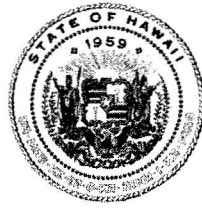


LINDA LINGLE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
WATER, LAND & OCEAN RESOURCES**

**Friday, January 29, 2010
9:00 AM
State Capitol, Conference Room 325**

**In consideration of
SENATE BILL 1311, SENATE DRAFT 1
RELATING TO AQUATIC RESOURCES**

Senate Bill 1311, Senate Draft 1 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) staff in addition to land, buildings, apparatus, and appliances of the Department related to a biological laboratory and for research and investigations. Additionally, the Department would exempt the University and affiliated personnel from any permitting for any activities to carry out repair and maintenance of the Hawaii Marine Laboratory Refuge as identified in Section 188-36, HRS. The Department expresses concerns and cannot support this measure.

Under the proposed change to Section 187A-12, HRS, the University could utilize Department staff, or land, buildings, appliances or apparatus owned by the Department for research as long as it did not interfere with ongoing work of the facility or Department personnel. This presents a difficulty for the Department because it does not have a surplus of personnel. This amendment is unnecessary as the University and the Department have long enjoyed a mutual cooperative relationship that is based on trust and respect for each entity's mission. The Department sees no reason for this to change, and opposes this amendment as it might unduly restrict its own mission. This is especially crucial when the State is currently in the process of trying to find savings to reduce its budget and is experiencing freezing or terminating positions.

The proposed change to Section 188-36, HRS, to exempt the University from any permitting requirements is viewed as unnecessary as well. A permit allows a privilege conveyed to individuals to perform activity not normally available to the general public. This carries a responsibility to uphold very high standards and should be weighed in terms of overall benefit to society, the resources, and the environment. This responsibility is the Department's and should

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COMMISSION ON WATER RESOURCE MANAGEMENT

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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

not be conveyed to another entity. To suggest that any one entity should be exempt conveys a sense of disproportionate equality in the law's application. This should not occur.

The Department would point out that a couple of the invasive algae species currently overtaking coral reefs in Kaneohe Bay are the result of inadvertent release of these species from research conducted by the University.

In summary, the Department wishes to continue to work collaboratively with the University but should not be required to share its already limited manpower, and must maintain its fiduciary oversight for the welfare of Hawaii's natural resources.

-----Original Message-----

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]

Sent: Thursday, January 28, 2010 11:59 AM

To: WLOtestimony

Cc: mjellings@hawaii.rr.com

Subject: Testimony for SB1311 on 1/29/2010 9:00:00 AM

Testimony for WLO 1/29/2010 9:00:00 AM SB1311

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Carl Pao Jellings SR.

Organization: Individual

Address:

Phone:

E-mail: mjellings@hawaii.rr.com

Submitted on: 1/28/2010

Comments:

Strong Opposition SB 1311, SD1

This facility and its operations need oversight and permitting for function should continue, it is to important even for simple maintenance to go unchecked leadership must have oversight ,recently the Nature conservancy received stimulus funds in the amount of 3 million dollars to tackle the invasive algae (Gracilaria salicornia: in the nearshore waters off Maunaloa Bay Oahu Not to mention what Our State has spent trying to control it ,

an irreversible mistake made by this facility, respectfully students faculty and staff working with marine organism's is a serious responsibility, this should be a Good lesson for all, a somewhat mienute mistake can have devastating consequences for Our environment.

I have been a waterman for 5 decades just in this short time frame Our ocean has faced countless impacts , with many other marine invasive's to consider Your decision today is an important one...

Mahalo and Aloha

Carl Pao Jellings SR.