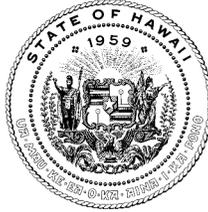


**SB 2381**

**EDT-WLH-PGM**

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**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

**Testimony of  
WILLIAM J. AILA, JR.  
Chairperson**

**Before the Senate Committees on  
ECONOMIC DEVELOPMENT AND TECHNOLOGY  
and  
WATER, LAND AND HOUSING  
and  
PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS**

**Tuesday, February 14, 2012  
1:15 P.M.  
State Capitol, Conference Room 225**

**In consideration of  
SENATE BILL 2381  
RELATING TO DEPARTMENT OF LAND AND NATURAL RESOURCES  
MARITIME FACILITIES**

Senate Bill 2381 proposes to allow the Department of Land and Natural Resources (Department) to work on projects implemented on lands or facilities under Department's Division of Boating and Ocean Recreation without the approval of county agencies. The Department supports this measure as it could expedite the implementation of projects at our Boating facilities and will codify the powers and authorities that the Boating Program were previously afforded under the Department of Transportation (DOT).

Act 161, Session Laws of Hawaii (SLH) 1980, granted the DOT authority to plan, construct, operate, and maintain harbors throughout the State without the approval of county agencies. Act 272, SLH 1991, transferred the jurisdiction, functions, powers, duties, and authority of the Boating and Ocean Recreation Program from DOT to the Department. However, those authorities are not explicitly stated under the powers of the Board of Land and Natural Resources.

Thank you for the opportunity to comment.



UNIVERSITY  
of HAWAII®  
MĀNOA

February 13, 2012  
RL: 2282

SB 2381  
RELATING TO DEPARTMENT OF LAND AND NATURAL RESOURCES  
MARITIME FACILITIES

Senate Committee on Economic Development and Technology  
Senate Committee on Water, Land and Housing  
Senate Committee on Public Safety, Government Operations, and Military Affairs  
Public Hearing – Tuesday, February 14, 2012  
1:15 p.m., State Capitol, Conference Room 225

By  
David Penn, Environmental Center  
**COMMENTS ONLY**

Dear Chair Fukunaga, Chair Dela Cruz, Chair Espero, Vice Chair Wakai, Vice Chair Solomon, Vice Chair Kidani, and committee members,

The Environmental Center agrees that it is important to expedite and facilitate work on projects implemented on lands or facilities under the division of boating and ocean recreation (DOBOR). However, we are concerned that this proposed measure could leave dangerous regulatory and management gaps in protecting the state's receiving waters from project-related pollutant loading. For example, if the stockpiling of dredged spoils on DOBOR lands and facilities was not subject to normal county permitting requirements, what entity would approve and inspect the best management practices employed for these DOBOR activities? Which DOBOR facilities, if any, would be subject to state and EPA permitting requirements for municipal separate storm sewer systems (MS4s), which include the planning and operation of management measures to protect receiving waters from dredged spoil pollutant sources? We note that even with such requirements in place, other harbor operators—such as the State Department of Transportation—have been hard-pressed to maintain compliance.

Thank you for considering our testimony on this proposed legislation. Please note that our testimony is advisory only and should not be construed to represent an official institutional position of the University of Hawaii.

Council Chair  
Danny A. Mateo

Vice-Chair  
Joseph Pontanilla

Council Members  
Gladys C. Baisa  
Robert Carroll  
Elle Cochran  
Donald G. Couch, Jr.  
G. Riki Hokama  
Michael P. Victorino  
Mike White



Director of Council Services  
Ken Fukuoka

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/council](http://www.mauicounty.gov/council)

February 8, 2012

TO: Honorable Carol Fukunaga, Chair  
Senate Committee on Economic Development and Technology  
  
Honorable Donovan M. Del Cruz, Chair  
Senate Committee on Water, Land and Housing  
  
Honorable Will Espero, Chair  
Senate Committee on Public Safety, Government Operations and Military Affairs

FROM: Robert Carroll  
Council Member, East Maui 

DATE: Tuesday, February 14, 2012

SUBJECT: **OPPOSITION OF SB 2381, RELATING TO DEPARTMENT OF LAND AND NATURAL RESOURCES MARITIME FACILITIES**

Thank you for the opportunity to testify in opposition to this important measure. The purpose of this measure is to allow DLNR to work on projects within lands or facilities under the jurisdiction of the division of boating and ocean recreation without the approval of county agencies.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I oppose this measure for the following reasons:

1. Dredged spoils have the potential of severe environmental impacts. Sediments removed in large quantities may contain contaminated or toxic elements, which can have adverse effects on the disposal area. Furthermore, the process of dredging often dislodges chemicals residing in benthic substrates and injects them into the water column and on-land disposal sites.
2. The contaminated sediment may originate from upstream sources such as sewage discharge, leachate from adjacent contaminated sediments or from commercial industrial emissions and effluents. The purpose of local monitoring or regulating dredged spoils is to prevent exposure and to protect human health and the environment from adverse impacts.
3. If dredged spoils are not treated and handled properly the stock pile can result in offensive odors, an increase of vermin, flies and other health nuisances. It's necessary to realize this measure will impact our environments, communities and the preservation of scenic vistas. Accordingly, dredging spoil have substantial impacts on local economic, social and environmental conditions, therefore, local government should retain authority on decisions about these policies to the greatest extent possible.

For the foregoing reasons, I oppose this measure.

CM:EM:dlnr\_dredgin\_test\_12session\_sb2381a:grs