



The Senate

STATE CAPITOL
HONOLULU, HAWAII 96813

October 13, 2022

Comments on Agenda item K 2

Request for Approval to hold Statewide Public Hearings to Amend and Compile Title 13, Chapter 5, Hawai'i Administrative Rules regarding the Conservation District
<https://dlnr.hawaii.gov/occl/files/2022/10/HAR-13-5-2022-proposed-amendments.pdf>

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for Board of Land and Natural Resources meeting 9:15 AM Friday, October 14, 2022

Dear Board of Land and Natural Resources,

Thank you for considering the following OPPOSITION to certain proposed changes to Title 13, Chapter 5, Hawai'i Administrative Rules regarding the Conservation District (HAR 13-5).

1. “Wilderness area” should NOT be stricken from the rules because such areas are vital for conservation of natural and cultural resources, and specifically for **protecting biodiversity and aquifer recharge**. This is more important than ever as we must adapt to and mitigate increasingly extreme and negative climate change.
2. Agency consultation should be REQUIRED—not just recommended—to determine any applicable permit requirements. This is an essential oversight role of the DLNR for proposed plans, even routine actions.
3. Criteria for evaluating the merits of proposed land use should NOT be stricken because **how else will the specific impacts of a proposed land use be measured** by the Department or Board?!?! It simply makes no sense to remove evaluating criteria for ensuring to the public that (among other things):
 - a. “The proposed land use will not cause adverse impact to existing natural resources”;
 - b. “The proposed land use...shall be compatible with the locality and surrounding areas”; and
 - c. “The proposed land use will not be materially detrimental to the public health, safety, and welfare”.

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- d. To be clear: the proposed new language DOES NOT ensure these essential protections for the public and conservation of our land and natural resources.

While I have the objections above, I do SUPPORT some aspects of their proposed rule changes.

1. The exclusion of biomass from the definition of renewable energy.
2. The inclusion of the provisions and guidelines contained in Chapter 6E, HRS entitled “Historic Preservation Program” and the protection of traditional and cultural practices and resources.

In addition, I have CONCERNS about—and would like CLARIFICATION on—the provisions for removal of invasive species.

Thank you for this opportunity to testify, and I hope you will sincerely consider the above points in your decision making.

Me ke aloha ‘aina,
State Senator Laura Acasio
Hilo District 1