



LATE TESTIMONY

HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO

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February 8, 2009

Honorable Representative Ken Ito, Chair
Honorable Representative Sharon E. Har, Vice Chair
Members of the House Committee on Water, Land & Ocean Resources
Hawaii State Capital
415 South Beretania Street
Honolulu, HI 96813

RE: **IN SUPPORT OF HB 127**
RELATING TO LAND USE
Hearing: Monday, February 9th, 2009, 9:00 a.m.

Dear Chair Ito, Vice Chair Har and the House Committee on Water, Land & Ocean Resources:

For the Record my name is Buzz Hong, the Executive Director for the Hawaii Building & Construction Trades Council, AFL-CIO. Our Council is comprised of 16-construction unions and a membership of 26,000 statewide.

The Council SUPPORTS the passage of HB127 that allows mining as a permitted use in the agricultural district.

Thank you for the opportunity to submit this testimony in support of HB127.

Sincerely,

W. Hong dg

William "Buzz" Hong
Executive Director

WBH/dg

Skilled Craftsmanship Makes the Difference.



LATE TESTIMONY

Testimony from:

Penny Levin
224 Ainahou Place
Wailuku, Maui 96793

TO: Committee on Water, Land and Ocean Resources, Rm325 9:00am

RE: Testimony for HA127 *Relating to Land Use*

Aloha Honorable Committee members;

Regarding HB127 *Relating to Land Use*, I strongly oppose the proposed addition of mining to the acceptable uses of agricultural lands in the State of Hawaii.

Agricultural lands and districts in the State of Hawaii are under constant threat from re-zoning, development for housing, and conversion to non-agriculture uses, particularly where “non-prime” or “marginal” agricultural lands are concerned. The definition of what constitutes prime agriculture lands deserving of protection is a somewhat arbitrary distinction based on the soil needs and income generation of a subsidized sugar and pineapple industry, with no context for alternative crops or cropping systems. The constant whittling away of agriculture lands for other uses fails to protect our future needs for food production and fails to recognize the ability of so-called marginal lands to become productive under alternative management strategies.

Mining is not an activity that directly supports agriculture; rather, it supports development, road building and maintenance. While one might argue that transportation to market is “agriculture-related”, it is a stretch to suggest it is an appropriate use of agriculture lands.

Mining is a highly destructive process that removes the most productive layers of soil. A mined site will take hundreds of years to recover, if at all, successfully removing it from the inventory of agricultural lands for generations to come. The unique inland dune formations of Maui, some of which are zoned agricultural, are already under pressure from the impacts of increasing demands for sand mining from all islands. Further use requires careful environmental impact assessment and management.

The threat of downslope or downwind erosion impacts is a very realistic scenario for mining on agricultural lands; this is evidenced by massive soil runoff onto nearby reefs during high wind and rain events on all islands, but particularly in Maui County. The lack of fines, enforcement or recovery to overly exposed and under protected crop lands suggests no better handling of mined lands.

There is no evidence of law or case record demonstrating a commitment by the State or its agencies to enforce mitigation of mining sites despite existing EPA law, nor

meaningful fines for negative environmental impacts by existing quarries. Instead, the public has been forced to call on federal law, with limited results.

Rock, cinder, sand and soil quarries have irreparably damaged local landscapes, such as the mining of cinder at Olomana on Oahu and at Pu'u Hele on Maui which eliminated a significant and well-known cultural landmark and left a crater in its place. Mining has can also cause significant soil and rock destabilization that endangers adjacent communities, such as those in Palolo Valley, Oahu more than 20 years ago on what was then agriculture zoned land. While the site was shut down, it was impossible to stabilize and the County was forced to purchase adjacent lots as a buffer against further risk. It seems we have not learned the lessons of the past. Without a serious record of mitigation success, allowing mining in agricultural districts is inappropriate.

Mining, or the movement and storage of mined products (dirt, sand, cinder, rock or cement), also creates a significant amount of fugitive dust that can damage adjacent food crops or pasture (when dust coats a plant, it inhibits its ability to photosynthesize; a necessary process for growth and disease resistance). Smothering of adjacent vegetation is a commonly observed impact at mining sites. Poor air quality for neighboring farm workers, residential communities, schools and hospitals, endangering those with asthma or other lung diseases is a related impact. Open water resources, such as agricultural reservoirs, ponds, irrigation ditches, streams and wetlands will also be at risk of contamination; a threat that increases with exposure to steady or unpredictable winds in such areas as the central corridor of Maui or mauka of the West Maui coastline. These sites belong within industrial zoned districts and carefully researched areas outside the reach of strong wind vectors, *not* on agricultural lands.

For all these reasons, I urge the members of the Water, Land and Ocean Resources Committee to oppose this bill.

Respectfully,

Penny Levin
[transmitted by email 8 Feb 2009]



Sierra Club Hawai'i Chapter

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LATE TESTIMONY

HOUSE COMMITTEE ON WATER, LAND, & OCEAN RESOURCES
February 9, 2009, 9:00 A.M.

(Testimony is 1 page long)

TESTIMONY IN OPPOSITION TO HB 127

Chair Ito and members of the Committee:

The Sierra Club, Hawai'i Chapter, with over 5500 dues paying members statewide, opposes HB 127, allowing mining to be an approved activity within the agricultural district.

Mining is an intensive activity requiring special conditions to deal with noise, dust, traffic, explosives, and other potential negative impacts. These issues would need to be addressed if residents live nearby—a situation the existing special use permit process addresses. But if mining is made simply a right in the agricultural district, this decision making and public input process would not occur.

Furthermore, it is uncertain why this bill is necessary. Mining can already occur in the agricultural district, but a special permit is required. Why would we want to remove the public participation process and allow inappropriate mining as a matter of right?

Please hold HB 127. Thank you for the opportunity to testify.