



STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621 HONOLULU, HAWAII 96809

Testimony of WILLIAM J. AILA, JR. Chairperson

Before the House Committee on FINANCE

Friday, April 01, 2011 3:00 PM State Capitol, Conference Room 308

In consideration of SENATE BILL 142, SENATE DRAFT 1 RELATING TO DAMS AND RESERVOIRS

Senate Bill 142, Senate Draft 1 revises sections of Chapter 179D, Hawaii Revised Statutes, to require the Board of Land and Natural Resources to consider dams' and reservoirs' roles as important water resources for the State and the need to maintain and operate them in a safe and feasible manner. The Department of Land and Natural Resources (Department) supports the intent of this measure. The Department has been in discussions with various dam owners to develop feasible options to sustain beneficial uses while rehabilitating and maintaining their structures in a safe manner.

Thank you for the opportunity to comment.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMEN

GUY H. KAULUKUKUI FIRST DEPUTY

WILLIAM M. TAM DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECYGATION
BURBALI DE CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND RESOURCES EMPORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
IESTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



April 1, 2011

Representative Marcus R. Oshiro, Chair and Representative Marilyn B. Lee, Vice Chair House Committee on Finance

<u>Support</u> of SB 142, SD 1, Relating to Dams and Reservoirs. (Requires the board of land and natural resources [BLNR] to consider the roles of dams and reservoirs as important water resources for the State and the need to maintain and operate them in a safe and feasible manner.)

Friday, April 1, 2011 at 3:00 p.m. in CR 308

My name is Dave Arakawa, and I am the Executive Director of the Land Use Research Foundation of Hawaii (LURF), a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF's missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources and public health and safety.

<u>SB 142, SD 1</u>. This bill proposes to amend Section 179D-6(b), Hawaii Revised Statutes, to require the BLNR to, amongst other things, consider dams and reservoirs to be important water resources for the state that provide significant benefits to the public, including irrigation for agriculture and other important uses, and to acknowledge the need for dams and reservoirs to be consistently maintained and operated in a safe and feasible manner which sustains their role as important water resources, provided that public safety concerns are addressed.

LURF's Position. SB142, SD 1 expressly directs the BLNR to consider dams and reservoirs to be vital water resources for the State, as well as the need for consistent maintenance and operation of the systems in a safe and feasible manner, provided that public safety concerns are addressed.

LURF members include private land owners, farmers and ranchers who own, maintain, and utilize dams and reservoirs, and consider such resources critical to conduct their agricultural operations and sustain their businesses. These land owners and agricultural stakeholders believe the amendments proposed by SB 142, SD 1 will enable the BLNR to better understand and more strongly consider the importance of dams and reservoirs to the State in connection with the administration of the dam and reservoir safety program by the State Department of Land and Natural Resources (DLNR), particularly new safety requirements for dams and reservoirs imposed by the DLNR pursuant to the program, as well as the costs which must be incurred for maintenance and upgrade of structures which are currently considered untenable by those responsible for complying with the requirements.

House Committee on Finance April 1, 2011 Page 2

As these Committees may already be aware, the unsustainable costs cast upon land owners and agricultural stakeholders by the safety program are a serious concern as the enactment of overly burdensome regulations relating to maintenance and operation of dams and reservoirs may be counterproductive to the long-term objective of preserving these facilities as valuable water resources.

Based on the above, LURF is in <u>support</u> of SB 142, SD 1, and respectfully urges your favorable consideration of this bill.

Thank you for the opportunity to present testimony regarding this matter.



April 1, 2011

HEARING BEFORE THE HOUSE COMMITTEE ON FINANCE

TESTIMONY IN SUPPORT OF SB 142 SD1
RELATING TO DAMS AND RESERVIORS
Room 308
3:00 PM

Aloha Chair Oshiro, Vice Chair Lee and Members of the Committee:

Hawaii Farm Bureau Federation, the largest non-profit agricultural advocacy organization in the state of Hawaii, representing more than 1,600 member families **strongly supports SB142, SD1.**

The new subsection (b) (10) of Section 179D-6 of Hawaii Revised Statutes proposed by SB142, SD1 offers clear guidance to the Board of Land and Natural Resources that they "...shall consider dams and reservoirs as important water resources for the state that provide significant benefits to the general public...."

Water is critical to agriculture. Agriculture is critical to food security and sustainability for our island state. Water storage facilities are essential infrastructure components to irrigation systems for crops and livestock, domestic uses, fire protection and to buffer against drought.

HFBF believes current DLNR leadership supports the safe operation of dams and reservoirs and is cognizant of the importance of this vital infrastructure. HFBF continues to serve in a collaborative role with DLNR and stakeholders to help mitigate impacts of dam and reservoir safety rules. The language proposed by this measure accurately reflects and memorializes this common stance for current and future decision-makers. Moreover, this proposed measure takes a step toward equitably and appropriately sharing costs between private and public interests for the administration of dam and reservoir safety. This will help local producers compete with their mainland counterparts.

Hawaii Farm Bureau Federation applauds the introducers and supporters of this measure for their foresight and acknowledgment of this critically important infrastructure. On behalf of our members, we respectfully ask that you pass this measure.

Thank you for the opportunity to offer our words of support for SB142, SD1.

Hawaii Farm Bureau Federation



822 Bishop Street Honolulu, Hawaii 96813 P.O. Box 3440 Honolulu, HI 96801-3440 www.alexanderbaldwin.com Tel (808) 525-6611 Fax (808) 525-6652

SB 142 SD1 RELATING TO DAMS AND RESERVOIRS

PAUL OSHIRO MANAGER – GOVERNMENT RELATIONS ALEXANDER & BALDWIN, INC.

APRIL 1, 2011

Chair Marcus Oshiro and Members of the House Committee on Finance:

I am Paul Oshiro, testifying on behalf of Alexander & Baldwin, Inc. (A&B),
Hawaiian Commercial & Sugar Company (a division of A&B) and Kauai Coffee
Company (a subsidiary of A&B), on SB 142 SD1, "A BILL FOR AN ACT RELATING TO
DAMS AND RESERVOIRS." We support this bill.

Alexander & Baldwin and its agricultural companies Hawaiian Commercial & Sugar Company (HC&S) and Kauai Coffee Company, have 18 regulated reservoirs on Kauai and 30 on Maui, the majority of which are in active use by HC&S and Kauai Coffee Company. Because these dams and reservoirs are a vital part of our agricultural operations, they are operated, monitored, and maintained on an on-going basis. These facilities enable the storage of water so that HC&S and Kauai Coffee can better weather periods of drought. These facilities also enable us to make optimum use of water resources—by capturing waters during heavy rainfall periods, less has to be used from surface water sources and wells during other times. They are absolutely integral to our ability to continue to keep tens of thousands of acres in agriculture in this state.

In addition to serving as a valuable water resource for Hawaii's agricultural industry, dams and reservoirs also provide several other significant benefits to the

general public. Many of these facilities also provide drinking water for residential communities, renewable energy by way of hydropower, and flood control and drainage for public safety. By recognizing that the maintenance of dams and reservoirs must be feasible in order for the dams and reservoirs to remain in operation, this bill will serve as the basis to enable DLNR to give valuable consideration to the critical importance of dams and reservoirs to the State of Hawaii in its administration of the dam and reservoir safety program. We believe that this bill will greatly enhance the continued operation and use of dams and reservoirs while continuing to protect the health, safety, and welfare of the State.

Based on the aforementioned, we respectfully request your favorable consideration on this bill. Thank you for the opportunity to testify.