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SYLVIA LUKE
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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
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CONSERVATION AND RESOURCES
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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
WATER, LAND, CULTURE AND THE ARTS

Friday, February 6, 2026
1:00 PM
State Capitol, Conference Room 224

In consideration of
SENATE BILL 2240
RELATING TO LAND USE

Senate Bill 2240 proposes that any petitioner for a district boundary amendment obtain a certification from the Commission on Water Resource Management (CWRM) 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 Hawai'i 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.

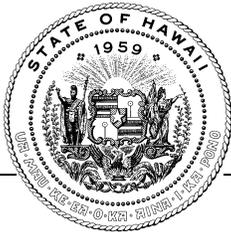
(c) Prior to the filing of any petition for district boundary amendment the petitioner shall [receive certification from the Commission on Water Resources Management that enough water is available for the project needs without causing harm to the relevant aquifers and provide such

certification to the commission.] submit a written statement from the commission on water resource management on current water availability in the hydrologic units where the parcel is located."

During document reviews, CWRM staff have found that many Environmental Assessments and Environmental Impact Statements do not contain enough information about the water needs or the proposed water source for a particular project to allow CWRM staff to determine if there are potential impacts to water resources or if CWRM permits may be required.

Codifying this requirement in statute would institutionalize existing coordination between LUC and CWRM staff and promote consistency, transparency, and predictability in the review process. Formalizing the inclusion of a CWRM 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**

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Statement of
MARY ALICE EVANS, Director

before the
SENATE COMMITTEE ON WATER, LAND, CULTURE AND THE ARTS

Friday, February 6, 2026
1:00 PM
State Capitol, Conference Room 224

in consideration of
SB 2240
RELATING TO LAND USE.

Chair Lee, Vice Chair Inouye, and Members of the Senate Committee on Water, Land, Culture and the Arts.

The Office of Planning and Sustainable Development (OPSD) offers **comments with an amendment** on SB 2240, 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.

For every district boundary amendment petition submitted to the Land Use Commission, 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 of whether a petitioner reached out to 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 recommendation that is submitted to the Land Use Commission for their deliberations on the petition.

On this measure, in consultation with CWRM, 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, OPSD defers to CWRM and the Department of Land and Natural Resource’s suggested revision to **the proposed amendment**:

“(c) Prior to the filing of any petition for a district boundary amendment, the petitioner shall receive certification 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 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.”

Thank you for the opportunity to testify on this measure.



6 February, 2026

To: Chair Chris Lee, Vice Chair Lorraine R. Inouye, and the Senate Committee on Water, Land, Culture and the Arts

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

Aloha,

We are testifying in **strong support of SB2240**. 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' notice⁴. This bill forces us to realize the climate's future reality². If we continue to 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.

Integrated resource management is essential for a sustainable food system. We cannot treat land use and water use as separate silos. The future of farming in Hawai'i and having access to safe, clean, drinkable water depends on the proper management of both of these resources.

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 uses³. 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.

With these comments, we urge the senate committee in Water, Land, Culture and the Arts to pass SB2240.

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] Cohen, Li. "Hawaii Is 'on the Verge of a Greater Catastrophe.'" *CBS News*, April 11, 2024.

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

[4] 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.



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

LATE

**HEARING BEFORE THE SENATE COMMITTEE ON WATER, LAND, CULTURE & THE ARTS
HAWAII STATE CAPITOL, SENATE CONFERENCE ROOM 224
FRIDAY, FEBRUARY 6, 2026 AT 1:00 P.M.**

To The Honorable Senator Chris Lee, Chair
The Honorable Senator Lorraine R. Inouye, Vice Chair
Members of the Committee on Water, Land, Culture, and the Arts

OPPOSE SB2240 RELATING TO LAND USE

The Maui Chamber of Commerce is concerned about and opposes SB2240, as it introduces an additional certification step for district boundary amendments, requiring confirmation from the Commission on Water Resources Management that adequate water resources exist for proposed projects. This bill has significant implications for the pace and certainty of housing delivery in Hawai'i.

We appreciate the intent to safeguard water resources and protect aquifers, which are essential for the long-term viability of any community. However, we are concerned that the additional certification requirement may introduce further delays and uncertainty into the land use approval process. The current permitting and zoning landscape already presents substantial challenges to the timely development of affordable and workforce housing. Adding another layer of review, even with good intentions, could exacerbate these challenges, particularly for projects that are urgently needed to address the state's housing crisis.

Mahalo for the opportunity to share our concerns about SB2240 and we ask that this bill be deferred.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

SB-2240

Submitted on: 2/5/2026 7:29:56 AM

Testimony for WLA on 2/6/2026 1:00:00 PM

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

Comments:

I, Johnnie-Mae L. Perry Support

2240 SB RELATING TO LAND USE.