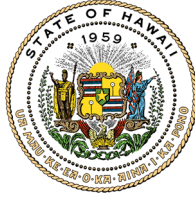


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
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. KAHAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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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 PARK

Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson

Before the House Committee on
WATER & LAND

Tuesday, February 3, 2026
9:00 AM

State Capitol, Conference Room 411 and Via Videoconference

In consideration of
HOUSE BILL 1848
RELATING TO LAND USE

House Bill 1848 proposes that any petitioner for a district boundary amendment obtain a certification from the Commission on Water Resource Management that enough water is available for the project without harming the relevant aquifers and submit that certification to the Land Use Commission (LUC). **The Department of Land and Natural Resources (Department) appreciates the intent of this measure and offers the following comments.**

The intent of this bill aligns with CWRM's efforts to better coordinate water and land use planning decisions with various partner agencies, including the LUC. However, the Department is concerned that the use of the term "certification," which is not defined in the text of the bill, could be read to imply a legal duty or guarantee regarding water availability and impacts to aquifers. In addition, projects seeking district boundary amendments from the LUC may supply their water needs from a source other than a ground water aquifer. "Hydrologic unit," as defined under Hawaii Revised Statutes §174C-3, is a more appropriate term that captures both ground and surface water resources.

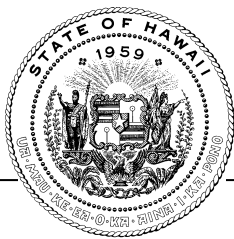
The Department suggests the following amendments:

"§205-4 Amendments to district boundaries involving land areas greater than fifteen acres.

(c) Prior to the filing of any petition for district boundary amendment the petitioner shall ~~[receive certification from the Commission on Water Resources Management that enough water is available for the project needs without causing harm to the relevant aquifers and provide such certification to the commission.]~~ submit a statement that petitioner has consulted with the

commission on water resource management on current water availability in the hydrologic units where the parcel is located."

Mahalo for the opportunity to testify on this measure.



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

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
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Statement of
MARY ALICE EVANS, Director

before the
HOUSE COMMITTEE ON WATER AND LAND

Tuesday, February 3, 2026

9:00 AM

State Capitol, Conference Room 411

in consideration of
HB 1848
RELATING TO LAND USE.

Chair Hashem, Vice Chair Morikawa, and Members of the House Committee on Water and Land.

The Office of Planning and Sustainable Development (OPSD) offers **comments** on HB 1848, which adds a requirement under HRS §205-4 that a petitioner receive “certification” from the Commission on Water Resource Management (CWRM) that enough water is available for the project prior to filing a petition for a district boundary amendment and to submit the certification to the Land Use Commission.

OPSD understands that CWRM is concerned that the term “certification” may be read to imply a legal duty or guarantee regarding water availability and impacts to aquifers. As an alternative, CWRM would prefer the following revision to the proposed amendment:

At page 2, lines 4-9 of the measure:

“(c) Prior to the filing of any petition for a district boundary amendment, the petitioner shall receive ~~certification~~ a statement from the commission on water resources management ~~that sufficient water is available for the project needs without causing harm to the relevant aquifers and submit that certification to the commission~~ on current water availability in the hydrologic unit from which the proposed project would withdraw its water.”

Thank you for the opportunity to testify on this measure.



**HAWAII STATE HOUSE OF REPRESENTATIVES
COMMITTEE ON WATER AND LAND
Conference Room 411
State Capitol
9:00 AM**

February 3, 2026

Subject: HB 1848 - RELATING TO LAND USE

Chair Hashem, Vice Chair Morikawa, and members of the Committee:

My name is Roseann Freitas, CEO of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities we all call home.

BIA-Hawaii offers the following testimony in opposition to HB 1848, Relating to Land Use. This bill requires any petitioner for a district boundary amendment to obtain certification from the Commission on Water Resources Management that enough water is available for the project needs without causing harm to the relevant aquifers and provide that certification to the Land Use Commission.

While ensuring sustainable water resources is critically important, this bill as written places an additional, premature and undue burden on applicants in an already complex and expensive entitlement process. This would, in turn, harm affordable housing projects, as it risks restricting future development. Affordable and workforce housing projects already struggle with thin margins and high regulatory costs, and this would be an added burden.

We appreciate the opportunity to provide our comments on this matter.

HB-1848

Submitted on: 2/3/2026 8:59:31 AM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
David Z. Arakawa	Land Use Research Foundation of Hawaii	Oppose	Written Testimony Only

Comments:

Land Use Research Foundaiton of Hawaii respectfully OPPOSES HB 1848 Relating to Land Use, and requests that the WAL Committee defer this measure on the following grounds:

- 1. The issue of CWRM certification of water availability was brought before the LUC TWICE – and NEVER APPROIVED.**
 - 1. In November 2023, after Testimony in OPPOSITION, a proposed Rule was DEFERRD in November 2023 and never put back on the Agenda.**
 - 2. In September 2024, after Testimony in OPPOSITION, a proposed Memorandum of Understanding between CWRM and LUC was UNANIMOUSLY DENIED by the LUC.**
- 1. The current HB 1848 is NOT CONSISTENT with the prior LUC actions relating to VCWRM Certification, And is CIRCUMVENTING the prior LUC actions on this issue.**
- 1. On February 11, 2026, the LUC is scheduled to Review and take a position on HB 1848 and other Land Use bills.**

The following background documents will onfim the above points:

- 1. LUC Agenda for February 11, 2026: LUC has not taken an official position on HB 1848. AT the LUC meeting on February 11, it plans to review and taking positions on Legislative Bills including HB 1848.**

1. **November 15, 2023 LUC Meeting Minutes:** On November 15, 2023, after testimony by attorney Cal Chipchase and others, the **LUC UNANIMOUSLY DEFERRED a proposed Rule** that would have required CWRM Certification of water availability prior to a petition for district boundary amendment. The Deferral was for three months (until February 2024). **To the best of our knowledge, the proposed rule was never put on the LUC Agenda or considered by the LUC again.**

1. **February 5, 2024 OPPOSITION Testimony by attorney Calvert Chipchase** relating to the proposed CWRM certification rule change and other proposed rule changes. **To the best of our knowledge, the proposed rule was never put on the LUC Agenda or considered by the LUC again.**

1. **September 5, 2024 LUC Meeting Minutes:** On September 5, 2024, the after testimony by attorney David Arakawa (representing Land Use Research Foundation of Hawaii) and others, the **LUC UNANIMOUSLY DENIED** a proposed Memorandum of Understanding between the LUC and CWRM relating to CWRM sharing information to certify water availability prior to a petition for district boundary amendment.

1. **February 5, 2024 OPPOSITION Testimony by attorney David Arakawa representing Land Use Research Foundation of Hawaii** regarding a **proposed Memorandum of Understanding between the LUC and CWRM** relating to CWRM sharing information to **certify water availability** prior to a petition for district boundary amendment.



Restore the Commons

Tuesday, February 3, 2026, 9:00 am

House Committee on Water and Land

HOUSE BILL 1848 – RELATING TO LAND USE

Position: Oppose.

Me ke Aloha, Chair Hashem, Vice-Chair Morikawa and Members of the Committee on Water and Land

HB1848 Requires a petitioner for a district boundary amendment to obtain certification from the Commission on Water Resources Management that enough water is available for the project needs without causing harm to the relevant aquifers.

While this sounds like a reasonable requirement, it is less relevant than the respective county land use planning considerations. Counties must coordinate prospective land uses with their long-term requirements, having already considered water availability and priorities.

Long-term prospects for climate change and its impacts on water availability, both for surface and ground water sources, show declining conditions for normal expectations. Rather, we can expect a continued shift from regular and useful rainfall to both more intensive rainfall events and their storm flow hazards, reducing overall stream availability and less infiltration to ground water. These conditions also anticipate longer and deeper periods of drought. As a consequence, familiar expectations for water availability are no longer reliable, and counties are the primary jurisdiction to weigh the impact on land use decisions and infrastructure considerations.

In addition, it might be pointed out that once land is converted to a new classification, expectations of fulfillment make it next to impossible to change back when expected change in climate conditions materialize. It is better to be more conservative in making such changes, and better to make such decisions at the county level, where long-term prospects can be evaluated.

Instead, this bill evades the serious questions, favoring immediate engineering solutions that are inappropriate to the more basic questions of the public trust and land stewardship. The bill seems well-intended but unaware of the more fundamental questions to be asked of public trust concerns.

Mahalo for the opportunity to address this issue,

/s/ Charley Ice, Hoa'āina, Waimalu, O'ahu;

retired Hydrologist, Commission on Water Resource Management (25 years) and Planner at DHHL (10 years);

former Chair of O'ahu Democratic Party Region 5 ('Aiea-Pearl City);

HB-1848

Submitted on: 1/30/2026 4:52:00 PM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry Support

1848 HB RELATING TO LAND USE.	WAL	411 VIA VIDEOCONFERENCE	Feb 3, 2026 9:00 AM
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HB-1848

Submitted on: 2/2/2026 11:19:41 PM

Testimony for WAL on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Racquel Achiu	Individual	Comments	Remotely Via Zoom

Comments:

ALOHA, my name is Racquel Achiu of the Waialua Moku on the North Shore of O`ahu. I would like to submit comments for your consideration regarding HB1848.

I support the intent of this bill. My kaiāulu has been consistently threatened by the negative impacts of multiple projects within our moku. These projects under the guise of Agricultural CPR lots are growing at rapid speed. The NON COMPLIANT structures and use, demand resources, including but not limited to water, without appropriate consideration to how the draw of those resources negatively impact the existing community and space in which these projects are located. Our communities aren't made aware of the allowances that these projects request or to what extent. In most cases our communities aren't made aware, unless by accident, until after the fact. The communities are left out of the conversation and or consideration of such applications/requests. When brought to the attention of appropriate agencies, the communities share information of the area that the agencies aren't aware of, which is why it is critical to include the community associations, neighborhood boards, community leaders etc in the notice, review and or public participation process.

I respectfully ask that you consider the following points:

- PG 1 Line 4: consider the acreage criteria to be "greater than 5 acres" (vs15 acres) to be consistent with the LUO, AG5 criteria of 1 dwelling/structure per 5 acres (which is why these water applications are pursued)

- PG 2 Line 5 consider "the petitioner MUST receive certification" from CWRM (vs shall receive)

- PG 2 Line 8 consider including "and or existing water supply to existing community in which the project is located" after "..harm to relevant aquifers"

- PG2 Line 16 consider including "notice of hearing to include, but not limited to, appropriate community association, neighborhood board, community group etc that the land and or project is located"

- PG 3 Line 13 include community association(s), neighborhood board(s) etc in which the land and or project is located

It's clear that am trying to ensure the appropriate interaction with community that the applicant should engage when if wanting to apply for resources that impact our existing supply of

resources, especially our water.

I am happy to answer any further questions you may have.

Much Mahalo

Racquel Achiu