



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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LATE

**Testimony COMMENTING on S.B. 3028  
RELATING TO ENVIRONMENTAL PROTECTION OF MAUNALUA BAY**

SENATOR MIKE GABBARD, CHAIR  
SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE

SENATOR GLENN WAKAI, CHAIR  
SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, ENVIRONMENT, AND  
TECHNOLOGY

Hearing Date: February 12, 2016  
Time: 2:00 PM

Room Number: 414

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department of Health (DOH) respectfully offers comments on  
3 this measure. The purpose of this measure is to establish a Maunalua Bay task force to create a  
4 comprehensive Maunalua Bay master plan. While the DOH supports the formation of a task  
5 force, we believe that the master plan for Maunalua Bay should address the U.S. Environmental  
6 Protection Agency's (EPA) nine key elements of a watershed-based plan (WBP). The targeted  
7 watersheds could then become eligible for federal grants.

8 WBPs provide a roadmap for how watersheds will be managed and are important tools  
9 used by federal, state, and local entities to protect water quality and water resources. Specifically,  
10 WBPs identify strategies and activities, including best management practices, to improve stream  
11 and coastal water quality by reducing and preventing land-based and marine sources of pollution.  
12 WBP implementation has resulted in significant pollutant load reductions and water quality  
13 improvements throughout the state.

14 The DOH Clean Water Branch (CWB) Polluted Runoff Control (PRC) Program  
15 implements WBPs using Clean Water Act (CWA) Section 319 grants, which are awarded to the  
16 PRC Program annually by the EPA. Prior to implementation using CWA Section 319 funds, the

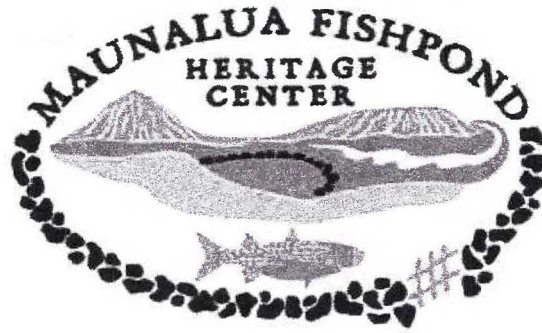
1 WBP must be approved by the DOH-CWB to ensure that the WBP addresses the EPA’s nine key  
2 elements of an effective watershed plan, which are described in detail in the EPA’s *Handbook*  
3 *for Developing Watershed Plans to Restore and Protect Our Waters* (March 2008) and the  
4 *Hawaii Watershed Guidance* (prepared in 2010 by the Office of Planning, Coastal Zone  
5 Management Program). The DOH-CWB suggests that these nine key elements be addressed in  
6 the Maunalua Bay master plan in order for the entire Maunalua Bay to be eligible for CWA  
7 Section 319 funds for water quality improvement projects.

8           Currently, Wailupe watershed is the only watershed with an approved WBP within  
9 Maunalua Bay. The PRC Program funded the development of the Wailupe WBP in 2008 and  
10 implemented a project from the Wailupe WBP from 2011 to 2014 to demonstrate best  
11 management practices at Wailupe Beach Park, resulting in load reductions of total nitrogen, total  
12 phosphorous, and sediment. Based on the Statewide Geographic Information System Program’s  
13 watershed data, six additional watersheds—Waialae Nui, Niu, Kuliouou, Kamilo Nui, Kamilo  
14 Iki, and Portlock—will be eligible to receive CWA Section 319 funds to improve water quality if  
15 the nine elements of a WBP are included in the Maunalua Bay master plan. Expanded efforts to  
16 control polluted runoff in Maunalua Bay have the potential to benefit the local community by  
17 providing cleaner, safer waters for cultural, recreational, and commercial use.

18 **Offered Amendments:** The DOH-CWB suggests the following revision to S.B. No. 3028,  
19 Page 5:

20           “SECTION 4: The master plan, as approved by the director of the office of planning,  
21 shall include an assessment of the environmental and ecological activities on the bay. The master  
22 plan shall address the nine key elements of watershed plans, as described by the *Hawaii*  
23 *Watershed Guidance*. The master plan shall be used by all appropriate state agencies in the  
24 adoption and implementation of policies, rules, and regulations relating to Maunalua Bay.”

25           Thank you for the opportunity to testify on this measure.



February 12, 2016

SB 3028 Friday, Feb. 12th at 2pm  
Conference Room 414  
State Capitol  
415 S. Beretania Street

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In Support of SB 3028

Aloha Senator Gabbard and Committee Members,

The Maunalua Fishpond Heritage Center is dedicated to the preservation and perpetuation of Maunalua's last fishponds. Many activities that harm the fishery in Maunalua Bay also can have a detrimental effect on our remaining fishponds. In the past the Bay was expertly managed by konohiki Joe Lukela. He would place flags in the water when the fish schools were in the area so that the boats would avoid them.

Over the years many issues have arisen such as channelized streams, pollution, and population growth. Safety is another large issue in the Bay. In 2009 a tragic death occurred in Maunalua Bay of a teen spear fisherman who was run over by a boat. Just recently another tragic spearfishing death due to a boat occurred in Kailua. To address the many issues that are occurring in Maunalua Bay we support the establishment of the Maunalua Bay Task Force.

Mahalo nui loa,

Chris Cramer  
President

RR  
late?

**Re: SB3028:** Establishes a Maunalua Bay task force to study and develop recommendations for a Maunalua Bay master plan.

Dear Senator Gabbard,

In lieu of an in-person call, this is to provide principle bases in opposition of SB3028.

The undersigned Robin Jones is Vice President of the Hawaii Kai Marina Community Association ("HCMCA"). Charles Hunter has represented the HCMCA, and currently represents some of the Maunalua Bay commercial operators, and himself, a Hawaii Kai resident and waterman. Ronald Tam, represents HFACT.

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Key objections:

1. Weighted composition of the proposed task force:
  - 8 of the 12 members are from specified private interest groups.
  - 3-4 of the 8 are loosely structured; i.e., not formally established, have no point of contact or, at best, are difficult to contact. Membership of some is not public.
  - There is no showing that these groups represent the interests of the whole community.
2. DLNR's M-RAC can fulfill the role of the proposed task force.
  - DLNR recently established the Maunalua Bay Recreation Advisory Committee (M-RAC). M-RAC members were elected by the public via a completely transparent nomination and election process.
  - (At DLNR's discretion) The role of M-RAC can be expanded, but already aims to provide similar guidance to the DLNR on the same issues.
3. Maunalua Bay is currently regulated as an ORMA (Ocean Recreation Management Area).
4. Reference to the Kaneohe Bay is misleading as it fails to recognize (i) that the Kaneohe Bay plan established a "Regional Council" made up of *public* entities, rather than *private* interest groups as proposed for the Maunalua Bay "Task Force," and, (ii) Maunalua Bay has had a regulatory framework in place since 1990 to better "manage" the Bay, whereas Kaneohe was largely unregulated prior to 1990.

Should you desire granularity regarding the foregoing, please do not hesitate to contact the undersigned.

Parenthetically, it is noted that SB3028 does not identify the boundaries of Maunalua Bay. Further, the proposed is a spin-off of the failed NOAA Humpback Whale Sanctuary expansion and Imua Maunalua initiatives.

In advance, thank you for your kind attention to the foregoing.

Sincerely,



Charles Hunter

(808) 228-5346

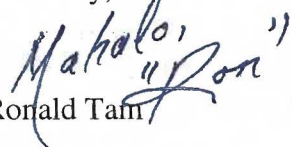
Sincerely,



Robin Jones

(808) 396-2469

Sincerely,



Ronald Tam

(808) 479-0880

Good afternoon. My name is Robin Jones and I am the Vice President of the HKMCA. We represent over 2400 households and the 3 shopping centers located in Hawaii Kai and we oppose this bill.

All of us who are fortunate enough to live in the Maunalua Bay Area want our Bay to be healthy, protected and taken care of for generations to come so that kamania and visitors alike may enjoy the beauty and recreational opportunities it affords.

In the spirit of full disclosure, the Association was asked to participate on the proposed task force. After lots of discussion and research, we declined the invitation. You may ask, why if we want to take care of the bay would we decline an opportunity to participate in a group who proposes to do just that?

Because, we do not believe this bill is the way to accomplish taking care of this resource. Legislating a process that is headed by special interest groups, many of whom have publicly said they want to eliminate commercial/recreational activity in the Bay, is not representative of the community as a whole. Let's not forget that Maunalua Bay does not just belong to a few people who are fortunate enough to live here, but rather to all the people of Hawaii.

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Why else don't we support this Bill.

While the bill says it is based on the K-Bay act 208, it is important to note that there are some distinct differences. First, when the Kbay bill was enacted ORMA (ocean recreation management area) did not exist. Maunalua Bay is under ORMA and arguably one of the most regulated areas in Hawaii. Second, all of the task force members were public designees that represented military, government appointed state agency officials, UH and Neighborhood Boards not private special interest groups.

The M-RAC process was created by the DLNR and is made up of individuals nominated and elected by the public to represent Maunalua Bay Recreation activities. This Council will be looking at the many issues identified with recreation and commercial activity in the Bay. Why do we need to duplicate that process with another task force? As a matter of fact, one of the initiators of this bill is a member of that Council. Let's see what that group comes up with.

Lastly, if this Bill is approved and the Task Force succeeds in eliminating commercial/recreational activities, the impact to Hawaii Kai would be significant. Not only would there be loss of jobs, but loss of revenues to our shopping center businesses who depend on the sales that come from visitors to our Island.

As a 23 year resident of Hawaii Kai, I speak in opposition to SB 3028/HB/2176.

Why would the legislature need to require *another* state agency to spend time and money to create *another* entity to compete with the democratically elected entity, the Maunalua Bay Recreation Advisory Committee (M-RAC), which DLNR has already established?

Those who seek the creation of this task force obviously do not like the other entity, i.e. M-RAC, and seek to have the legislature allow the proponents of this bill to basically overrule any conclusions or directives from the already established democratically elected M-RAC. They seek this by mandating in this bill the acceptance of any product of this task force by various state agencies. Note this task force is heavily weighted 8 to 4, in favor of these special private interests, whose real leadership, membership, length of existence and true intent is unknown to this committee to the extent justifying the legislature's grant of authority to them. From my long term involvement with various Hawaii Kai community groups and their leaders, I have serious doubts about the true nature of some of these groups and the claimed inclusion of others as actually supporting this legislation.

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The bill claims that this is similar to the K-Bay Task Force. This is inaccurate. The K-Bay Task Force did not consist of unknown so-called leaders of special private interests, but members from public entities, including the state, UH and the U. S. Marine Corp

The bill claims the commercial use of the Bay and its "*appeal to tourists*" is having such an effect that these 8 out of 12 special private interests need the authority to create a "master plan" which "*shall* be used by all appropriate state agencies in the adoption and implementation of policies, rules and regulations" relating to the Bay. There is insufficient scientific evidence to support the claim that tourists or pleasure craft are harming the Bay. On the contrary, there is more than sufficient evidence to support the fact that the infrastructure created over the years for the extensive housing development has proven inadequate and outdated to prevent the run-off from the mountains and surrounding land into the Bay. There is no reason to believe that M-RAC and DLNR is incapable of addressing the needs of the Bay and the entire community. The proponents of this bill have not made their case.

I ask this committee to decline to pass this bill.  
Thank you for allowing me to testify.

Adrienne King  
1163 Ka'eleku St. 96825

**gabbard2 - Donna**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 12, 2016 5:20 AM  
**To:** WLA Testimony  
**Cc:** Jeannine@hawaii.rr.com  
**Subject:** Submitted testimony for SB3028 on Feb 12, 2016 14:00PM

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**SB3028**

Submitted on: 2/12/2016

Testimony for WLA/EET on Feb 12, 2016 14:00PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeannine Johnson	Individual	Support	No

Comments: My father was a lawa'i from Miloli'i and fished the waters in Maunalua since moving to the area in 1954. I remember going with him and marveling at all the fish, limu 'ele'ele and he'e. We always cleaned the beach and never took more than our 'ohana needed to eat or to share with our immediate neighbors. Because there has been no management of the Bay, it's overuse by commercial businesses and illegal fishing, there are no more fish and limu. Please help the residents return the Bay to a thriving area again by establishing a Maunalua Bay Task Force. Mahalo.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**gabbard2 - Donna**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 12, 2016 11:05 AM  
**To:** WLA Testimony  
**Cc:** jidriss13@gmail.com  
**Subject:** Submitted testimony for SB3028 on Feb 12, 2016 14:00PM

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**SB3028**

Submitted on: 2/12/2016

Testimony for WLA/EET on Feb 12, 2016 14:00PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jocelyn	Individual	Oppose	No

Comments: I strongly oppose SB3028 due to several reasons, the first being that this is special interest legislation focused on members of private interest groups. Additionally, the preamble to SB3028 incorrectly states that there is "intensive commercial use of the bay" when in reality ORMA permits have been reduced. This bill will destroy businesses in the area without addressing the realities of environmental pollution to the bay. Debris, road dirt, and other materials flow into the Marina and then into the ocean, polluting the bay far greater than any commercial activity. While I am a self-proclaimed environmentalist, this is not the answer and will cause more harm than good. Please do not pass this skewed bill. Thank you for your time.

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**gabbard2 - Donna**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 12, 2016 11:22 AM  
**To:** WLA Testimony  
**Cc:** huinaluseat4@yahoo.com  
**Subject:** \*Submitted testimony for SB3028 on Feb 12, 2016 14:00PM\*

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**SB3028**

Submitted on: 2/12/2016

Testimony for WLA/EET on Feb 12, 2016 14:00PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Erin Williams	Individual	Support	No

**Comments:**

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