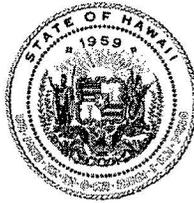


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**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
WATER, LAND, AND OCEAN RESOURCES**

**Friday, March 18, 2011
8:30 AM
State Capitol, Conference Room 325**

**In consideration of
SENATE BILL 1521, SENATE DRAFT 2
RELATING TO AQUATIC RESOURCES**

Senate Bill 1521 Senate Draft 2 would amend Section 187A-12, Hawaii Revised Statutes (HRS), to allow the University of Hawaii (University) to use Department of Land and Natural Resources (Department) security staff in addition to land, buildings, apparatus, and appliances of the Department related to a biological laboratory and for research and investigations. Additionally, the bill would exempt the Hawaii Marine Laboratory Refuge from any state or county permitting, including all permits required under Chapter 205A, HRS, for any activities to carry out repair and maintenance of its facilities on the Island of Moku-o-loe (Coconut Island), identified in Section 188-36, HRS. These amendments would exist for 5 years.

The Department cannot support SECTION 2 of this measure as it is currently faced with a shortage of enforcement personnel and it would be difficult to commit its enforcement officers specifically to monitor the reefs and facilities of the Hawaii Institute of Marine Biology.

With regard to SECTION 3 of this measure, given the immediate need for repair and maintenance of facilities at Coconut Island, the Department does not oppose the five (5) year exemption from obtaining permits issued by the Department as proposed.

Thank you for this opportunity to provide testimony.

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

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
House Committee on Water, Land and Ocean Resources
Friday, March 18th, 2011 at 8:30 a.m.

by

Virginia S. Hinshaw, Chancellor
and

Jo-Ann Leong, Director
Hawai'i Institute of Marine Biology
School of Ocean & Earth Science & Technology
University of Hawai'i at Mānoa

SB 1521 SD2 – RELATING TO AQUATIC RESOURCES

Aloha Chairperson Jerry Chang and Vice-Chairperson Sharon Har and Members of the Committee. I thank you for the opportunity to testify in support of SB1521 SD2.

My name is Jo-Ann Leong and I am the Director of the Hawai'i Institute of Marine Biology. I submit this testimony in support of SB1521 SD2 that allows for the use of DLNR security for Moku o Lo'e (Coconut Island) in the enforcement of the regulations that govern the no-take area around the marine reserve and temporarily exempts the University of Hawai'i from permitting requirements for the repair and maintenance of the facilities of the Hawai'i Marine Laboratory Refuge. The bill calls for amendments to Hawai'i Revised Statutes 187A-12 and 188-36.

Background:

Moku o Lo'e, more widely known as Coconut Island, is located in southern Kāne'ohe Bay on the island of O'ahu and is home to the world-renowned research facilities of the Hawai'i Institute of Marine Biology (HIMB), a research institute within the School of Ocean & Earth Science & Technology at the University of Hawai'i at Mānoa. The island itself provides a unique living laboratory surrounded by 64 acres of coral reef designated by the State of Hawai'i as a Hawai'i marine laboratory refuge. Approximately 28 acres in size, Moku o Lo'e is also designated as a Conservation District, requiring unique security and grounds maintenance efforts far greater than most organized units on the main campus of University of Hawai'i. HIMB is supported solely by state funds and competitively obtained extramural grant dollars. We support our security personnel and groundskeeper personnel on return of indirect costs from grant dollars.

Regarding security and enforcement

HIMB conducts scientific research in service of the State of Hawai'i on the coral reef refuge surrounding Coconut Island. Although our research efforts are broad in scope, a

central theme of our research is to provide scientifically sound information to managers, policy makers and other stakeholders to help conserve, protect, and manage our coastal resources. As such, HIMB has a vested interest in protecting and preserving the coral reef refuge surrounding Coconut Island to support this important scientific research that is an invaluable resource for Hawai'i. While we have security on the island to oversee day to day operations and safety of personnel and visitors and protect university property, HIMB has no authority to enforce the laws of the refuge as a no-take zone. Visitors to the reef have been caught poaching on several occasions and/or often observed damaging the protected coral fringing reefs by stomping, traversing with boats or kayaks or similar ocean craft during low tides. We have limited ability to intervene, yet we are tasked to do so by default through the relationship we hold with the state regulated refuge.

Regarding permitting for repair and maintenance

Permit processes related to repair and maintenance of HIMB facilities and infrastructure have become increasingly prohibitive and has begun to adversely impact our ability to conduct important work in the service of the State and the university, particularly when the repairs and funding for them are time-sensitive. Permitting regulations are arduous for projects which range from the benign to complex. For example, simple invasive plant species removal to allow for native planting projects by community service or school groups require HIMB to prepare detailed landscaping plans before seeking authorization from DLNR, which is costly and time consuming to prepare, and can then take weeks to months for agency response.

On the other end of the spectrum, permitting to allow for repairs of existing structures, renovations and a new lab took approximately 13 years to obtain and over \$600,000 in consulting fees. The effort and financial resources HIMB faculty must invest in these permitting processes have detrimentally affected our ability to execute the important scientific research we do in service of the state. Further it can and has put funding for CIP in jeopardy because such funding generally does not have infinite timelines that can be put on hold until permits are obtained.

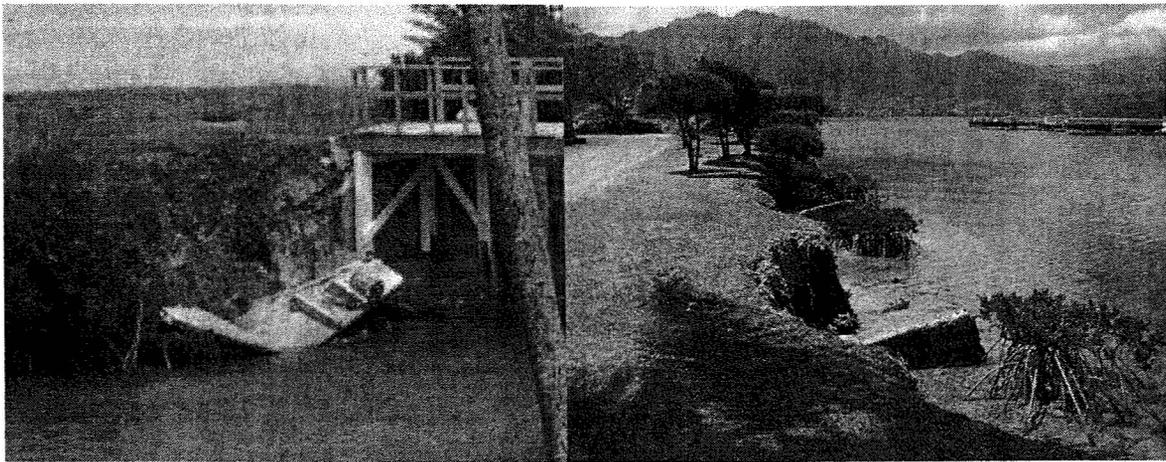
While some of the issues have already been addressed by the CDUA and SMA and we have finally received a letter of understanding that we negotiated with DLNR regarding a number of proposed projects, there are many important issues and projects such as critical pier, seawall and shore protection repairs that are not covered by these permits. Additionally the island is continually eroding and shore facilities, labs and other structures are deteriorating and unsafe. We are unable to proceed because permitting requirements are excessively lengthy and adversely impact funding processes. The attached photos show the severity of some of the conditions.

Support of the intent of SB1521

Regarding security, HIMB is in support of the intent of the bill, however does not wish to negatively impact the agency in the process with already limited resources that are exacerbated during these tough fiscal times. HIMB has enjoyed a very positive relationship with DOCARE staff and have been in communication about enforcement issues and potential collaboration. HIMB staff will continue to work collaboratively with

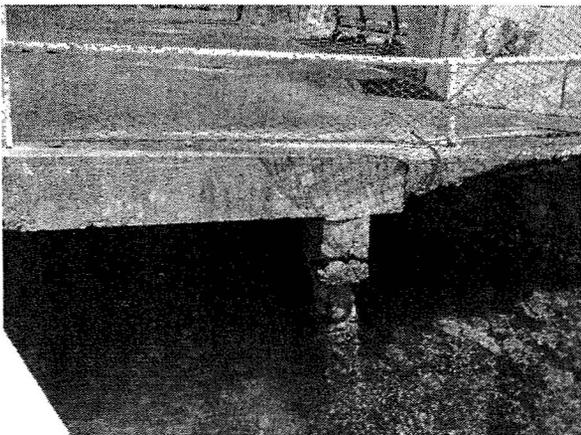
their colleagues at the division of aquatic resources for DLNR. The bill allows and encourages but does not mandate additional support for security by DOCARE personnel.

Regarding permitting exemptions, HIMB is always working to overcome the limitations of funding to maintain our research facilities and to do this within the state's regulatory framework. We would like to emphasize that HIMB serves its own interest in making sure Moku o Lo'e's resource are protected and we seek this legislation to ensure that we can meet these obligations to the state and the university. The bill has been amended to provide a time limited exemption that would allow us to address some of the most pressing repair and maintenance issues that need immediate attention, for example falling sea walls and piers, repairs to the existing lab structures and buildings, failing bridges and roads, etc.



Fallen seawall, inner lagoon

Eroding seawall inner channel



Pier support columns are eroded and unsafe

har3 - Megan

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 15, 2011 12:57 PM
To: WLOtestimony
Cc: mjellings@hawaii.rr.com
Subject: Testimony for SB1521 on 3/18/2011 8:30:00 AM

Testimony for WLO 3/18/2011 8:30:00 AM SB1521

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Carl P Jellings Sr
Organization: Individual
Address:
Phone:
E-mail: mjellings@hawaii.rr.com
Submitted on: 3/15/2011

Comments:

Correction Please disregard first transmittal

Honorable Representative's of WLO

In Strong Opposition

To bad none of you know what alien seaweed can cause you wouldn't be hearing this bill, to bad the Hawaiian goat fish otherwise known as weke ula cannot talk and testify for themselves and tell you how they are sitting ducks because of habitat change, again dramatic evolution changes .

Do You Know The Dept of Ag only has one pesticides herbicides enforcement officer for the entire island of Oahu,

Mahalo

Carl P Jellings Sr