



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before
The Senate
Committee on Judiciary and Government Operations
on
Monday, March 2, 2009
by
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and
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SB 1311 SD1 Relating to Aquatic Resources

Aloha Chairperson Taniguchi and Vice Chair Takamine, and Members of the Committee. 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 Senate Bill 1311, SD1 that amends Statues 187A-12 and 188-36. These changes exempt the University of Hawai'i from permitting and application requirements "to carry out the repair and maintenance of the Hawai'i marine laboratory refuge," and to use "staff of the Department of Land and Natural Resources in connection with ...aquatic resource activities."

Background:

Moku o Lo'e, more widely known as Coconut Island, is located in southern Kāne'ōhe Bay on the island of O'ahu and is home to 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 the University of Hawai'i. HIMB is supported solely by state funds and competitively obtained extramural grant dollars. We support our security personnel and a groundskeeper and janitorial/maintenance personnel on return of indirect costs from grant dollars.

HIMB scientists, students and staff are concerned with the careful management of Hawai'i's marine laboratory refuge and its living resources are critically important to preservation of Hawai'i's marine resources. We carry, currently, 11 research projects for the Division of Aquatic Resources of the Department of Land and Natural Resources. Thus, the research collaboration between HIMB scientists and DAR is well established. For these studies, HIMB

must obtain permission from the Land Board to carry out research funded by DLNR. HIMB also provides 24 hour security personnel to ensure that poachers do not impact these resources and the studies funded by the state and federal government. HIMB security personnel (projected 2009 costs = \$161,066) does not have the authority to patrol the refuge and stop anyone from taking live coral, fish, and other invertebrates from the refuge. Furthermore, all routine maintenance at HIMB must first be reviewed by the Agency. The replacement of railings and the fixing of bridges at HIMB, the replacement of failing piers, and the repair of steps and roofs are all considered repairs and maintenance that require prior approval by DLNR.

Support of the Bill

The amendment to Statute 187A-12 allows the University of Hawai'i to use staff in addition to "the land, buildings, apparatus, and appliances of the department for the purposes of a biological laboratory and for research and investigation in connection herewith..." There is a clear need for security personnel to prevent poachers from taking illegally the natural resources of the Hawai'i marine laboratory refuge. HIMB may, in the near future, be unable to provide the security personnel to ensure protection of Hawai'i marine laboratory refuge.

The amendment to Statute 188-36 in SB1311 SD1 reads "Notwithstanding any other law to the contrary, the University of Hawai'i shall be exempt from any law that requires a permit or application to carry out repair and maintenance of the Hawai'i marine laboratory refuge." We support this amendment. We believe that the intent of the bill was to provide HIMB with some relief from the costs and time required to obtain approval for repairs required to maintain health and safety at a laboratory that is right next to marine waters.