



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Written Testimony Presented Before the  
Senate Committee on Judiciary and Labor  
Thursday, March 31, 2011 at 9:45 a.m.

by

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and

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HB 922, SD1 Relating to Public Lands.

Aloha Senator Clayton Hee, Senator Maile Shimabukuro, and Members of the Committee. I thank you for the opportunity to testify in support of HB 922, SD1.

My name is Jo-Ann Leong and I am the Director of the Hawai'i Institute of Marine Biology. I submit this testimony in support of HB922, SD1 that temporarily exempts the University of Hawai'i from permitting requirements for the repair and maintenance of the facilities of the Hawai'i Marine Laboratory Refuge. The bill calls for amendments to Hawai'i Revised 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 at the 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.

### **Regarding permitting for repair and maintenance**

Permit processes related to repair and maintenance of HIMB facilities and infrastructure have become increasingly prohibitive and have 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 which range 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 before seeking authorization from DLNR, which is costly and time consuming to prepare, and can then take weeks to months for agency response.

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 have detrimentally affected our ability to execute the important scientific research we do in service of the state. Further it can and has 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.

While some of the issues have already been addressed by the CDUA and SMA and we have finally received a letter of understanding that we negotiated with DLNR regarding a number of proposed projects, there are many important issues and projects such as critical pier, seawall and shore protection repairs that are not covered by these permits. Additionally the island is continually eroding and shore facilities, labs and other structures are deteriorating and unsafe. We are unable to proceed because permitting requirements are excessively lengthy and adversely impact funding processes. The attached photos show the severity of some of the conditions.

### **Support of the intent of HB 922, SD1.**

Regarding permitting exemptions, HIMB is always working to overcome the limitations of funding to maintain our research facilities and to do this within the state's regulatory framework. We would like to emphasize that HIMB serves its own interest in making sure Moku o Lo'e's resources are protected and we seek this legislation to ensure that we can meet these obligations to the state and the university. The bill has been amended to provide a time limited exemption that would allow us to address some of the most pressing repair and maintenance issues that need immediate attention, for example falling sea walls and piers, repairs to the existing lab structures and buildings, failing bridges and roads, etc.



Fallen seawall, inner lagoon



Eroding seawall inner channel



Pier support columns are eroded,unsafe    Walkways on buildings are rusting, unsafe.