

views&voices

OUR VIEW

ENVIRONMENT

State must protect water resources

Hawaii’s Department of Health (DOH) this month fined a developer an attention-getting \$2.4 million for allegedly filling in more than an acre of wetlands within a Kaneohe residential subdivision project, violating the state’s clean-water law — in 2015.

The 10-year lag between alleged violation and state Notice of Violation and Order (NOVO), issued Oct. 6, drew attention too, along with comments about government’s glacial pace. But the saga has a legally contentious backstory, tied to disputes at the highest level over the federal government’s responsibility to protect wetlands, and hinging on whether certain watery areas qualify as “Waters of the United States” (WOTUS).

In 2023, a U.S. Supreme Court decision excluded a whole lot of wetlands nationwide from federal purview, from small areas like the Kaneohe site to far more extensive environments. That passes the obligation to protect wetlands that aren’t WOTUS to the states. Now it’s up to the state DOH, which must assertively investigate and act on clean water or environmental violations in its jurisdiction.

For those who may take federal withdrawal from oversight as a signal that it’s OK to dump dirt — or worse — in wetlands, this large fine against Wailehua I, LLC properly sends a message: It’s not OK, and if you do it, you will pay. That’s to be applauded.

However, there’s been a years-long delay in pressing this case, and a federal agency did the preliminary fact-gathering. The state’s future actions will prove whether it has accepted the responsibility to investigate other clean water violations or be firm with penalties.

Here, the state found that the developer violated state water pollution laws 120 times — each day between Oct. 27, 2015, and Feb. 23, 2016, by using soil from another project and construction materials as fill. This threatens Hawaii’s water quality and ecosystem health by destroying wetlands, which play an important role in filtering pollutants, absorbing stormwater and supporting native wildlife. Developer Wailehua I, LLC has contested the fine and requested a hearing.

The saga is amusing, in abstract: a 10-year bureaucratic back-and-forth over definitions and regulations. But in reality, it’s been a dead serious and ferociously fought argument over federal regulatory power and environmental protections — with antiregulation interests on one side, and those advocating for strict federal rules that apply nationwide on the other.

In Hawaii, and in this case, these definitions control whether federal entities such as the U.S. Army Corps of Engineers (USACE) or Environmental Protection Agency (EPA) step in to enforce protections against water pollution or destruction of wetland environments. And deferring to federal agencies is a backstop that’s often been relied upon in Hawaii, which is perennially short on state and local government resources.

The Kaneohe wetlands were considered federally protected WOTUS in 2015 under regulations issued during Barack Obama’s presidency, defining WOTUS to include “adjacent wetlands” near bodies of water such as Kaneohe Bay or its tributaries. Aerial imagery showed that the wetlands had been filled, and USACE issued a notice of violation.

But in 2016, Donald Trump was elected president, and in 2020, the EPA issued a new rule, defining WOTUS more restrictively. Soon after, USACE withdrew its NOVO, referring the case to Hawaii’s DOH in 2021.

The regulatory jousting delayed federal action on Kaneohe’s 1.2-acre wetlands case, but even after it went to DOH and its Clean Water Branch, national battles continued. In 2023, the Biden administration issued a new rule with its own parameters. Months later, however, the U.S. Supreme Court decision Sackett v. EPA upended the regulatory environment altogether, limiting the definition of WOTUS to “features that are described in ordinary parlance as streams, oceans, rivers, and lakes,” and including only wetlands directly connected to them.

With federal protections restricted, Hawaii must adjust, and fill the gaps to protect clean water.

OFF THE NEWS

Hawaii joins lawsuit over SNAP shutdown

Half the country — 25 states, including Hawaii — sued the feds Tuesday over a cut-off of food aid through the Supplemental Nutrition Assistance Program (SNAP), set to begin Saturday. The suit charges that the federal government is obligated to use SNAP’s roughly \$6 billion emergency reserve, and seeks a ruling by Friday to force distribution of the reserve fund, which amounts to about three-fourths of SNAP’s average \$8 billion national monthly distribution.

In Hawaii, the cut-off stands to affect about 27,900 families, 62,000 kids and 161,400 people who receive nearly \$58 million monthly in SNAP aid.

City opens rail-impact grant applications

Rail work on Dillingham Boulevard is definitely intensifying — and that can only increase difficulties for businesses all along the construction corridor.

Not a moment too soon, the city has launched a new round of city subsidies for eligible businesses impacted by this construction. Applications for 40 grants of \$10,000 each can be made at www.revitalizeoahu.org/tcmf-info; the deadline is 4 p.m. Nov. 6.

Let’s hope refinements to eligibility and other convoluted red tape will mean more applications — and more grants being awarded to impacted small businesses that are struggling.

Inclusivity key for people with disabilities

By Andrea Pettiford and Ella Aiwohi

One of the fundamental aspects of having a community is feeling included. We know most of us can relate — wanting to have friends, having places to go for fun, knowing there are others who support our goals and dreams. Something that seems so simple and integral to human life can also sometimes feel hard to achieve. And there’s a part of the population who might not get included quite as easily, and who value it so deeply.

People with intellectual or developmental disabilities (I/DD) have historically often been excluded from society, although, luckily, that’s been changing over recent years. Diagnoses like autism spectrum disorder (ASD), cerebral palsy and Down syndrome — which is celebrated this month with an annual awareness campaign — are just some of the diagnoses we see at Easterseals Hawaii.

For nearly 80 years, our organization has been providing a range of services and programs across the islands that cater to individuals and families with such diagnoses, from keiki to kupuna. Last year alone, we provided more than 280,000 hours of service to more than 2,000 families. One of those families is Jon’s.

Jon, 42, has Down syndrome, and has been with Easterseals Hawaii as a participant since he was a baby. When

his mom, Debbie, first received his diagnosis just after giving birth, she says she was in a daze — and her pediatrician, who couldn’t even look her in the eyes as he suggested she consider sending him to a “special place” for him to be looked after, didn’t help her situation. Naturally, Debbie knew the only place for him to be cared for was at home with his family.

As an infant, he started receiving services with us before moving to after-school care, and now, at 42, Jon has spent the last 22 years in our adult day health program in Honolulu making friends, joining activities and volunteering. It’s this lasting impact on people like Jon that makes programs for people with I/DD so vital, and why social integration plays such a key role in overall happiness.

It’s important for people like Jon and his family to have a sense of community, where they can contribute to society and find what brings them joy. In fact, it’s part of our whole purpose as an organization: to help people choose their own path.

According to Debbie, inclusion for

her family has provided opportunities to learn and grow and find meaningful ways to play a part in the well-being of not only themselves but those around them.

“Knowing how you can contribute to your community promotes a healthy environment where everyone is valued and can make a difference for each other,” Debbie said when we spoke to her about her experience.

It’s also comforting to hear her say how as a whole, Hawaii is a very loving and accepting place to live. People go out of their way to accommodate Jon way more than those who choose not to, which inspires us to celebrate inclusion particularly this Down Syndrome Awareness Month.

At Easterseals Hawaii, inclusion inspires and drives us toward achieving our purpose of creating a more equitable world for people with intellectual and developmental disabilities, and we deeply thank everyone who is leading the way with us.

To learn more: visit www.eastersealshawaii.org.

ISLAND VOICES



Andrea Pettiford, left, is CEO and Ella Aiwohi is program manager, respectively, of Easterseals Hawaii.

LETTERS TO THE EDITOR

DOT spending must be targeted, responsible

The state Department of Transportation has a less than ideal priority system for road safety. The most dangerous safety violation is running red lights. Speeding is more difficult to enforce, but should be high on the list of infractions to combat.

The DOT seems to feel it’s more important to use a substantial amount of money to invest in automated cameras that monitor speeding and loud noises. And now the “Eyes on the Road” program provides dash cameras for your car and mine to report vehicles we think are not driving safely. Speed humps may work, but they delay emergency response vehicles and create unwanted noise.

All available money should be spent on the most serious offenses. When those are taken care of, use whatever is left for offenses on a return on investment basis versus perceived safety.

Peter Anderson
Kailua

Tell isle Dems to halt government shutdown

It’s time for Democrats to stop the rhetoric and reopen the government. This means Hawaii’s U.S. Sens. Mazie Hirono and Brian Schatz must back away from the microphones and vote for the continuing resolution passed with bilateral support in the House.

When SNAP benefits halt next month, don’t blame the Republicans, blame Hirono and Schatz, who voted 13 times to keep the government shut down. When the military, TSA and air traffic controllers don’t get paid — potentially placing the public at risk — blame Hirono and Schatz. When your government-backed home loans are delayed, blame Hirono and Schatz. When governmental grants for state projects are stalled, blame Hirono and Schatz. When medical facilities begin to close, blame Hirono and Schatz.

Call the offices of Hirono and Schatz every day and demand they vote yes on the continuing resolution and end this shutdown. It’s that simple.

Thomas Sousa
Waikiki



GEORGE F. LEE / GLEE@STARADVERTISER.COM

A warning sign informs drivers of photo-enforced red light ticketing at the intersection of Vineyard Boulevard and Pali Highway on March 20.

GOP talking points on health care don’t add up

I was disappointed that the Star-Advertiser printed the propaganda masquerading as an op-ed by Dean Clancy (“In shutdown, Obamacare is just a political ploy against GOP,” Insight, Oct. 26). It would be fair to debate the pros and cons of the “big beautiful bill,” but not with his lies, distortions and obfuscations.

For starters, Democrats do not want to provide free health care to illegal immigrants. Also, the Medicaid “reforms” he refers to are cuts, pure and simple. And the bill doesn’t provide tax cuts to families, but to rich people and corporations. National debt increases will force mandatory cuts to Medicare.

“Some will have to pay more for their coverage. Many will choose not to re-enroll ...” because they’ll be unable to jump through all the hoops. That’s where the money comes from to fund all those tax cuts. It’s the GOP offering the scam. It’s time they propose a real health care system, instead of cutting what currently works.

Jim Keefe
Waikiki

On Gaza, Trump is like irresponsible fire chief

Imagine Gaza to be a house that is slowly burning. Donald Trump is the local fire chief, equipped with top-tier

firefighting tools and materials. He knowingly ignores the burning house, watching it with Nero-like apathy. His only involvement with the situation is when a nearby friend of his complains about the toxic fumes, at which time the chief gives him a special foam that accelerates the blaze to end the fumes.

Only after the house has been gutted and the fire threatens his friend’s house does the chief decide to act. Firefighters are sent with instructions to put the fire out, but not worry if they leave parts of the house still smoldering.

Would you consider the fire chief a hero?

Frank Abou-Sayf
Makiki

Wrong-way road parking is brazen, dangerous

An observation of residential neighborhoods these days finds many vehicles parked illegally on the road facing the wrong direction. Car owners don’t have any respect for their neighbors, bike riders, elderly drivers or anyone in the community using the road when they park in this manner.

This practice confuses drivers on which direction the traffic flows. An obvious, blatant offense that’s dangerous and out in the open, as if to say, “I can do what I want.”

David Langer
Kahala

Barney & Clyde >> By Gene Weingarten

