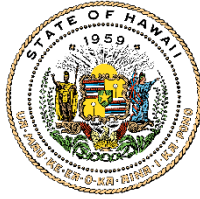


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHANE
DEPUTY DIRECTOR - WATER

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

**Testimony of
DAWN N.S. CHANG
Chairperson**

**Before the House Committee on
ENERGY & ENVIRONMENTAL PROTECTION**

**Thursday, March 13, 2025
9:45 AM**

State Capitol, Conference Room 325 & Videoconference

**In consideration of
SENATE BILL 984, SENATE DRAFT 2
RELATING TO WATER POLLUTION**

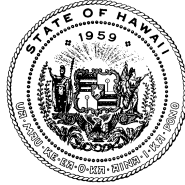
Senate Bill 984, Senate Draft 2 proposes to require a landowner in possession of ten thousand or more acres to be liable for damages and fines arising from runoff originating on the land and entering into state waters or onto state lands. This measure also proposes to require the Department of Health to adopt rules as necessary for the purposes of this provision. **The Department of Land and Natural Resources (Department) opposes this measure.**

This measure could potentially impose significant costs and liability on the State. The Department is responsible for managing approximately 1.3 million acres of State-owned land, which would classify it as a "landowner" under this measure. Such landowner would be liable for damages and fines resulting from runoff originating from an agricultural facility or lands used for an agricultural enterprise. Moreover, this measure does not specify what constitutes an agricultural facility or agricultural enterprise within the definition of "runoff".

While most of the Department's lands remain unimproved in a natural state, and many of its agricultural leases have been transferred to the Department of Agriculture pursuant to Act 90, Session Laws of Hawaii 2003, the Department is concerned that it could be held directly liable for the activities of the small number of agricultural tenants remaining under its management. Furthermore, it is unclear whether "agricultural enterprises" would include forestry management activities conducted by the Department's Division of Forestry and Wildlife. To the extent the Department would have to improve or modify its lands that were previously unimproved to comply with this measure, this would impose a significant burden to the Department as well as impose additional liability for any improvements placed on the land.

Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'AINA O KA MOKU'AINA O HAWAII



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

KENNETH S. FINK, MD, MGA, MPH
DIRECTOR OF HEALTH
KA LUNA HO'OLELE

WRITTEN
TESTIMONY ONLY

**Testimony COMMENTING on SB0984 SD2
RELATING TO WATER POLLUTION.**

REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

March 13, 2025; 9:45 am; Room Number: 325

Fiscal Implications: The Department of Health ("Department") requests that this measure be considered as a vehicle to provide this needed funding so long as it does not supplant the priorities and requests outlined in the Governors executive budget request.

Department Position: The Department offers comments and amendments for this measure.

Department Testimony: The Environmental Management Division Surface Water Protection Branch (EMD-SWPB) provides the following testimony on behalf of the Department.

As drafted, this measure places responsibility on the Department to enforce against runoff-borne pollutants to state lands, which is generally the obligation of the Department of Land and Natural Resources, by adding a provision to a Hawaii Revised Statutes (HRS) chapter that is intended to protect against pollution put into state waters, not onto state lands.

The measure proposes to add a new section to HRS Chapter 342D, Water Pollution, that subjects large landowners of 10,000 acres or more to liability for fines and damages arising from runoff into state waters or onto state lands. Although the Department regulates pollution from agricultural runoff that enters state waters, nonpoint source runoff is regulated under a different chapter, HRS Chapter 342E – Nonpoint Source Pollution Management and Control. The Department recommends that this proposed section be placed in Chapter 342E, HRS.

Agricultural stormwater discharges are defined by State law as a “nonpoint source.” Under HRS Section 342E-4, landowners and other persons responsible for nonpoint source pollution are already subject to fines or penalties of up to \$10,000.00 per violation of administrative rules promulgated pursuant to HRS Section 342E-3(a)(2). This measure would subject large landowners in possession of ten thousand or more acres to liability for both damages and fines. As large landowners are already subject to fines, this bill does not need to provide additional authority to the Department – which would not enhance the Department's ability to do so and could inadvertently result in conflicting statutory authorities. The Department recommends revising the phrase “damages and fines” to read “fines pursuant to section 342E-4 and damages.”

This measure places the responsibility on the Department to pursue damages for agricultural runoff onto state lands. Including “state lands,” however, is inconsistent with the purpose and powers set forth in both HRS Chapters 342D and HRS 342E. Damage to state lands, instead, appears to fall under the jurisdiction of the Department of Land and Natural Resources to pursue. The Department recommends removing the phrase “or onto state lands.” This measure also directs the Department to prioritize enforcement of water pollution control regulations in rural areas. If the Department receives authority to pursue damages for agricultural runoff onto state lands, this could dramatically increase the Department’s scope of duties. Prioritizing enforcement in rural areas will either shift enforcement away from existing violations or require additional inspectors.

As proposed, this measure would require substantial additions to staff and budget to address increases in enforcement scope and may also require statutory changes authorizing the Department to address damage to state lands. The Department is in the process of establishing and filling positions.

Offered Amendments: The Department respectfully offers the following revisions to the measure. Additions appear as underlined and deletions as bracketed strikeouts.

SECTION 2, page 2, lines 10-16: "Chapter ~~[342D]~~342E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"~~§[342D]~~342E- Agricultural water pollution; liability. (a) A landowner in possession of ten thousand or more acres shall be liable for ~~[damages and fines]~~ finer pursuant to section 342E-4 and damages arising from runoff originating on the land and entering into state waters ~~[or onto state lands]~~."

Thank you for the opportunity to testify on this measure.

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To: The Honorable Chair Nicole Lowen, the Honorable Vice Chair Amy Perruso, and Members of the Committee on Energy and Environment.

From: Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

Re: **Hearing SB984 SD2 RELATING TO WATER POLLUTION**

Hearing: Thursday March 13, 2025 9:45 a.m. Rm.325

Aloha Chair Lowen, Vice Chair Perruso, and Members of the Committee on Energy and Environment:

Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean.

Hawai'i Reef and Ocean Coalition **SUPPORTS** this legislation and its intent to regulate runoff from lands of large landowners (10,000 or more acres), but **COMMENTS that the definition of "runoff" should be revised!**

Hawai'i Reef and Ocean Coalition **COMMENTS** that "runoff" is not limited to agricultural facilities or lands. This bill is relating to water pollution, not agriculture. "Runoff" appears in several places in the Water Pollution statute, HRS 342D, and in rules thereunder, but is not defined. To avoid inconsistent meanings, the definition in the bill of "runoff" on page 3 lines 1-3 should be revised to:

"Runoff means any water, silt, water pollutant, or other debris originating in an agricultural facility or on lands used for the purposes of an agricultural enterprise on a property and flowing onto other property or onto state land or into State waters."

Please revise the bill accordingly. Mahalo!

Hawai'i Reef and Ocean Coalition (by Ted Bohlen)



Environmental Caucus of The Democratic Party of Hawai'i

March 11, 2025

Testimony in Support of SB984, SD2 - RELATING TO WATER POLLUTION

To: Chair Nicole E. Lowen, Vice Chair Amy A. Perruso, and Members of the Committee on Energy & Environmental Protection

From: Environmental Caucus of the Democratic Party of Hawaii

Date: Thursday, March 13, 2024 **Time:** 9:45 a.m.

Place: Conference Room 325 & Videoconference

Dear Chair Lowen, Vice Chair Perruso, and Members of the Committee,

The Environmental Caucus of the Democratic Party of Hawaii strongly supports SB984, SD2, which addresses the crucial issue of land management and its impact on Hawaii's waters and state lands. This measure establishes much-needed accountability for large landowners to prevent and mitigate harmful runoff, thereby protecting our natural resources and ecosystems.

Key Reasons for Support:

- **Accountability for Environmental Impact:**
 - Holds landowners in possession of 10,000 or more acres responsible for damages and fines arising from runoff entering state waters or state lands.
 - Ensures that landowners take proactive steps to manage runoff and prevent pollution.
- **Protection of State Waters and Lands:**
 - Reduces the contamination and degradation of Hawaii's state waters and lands, preserving them for public and ecological use.
 - Contributes to healthier watersheds and ecosystems vital for biodiversity and community well-being.
- **Rulemaking by Department of Health:**
 - Requires the Department of Health to adopt rules necessary to implement the measure, ensuring clear guidelines and enforcement mechanisms.

SB984, SD2 represents a critical step toward sustainable land management and the protection of Hawaii's natural resources. This measure aligns with our state's commitment to environmental stewardship and provides a framework for holding large landowners accountable for their impact on state waters and lands.

We respectfully urge the Committee to pass SB984, SD2 to ensure the long-term health of Hawaii's environment and the safety of its communities. Thank you for the opportunity to testify in strong support of this bill. We are available to answer any questions or provide additional information as needed.

Sincerely,

Melodie Aduja and Alan Burdick
Co-chairs, Environmental Caucus of the Democratic Party of Hawaii



March 11 2025

To: Chair Nicole Lowen, Vice Chair Amy Perruso, and the House Committee on Energy & Environmental Protection

Subject: **SB 984 SD2**, Relating to Water Pollution

I strongly **support** this bill targeting agricultural water pollution and its devastating effects on our environment and food security. As the bill highlights, climate change fuels extreme rainfall in our region that increases runoff and polluting our vital coastal waters. The documented damage to Kauai and Molokai reefs, underscores the urgent need for action. This pollution directly threatens our marine ecosystems and food supply.

This bill rightly establishes civil liability for large landowners whose operations contribute to this problem. Accountability is crucial and this targeted approach focuses on those with the largest potential impact. Prioritizing enforcement of existing regulations in affected rural areas, as the bill mandates, is equally essential. Regulations without enforcement are ineffective.

Critically, I believe landowners should not only pay damages and fines, but also be required to implement proactive measures to control pollution within their operations. This includes best practices for soil conservation, sediment traps, and buffer zones. Research, such as that found in [Mitigating agricultural runoff: A review of current practices and future directions](#), highlights various effective mitigation strategies, including cover cropping, conservation tillage, and constructed wetlands, which should be considered.

This bill is a vital step toward protecting our coastal waters, marine ecosystems, and food systems. I urge its passage.

Mahalo,
Lea iaea & the Food+ Policy Team
#fixourfoodsystem

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2025, the cohort of interns are undergraduate and graduate students and young professionals working in the food system. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.

<https://www.sciencedirect.com/science/article/pii/S0048969723010240?via%3Dihub>



COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Nicole E. Lowen, Chair
Rep. Amy A. Perruso, Vice Chair

SB984 SD2
RELATING TO WATER POLLUTION

Thursday, March 13, 2025, 9:45 AM
Conference Room 325 & Videoconference

Chair Lowen, Vice Chair Perruso, and Members of the Committee,

The Hawaii Cattlemen's Council **respectfully opposes SB984 SD2** which requires a landowner in possession of ten thousand or more acres to be liable for damages and fines arising from runoff originating on the land and entering into state waters or onto state lands.

While protecting our land and water is important, this bill will unfairly penalize large landowners. It is difficult to determine where runoff originates, and also difficult to determine what practices contributed to the runoff. Ranchers work hard to put sound practices in place to keep the land covered with forage, manage grazing, and ensure the land is healthy for generations to come. However, when drought conditions occur followed by large rain events resulting in runoff, it is unreasonable to blame the landowner for what amounts to an uncontrollable act of nature. We must move forward as a state to encourage good land stewardship practices, but this bill will unnecessarily hurt our local food producers.

We appreciate the opportunity to testify on this measure. The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county-level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director



BBCP Kauai Operating, LLC
2700 Ke Alauala Street, Suite B
Koloa, HI 96756

March 13, 2025

The Honorable Nicole Lowen and Committee Members
Committee on Energy & Environmental Protection
State House of Representatives
415 S. Beretania St., Rm. 325
Honolulu, HI 96813

RE: SB984 SD2 Relating to Water Pollution

Dear Chair Lowen and Committee Members:

Brue Baukol Capital Partners strongly opposes SB984 SD 2 as it unfairly penalizes large landowners for run off, which could also include lands owned by the State. Runoff from inclement weather will happen despite a landowner(s) implementing best practice land management tools to prevent runoff. Landowners cannot control the forces of nature and runoff is a natural occurrence, especially during storms.

We are also concerned about the necessity of SB984 SD2. What problem is SB984 SD2 is trying to fix?

Thank you for this opportunity to testify.

Sincerely,



Chad A. Brue
Chief Executive Officer



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

March 13, 2025

HEARING BEFORE THE
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

TESTIMONY ON SB 984, SD2
RELATING TO WATER POLLUTION

Conference Room 325 & Videoconference
9:45 AM

Aloha Chair Lowen, Vice-Chair Perruso, and Members of the Committee:

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

The Hawai'i Farm Bureau respectfully opposes SB 984, SD2, which imposes liability on landowners with 10,000 or more acres for any runoff originating on their property and requires the Department of Health to prioritize enforcement in rural areas. While we recognize the importance of protecting coastal waters and marine ecosystems, this bill unfairly and disproportionately burdens farmers and ranchers while failing to consider practical realities of agriculture.

HFB has the following concerns:

1. The bill threatens large-scale agriculture and food security. Hawai'i is working to increase local food production and reduce reliance on imports, but SB 984, SD2 creates an additional financial and legal burden on farmers and ranchers. The uncertain and expansive liability discourages investment in large-scale agriculture, which is essential for achieving the state's food security goals.
2. The bill sets an unrealistic expectation that farmers and ranchers can control all runoff. It fails to differentiate between natural runoff from extreme weather events, such as hurricanes and flash floods, and runoff caused by negligence. Even the best-managed agricultural operations cannot completely eliminate runoff, particularly with Hawai'i's heavy rainfall and steep terrain.
3. SB 984, SD2 unfairly singles out agriculture while ignoring other sources of pollution. Urban development, stormwater drainage systems, and industrial activities also contribute significantly to water pollution, yet this bill applies only to

agricultural landowners. A comprehensive approach that addresses all major contributors to runoff would be more effective and equitable.

4. Existing laws and best management practices (BMPs) already regulate agricultural runoff. Hawai'i's farmers and ranchers follow stringent regulations, soil conservation plans, and state and federal compliance programs to mitigate environmental impact. Instead of imposing punitive measures, the state should focus on providing incentives such as grants and technical assistance to encourage further adoption of sustainable water management practices.

The success of Hawai'i's farmers and ranchers is critical to the state's economic and food security goals. Any new law or regulation must be practical, enforceable, and fair. SB984, as written, places an unrealistic burden on agricultural landowners and discourages investment in farming and ranching.

We urge the committee to reject SB 984, SD2 and instead support collaborative solutions that balance environmental protection with the sustainability of local agriculture.

Thank you for the opportunity to testify in opposition to this measure.

SB-984-SD-2

Submitted on: 3/12/2025 10:21:30 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Kristin Mack Almasin	Ulupalakua Ranch	Oppose	Written Testimony Only

Comments:

Ulupalakua Ranch **respectfully opposes SB984 SD2** which requires a landowner in possession of ten thousand or more acres to be liable for damages and fines arising from runoff originating on the land and entering into state waters or onto state lands.

We are on the front lines of the feral ungulate overpopulations and have been battling this issue for years, including public and commercial hunting efforts and high fencing. We have proactively reduced our herd of grazing livestock in order to preserve ground cover in order to help prevent runoff and erosion, however the deer and goats continue to graze down to the dirt. Being very passionate about conservation and regenerative agricultural practices, this has been very painful to watch happen to the precious lands we steward. There is nothing worse than seeing topsoil disappear and the land being decimated and knowing that we may not see it recover within our lifetimes.

This measure only sets out to further punish landowners and their employees who are already being plagued with these feral animal overpopulation problems. We need support for actual control efforts that will lead to real herd reductions within the next few years (for large and small landowners and on state lands) or we will continue to watch our soil end up in the ocean.



HALEAKALA RANCH

• EST. MAUI 1888 •

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Nicole E. Lowen, Chair

Rep. Amy A. Perruso, Vice Chair

SB984 SD2

RELATING TO WATER POLLUTION

Thursday, March 13, 2025, 9:45 AM

Conference Room 325 & Videoconference

Chair Lowen, Vice Chair Perruso, and Members of the Committee,

Haleakala Ranch Company **respectfully opposes SB984 SD2** which requires a landowner in possession of ten thousand or more acres to be liable for damages and fines arising from runoff originating on the land and entering into state waters or onto state lands.

While protecting our land and water is important, **this bill will unfairly penalize large landowners and obscure potentially more serious cumulative impacts from an aggregation of smaller landholdings.** The imposition of an arbitrary acreage threshold of liability to mitigate flooding and impairment of nearshore water quality **drastically overlooks the complex factors surrounding these critically important issues and unreasonably fixes responsibility without reference to any land management standards.**

Systematic and efficient approaches to these problems differ from region to region based on microclimates, topography, land use, agricultural practices, etc. Regional watershed plans approved by the Dept. of Health Clean Water Branch include careful consideration of such localized conditions, existing land management practices, municipal stormwater/drainage planning and provide best management practices suitable for the particular region. **Incentivizing the expansion and further development of regional watershed-based plans approved by DoH Clean Water Branch would be much more effective at achieving the stated objectives of this bill than what is presently being proposed.**

We appreciate the opportunity to testify on this measure.

J. Scott Meidell
President & CEO



**Testimony to the House Committee on Energy & Environmental Protection
Representative Nicole E. Lowen, Chair
Representative Amy A. Perruso, Vice Chair**

**Thursday, March 13, 2025, at 9:45AM
Conference Room 325 & Videoconference**

RE: SB984 SD2 Relating to Water Pollution

Aloha e Chair Lowen, Vice Chair Perruso, and Members of the Committee:

My name is Sherry Menor, President and CEO of the Chamber of Commerce Hawaii ("The Chamber"). The Chamber respectfully opposes Senate Bill 984 Senate Draft 2 (SB984 SD2), which requires a landowner in possession of ten thousand or more acres to be liable for damages and fines arising from runoff originating on the land and entering into state waters or onto state lands. Requires the Department of Health to adopt rules as necessary for the purposes of this provision.

This bill is harmful to Hawaii because it would impose expansive liability on large landowners, potentially threatening the viability of agricultural operations that sustain many rural communities. By targeting those who possess 10,000 acres or more and holding them liable for runoff, the bill risks creating a prohibitive regulatory environment that could discourage farming, ranching, and other economic activities crucial for local job growth. The result may be a chilling effect on valuable agricultural practices, particularly in areas where the local economy depends on these sectors.

According to SB984 SD2, although the bill addresses real environmental concerns—such as reef damage from runoff that contributed to a 20% decline in Kaua‘i’s fish population and a 40% decline in its sea urchin population—it unfairly burdens certain landowners. By focusing on broad enforcement in rural areas and overlooking natural factors, it may weaken collaborative efforts to safeguard marine ecosystems and sustain agriculture. For these reasons, the Chamber respectfully opposes this legislation, as it imposes inequitable liabilities on agricultural livelihoods, ignores runoff complexities, and hinders joint marine protection initiatives.

The Chamber of Commerce Hawaii is the state’s leading business advocacy organization, dedicated to improving Hawaii’s economy and securing Hawaii’s future for growth and opportunity. Our mission is to foster a vibrant economic climate. As such, we support initiatives and policies that align with the 2030 Blueprint for Hawaii that create opportunities to strengthen overall competitiveness, improve the quantity and skills of available workforce, diversify the economy, and build greater local wealth.

We respectfully ask to defer indefinitely Senate Bill 984 SD2. Thank you for the opportunity to testify.

SB-984-SD-2

Submitted on: 3/11/2025 7:12:25 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
tiare lawrence	Individual	Oppose	In Person

Comments:

Testimony in Opposition to SB 984

I oppose this bill because it unfairly places the burden of runoff issues on certain parties while ignoring the role that the county and state have played in creating these problems. By permitting the development of coastal wetlands, failing to control the axis deer population, and neglecting proper management of state-owned gulches, both county and state governments have contributed significantly to the very issues this bill seeks to address.

Rather than advancing this bill, I urge the Legislature to pursue policies that hold large landowners accountable by requiring active agricultural use of their lands. Many areas experiencing severe runoff issues were once productive agricultural lands. With the loss of farming, these lands have become overgrown, increasing the risk of wildfires and exacerbating soil erosion.

Additionally, I strongly encourage the state to implement a large-scale, comprehensive wild deer management program to reduce herd populations on Maui. The unchecked growth of the deer population has devastated agricultural lands, contributed to erosion, and worsened watershed degradation. Addressing this issue is critical to restoring balance to our environment and protecting our natural resources.

Mahalo for the opportunity to testify. I urge you to consider these points and pursue solutions that address the root causes of our runoff and land management challenges.

Tiare Lawrence

SB-984-SD-2

Submitted on: 3/11/2025 8:58:25 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Jimmy Gomes	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill and stand with testimony from Hawaii Cattlemen's Council. Another point here on Maui the Axis Deer is overgrazing the forage on pasture lands and degrading soil forage which highly impacts soil runoff, from mauka to makai.

SB-984-SD-2

Submitted on: 3/11/2025 9:16:07 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Jason Moniz	Individual	Oppose	Written Testimony Only

Comments:

My name is Jason Moniz, and I have ranched and managed a State pastoral lease for the past 35 years.

I oppose SB984 SD2 which requires a landowner in possession of ten thousand or more acres to be liable for damages and fines arising from runoff originating on the land and entering state waters or onto state lands.

While protecting our land and water is very important, this bill proposes to penalize landowners for acts of God which are routine occurrences in Hawaii. I have resided on the Hilo-Hamakua Coast my entire life where the former sugar plantations were recognized as large contributors to soil runoff. For the past 30 years with no sugar plantations in operation and tillage farming at a minimum, we continue to see large volumes of soil enter our streams and oceans during significant rain events. It is also evident that our forest reserves and water sheds are significant contributors to this runoff. With our steep island elevations, droughts, and frequent large rain events, soil runoff and the eventual erosion that occurs to land is a normal geological process. What the legislature should focus on to reduce erosion are requirements for land managers and owners, including the State of Hawaii, to adopt and keep in place conservation and regenerative programs with their soil and water conservation districts to slow this process down.

As a rancher I have work hard to put sound conservation and now today regenerative practices in place to keep the land we manage covered with healthy forage to reduce erosion. We manage our grazing to ensure healthy ground cover and mobilize our drought mitigation plans to ensure the land remains healthy for future generations. However, when drought conditions occur followed by large rain events resulting in expected runoff, it is unreasonable to expect complete control of these powerful acts of nature. We must move forward as a state to encourage good land stewardship practices, but as currently written this bill is unfair and unrealistic.

SB-984-SD-2

Submitted on: 3/11/2025 9:27:11 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Theresa M Thompson	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB 984, which requires a landowner in possession of ten thousand or more acres to be liable for damages and fines arising from runoff originating on the land and entering into state waters or onto state lands.

While protecting our land and water is important, this bill will unfairly penalize large landowners. It is difficult to determine where runoff originates, and also difficult to determine what practices contributed to the runoff. Ranchers work hard to put sound practices in place to keep the land covered with forage, manage grazing, to ensure the land is healthy for generations to come. Maui has been trying to get our devastating, over-population of Axis deer under control, compounded by drought conditions. When this is followed by large rain events resulting in runoff, it is unreasonable to blame the landowner for what amounts to an uncontrollable act of nature. We must move forward as a state to encourage good land stewardship practices, but this bill will unnecessarily hurt our local food producers.

Mahalo,

Theresa Thompson

SB-984-SD-2

Submitted on: 3/11/2025 10:00:50 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Randy Cabral	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose

SB-984-SD-2

Submitted on: 3/11/2025 4:21:27 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Jerry lousberg	Individual	Oppose	Written Testimony Only

Comments:

I feel that any imposition of our right is an overstep in government and freedom. No I don't have 10,000 acres but imposing on these landowners opens up for the small landowners to be fine or held responsible in the near future. The taxes imposed on the land is bad enough. I oppose this bill. If an individual is going to have these fines against them, then the state needs to be held responsible and take care of the people back. The state doesn't take responsibility for there runoff. This is hypocritical just as the government is. Why can't our legislators see this, the more fine you impose on these land owners makes it harder for the ranches to keep there ranches. This state has the potential to exceed the agricultural aspects needed to support our country, let alone the great state of Hawai'i! Enough with the fines, rules and regulations. Give us a break Hawai'i's already one of the highest cost place to live. Thank you for your time

Mahalo

SB-984-SD-2

Submitted on: 3/10/2025 2:14:53 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Lois Crozer	Individual	Support	Written Testimony Only

Comments:

I don't know why this bill isn't about 5,000 acres or 2,500 acres. With 10k acres, surely there should be accountability for runoff, especially if their activities are causing the runoff.

SB-984-SD-2

Submitted on: 3/11/2025 8:15:52 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Faith Tuipulotu	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am in support of SB984 SD2..

Mahalo, Faith Tuipulotu

SB-984-SD-2

Submitted on: 3/11/2025 8:50:08 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Kevin Faccenda	Individual	Support	Written Testimony Only

Comments:

While the introduction of this bill focuses on the damage that silt-laden runoff can pose to our reefs, the more significant impact is the loss of topsoil. Once topsoil erodes away due to poor land management practices, it is effectively not replaceable. Topsoil is needed for any productive use of land, whether that be for agriculture, or forest. Once topsoil erodes, all that remains is hardpan (look at Kaho'olawe or Lāna'i). We cannot sit by and blame "acts of nature" for the erosion of our precious topsoil when this erosion is under our control. We can eradicate deer or stock lower densities of cattle or reforest areas such that the topsoil will persist for future generations to have access to 'āina. As such, I strongly support this bill and respectfully urge this committee to pass it.

Kevin Faccenda,

Honolulu

SB-984-SD-2

Submitted on: 3/11/2025 8:15:12 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Rosie F Davis	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am in support of SB984

mahalo nui

SB-984-SD-2

Submitted on: 3/12/2025 7:26:21 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Darrell Tanaka	Individual	Comments	Written Testimony Only

Comments:

might be better to provide funding or tax incentives for certain type of landowners below a certain elevation , to create mitigation measures....because in the case of south maui, much of the runoff coming downhill originates from Polipoli, which is state owned....same off of the Pali, the land on top is conservation land...considering this, its kind of ironic that the state would point the finger at private entities when it itself is part of the problem, in other words, we all in this together....so instead of penalizing, we should be inspiring land owners.

SB-984-SD-2

Submitted on: 3/12/2025 1:52:59 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Kim	Individual	Support	Written Testimony Only

Comments:

Large agricultural owners are some of the biggest contributors of soil erosion and sediments to our near shores. Efforts to protect our soils can hold carbon and protect our reefs.

Thank you

Kim Falinski

Water Resources Research Center