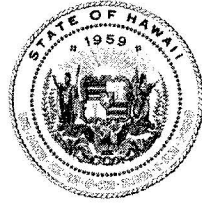
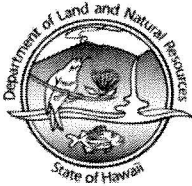


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**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 House Committees on
WATER, LAND & OCEAN RESOURCES
and
AGRICULTURE**

**Friday, March 18, 2011
10:30 AM
State Capitol, Conference Room 325**

**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.



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512

TESTIMONY OF RUSSELL S. KOKUBUN
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEES
ON
AGRICULTURE AND WATER, LAND, AND OCEAN RESOURCES

FRIDAY, MARCH 18, 2011
10:30 A.M.
ROOM 325

SENATE BILL NO. 142, S.D. 1
RELATING TO DAMS AND RESERVOIRS

Chairpersons Tsuji and Chang and Members of the Committees:

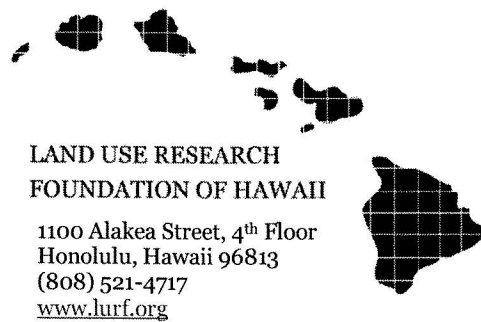
Thank you for the opportunity to testify on Senate Bill No. 142, S.D. 1. The purpose of this bill is to require the Board of Land and Natural Resources to consider the roles of dams and reservoirs as important water resources for the State and the need to maintain and operate them in a safe and feasible manner. The department offers comment on this bill.

Dams and reservoirs are critical components of a functional irrigation system. Without these structures, agricultural production in Hawaii would greatly diminish and the goal of a sustainable agricultural community would never be realized. While recognizing the need for health and safety of Hawaii's residents and visitors, we believe a need for reasonable policy also exists. Recent discussions with various agricultural operators have expressed serious concern that the current fee structure implemented by the revised dam safety rules make the necessary capital improvements and maintenance costs untenable to those responsible for the structures. Even within the irrigation systems operated and maintained by the Department, there is recognition that existing staff and resources are inadequate to deal with the maintenance requirements and, therefore, external options are being reviewed. The Department, in collaborating with appropriate staff from DLNR has participated in on-going



discussion with several dam owners to address concerns. The Department will continue to engage in this effort.

Thank you for the opportunity to testify on this measure.



LAND USE RESEARCH
FOUNDATION OF HAWAII

1100 Alakea Street, 4th Floor
Honolulu, Hawaii 96813
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March 18, 2011

Representative Jerry L. Chang, Chair and Representative Sharon E. Har, Vice Chair
House Committee on Water, Land & Ocean Resources
Representative Clift Tsuji, Chair and Representative Mark J. Hashem, Vice Chair
House Committee on Agriculture

Support 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, March 18, 2011 at 10:30 a.m. in CR 325

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.

SB 142, SD 1. 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.

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 **support 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.

**SB 142 SD1
RELATING TO DAMS AND RESERVOIRS**

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

MARCH 18, 2011

Chair Chang, Chair Tsuji, and Members of the House Committees on Water, Land & Ocean Resources and Agriculture:

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.

har3 - Megan

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 17, 2011 10:43 AM
To: WLOtestimony
Cc: dan.nellis@dole.com
Subject: Testimony for SB142 on 3/18/2011 10:30:00 AM

Testimony for WLO/AGR 3/18/2011 10:30:00 AM SB142

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Daniel Nellis
Organization: Dole Food Company Hawaii
Address:
Phone:
E-mail: dan.nellis@dole.com
Submitted on: 3/17/2011

Comments:

Dole Food Company Hawaii strongly supports the additional language in SB142 that authorizes the BLNR to consider the need for dams and reservoirs to be operated in a feasible manner with due consideration for public safety.



Via Capitol Website

March 17, 2011

House Committee on Agriculture and Water, Land & Ocean Resources
Hearing Date: Friday, March 18, 2011
Room #325

**Testimony in Support of SB 142 SD1—
Relating to Agricultural Development**

Chair Tsuji, Chair Chang, and Members of the House Committees on Agriculture and Water, Land & Ocean Resources:

My name is Michael Tresler, and I am the Senior Vice President of Grove Farm Company, Inc. Grove Farm owns approximately 40,000 acres of land on Kauai, making us one of Kauai's largest private landowners. We focus on agricultural, economic, and community development. A vast majority of our lands are leased out for diversified agriculture and ranching.

Grove Farm appreciates this opportunity to testify and is **in strong support** of SB 142 SD 1, which expands the authorized uses of the agricultural development and food security special fund to include the improvement and investigative studies of dams and reservoirs, while also authorizes the Director of Finance to issue general obligation bonds for the special fund.

Grove Farm's Position. We are responsible for numerous reservoirs and irrigation ditch systems on our property which are critical not only to our agricultural needs, but to the neighboring agricultural community as well. In addition to its critical role to support agriculture, our reservoirs and irrigation ditch systems provide a viable source of drinking water. We developed a surface water treatment plant in conjunction with the County of Kauai's Department of Water at the Kapaia Reservoir. It currently provides up to 3,000,000 gallons per day of drinking water and is capable of being expanded to provide several more millions of gallons. The use of surface water is necessary as the water aquifers in the area continue to diminish. In addition, the reservoirs itself hold the surface water and allow it to percolate into the ground and recharge the aquifers.

As stated in the bill, dams and reservoirs are important water resources that provide significant public benefits. It is as important to understand that their continued maintenance and operation must be feasible in order to perpetuate their use. This bill will aid both the State and landowners in the preservation of these valuable resources.

Grove Farm is **in strong support to SB142 SD 1.**

Thank you for the opportunity to express our support for this matter.

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