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GOVERNOR OF HAWAII



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

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

**Before the House Committee on
WATER & LAND**

**Friday, January 31, 2014
9:15AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 2161
RELATING TO WATER**

House Bill 2161 proposes to direct the Water Resources Research Center of the University of Hawaii to conduct a study of the increased safety standards for dam and reservoirs adopted by the Department of Land and Natural Resources under Hawaii Administrative Rules, Chapter 13-190.1 and its potential impacts on agriculture, recharging of aquifers and increased stormwater runoff. **The Department of Land and Natural Resources (Department) appreciates the intent of this bill, and offers the following comments.**

This measure implies that the increased dam safety regulations have resulted in the decreased water levels for agriculture, decreased aquifer recharge and increased stormwater runoff. The Department believes that these impacts should not be directly attributed to the increased dam safety standards.

Since the 2007 dam safety legislation was adopted, a total of 15 regulated dams were removed, of which 10 were already in an abandoned state. The decision to remove these structures were owner driven and may not necessarily be a result of the increased dam safety standards. The Department is not aware of any loss in water service to any of the downstream users, as their service was either maintained by the altered facility or by another nearby reservoir.

In addition to the proposed scope, the Department recommends this study also investigate the benefit of the increased dam safety standards as it relates to the protection of water resources and the reduction of the risk of a dam failure. For example, the 2006 Ka Loko Dam breach resulted in a loss of approximately 360 million gallons of water, 7 deaths and significant economic and environmental impacts.

Thank you for the opportunity to comment on this measure.

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

ESTHER KIA'AINA
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

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 30, 2014 4:28 PM
To: waltestimony
Cc: dan.nellis@dole.com
Subject: Submitted testimony for HB2161 on Jan 31, 2014 09:15AM

HB2161

Submitted on: 1/30/2014

Testimony for WAL on Jan 31, 2014 09:15AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Nellis	Dole Food Co. Hawaii	Support	No

Comments: Dole Food Co. Hawaii owns and operates several reservoirs affected by the new DLNR regulations and we support this bill to study the effect of those regulations. We are on record as considering the new regulations to be onerous to our business and to the agriculture industry of Hawaii. We do not find them to be scientifically based, particularly in regard to the requirements that are tied to PMF calculations. Thank You, Daniel Nellis, Gen. Mgr., Dole Food Co. Hawaii

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**HB 2161
RELATING TO WATER**

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

JANUARY 31, 2014

Chair Evans and Members of the House Committee on Water & Land:

I am Paul Oshiro, testifying on behalf of Alexander & Baldwin, Inc. (A&B) and Hawaiian Commercial & Sugar Company (a division of A&B) on HB 2161, “A BILL FOR AN ACT RELATING TO WATER.” We support this bill.

This bill authorizes the Water Resources Research Center at the University of Hawaii to conduct a study of the increased safety standards for dams and reservoirs that were adopted in rules by DLNR. We support the general intent of this bill as dams and reservoirs are an integral part of many agricultural operations here in Hawaii. These facilities enable the storage of water so that agricultural operations can better weather periods of drought. These facilities also assist in making 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. 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.

Based on the aforementioned, we respectfully request your favorable consideration on this bill. Thank you for the opportunity to testify.



Hawaii Cattlemen's Council, Inc.

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HOUSE COMMITTEE ON WATER & LAND

Friday January 31, 2014 9:15 a.m. Room 325

HB 2161 RELATING TO WATER

Requires the water resources research center at the University of Hawaii at Manoa to conduct a study on the impact of the increased safety standards for dams and reservoirs that were adopted by the department of land and natural resources.

Requires a report to the legislature. Make an appropriation. Effective 07/01/2015.

Chair Evans, Vice Chair Lowen and Members of the Committee:

My name is Alan Gottlieb, and I am a rancher and the Government Affairs Chair for the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our 130+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council **strongly supports HB 2161 with a suggestion to add a task force of industry and government stakeholders to help guide the research.**

After the tragedy at Kaloko, this legislature passed new laws to improve the safety of our State's Dams and Reservoirs. Subsequently, the Board of Land & Natural Resources approved new regulations which in part requires dam and reservoir owners to do extensive engineering studies and requires significant upgrades to dams and reservoirs built in the past under best management practices (many over engineered by plantations) and requiring that they be brought up to current engineering standards. No one argues that public safety should be taken lightly, and we agree that protection of life and property be the first priority. While we might argue that many of these dams and reservoirs have met the safety "test of time", some regulators argue that the passage of time has made them unsafe. As an analogy, what would happen if we required all buildings in downtown Honolulu to be retrofitted to today's building standards to withstand a large earthquake, for the safety of the public. Of course that would be impractical and impossible, but this is what is being asked of our States Dams and Reservoirs. Furthermore the new rules and regs use a "one size fits all" mentality, imposing on dams that barely exceed the regulatory threshold the same requirements as for the largest dams in our State (in some cases over 250 times the size).

We do not believe that the intent of the Dam and Reservoir safety law is to put farmers and ranchers out of business or to encourage them to decommission existing water resources. We believe these new rules and fees would lead to the closure of many dams and reservoirs, the opposite of what we need in this State if we want to increase our agricultural self sufficiency and improve our food security.

We believe the study called for in this bill would go a long way in weighing the pros and cons of the existing regulations, and perhaps strike a balance which could be considered in amending the current laws and regulations.

Thank you for giving me the opportunity to testify in favor of this very important issue.



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Rep. Nicole E. Lowen, Vice Chair

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Rep. Faye P. Hanohano, Chair
Rep. Ty J.K. Cullen, Vice Chair

Friday, January 31, 2014
9:15am
Conference Room 325

TESTIMONY ON HB 2161
RELATING TO WATER

Aloha Chairs Evans and Hanohano, Vice Chairs Lowen and Cullen, and Members of the Committees:

I am Christopher Manfredi, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,832 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

HFB stands in strong support of HB 2161 with proposed amendments which establishes and appropriates funds for University of Hawaii at Manoa to conduct a study of the increased safety standards for dams and reservoirs that were adopted by the department of land and natural resources under chapter 13-190.1, Hawaii Administrative Rules.

Dams and reservoirs are critically important infrastructure to agriculture and the general public across the state. Moreover, we are cognizant of the duty of Government to uphold public safety.

Agriculture cannot exist without water. Climatic influences, both long and short term, drive the need for diversion and storage of water. These resources are critical to food security and overall sustainability of our island state.

The cost to construct, operate and maintain structures and to comply with Dam and Reservoir Safety Rules will invariably be passed to consumers and should be gauged carefully by policy makers. As the cost to produce food locally increases, our ability to

compete with less expensive imports decreases. If compliance with said rules drives local producers out of the marketplace, the dependence on imported goods increases, and the sustainability structure erodes to the point of collapse. The importance of this delicate balance cannot be overstated. If we are ever to achieve food security, cost of production must be kept low in order to compete and reduce dependence on imported food products.

We respectfully request that the bill be amended to include consultations with the following organizations:

(b) The water resources research center shall consult with the commission on water resource management, the economic research organization at the University of Hawaii, The Hawaii Farm Bureau Federation, the Hawaii Cattlemen's Council, Hawaii Department of Agriculture and the Agribusiness Development Corporation, the Land Use Research Foundation, independent private sector engineers, and any other agency or entity it deems appropriate to conduct the study.

Thank you for the opportunity to comment on this measure.