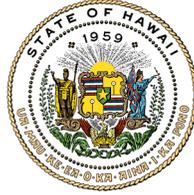


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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
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RYAN K.P. KANAKA'OLE
FIRST DEPUTY
CIARA W.K. KAHAHANE
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
RYAN K.P. KANAKA'OLE
Acting Chairperson**

**Before the Senate Committee on
JUDICIARY**

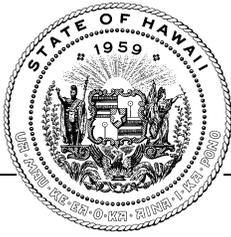
**Friday, February 27, 2026
10:30 AM
State Capitol, Conference Room 016**

**In consideration of
SENATE BILL 2240, SENATE DRAFT 1
RELATING TO LAND USE**

Senate Bill 2240, Senate Draft 1, proposes that any petitioner for a district boundary amendment obtain a written statement from the Commission on Water Resource Management (CWRM) on water availability in the hydrologic unit or units where the parcel is located and provide that certification to the Land Use Commission (LUC). **The Department of Land and Natural Resources (Department) supports this measure and offers the following comments.**

The Department supports the changes made to the bill. Codifying in statute the requirement to obtain a written statement from CWRM will institutionalize existing coordination between LUC and CWRM staff and promote consistency, transparency, and predictability in the review process. Formalizing the inclusion of a CWRM written statement regarding water availability would ensure that such information is clearly incorporated into the LUC's decision-making framework for district boundary amendments.

Mahalo for the opportunity to testify on this measure.



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

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
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Statement of
MARY ALICE EVANS, Director

before the
SENATE COMMITTEE ON JUDICIARY

Friday, February 27, 2026

10:30 AM

State Capitol, Conference Room 016

in consideration of
SB 2240, SD 1
RELATING TO LAND USE.

Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary.

The Office of Planning and Sustainable Development (OPSD) **supports** SB 2240, SD 1, which adds a requirement under HRS §205-4 that a petitioner submit to the Land Use Commission (LUC) a “written statement” from the Commission on Water Resource Management (CWRM) on current water availability in the hydrologic unit or units where the parcel is located prior to filing any petition for a district boundary amendment.

For every district boundary amendment petition submitted to the LUC, OPSD’s responsibility, as a mandatory party pursuant to HRS §205-4 (e)(1), is to obtain input from state agencies as to the impacts a proposed project may have on the state agencies’ jurisdictional area. This consultation with state agencies would include information on whether a petitioner contacted the state agency and what is the status of such action. This information from state agencies assists OPSD in developing the State’s position and recommendations that are submitted to the LUC for their deliberations on the petition.

SB 2240, SD 1 incorporates the amendments recommended by the Department of Land and Natural Resources in its testimony on the original bill. Consequently, OPSD supports SB 2240, SD 1.

Thank you for the opportunity to testify on this measure.



LAND USE COMMISSION

Komikina Ho'ohana 'Āina

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
Ka 'Oihana Ho'omōhala Pā'oihana, 'Imi Waiwai a Ho'omāka'ika'i

JOSH GREEN, MD
GOVERNOR

DANIEL E. ORODENKER
EXECUTIVE OFFICER

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Statement of
Daniel E. Orodenker
Executive Officer
State Land Use Commission

Before the
Senate Committee on
Judiciary

Friday February 27, 2026
10:30 AM
State Capitol, Room 016 and Video Conference

In consideration of
SB2240 SD1

RELATING TO LAND USE

Chair Rhoads; Vice Chair Gabbard; and members of the Senate Committee on Judiciary:

The proposed Senate Draft 1 requires any petitioner for a district boundary amendment to obtain a written statement from the State Commission on Water Resources Management (“CWRM”) on current water availability in the hydrologic unit or units where the parcel is located and submit that statement to the Land Use Commission (“LUC”) before filing a petition.

The Land Use Commission (“LUC”) met on February 11, 2026, to discuss legislative proposals. At that time the LUC did not take a position on this measure. The LUC staff supports measures that will ensure that proposed and approved projects will actually be able to be constructed in a timely manner; particularly those that could provide affordable workforce housing. Provision of timely, authoritative, and accurate information is critical for informed decision-making. Knowing whether or not water is available for projects will prevent costly expenditures by developers on projects that will, ultimately, be denied permits for lack of water.

Thank you for the opportunity to testify on this matter.



Date of Hearing: 27 February, 2026

To: Chair Rhoads, Vice Chair Gabbard, and the Senate Committee on Judiciary.

Subject: **SB2240 SD1**, Relating to Land Use

Aloha,

We are testifying in **support of SB2240 SD1**. This measure ensures that our most precious and finite resource, wai, is accounted for *before* major land use changes occur.

As we know, our ground water is a finite resource that is vulnerable to depletion and contamination. Unfortunately we have already seen the detrimental effects of aquifer damage¹. Additionally, as rainfall and recharge in Hawai'i is becoming more scarce, the standards previously applied to petitions may not have been established while accounting for a drier future. This requested change to the process in which additional due diligence is sought within petitions for a district boundary amendment will modernize our petition standards and show pre-emptive management steps to locally acknowledge the UN 'global water bankruptcy' notice³.

The amendment specifying that the petitioner shall submit a written statement from the Commission on Water Resource Management (CWRM) on current water availability is an appreciated addition to this bill language. Integrated resource management is essential for a sustainable food system. If we approve district boundary amendments for larger land areas – "greater than fifteen acres" – without a strict analysis of aquifer harm, we risk further "mining" the water that local farmers and communities rely on.

However, we do not agree with deleting language removing the need to confirm that no harm to relevant aquifers will occur. The Commission on Water Resource Management's main role is to uphold the Public Trust Doctrine, meaning they are required to protect water resources, Native Hawaiian traditional rights, and ecological health, prioritizing these over private commercial uses². Turning to the CWRM to receive certification that sufficient water is available for the project needs without causing harm to the relevant aquifers should be a standardized step when proposing to amend a district boundary.

We urge the senate committee to restore the requirement to ensure no harm is done and support the intent of SB2240 SD1 in protecting natural resources.

Mahalo,
Brandon Kinard & the Food+ Policy Team
#fixourfoodsystem

[1] Manuel, Malia, and Lahela Tuazon. "Community Leaders Confront Red Hill Crisis and Military Land Leases at UHM Forum." *Ka Leo*, January 28, 2026.

[2] "About Us." Commission on Water Resource Management, June 5, 2025. <https://dlnr.hawaii.gov/cwrm/aboutus/>.

[3] World enters era of "global water bankruptcy." (2026, January 20). UN News. <https://news.un.org/en/story/2026/01/1166800>

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 2026, 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.

SENATE COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair



HEARING:

Friday, February 27, 2026 at 10:30 am
Conference Room 016 & Videoconference

TESTIMONY IN SUPPORT OF SB 2240, SD1 - RELATING TO LAND USE.

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee,

My name is Christine Andrews and I am an attorney licensed in Hawai'i for over 25 years and a long-term resident of Wailuku, Maui. I write you today in **strong support of SB 2240, SD1**, Relating to Land Use, which requires any petitioner for a district boundary amendment to obtain a written statement from the Commission on Water Resources Management on water availability in the hydrologic unit or units where the parcel is located and provide that certification to the Land Use Commission.

Let me share my personal experience on this subject, which dates back to January, 2009, when I submitted comments on a proposed development which sought a land use reclassification adjacent to my property in Wailuku Heights, Maui. During the process of preparing my comments on the project, I became aware that in its application the developer, a large developer on Maui, had engaged in misrepresentation and disinformation regarding the availability of water for its project. My research evidenced apparent double-dipping. The developer indicated that there was sufficient water available, while neglecting to inform the Commission that the developer's previously authorized, but not yet constructed, units would already utilize all the water. The water was not *really* available, as the to-be-constructed units would eventually use it. The developer was deliberately misleading the Commission as to the availability of water for its proposal. Fortunately, the development proposal based on this misrepresentation was unsuccessful. My impression, at the time of my comments back in January 2009, was that there was no mechanism by which state or local water agencies could educate the Commission regarding the water issues, and that it was up to diligent citizens such as myself to uncover and present the truth in our comments. While SB 2240, SD1 is for district boundary amendments, I request that the bill be amended to encompass land use changes as well.

Maui's water resources are severely limited, and ongoing droughts make this an evident crisis for all who live here. I **strongly support SB 2240, SD1** a commonsense measure to improve access to necessary, fact-based information for decision-making that helps avoid the potential consequences of malfeasance on the part of developers misrepresenting water availability.

Mahalo for the opportunity to testify on this matter.

Christine Andrews, J.D.
Wailuku, Maui