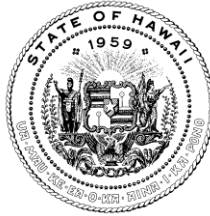


SB1521

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 Senate Committees on
EDUCATION
and
WATER, LAND AND HOUSING**

**Wednesday, February 9, 2011
2:00 PM
State Capitol, Conference Room 225**

**In consideration of
SENATE BILL 1521
RELATING TO AQUATIC RESOURCES**

Senate Bill 1521 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 Department would exempt the University and affiliated personnel from any permitting for any activities to carry out repair and maintenance of the island's (Moku-o-loe, Coconut island) facilities, identified in Section 188-36, HRS. The Department cannot support this measure.

The Department is currently faced with a shortage of enforcement personnel and it would be difficult to commit officers specifically to monitor the reefs and facilities of the Hawaii Institute of Marine Biology. It is also difficult to support an exemption from permits regarding the island's facilities as routine repair and maintenance is already permissible for existing permits under current conservation district rules.

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.

Thank you for this opportunity to provide testimony.

WILLIAM J. AILA, JR.
INTERIM 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
Senate Committee on Education
And
Senate Committee on Water, Land, and Housing
Wednesday, February 09, 2011
by
Virginia S. Hinshaw, Chancellor
and
Jo-Ann C. Leong, Director
Hawai'i Institute of Marine Biology
University of Hawai'i at Mānoa

SB 1521 RELATING TO AQUATIC RESOURCES

Aloha Chairwoman Tokuda, Chairman Dela Cruz, and Members of the Committees. I thank you for the opportunity to testify regarding the Hawai'i marine laboratory refuge.

My name is Jo-Ann Leong and I am the Director of the Hawai'i Institute of Marine Biology. I am testifying in support of the intent of Senate Bill SB1521 that allows for the use of security for Moku o Lo'e (Coconut Island) and exempts the University of Hawai'i from permitting for repair and maintenance of the facilities at the Hawai'i marine laboratory refuge. The bill calls for amendments to 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, 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 enable 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 zero authority to enforce the

laws of the refuge as a not take zone. Visitors to the reef have been caught poaching on several occasions and/or damaging the protected coral fringing reefs by stomping, traversing with boats or kayaks or similar ocean craft during low tides, where we have an extremely 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 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 to seek authorization from DLNR which can take weeks to months to obtain. 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 by the excessive agency oversight have detrimentally affected our ability to execute the important scientific research we do in service of the state. Further it can 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.

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. For example, HIMB would be willing to provide office space and other resources to DOCARE for easy access to the island and to Kāneʻohe Bay, and HIMB would be supportive of SB1521 if the legislature provided DLNR additional funds to support security staff at HIMB.

Regarding repair and maintenance, HIMB is faced with arduous and prohibitive permitting, coupled with extremely limited funding to maintain our research facilities. We would like to emphasize that HIMB has its own interest in making sure this resource is protected and therefore are supportive of seeking collaborative solutions to mitigating the backlog of repair and maintenance permitting problems. For example, we would be supportive (should funding become available legislatively or otherwise) of a time limited exemption that would allow us to address some of the most pressing repair and maintenance issues that need more immediate attention, for example falling sea walls and piers, repairs to the existing lab structures and buildings, failing bridges and roads, etc. We would be supportive of exemptions for routine day to day repair and maintenance. HIMB also wishes to seek clarification as to whether the bills intent is to exempt HIMB from both state (CDUA) and county permitting (SMA and Building Permits).

Erin Conner

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 2:13 PM
To: EDU Testimony
Cc: brent.a.carman@gmail.com
Subject: Testimony for SB1521 on 2/9/2011 2:00:00 PM

Testimony for EDU/WLH 2/9/2011 2:00:00 PM SB1521

Conference room: 225
Testifier position: oppose
Testifier will be present: No
Submitted by: Brent Carman
Organization: Individual
Address: 73-1094 Hamanamana St. Kailua Kona
Phone: 808-989-4770
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Submitted on: 2/7/2011

Comments: