

Ken H. Takayama
Acting Director

Research (808) 587-0666
Revisor (808) 587-0670
Fax (808) 587-0681



LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Written Testimony Only

HB2510, HD1
RELATING TO THE ENVIRONMENT.

Testimony by the Legislative Reference Bureau
Charlotte A. Carter-Yamauchi, Assistant Director

Presented to the House Committee on Finance

Wednesday, February 20, 2008, 4:30 p.m.
Conference Room 308

Chair Marcus R. Oshiro and Members of the Committee:

Thank you for this opportunity to testify on H.B. No. 2510, H.D. 1. The Legislative Reference Bureau (Bureau) takes no position for or against this measure, but submits the following comments:

- This measure directs the Bureau to contract with the University of Hawaii through the Research Corporation of the University of Hawaii to conduct a study on various aspects of the State's environmental laws.
- Funding for the study has been appropriated through the legislative budget bill, H.B. No. 2688, which is not awaiting the Governor's approval.
- We understand that this measure establishes the parameters of the study to be performed by the University of Hawaii.

Thank you very much for this opportunity to testify.



STATE OF HAWAII
DEPARTMENT OF HEALTH
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
235 SOUTH BERETANIA STREET
LEIOPAPA A KAMEHAMEHA, SUITE 702
HONOLULU, HAWAII 96813
Telephone (808) 586-4185
Facsimile (808) 586-4186
Electronic Mail: OEQC@doh.hawaii.gov

COMMITTEE ON FINANCE

HB2510 HD1, Relating to the Environment

Testimony of Katherine P. Kealoha
Director of Environmental Quality Control
February 20, 2008

1 **Office's Position:** The Office of Environmental Quality Control (Office) respectfully
2 opposes this bill as written.

3 **Fiscal Implications:** HB2510 HD1 appropriates \$300,000 of general funds. We ask that any
4 appropriation not adversely affect the priorities in the executive supplemental budget proposal.

5 **Purpose and Justification:** This measure provides an appropriation for the Legislative
6 Reference Bureau (LRB) to contract with the University of Hawai'i to perform a study of the
7 State's environmental review process. The study will include HRS Chapter 341, which created
8 the Office of Environmental Quality Control, the Environmental Council, and the Environmental
9 Center, HRS Chapter 343, the State's environmental review law, and HRS Chapter 344, the
10 State's environmental policy act.

11 We believe that the Office should be the contracting and approving agency, instead of the
12 LRB.

1 While we acknowledge the good work of the University in the past, as a general matter,
2 we recommend that such a large contract be subject to a competitive request for proposal
3 process.

4 As noted in the HD 1 standing committee report #156, the requested study and
5 appropriation are included in HB 2688, HD1, the supplemental legislative appropriations bill,
6 and that bill has been transmitted to the Governor.

7 Thank you for the opportunity to testify.

LATE TESTIMONY



Legislative Testimony

HB 2510, HD 1, RELATING TO THE ENVIRONMENT

House Committee on Finance

February 20, 2008

4:30 p.m.

Room: 308

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB 2510, HD 1, which would appropriate funds for the Legislative Reference Bureau to contract with the University of Hawai'i (UH) to revive a 2006 Environmental Center study to advise the State on how to improve upon our existing environmental review process.

OHA agrees with the Legislature that the existing Environmental Impact Statement section in Hawaii Revised Statutes (HRS) Chapter 343 has provided the State with a good, balanced baseline. We also agree that it warrants review to assure that it continues to meet the State's current environmental, cultural and human health needs. The existing statutes could use some clarification and amendments, and any such changes should be implemented in a comprehensive, thorough and coordinated manner, instead of in a piecemeal, reactionary one.

Hawai'i's environmental review process strives to create a balanced decision-making arena for developers and managing agencies: balancing development/economic needs with environmental/health needs. This balanced approach, with ample public participation, provides government agencies with enough information to make informed decisions on development proposals. OHA, the sole public agency responsible to assess the policies and practices of other agencies impacting on Native Hawaiians, supports this bill because it should have a positive effect on various State agencies' abilities to properly assess the environmental, cultural and aesthetic impacts of all proposed developments that trigger Chapter 343, HRS.

OHA looks forward to receiving a copy of this report, and hopes that we would be involved in any discussions of the current Cultural Impact Assessment (CIA) requirement under Chapter 343, HRS. We continue to applaud the inclusion of this important element in impact analysis and hope that the CIA will continue to be included, with more guidance offered to applicants on the requirements of a cultural analysis.

OHA compliments the Legislature on this bill's list of UH programs that would be included on the panel. We question, however, whether the contract should be with the Department of

LATE TESTIMONY

Urban and Regional Planning. We would suggest contracting instead with the William S. Richardson School of Law, which, through their nationally ranked Environmental Law Program, would likely have more expertise in this arena.

OHA urges the Committee to PASS HB 2510, HD 1, taking the above concerns into account. Thank you for the opportunity to testify.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
House Committee on Finance
February 20, 2008 at 4:30 pm
by

Virginia S. Hinshaw, Chancellor
and

Richard Dubanoski, Dean
College of Social Sciences
University of Hawai'i at Mānoa

HB 2510, HD1 – RELATING TO THE ENVIRONMENT

Thank you for the opportunity to testify today. Unfortunately, the University of Hawai'i at Mānoa can only support the intent of the bill at this time because of our pressing priorities, such as our tremendous need for repairs and maintenance and health and safety issues, which are critical to our ability to perform our core mission for the State of Hawai'i. We are grateful to the Legislature's attention to these needs. We recognize that you have many priorities and issues to weigh for the state, so the following substantive information on this program is provided to assist you in your decision-making process.

Having an appropriate environmental review system is clearly a critically important effort for the entire State of Hawaii. Act 294, Session Laws of Hawai'i 2006 appropriated funds to the University of Hawai'i environmental center to perform a comprehensive review of the State's current environmental impact statement process under chapter 343, Hawai'i Revised Statutes. The commenced study had to be terminated due to a premature lapse of appropriated funds.

The impetus for this bill is to conduct a review of the environmental process, look at best practices in other places, and modernize the review process in light of changes that have occurred since Chapter 343 was adopted.

Many faculty at the University of Hawai'i have been deeply involved in the environmental impact assessment system for many years as reviewers or participants in the process. It complements the University's research and activities on environmental management, sustainable development, climate change and hazard mitigation, and other topics involving the balancing of the environment and economy.

Thank you for the opportunity to testify, we appreciate all interest in the University, and want to emphasize that we will be able to perform better in all arenas and best serve the state with support of the current campus priorities approved by the Board of Regents.

**THE UNIVERSITY OF HAWAII ENVIRONMENTAL CENTER IS
PLEASED TO SUBMIT THIS TESTIMONY IN ACCORDANCE
WITH ACT 132 OF 1970 WHICH CREATED THE CENTER.
AUTHORS ARE MEMBERS OF THE UNIVERSITY COMMUNITY.**

RL: 2169

HB 2510 HD 1
RELATING TO THE ENVIRONMENT

House Committee on Finance

Public Hearing – February 20, 2008
4:30 p.m., State Capitol, Conference Room 308

By
Peter Rappa, Environmental Center
Jacquelin Miller, Environmental Center

HB 2510 HD 1 provides appropriation to the Legislative Reference Bureau to contract with the University of Hawaii for a study to modernize the State of Hawaii's Environmental Impact Statement process. Our statement on this measure does not represent an institutional position of the University of Hawaii.

The Environmental Center supports the intent of this bill. Established by Act 132 of the 1970 Legislature, the UH Environmental Center is one of three entities that comprise the State's environmental quality infrastructure, along with Office of Environmental Quality Control and the State Environmental Council. Performing research, education and service functions, the Center has served as a repository of scholarly expertise and advisory consultation on matters related to the State EIS system. In this capacity, the Environmental Center on two prior occasions has conducted comprehensive studies of the State EIS system (Cox, et al., 1978; Rappa, et al., 1991). Each of these prior studies was commissioned in response to recognition of the need to reconcile evolving State environmental management needs with the statutory and regulatory frameworks of the EIS system. Each contributed recommendations for amendments in provisions of these frameworks, most of which subsequently were adopted.

In the 17 years that have elapsed since our review of the EIS system in 1991, numerous changes have occurred in the theory and practical application of environmental management. Advances in understanding of ecological relationships, growing appreciation of more subtle implications of human impacts on natural systems, and

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evolving policy formulations within government agencies with environmental management responsibilities have created new challenges for professional environmental managers. These challenges have led to both general and particular shortcomings in the ability of existing EIS procedures to deal adequately with new and continuing development proposals. Under the present EIS laws, one example of an area of inadequacy is the treatment of cumulative impacts. Thus, events such as the October 2004 Manoa flooding, or the problematic traffic congestion in Kona reflect ways in which individually sound decisions have led to problematic cumulative impacts.

In 2007, the Environmental Center was contracted to conduct a third review of the process, but due to an administrative error by the Department of Health the appropriation of funds had lapsed before the project could get started. We are prepared to conduct the study this year and in light of recent events we feel that a review is necessary.

We believe only a comprehensive review of the state EIS process called for in this bill can make recommendations for change that are meaningful. We believe that the level of funding provided for in this bill is adequate to complete the task.

Thank you for the opportunity to comment on this bill.

References

Cox, D.C., P.J. Rappa, and J.N Miller. 1978. The Hawaii State Environmental Impact System. Final Report to the Office of Environmental Quality Control. 167 pp + Appendices.

Rappa, P.J., J.N. Miller, and C.D Cook. 1991. The Hawaii State Environmental Impact System: Review and Recommended Improvements. Report to the Office of Environmental Quality Control. 99 pp + Appendices.

**Testimony of The Nature Conservancy of Hawai'i
Supporting H.B. 2510 HD 1 Relating to the Environment
House Committee on Finance
Wednesday, February 20, 2008, 4:30PM, Room 308**

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of Hawaii's native plants, animals, and ecosystems. The Conservancy has helped to protect nearly 200,000 acres of natural lands for native species in Hawai'i. Today, we actively manage more than 32,000 acres in 11 nature preserves on O'ahu, Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.

The Nature Conservancy of Hawaii supports H.B. 2510 HD 1 Relating to the Environment.

The health of Hawaii's unique but threatened natural resources directly affects our economy and quality of life. Residents and visitors alike are awed and inspired by the Hawaiian Islands' natural wonders. Beyond breathtaking beauty, these resources provide essential natural services that make life possible in the middle of the vast Pacific Ocean. From native forests that give us fresh water, erosion control, and cultural treasures, to abundant coral reefs that provide food, recreation, and protection from storms, we all depend daily on nature to sustain us.

Now more than ever in the past, we have come to appreciate the importance of balancing environmental protection with the obvious need to maintain a vibrant economy that supports and does not threaten the needs of future generations. It is appropriate at this time to take a thorough look at Hawaii's environmental review system. Rather than take a piecemeal or hasty approach, we think it is worth a bit of extra time and effort to undertake the comprehensive review of HRS Chapters 341, 343 and 344 as proposed in this bill.

BOARD OF TRUSTEES

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For the Protection of Hawaii's Native Wildlife
HAWAII AUDUBON SOCIETY

850 Richards Street, Suite 505, Honolulu, HI 96813-4709
Phone/Fax: (808) 528-1432; hiaudsoc@pixi.com
www.hawaii-audubon.com

Date: February 20, 2008

To: COMMITTEE ON FINANCE
FINtestimony@Capitol.hawaii.gov

Representative Marcus Oshiro, Chair, and Representative Marilyn Lee, Vice Chair

Heating Date: February 20, 2008, Time: 4:30 P.M. Room 308

Bill No. HB2510 HD1 TESTIMONY IS SUPPORT

Chair Oshiro and Vice Chair Lee, and members of the Committee on Finance. My name is George Massengale, I am a member of the Hawaii Audubon Society, during session, I serve as their Legislative Analyst. Thank you for the opportunity to submit our testimony, in support of HB5510 HD1, Relating to the Environment, and to appropriate funds to continue the study by the University of Hawaii on how to best modernize Hawaii's environmental review system.

The Hawaii Audubon Society (HAS) was founded in 1939, it is Hawaii's oldest conservation organization with over 1,500 members statewide who actively support the Society's primary mission of protecting of Hawaii's wildlife and habitats. The Society supports measures that address ways to balance growth with environmental protection.

It is well known that our ecosystems are under attack. Hawaii has the highest number of listed threatened and endangered species in the nation. **There are 394 threatened and endangered species in the State of Hawaii, of which 294 are plants.** To illustrate, our dryland forests, like those worldwide, have been heavily **impacted** by humans both directly and indirectly. Less than 10% of Hawai'i's original dryland forest habitat remains. These forests have been severely **impacted** by uncontrolled **urban development**, ranching and agriculture, and invasive species.

The existing environmental process review provisions in HRS Chapter 343, have provided our State with a fairly good balanced baseline, however these EIS provision are dated and need to be adjusted to better balance our economic development needs with our environmental needs.

We strongly urge the committee to vote to pass this measure.

Respectfully,
George Massengale, JD
Legislative Analyst

BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

FEBRUARY 20, 2008

COMMITTEE ON FINANCE

ROOM 308

4:30 P.M.

The Honorable Representative Marcus Oshiro, Chair, and Members
Committee on Finance
State House of Representatives, Room 308
Honolulu, Hawaii 96813

Dear Chair Oshiro and Members:

Subject: House Bill No. HB 2510, HD 1 Relating to the Environment

I am Karen Nakamura, Chief Executive Officer of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

BIA-Hawaii supports H.B. No. 2510, HD 1, with a proposed amendment.

BIA-Hawaii strongly supports the need for a comprehensive review of Chapter 343 that includes as part of environmental impacts, economic impacts as well. We strongly recommend that the bill be amended to include a statement that the legislative intent is that the revised environmental review process will continue to be a "public disclosure" process that identifies impacts and a range of mitigation measures for proposed actions. It should not become another layer of government ministerial or discretionary permitting.

H.B. No. 2510 HD 1, provides an appropriation to the Legislative Reference Bureau to contract with the UH for a study to modernize Hawaii's EIS process.

We understand that the 2006 legislature passed Act 294 which appropriating money to the University of Hawaii environmental center to perform a comprehensive review of the State's current environmental impact statement process under chapter 343, Hawaii Revised Statutes.

The study was initiated but never completed due to internal errors in procurement of the contract by the department of health. Therefore, the intent of this bill is to revive this study, provide it stronger support, and to focus it more specifically on developing a strategy for modernizing Hawaii's environmental review system

BIA-Hawaii, along with a number of other organizations, has become aware of the need for a comprehensive review of Chapter 343, HRS based on the "unintended consequences" of recent court decisions. BIA-Hawaii is advocating legislation to address the immediate problems created by the recent court decisions, while working on the comprehensive review of Chapter 343. The legislation to address the immediate problems should have a sunset to coincide with the comprehensive review.

The bill presently requires the Legislative Reference Bureau to contract with UH to conduct a study that:

1. Examine the effectiveness of the current environmental review system created by chapters 341, 343, and 344, Hawaii Revised Statutes;
2. Assess the unique environmental, economic, social, and cultural issues in Hawaii that should be incorporated into an environmental review system;
3. Address larger concerns and interests related to sustainable development, global environmental change, and disaster risk reduction; and
4. Develop a strategy, including recommendations for proposed legislation, for modernizing Hawaii's environmental review system so that it meets international and national best practices standards.

BIA-Hawaii reiterates our strong recommendation that the bill be amended to include a statement to reflect that the legislative intent is that the revised environmental review process will continue to be a "public disclosure" process that identifies impacts and a range of mitigation measures for proposed actions.

Thank you for this opportunity to express our views.

Karen I. Nakamura

**COALITION OF HAWAII ENGINEERING AND ARCHITECTURAL
PROFESSIONALS**

Email to: FINtestimony@capitol.hawaii.gov

Hearing Date: Wednesday, February 20, 2008 4:30pm, CR 308

Honorable Representatives Marcus Oshiro, and Members of the House
Committee on Finance

Subject: HB 2510, HD-1 - Relating to the Environment

Coalition of Hawaii Engineering & Architectural Professionals represents several professional Engineering and Architectural organizations including American Council of Engineering Companies Hawaii; American Institute of Architects; Hawaii Chapter of the American Society of Civil Engineers; American Public Works Association Hawaii Chapter; Structural Engineering Association of Hawaii; and the Hawaii Society of Professional Engineers.

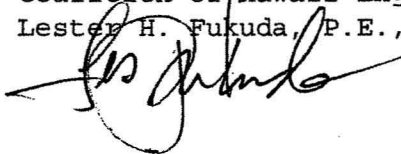
Our coalition is in **general support of HB 2510, HD-1 Relating to the Environment**. This bill proposes to assess the current Chapter 343 environmental laws that affect our Hawaiian environment. Recent court decisions have expanded the requirements for environmental assessments (EA's) well beyond the reasonable intent of the Law so we are in favor of a comprehensive review of the overall environmental laws and rules. The bill as currently drafted proposed to utilize the University of Hawaii, however, we would like to see other stakeholders involved in the review process that are involved in Hawaii's environment. We recommend that design professionals (environmental engineers & architects) be added to the study group.

The entire construction industry is currently affected by the Supreme Court decision with utility connections or utility crossings, single driveway connections to existing state or county highways currently on hold for the new requirement to conduct an environmental assessment. The current position taken by SDOT is critically holding up public and private projects and forcing un-necessary expenditures for EA's and possibly jeopardizing the viability of the project or funding sources.

We recommend corrections to HB 2510 - Relating to the Environment.
Mahalo for this opportunity to express our concerns.

Sincerely,

Coalition of Hawaii Engineering & Architectural Professionals
Lester H. Fukuda, P.E., FACEC





Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.537.9019 hawaii.chapter@sierraclub.org

HOUSE COMMITTEE ON FINANCE February 20th, 2008, 4:30 P.M.

(Testimony is 2 pages long)

TESTIMONY IN SUPPORT OF HB 2510 HD1

Chair Oshiro and members of the Committee:

The Sierra Club, Hawai'i Chapter, with 5500 dues paying members statewide, supports HB 2510 HD1, providing funds for study to modernize Hawaii's environmental review law. While we believe that Hawaii's environmental review law has served our state well for the past three decades, we support the idea of an objective, thorough analysis of the law and recommendations of how it can be improved to increase the sustainability of the projects it is used to assess.

While a number of measures currently pending before the legislature call for various amendments to Hawaii's three-decade old environmental review law, we believe it is unwise to make any changes to the law until a thorough and objective analysis of the law is complete. This measure would provide needed funding and direction for such a study to be completed.

The eloquent mandate of Chapter 343 is simple: it requires agencies and developers to tell the truth. The intent of our environmental review law is quite clear—to ask tough questions and disclose impacts of actions using state land or money. Please remember: the environmental review law is not about permitting; it is about disclosure. The law requires that environmental, cultural, and socio-economic impacts are fully disclosed so that decision makers can make informed decisions about permitted activities.

Hawaii's Environmental Protection Act was passed over three decades ago by legislators with the foresight to recognize the need for proactive planning to protect communities and increase sustainability. It has served Hawaii's environment and communities well – when it is followed. When a company chooses to ignore the environmental review law, they must go back and comply with its requirements before their proposed project can begin.

The intent behind HRS Chapter 343, Hawaii's Environmental Impact Statement statute ("HEPA"), is clear and broad:

*§343-1 Findings and purpose. The legislature finds that the quality of humanity's environment is critical to humanity's well being, that humanity's activities have broad and profound effects upon the interrelations of all components of the environment, and that an environmental review process will integrate the review of environmental concerns with existing planning processes of the State and counties and alert decision makers to significant environmental effects which may result from the implementation of certain actions. **The legislature further finds that the process of reviewing***

environmental effects is desirable because environmental consciousness is enhanced, cooperation and coordination are encouraged, and public participation during the review process benefits all parties involved and society as a whole. It is the purpose of this chapter to establish a system of environmental review which will ensure that environmental concerns are given appropriate consideration in decision making along with economic and technical considerations.
(emphasis added)

The lawmakers who enacted HEPA (which was a parallel to the National Environmental Policy Act) had the foresight to provide a mechanism to disclose environmental, economic, and social impacts of government actions. The purpose of the environmental review law was to ensure adequate disclosure of impacts from activities using state funds or land. The law provides for comments from the public and serves as a tool for decision makers to use in selecting the optimal choice for public resources. Public oversight of public resources is essential in a democracy. It provides for checks and balances between government and the public at large. HEPA ensures some form of accountability of our agencies—if they plan to take action that may diminish the quality of life or adversely impact the environment that everyone shares, HEPA discloses those impacts before they occur. Without such a disclosure, the state would blindly take actions without knowing what the future costs or benefits would be. The essence of our environmental review process is used to understand and fix problems *before they occur*.

Hawai'i has had its environmental review law for nearly 30 years. It is a process that has been tested time and time again—and it works. Because of the law, Hawai'i is better planned, cleaner, and more beautiful. We support funding a comprehensive, objective study of Hawaii's environmental review law through HB 2510 HD1 as a means to further improve planning for a sustainable future.

Thank you for the opportunity to testify.



**The Chamber of
Commerce of Hawaii**

Since 1850

**Testimony to the House Committee on Finance
Wednesday, February 20, 2008 at 4:30 p.m.
Conference Room 308, State Capitol**

RE: HOUSE BILL NO. 2510 HD1 RELATING TO THE ENVIRONMENT

Chair Oshiro, Vice Chair Lee, and Members of the Committee:

My name is Jim Tollefson and I am the President and CEO of The Chamber of Commerce of Hawaii ("The Chamber"). The Chamber supports HB 2510 HD1, with a proposed amendment.

The Chamber is the largest business organization in Hawaii, representing 1100 businesses. Approximately 80% of our members are small businesses with less than 20 employees. The organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

H.B. No. 2510 HD 1, provides an appropriation to the Legislative Reference Bureau to contract with the UH for a study to modernize Hawaii's EIS process.

We understand that the 2006 legislature passed Act 294 which appropriating money to the University of Hawaii environmental center to perform a comprehensive review of the State's current environmental impact statement process under chapter 343, Hawaii Revised Statutes.

The study was initiated but never completed due to internal errors in procurement of the contract by the department of health. Therefore, the intent of this Act is to revive this study, provide it stronger support, and to focus it more specifically on developing a strategy for modernizing Hawaii's environmental review system

The Chamber, along with a number of other organizations, has become aware of the need for a comprehensive review of Chapter 343, HRS based on the "unintended consequences" of recent court decisions. The Chamber is advocating legislation to address the immediate problems created by the recent court decisions, while working on the comprehensive review of Chapter 343. The legislation to address the immediate problems should have a sunset to coincide with the comprehensive review.

The bill presently requires the Legislative Reference Bureau to contract with UH to conduct a study that:

1. Examine the effectiveness of the current environmental review system created by chapters 341, 343, and 344, Hawaii Revised Statutes;

Page 2

The Chamber of Commerce of Hawaii Testimony on HB 2510 HD1
February 20, 2008

2. Assess the unique environmental, economic, social, and cultural issues in Hawaii that should be incorporated into an environmental review system;
3. Address larger concerns and interests related to sustainable development, global environmental change, and disaster risk reduction; and
4. Develop a strategy, including recommendations for proposed legislation, for modernizing Hawaii's environmental review system so that it meets international and national best practices standards.

The Chamber strongly supports the need for a comprehensive review of Chapter 343 that includes as part of environmental impacts, economic impacts as well. We strongly recommend that the bill be amended to include a statement on the legislative intent is that the revised environmental review process will continue to be a "public disclosure" process that identifies impacts and a range of mitigation measures for proposed actions. It should not become another layer of government ministerial or discretionary permitting.

Thank you for this opportunity to express our views.



Conservation Council for Hawai'i

Testimony Submitted to the House Committee on Finance

Hearing: Wednesday, February 20, 2008

4:30 pm

Conference Room 308

Support for HB 2510 HD 1 Relating to the Environment

Aloha. The Conservation Council for Hawai'i supports HB 2510 HD 1, which provides an appropriation to the Legislative Reference Bureau to contract the University of Hawai'i for a study of the Hawai'i's EIS process.

We do not support amending the EIS law, HRS Chapter 343, on a case-by-case basis to exempt projects from the EIS process. We suspect businesses and agencies are attempting to do this after the Superferry fiasco.

Please support this bill for a comprehensive review of HRS Chapter 343. Mahalo nui loa for the opportunity to testify.

Sincerely,

Marjorie Ziegler
Marjorie Ziegler



Working Today for the Nature of Tomorrow!

Telephone/Fax 808.593.0255 • email: info@conservehi.org • web: www.conservehi.org

P.O. Box 2923 • Honolulu, HI 96802 • Office: 250 Ward Ave., Suite 212 • Honolulu, HI 96814

Hawai'i Affiliate of the National Wildlife Federation

President: Julie Leleloha • Vice-President: Nelson Ho • Secretary/Treasurer: Kim Ramos • Directors: Fred Kraus, Ph.D. • Douglas Lamerson, George Robertson • Claire Shimabukuro • Helene Takemoto • Mashuri Waite • Executive Director: Marjorie Ziegler



Protecting Native Hawaiian Traditional and Customary Rights
and Our Fragile Environment

ph. 808-524-8220, fx. 808-524-8221
www.KAHEA.org, kaheca-alliance@hawaii.rr.com
P.O. BOX 270112 HONOLULU, HAWAII 96827

HB 2510 – In Support
February 20, 2008, 4:30 p.m.
Finance Committee, room 308

Aloha Chairman Oshiro and Members of the House Finance Committee,

KAHEA: The Hawaiian-Environmental Alliance strongly supports HB 2510 to study and recommend improvements to Chapters 343 and 344, Hawai'i's environmental study laws. An independent, collaborative study of our environmental review system is crucial to ensuring that Hawai'i's environmental protection efforts are effective, culturally appropriate, and properly implemented.

The recent failure to fully and properly implement our current environmental review system has spurred confusion and uncertainty. This study provides an opportunity for experts, stakeholders, and the public to participate in a collaborative process to identify the strengths and suggest improvements for this keystone of Hawai'i's jurisprudence.

This bill is the proper vehicle for the Legislature to direct the expenditure of the \$300,000 current appropriated through HB 2688, HD 1 (Act 1, SLH 2008) by outlining the need, purpose and methodologies for this much needed independent study. The University of Hawai'i, especially the nationally and internationally renown Environmental Law Program at the WS Richardson School of Law, is the proper entity to conduct this study.

It is our hope that this study marks the beginning of renewed respect and support for Hawai'i's environmental laws.

KAHEA is a community-based network of over 2,000 members, including Native Hawaiian cultural practitioners, conservationists, scientists, fishers, and kupuna, dedicated to protecting Hawai'i's unique natural and cultural heritage. Together with other concerned community members and organizations, KAHEA's members successfully advocated for the inclusion of the cultural impact statement requirement in Chapter 343. We have a vested interest in ensuring that this important law remains an effective method of protecting and perpetuating Hawai'i's unique natural and cultural resources.

Mahalo,

A handwritten signature in black ink that reads "Marti Townsend". The signature is written in a cursive, flowing style.

Marti Townsend
Program Director