51 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Emmah Pahulu	Individual	Oppose	No

Comments:

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees,
I OPPOSE SB 2884, which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawai`i. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations. The Commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use.
This bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas.
Please HOLD SB 2884. Mahalo nui! Emmah Pahulu

SB-2884

Submitted on: 2/9/2022 7:41:41 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nanea Lo	Individual	Oppose	No

Comments:

Hello,

My name is Nanea Lo. I come from Papakōlea, O‘ahu. I'm a Kanaka Maoli born and raised in the Hawaiian Kingdom. I'm writing in full support of SB2884.

Water protectors have fought for years to have the State apply appropriate water permit review protocols to protect public trust water across the pae ‘āina, including the Keauhou aquifer in North Kona.

These protections include review of environmental impacts and impacts on Native Hawaiian traditional and customary practices. Just last year, the Water Commission agreed to defer a decision to permit the Ota well to address these concerns. Pending bill SB2884 would enable automatic water permit approvals, effectively removing these important protections.

Kill this bill, SB2884.

me ke aloha ‘āina,

Nanea Lo

SB-2884

Submitted on: 2/9/2022 8:06:07 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Robert Culbertson	Individual	Oppose	No

Comments:

Aloha Senators!

Vote NO on any 'automatic approvals'!

This is an underhanded way to get around the public process.

Mahalo,

R A Culbertson

Honokaa

SB-2884

Submitted on: 2/9/2022 8:25:47 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shay Chan Hodges	Individual	Oppose	No

Comments:

My name is Shay Chan Hodges and I am the former Chair of the Maui County Water Board (term ended in March 2021)

*I strongly **OPPOSE** SB2884, which would result in the automatic approval of any and all well permit and water use permit applications, if they cannot be decided upon within certain statutory deadlines. **Water is our most precious resource, and must be carefully managed to both conserve it for present and future generations, and ensure that it is appropriately shared for purposes that are beneficial to the public.** This measure may result in automatic water use approvals that could lead to the waste or unsustainable overconsumption of our islands' water resources, and that could unduly impact stream and coastal ecosystems, Native Hawaiian traditional and customary practices, kuleana rights, domestic and household uses, agricultural activities, and numerous other public trust purposes and reasonable beneficial uses of water that should be carefully considered and protected in water management decisionmaking. Accordingly, I respectfully urge your Committees to **HOLD** SB2884.*

*Mahalo nui,
Shay Chan Hodges*

Haiku, Maui, Hawaii

SB-2884

Submitted on: 2/9/2022 8:26:12 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
cheryl B.	Individual	Oppose	No

Comments:

Under no circumstances should there be automatic approval of water applications.

SB-2884

Submitted on: 2/9/2022 8:28:18 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jeff Mcknight	Individual	Oppose	No

Comments:

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees,

I **OPPOSE** SB 2884, which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawai'i. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations. The Commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use.

This bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas.

Please **HOLD** SB 2884. Mahalo nui!

SB-2884

Submitted on: 2/9/2022 8:51:25 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Patricia Blair	Individual	Oppose	No

Comments:

A very bad bill,I oppose that it automatically approves of any wells permits and water permits. Our water is precious.

SB-2884

Submitted on: 2/9/2022 8:53:20 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
jeanne wheeler	Individual	Oppose	No

Comments:

This is absolutely ludicrous & disturbing - please do NOT pass this bill! Mahalo, JW

SB-2884

Submitted on: 2/9/2022 9:04:04 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lory Ono	Individual	Oppose	No

Comments:

Aloha Chairs Inouye and Chang, Vice Chairs Keith-Agaran and Kanuha, and members of the Water and Land and Housing Committees,

I strongly OPPOSE SB2884, which would result in the automatic approval of any and all well permit and water use permit applications, if they cannot be decided upon within certain statutory deadlines. Water is our most precious resource, and must be carefully managed to both conserve it for present and future generations, and ensure that it is appropriately shared for purposes that are beneficial to the public. This measure may result in automatic water use approvals that could lead to the waste or unsustainable overconsumption of our islands' water resources, and that could unduly impact stream and coastal ecosystems, Native Hawaiian traditional and customary practices, kuleana rights, domestic and household uses, agricultural activities, and numerous other public trust purposes and reasonable beneficial uses of water that should be carefully considered and protected in water management decisionmaking. Accordingly, I respectfully urge your Committees to HOLD SB2884.

Mahalo,

Lory Ono

Katie Austin

1594 AA Street

Lahaina Hi, 96761

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith- Agaran, and members of the Senate Housing and Water and Land Committees,

I strongly OPPOSE SB 2884, which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawai'i. It is dangerous and without forethought to our future generations on this land. To approve all well permits, and water use permit applications automatically is opening the flood gate to unsustainable draining of our resources. Doing so would remove the few protections for public trust water uses outside of water management areas.

These protections have been fought for years by native Hawaiians to have more oversight into how much water is being used. We are on an island and need to keep the permits within a sustainable realm to protect our scared water for future generations. Passing this bill may result in automatic water use approvals that could lead to the waste or unsustainable overconsumption of our islands water resources. Native Hawaiian traditional and customary practices, kuleana rights and numerous other public trust purposes should be carefully considered and protected in water management decision-making.

I respectfully urge your committees to please HOLD SB 2884. Mahalo nui!

Katie Austin

SB-2884

Submitted on: 2/9/2022 9:25:44 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Denise Boisvert	Individual	Oppose	No

Comments:

Thank you for this opportunity to STRONGLY OPPOSE SB2884.

Qualifications and standards are put in place for a reason. An automatic approval of well permit and water use applications if the decision cannot be made within a statutory deadline would be like automatically renewing a gun or hazardous waste permit because the decision makers don't have enough time to do background checks or do inspections.

SB2884 should not be passed out of committee because it will jeopardize water security. Mahalo for your kind consideration.

SB-2884

Submitted on: 2/9/2022 9:32:39 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kim Jorgensen	Individual	Oppose	No

Comments:

Aloha. I STRONGLY OPPOSE SB2884 on the grounds that no water-related permit renewal should ever be simply automatically reapproved because of a missed deadline on the part of those who are responsible for making sure that an application truly merits the approval; and that approval must only be based on actual and current investigation.

SB-2884

Submitted on: 2/9/2022 9:41:57 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dennis Boyd	Individual	Support	No

Comments:

I am testifying in **strong support** of SB 2884. All the plans and best intentions in the world will not advance Hawaii's desperate need for affordable housing without the availability of water, particularly in the West Hawaii area of the Big Island where I live. CWRMS however, as the controller of the water spigot in the state, has apparently taken upon itself the role of spoiler in the provision of well permits, despite studies of the West Hawaii aquifer that have demonstrated that it is not in danger of depletion or other negative impact from appropriate development. CWRMS's tactics in this regard are characterized by a lack of transparency and persistent inactivity resulting in unreasonable delay or outright negligence in proceeding with permit consideration. SB 2884 forces CWRMS to do its job, a job that the state and its residents seeking affordable housing need accomplished now more than ever. Please support this bill.

SB-2884

Submitted on: 2/9/2022 9:53:55 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ross Wilson Jr.	Individual	Support	No

Comments:

Water is so vital for West Hawaii's public projects including NELHA, Kona International Airport, Hawaii Community College Palamanui, DHHL's Lai Opua project and HHFDC's affordable housing project along Ane Keohokalole Highway.

This proposed legislation could help to solve the CWRM bottleneck hindering water development in West Hawaii.

Please kokua and support

SB-2884

Submitted on: 2/9/2022 10:07:35 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
tania victorine	Individual	Oppose	No

Comments:

Aloha Chairs Inouye and Chang, Vice Chairs Keith-Agaran and Kanuha, and members of the Water and Land and Housing Committees,

I strongly OPPOSE SB2884, which would result in the automatic approval of any and all well permit and water use permit applications, if they cannot be decided upon within certain statutory deadlines. Water is our most precious resource, and must be carefully managed to both conserve it for present and future generations, and ensure that it is appropriately shared for purposes that are beneficial to the public. This measure may result in automatic water use approvals that could lead to the waste or unsustainable overconsumption of our islands' water resources, and that could unduly impact stream and coastal ecosystems, Native Hawaiian traditional and customary practices, kuleana rights, domestic and household uses, agricultural activities, and numerous other public trust purposes and reasonable beneficial uses of water that should be carefully considered and protected in water management decisionmaking. Accordingly, I respectfully urge your Committees to HOLD SB2884.

*Mahalo nui,
Tania & keiki*

SB-2884

Submitted on: 2/9/2022 10:10:11 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dylan Ramos	Individual	Oppose	No

Comments:

Aloha,

Automatic approval of well and water use permit applications could lead to water uses that unduly impact Native Hawaiian traditional and customary practices, kuleana water rights, the rights of the Department of Hawaiian Home Lands and its beneficiaries, and other public trust purposes and reasonable beneficial uses otherwise protected under the public trust doctrine and state water code. Please OPPOSE SB2884 and any water bills that do not include clear and strong protections on these fronts.

Mahalo,

Dylan Ramos

SB-2884

Submitted on: 2/9/2022 10:35:42 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Veronica Gibson	Individual	Oppose	No

Comments:

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees,

I OPPOSE SB 2884, which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawai‘i. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

Consider not only the impact on fresh drinking water, but the impact on the largely unstudied groundwater dependent ecosystems on Hawaii's coasts, including anchialine pools, groundwater spring-fed nearshore reefs, and loko i‘a aquaculture systems. These diverse ecosystems support diverse native and endemic species, but also a huge amount of cultural practices and values that are part of the identity of our people. As a marine scientist I study these social ecological systems and how the groundwater is vital to maintaining productive ecosystems which provide not only food, but community networks of knowledge sharing, cultural practice, knowledge of ecology and culture, and support an active and spiritually complete lifestyle in which one interacts with the environment in a positive way. In my hometown of Kona and elsewhere in Hawaii these ecosystems and the groundwater they depend on to exist are part of the lifeblood of our people's cultural identity and food sources. Let us think to the future, and how nearshore reefs, the fisheries they support, and loko i‘a aquaculture are an irreplaceable resource when we envision a sustainable future for Hawaii. These are irreplaceable local food sources, food sources which are supported by the groundwater springs that bring nutrients to our coastlines.

Not only are important food sources dependent on groundwater, but these ecosystems are the natural beauty and wonder that Hawaii's tourism economy is based on. Please review Beukering and Cesar's 2004 publication that assessed the economic impacts of algae blooms caused by mismanagement of groundwater (in this case, nutrient pollution) on the Kīhei coast, which led to millions of dollars in lost real estate and tourism value. These are the same ecosystems and economic values that would also be impacted by reduced groundwater flow, thereby reducing nearshore productivity, which could result in losses of fish and the food chains that support charismatic and economically valuable macrofauna like turtles, dolphins, monk seals, and manta rays. The Commission on Water Resource Management and our Water Code are vital to protecting our water sources and the ecosystems and food systems supported by them. CWRM and the water code should be supported, not legislated into approving anyone who wants to take water for any use.

From what I understand, this bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas. Essentially, this is a move towards making quick money for some in the short term, which could have devastating environmental and economic impacts to Hawaii as a whole in the long term.

This goes directly against the Hawaii state water code and the public trust doctrine described by the Hawai'i Supreme Court as, "the right of the people to have the waters protected for their use [which] demands adequate provision for traditional and customary Hawaiian rights, wildlife, maintenance of ecological balance and scenic beauty, and the preservation and enhancement of the waters" (HRS 174C-2).

Please HOLD SB 2884. Mahalo nui!

Veronica Gibson

PhD Candidate, Marine Botany, Life Sciences, University of Hawai'i at Mānoa

SB-2884

Submitted on: 2/9/2022 10:38:24 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kristen Young	Individual	Oppose	No

Comments:

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees,

I OPPOSE SB 2884, which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawai'i. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations. The Commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use.

This bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas.

Please HOLD SB 2884.

Mahalo nui!

Kristen Young
Makiki/Punchbowl resident
Senate District 11

SB-2884

Submitted on: 2/9/2022 10:53:15 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Vicky DeMercer	Individual	Oppose	No

Comments:

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees,

I OPPOSE SB 2884, which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawai`i. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations. The Commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use.

This bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas. Please HOLD SB 2884. Mahalo nui loa!

Vicky DeMercer

SB-2884

Submitted on: 2/9/2022 11:31:10 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Elizabeth Hansen	Individual	Oppose	No

Comments:

I am a registered voter in Hakalau HI 96710. I am requesting that you oppose this bill. At first when you read it, it appears to be useful for affordable housing, but actually it masks itself. It is wrong and will hurt the islands to allow water changes with no approvals. We expect you to honor your duty to protect our scared public trust water.

Mahalo.

Elizabeth Hansen,
Hakalau HI 96710

SB-2884

Submitted on: 2/9/2022 11:51:52 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shannon Rudolph	Individual	Support	No

Comments:

STRONGLY OPPOSE!

This is BS. We see what you're trying to do. #grrrr

SB-2884

Submitted on: 2/9/2022 11:51:57 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
jennifer valentine	Individual	Oppose	No

Comments:

I am deeply concerned that the current wording of Delaware River Basin Commission’s (DRBC) proposed regulations leaves open the possibility that industry could withdraw water for fracking operations, and treat or dispose of fracking wastewater within the basin. In order to protect the Delaware River Watershed and the health and safety of all who live in this region, the regulations must be strict and specific. The regulations must clearly state a complete ban on fracking, extraction, disposal, and storage.

The Delaware River Watershed provides a significant source of clean drinking water for 15-17 million people in four states. The waters of the Delaware River Basin are a precious protected resource that millions of people depend on for drinking and other uses such as recreation, tourism, and sporting.

The proposed regulations should clearly state that no water can be removed from the Delaware River Basin to support fracking operations. It should be DRBC’s policy to not issue such permits under any circumstances. Extraction of these waters for fracking essentially amounts to a theft of a public natural resource for private corporate gain.

In addition, transporting or storing fracking wastewater should not be permitted in the Delaware River Basin under any circumstances, and DRBC should explicitly state this in the regulations. The risk of ground and surface water contamination is too high and the risk to public health is unacceptable; there is no real possibility of effective remediation once contamination occurs.

According to the Environmental Protection Agency, there are more than 1,000 known chemicals (many with serious and well-documented public health impacts) that are used in fracking, and many more are considered “proprietary” and have not been disclosed. DRBC or the Department of Environmental Protection cannot effectively and continuously test for 1,000 known substances (let alone unknown chemicals), the contents of which may vary from day to day and well to well. The reality is there is no reasonable testing program that would assure the public health and safety of our residents if importing and storing fracking wastewater were allowed.

I’m also concerned that disposal of fracking wastewater may lead to unsafe levels of radioactive material in the watershed. A 2013 study from Duke University indicated that fracking wastewater disposal can lead to an accumulation of radium in stream sediments. Samples from western Pennsylvania rivers and creeks downstream of treatment plants had levels of radioactive material 200 times higher than samples taken upstream.

In Pennsylvania, residents are guaranteed the right to clean air and pure water by Article 1, Section 27. The DRBC, as a trustee of these resources, has an obligation to uphold these rights and protections. Our well-being depends on clean, safe drinking water. I strongly urge the DRBC to enact a complete ban on all fracking-related operations in the Delaware River Basin, including extraction, disposal, and storage.

Sincerely,

SB-2884

Submitted on: 2/9/2022 11:54:39 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
TOM DIGRAZIA	Individual	Oppose	No

Comments:

Please place a hold on this Bill until more safeguards to protect water usage are built into it.

Mahalo,

Tom DiGrazia and family

SB-2884

Submitted on: 2/9/2022 12:13:17 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Leila Morrison	Individual	Oppose	No

Comments:

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees,

As a resident of Hawai'i from the islands of Hawai'i, Maui, now residing on O'ahu, and a Native Hawaiian, I STRONGLY OPPOSE SB 2884, which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawai'i. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations. The Commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use. This bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas. The protection of Hawai'i's precious and extremely limited water resources CANNOT be jeopardized for the weak excuse of affordable house, when the high cost of Hawai'i's housing market is NOT remotely driven by the cost of environmental assessment and proper natural resource management. If you want to provide more affordable housing for the people of Hawai'i, it should not be done at the expense of protecting freshwater, a PUBLIC TRUST RESOURCE.

Please HOLD SB 2884.

Mahalo nui!

Leila Morrison

SB-2884

Submitted on: 2/9/2022 12:36:16 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
ellen sofio	Individual	Oppose	No

Comments:

As a physician and a kama‘aina resident of Oahu, I want to voice my strong opposition to SB 2884.

This bill if passed, would create a loophole for dangerous and unethical automatic well approvals should the water commission fail to make a decision within the statutory time limit. This bad bill if passed could open the door to further malfeasance in the context of historical social injustice. Huge numbers of our community members already having been gravely harmed over more than half a century by the state’s chronic negligence and failure to protect from toxins in our ground water and drinking water. Some of the same big landowning entities that are most culpable for the pollution of much of Oahu’s groundwater, specifically Central Oahu, Waialua, and the north shore, Kunia and Ewa, toxifying it with highly carcinogenic waste products of oil refining, trichloropropane (TCP) contaminatiing "Telone" (dichloroproane) used to pretreat the soil prior to planting pineapple and military degreaser solvents like TCE (trichloroethylene) contaminating downgrade water resources with no mitigation for the civilian population, and their aspiraitons now to profit from unfettered transit oriented low income housing development, would be amongst the primary huge, unethical profit driven corporate entities which would profit at the expense of people’s health, from passing this bad bill. For decades the state has failed to acknowledge or warn the affected masses of island people about the major health risks of toxins in their drinking water. The legal, EPA standards for these toxins are far higher than the health limits, allowing the state to turn a blind eye for over 50 years to the presence of highly toxic potent carcinogenic chemicals such as trichloropropane and trichloroethylene widespread in Oahu’s drinking water.

Unlike in California where many lawsuits by local boards of water supply and regulator changes at the state level have compelled drastic lowering of allowable concentrations of chemicals like TCP in drinking water across that state’s agricultural areas, nothing has been done to change regulatory standards to protect people in Hawaii. This bill would only assist the water commission to continue this heinous failure to protect, by allowing new wells to receive long term licenses by default.

In addition, and also very importantly, automatic approval of well and water use permit applications could lead to water uses that unduly impact Native Hawaiian traditional and customary practices, kuleana water rights, the rights of the Department of Hawaiian Home Lands

and its beneficiaries, and other public trust purposes and reasonable beneficial uses otherwise protected under the public trust doctrine and state water code.

Please vote decisively against this toxic and dangerous bill

Ellen Sofio M.D.

SB-2884

Submitted on: 2/9/2022 12:37:17 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kimberly crawford	Individual	Oppose	Yes

Comments:

Aloha Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-agoran and members of the committee.

I am testifying today to strongly OPPOSE Bill SB 2884

My name is Kimberly Crawford I'm a 29-year-old mother of 3, and our 'ohana are kia'i loko (fishpond guardian) at Kaloko loko i'a (fishpond).

Many of our communities across Hawaii have worked tirelessly for decades to ensure some sort of protection on our water resources for the present and future generations. In most cases, these protections came in the form of aquifer designation Which gives the community a chance to voice their knowledge and any concerns they might have with the wells impact on the natural resources.

Bill SB 2884 will essentially strip these hard earned and bare minimum protections in the guise of "affordable housing." As a young adult and parent, I understand the urgent need to develop real affordable housing, but I do not believe Bill SB 2884 will do that.

With the proposed "Ota well" as an example you can blatantly see how affordable housing actually takes a back seat in this wells development and a majority of the water will go to NELHA's science park and Kamakana villages affordable housing project that has many units going for market value.

When our communities are already being displaced and our natural resources are being exploited the last thing we should do is remove the communities voice and protection from the process.

Mahalo,

Kimberly Crawford

SB-2884

Submitted on: 2/9/2022 12:38:41 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jason Mark Alexander	Individual	Oppose	No

Comments:

Aloha Chairs Inouye and Chang, Vice Chairs Keith-Agaran and Kanuha, and members of the Water and Land and Housing Committees,

I strongly **OPPOSE** SB2884, which would result in the automatic approval of any and all well permit and water use permit applications, if they cannot be decided upon within certain statutory deadlines. Water is our most precious resource, and must be carefully managed to both conserve it for present and future generations, and ensure that it is appropriately shared for purposes that are beneficial to the public. This measure may result in automatic water use approvals that **could lead to the waste or unsustainable overconsumption of our islands' water resources**, and that could unduly impact stream and coastal ecosystems, Native Hawaiian traditional and customary practices, kuleana rights, domestic and household uses, agricultural activities, and numerous other public trust purposes and reasonable beneficial uses of water that should be carefully considered and protected in water management decisionmaking. Accordingly, I respectfully urge your Committees to **HOLD** SB2884.

Mahalo nui,

Jason Mark Alexander

Aloha Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees.

My name is Karyn Kanekoa and I reside in Honokōhau valley where my 'ohana and farm kalo. I strogly OPPOSE SB 2884, which does appear to support affordable housing but is really a special interest legislation that would remove water protections across Hawai`i. As someone who continues the traditional kalo farming ways of our kūpuna, I will do anything to make sure that our wai is protected and held to the highest standards that is deserves. I want to ensure that my mo'opuni and generations to come will be able to continue to farm kalo as their kūpuna did and if we don't act now and do things to be proactive then I'm afraid that farming kalo will be a thing of the past for them. Commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use. That is absoulty absurd! This bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny and for me and my 'ohana, this is hewa loa! It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas. My 'ohana and I have been fighting to protect our wai for years and even generations now and this bill will have major negative impacts on all that we've been fighting for. Please HOLD SB 2884. Mahalo nui!

Me ka 'oia'i'o,
Karyn Kanekoa

SB-2884

Submitted on: 2/9/2022 12:42:07 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lauren Blickley	Individual	Oppose	No

Comments:

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees,

I **OPPOSE** SB 2884, which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawai`i. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations. The Commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use.

This bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas.

Please **HOLD** SB 2884.

SB-2884

Submitted on: 2/9/2022 12:51:18 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Madolin Wells	Individual	Oppose	No

Comments:

Aloha Chairs Inouye and Chang, Vice Chairs Keith-Agaran and Kanuha, and members of the Water and Land and Housing Committees,

I strongly OPPOSE SB2884, which would result in the automatic approval of any and all well permit and water use permit applications, if they cannot be decided upon within certain statutory deadlines. Water is our most precious resource, and must be carefully managed to both conserve it for present and future generations, and ensure that it is appropriately shared for purposes that are beneficial to the public. This measure may result in automatic water use approvals that could lead to the waste or unsustainable overconsumption of our islands' water resources, and that could unduly impact stream and coastal ecosystems, Native Hawaiian traditional and customary practices, kuleana rights, domestic and household uses, agricultural activities, and numerous other public trust purposes and reasonable beneficial uses of water that should be carefully considered and protected in water management decisionmaking. Accordingly, I respectfully urge your Committees to HOLD SB2884.

Mahalo nui,

Madolin Wells, Kihei, Maui

SB-2884

Submitted on: 2/9/2022 12:51:38 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Elizabeth Raffin	Individual	Oppose	No

Comments:

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees,

*I **OPPOSE** SB 2884, which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawai`i. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations. The Commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use.*

This bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas.

*Please **HOLD** SB 2884. Mahalo nui!*

Sincerely,

Elizabeth Raffin, homeowner at Makena Surf Resorts

SB-2884

Submitted on: 2/9/2022 12:54:23 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ruth Aloua	Individual	Oppose	Yes

Comments:

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees,

I Loke Aloua **OPPOSE** SB 2884, which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawai`i. In its current draft the bill suggests that we have an affordable housing crisis because there is a lack of available potable water. If only that were true and as easy to fix. Instead, our affordable housing crisis exists because of the:

- **Rising cost of land** which remains to be met by low wages providing little traction for financial gain;
- **Wealthy outbidding and buying the working class** at market price and fair value;
- **Housing permitting and construction standards** that are financial barriers to home ownership;
- **Material crisis** (e.g., lumber) impacting the cost of construction for homes influencing rising cost of homes;
- **“Affordable housing” prices that continue to climb** while wages (even of cumulative household members) remain too low to reach lending standards and the list goes on.

If we are discussing water we have a water crisis because:

- **We lack closed water systems.** Wastewater treatment and recycling facilitates to ensure we use what we take mindfully and fully are needed. These facilities are lacking and we continue to flush clean drinking water down our toilets and allot water without these systems in place before or while approval of water use is granted;
- **Outdated water models continue to guide water use.** Water models like sustainable yield that bear so much say over our water need revisiting to ensure our withdrawal actually considers the ecosystems that give life to our Hawai`i;

- **Water use standards are outdated.** Place based water use standards reflective of our local ecologies at the land base have yet to be developed ensuring we are using our water with care. We have golf courses, luxury resorts with massive swimming pools, and turf farms operating in and on some of our driest landscapes.
- **Identified source pollution continues.** Industrial users like the military (e.g., Kapūkakī [a.k.a. Red Hill]) has and continues to occur without immediate closure;
- **Climate change and drought fall backseat to unsustainable industries like tourism.** Previous and more recent studies by USGS have demonstrated that our islands will face increasing drought with lowered rainfall. Rather than assessing the sustainability of major industries like tourism and its impact on our water this industry is encouraged, prioritized, and prized.
- **We never learn yet.** Impacts of diversions (e.g., Nā Wai ‘Ehā), pesticides and herbicides (e.g. Roundup), along with, bombing of our islands at Pōhakuloa has shown to have irreversible impact to our aquifer (e.g., Kaho`olawe) and streams. Even so, we still allow these things to happen knowingly.
- **Money governs access to water.** The philosophy of our kūpuna which gave wai only after the ability to care for wai was shown are no longer our kānāwai. Known water polluters are regranted access to wai while those with no understanding of water dynamics in the islands are granted wai without having prior knowledge of how to care for it.

Do we have a water crisis? Yes. Do we have an affordable housing crisis? Yes. However, in its current form the bill uses those of us who face houselessness and homelessness as a front to advance private interests.

Beyond the items mentioned above in April 2021 myself along with other community members of Kailua-Kona testified before the Commission on Water Resource Management (CWRM) asking for greater review of the proposed Ota Well’s (<https://files.hawaii.gov/dlnr/cwrn/submittal/2021/sb20210420B2.pdf>) impact on our traditional and customary (T&C) practices as kia`i loko for Kaloko Fishpond and the groundwater dependent ecosystems (GDE) and species which give life to our practice. Based on our concerns and those of others actions by CWRM were deferred to create time to gather a deeper understanding of these impacts (<https://files.hawaii.gov/dlnr/cwrn/minute/2021/mn20210420.pdf>). Since this meeting myself and others in our region have been involved in gatherings led by the Aha Moku Council (AMC) and the Deputy Director for CWRM who are creating a new and hopeful process to oversee more responsible water use and development, truly assess impacts to T&C and GDE, while too growing genuine relationship and trust between agencies and their constituents. Now, SB 2884 threatens to unravel the goodness of the seeds sown, undermined CWRM and Commissioner decisions, sever relationships that are necessary to redirect us towards a more hopeful water future, and break the kānāwai that we do have which keep our water safe. The Commission on

Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use.

This bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas.

Our water is precious and we all have a kulena to mālama ka wai.

Please **HOLD** SB 2884.

Ke Aloha ‘Āina,

Loke Aloua

Kona, Hawai‘i

LATE

SB-2884

Submitted on: 2/9/2022 1:16:55 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mahina Poepoe	Individual	Oppose	No

Comments:

Aloha,

Proper management and oversight of water sources are critical to ensuring that public trust and traditional and customary needs are protected and fulfilled. As we move further toward climate instability, actions such as those proposed in this bill could potentially work to expedite water scarcity and shortage in the State. This bill threatens to foreclose on the CWRM and public's ability to review and comment on water and well permit applications if the 90 or 180 day deadlines are not met and I am opposed to installing this stop-clock on sound water management practices and public review processes. The passage of this bill would undermine transparency, due-diligence, public process, accountability, and could have some very harmful impacts to natural resources and the environment. Please, do not give out free passes to water permits with no basis other than a deadline technicality. I am hopeful that the State will demonstrate through action that lessons are being learned from the unfolding disaster at Red-hill.

Mahalo,

Mahina Poepoe

Molokai

February 9, 2022

LATE

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees,

I **OPPOSE** SB 2884, which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawai'i. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations. The Commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use.

This bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas.

Please **HOLD** SB 2884. Mahalo nui!

Christine Keahi
134 Aipuni Street
Lahaina, HI 96761

LATE

SB-2884

Submitted on: 2/9/2022 2:03:42 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Travis Smith	Individual	Oppose	No

Comments:

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees,

I OPPOSE SB 2884, which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawai'i. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations.

The Commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use. This bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas.

Please HOLD SB 2884.

Mahalo nui!

Travis J Smith

LATE

Testimony for
Senate Committees on Water and Land and Housing.
1PM, February 10, 2022
Re SB2884

*I strongly **OPPOSE SB2884**, which would result in the automatic approval of any and all well permit and water use permit applications, if they cannot be decided upon within certain statutory deadlines.*

Water is our most precious resource, and must be carefully managed to both conserve it for present and future generations, and ensure that it is appropriately shared for purposes that are beneficial to the public.

This measure may result in automatic water use approvals that could lead to the waste or unsustainable overconsumption of our islands' water resources, and that could unduly impact stream and coastal ecosystems, Native Hawaiian traditional and customary practices, kuleana rights, domestic and household uses, agricultural activities, and numerous other public trust purposes and reasonable beneficial uses of water that should be carefully considered and protected in water management decisionmaking.

*Accordingly, I respectfully urge your Committees to **HOLD** SB2884.*

Thank you,

William Reese Liggett

Honolulu

LATE

SB-2884

Submitted on: 2/9/2022 2:40:45 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Wendy Gibson-Viviani	Individual	Oppose	No

Comments:

I strongly OPPOSE SB2884, which would result in the automatic approval of any and all well permit and water use permit applications, if they cannot be decided upon within certain statutory deadlines.

I don't believe that any permits should be automatic, simply because an agency cannot meet a deadline. This bill does not address the underlying problem and could create new problems that last for generations.

Please do not support passage of SB2884. Thank you.

Wendy Gibson-Viviani RN/BSN

Kailua (Oahu resident for 29 years)

LATE

SB-2884

Submitted on: 2/9/2022 3:39:02 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Fay McFarlane	Individual	Oppose	No

Comments:

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees,

I OPPOSE SB 2884, which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawai`i. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations. The Commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use.

This bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas.

Please HOLD SB 2884.

Mahalo nui!

Fay McFarlane

LATE

SB-2884

Submitted on: 2/9/2022 3:52:10 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Consuelo Apolo-Gonsalves	Testifying for 'Aha Moku O Maui	Oppose	No

Comments:

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees,

On behalf of all the cultural practitioners of 'Aha Moku O Maui, Inc (a state-recognized Native Hawaiian Organization) and in agreement with our organizational CEO Ke'eaumoku Kapu, I OPPOSE SB 2884, which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawai'i. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations. The Commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use.

This bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas.

Please HOLD SB 2884. Mahalo nui!

Consuelo Apolo-Gonsalves

Lahaina, Maui HI

LATE

SB-2884

Submitted on: 2/9/2022 4:46:06 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Maria Maitino	Individual	Oppose	No

Comments:

Aloha Chairs Inouye and Chang, Vice Chairs Keith-Agaran and Kanuha, and members of the Water and Land and Housing Committees,

I strongly OPPOSE SB2884, which would result in the automatic approval of any and all well permit and water use permit applications, if they cannot be decided upon within certain statutory deadlines. Water is our most precious resource, and must be carefully managed to both conserve it for present and future generations, and ensure that it is appropriately shared for purposes that are beneficial to the public. This measure may result in automatic water use approvals that could lead to the waste or unsustainable overconsumption of our islands' water resources, and that could unduly impact stream and coastal ecosystems, Native Hawaiian traditional and customary practices, kuleana rights, domestic and household uses, agricultural activities, and numerous other public trust purposes and reasonable beneficial uses of water that should be carefully considered and protected in water management decisionmaking. Accordingly, I respectfully urge your Committees to HOLD SB2884.

MAHALO NUI,

MARIA MAITINO

SB-2884

Submitted on: 2/9/2022 5:01:51 PM

Testimony for WTL on 2/10/2022 1:00:00 PM



Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michelei Tancayo	Individual	Oppose	No

Comments:

I oppose 2884 and agree with the statements, that the State needs to continue to provide and apply appropriate water permit review protocols to protect public trust water. These review protocols are necessary for environmental impacts as well as for protecting Native Hawaiian traditional and customary practices. I oppose SB2884 that would enable automatic water permit approvals, effectively removing these important protections.

SB-2884

Submitted on: 2/9/2022 5:21:22 PM

Testimony for WTL on 2/10/2022 1:00:00 PM



Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kapulei Flores	Individual	Oppose	No

Comments:

Aloha,

I OPPOSE SB2884 because it takes away water protections across Hawai`i. If we have learned anything with the on going Red Hill Water Crisis, is how important our natural water and resources are. Our fresh and natural water is irreplaceable, valuable, and needs to be protected for us and the future generations. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations. The Commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use. Too many times the government of Hawai`i has allowed foreign and private corporations take our land, water, and natural resources. Not only do they displace and disturb the natural ecosystems and Hawaiian people, but these private corporations tend to misuse and destroy our natural resources as seen with Red Hill and stream diversions on Maui.

This bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas.

Please protect our natural resources and water by opposing SB2884. Mahalo

LATE

SB-2884

Submitted on: 2/9/2022 7:41:50 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Diane Ware	Individual	Oppose	No

Comments:

Aloha Chairs Inouye and Chang, Vice Chairs Keith-Agaran and Kanuha, and members of the Water and Land and Housing Committees,

I strongly OPPOSE SB2884, which would result in the automatic approval of any and all well permit and water use permit applications, if they cannot be decided upon within certain statutory deadlines. Water is our most precious resource, and must be carefully managed to both conserve it for present and future generations, and ensure that it is appropriately shared for purposes that are beneficial to the public. This measure may result in automatic water use approvals that could lead to the waste or unsustainable overconsumption of our islands' water resources, and that could unduly impact stream and coastal ecosystems, Native Hawaiian traditional and customary practices, kuleana rights, domestic and household uses, agricultural activities, and numerous other public trust purposes and reasonable beneficial uses of water that should be carefully considered and protected in water management decisionmaking. Accordingly, I respectfully urge your Committees to HOLD SB2884.

*Mahalo nui,
Diane Ware*

99-7815 Kapoha Pl.

Volcano HI 96785

LATE

SB-2884

Submitted on: 2/9/2022 9:57:42 PM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jessica Waia'u	Individual	Oppose	No

Comments:

Aloha,

My name is Jessica Waia'u and I was born and raised in Hawai'i and currently reside in Hilo. While housing may be a pressing issue this is not a solution to the problem. Rather, this bill creates another problem with its proposal of automatic approval. Our previous water resource is finite and must be protected. Appropriate water permit review protocols must be followed in order to ensure the public trust water. Environmental and cultural impacts must be accessed properly and automatic approval of any kind does not allow for that to occur. I strongly oppose bill SB2884.

Mahalo,

Jessica Waia'u

SB-2884

Submitted on: 2/10/2022 8:07:21 AM

Testimony for WTL on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kekai Keahi	Testifying for Kamaluokahalawai	Oppose	No

Comments:

Dear Chairs Chang and Inouye, Vice Chairs Kanuha and Keith-Agaran, and members of the Senate Housing and Water and Land Committees,

I **OPPOSE** SB 2884, which appears to support affordable housing but is really a special interest legislation that would remove water protections across Hawai`i. Our water is precious and we all have a duty to protect our islands' source of life for present and future generations. The Commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use.

This bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the state and remove the few protections for public trust water uses outside of water management areas.

Please **HOLD** SB 2884. Mahalo nui

Kekai Keahi



Hui o Nā Wai 'Ehā

Ola i ka wai WWW.HUIONAWAIEHA.ORG

Hui o Nā Wai 'Ehā
Board of Directors

February 9, 2022

LATE

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Legal Counsel

Isaac Moriwake
(Earthjustice)

Pamela W. Bunn
(Dentons)

Re: Testimony in OPPOSITION to SB2884

Aloha mai kākou,

Hui o Nā Wai 'Ehā strongly **OPPOSES** SB 2884, which appears to support affordable housing, but is really a special interest legislation that would remove water protections across Hawai'i. Our water resources are precious and we all have a kuleana to protect our islands' source of life for present and future generations. The Commission on Water Resource Management and our Water Code should be supported, not legislated into approving anyone who wants to take water for any use.

This bill would allow automatic water permit approval everywhere for all sources and all purposes, even in the many areas of the state designated after communities worked years to have water permits receive more scrutiny. It would effectively "undesignate" the State and remove the few protections for public trust water uses outside of water management areas such as Nā Wai 'Ehā on the island of Maui.

This bill will have negative effects on kuleana users and kalo farmers who have appurtenant rights and Water Use Permits, as well as future requests by kuleana kalo farmers.

Please **HOLD** SB 2884. Mahalo nui!

Me ka leo ha'aha'a,

Hui o Nā Wai 'Ehā Board

Hui o Nā Wai 'Ehā (501c3) • 213 West Waikō Road, Wailuku, Maui, Hawaii 96793
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The Mission of Hui o Nā Wai 'Ehā is to advocate for the restoration and stewardship of mauka to makai streamflow in Waikapū, Wailuku, Waiehu, Waihe'e Streams (Nā Wai 'Ehā), to protect cultural and natural resources pertaining to traditional and customary practices of Native Hawaiian kuleana kalo farmers and to conduct water resource management education outreach programs for the Maui community.