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LATE

COMMITTEE ON ENERGY AND ENVIRONMENTAL
COMMITTEE ON EDUCATION

HB2510 HD2, Relating to the Environment

Testimony of Katherine Puana Kealoha
Interim Director of Environmental Quality Control
March 14, 2008

1 **Office's Position:** The Office of Environmental Quality Control (Office) believes this
2 measure is unnecessary because Act 1 (HB2688 HD1), signed by the Governor on February 13,
3 2008, addresses the issues identified in this bill.

4 **Fiscal Implications:** None.

5 **Purpose and Justification:** HB2510 HD2, requires the Legislative Reference Bureau to
6 contract with the University of Hawai'i for a study to modernize Hawai'i's Environmental
7 Impact Statement process. This has been addressed in Section 10 of HB2688, HD1, signed into
8 law as Act 1.

9 Thank you for the opportunity to testify.

**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: 2189

L A T E

HB 2510 HD 2
RELATING TO THE ENVIRONMENT

Senate Committee on Education
Senate Committee on Energy and Environment

Joint Public Hearing – March 14, 2008
2:00 p.m., State Capitol, Conference Room 225

by
Peter Rappa, Environmental Center
Jacquelin Miller, Environmental Center

HB 2510 HD2 provides an appropriation to the Legislative Reference Bureau (LRB) to contract with the University of Hawaii for a study to modernize the State of Hawaii's Environmental Impact Statement process. We emphasize that our testimony on this measure does not represent an official 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 the recognition of the need to reconcile evolving State environmental management needs with the statutory and regulatory frameworks of the EIS system. Each of the prior studies contributed recommendations for amendments in the provisions of these frameworks, most of which were subsequently 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 the understanding of ecological relationships, growing appreciation of more subtle implications of human impacts on natural systems, and evolving policy formulations within government agencies with environmental management

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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.

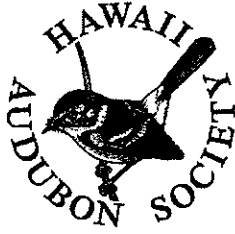
We believe only a comprehensive review of the state EIS process called for in this bill can make recommendations for change that are meaningful. We recognize that the Legislature has wisely appropriated sufficient funds for the study to LRB through HB2688 HD1 (Act 001, signed by the Governor Feb. 13, 2008, GM444). Nonetheless, passage of HB2510 HD2 is still important to convey the intent of the Legislature regarding the importance, scope, and stakeholder process for the study.

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.



For the Protection of Hawaii's Native Wildlife

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L A T E

Date: March 11, 2008

To: COMMITTEE ON ENERGY AND ENVIRONMENT, Senator Ron Menor, Chair
COMMITTEE ON EDUCATION, Senator Norman Sakamoto, Chair

Heating Date: March 14, 2008, Time: 4:00 P.M. Room 225

Bill No. HB2510, HD2

TESTIMONY IN SUPPORT

Chair's Menor and Sakamoto, and members of the Committee on Energy and Education, and Committee on Education.. My name is George Massengale, I am a member of the Hawaii Audubon Society and I serve as their Legislative Analyst. Thank you for the opportunity to submit our testimony, in support of HB5510 HD2, 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 our bird and wildlife habitats. The Society supports measures that address ways to balance growth with environmental protection thus ensuring survival of our endangered & threaten bird species.

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, 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 we not that it has been over 17 years since the most recent review of the EIS system. The EIS review system needs be thoroughly examined and adjusted to better balance our economic development needs with our environmental needs.

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

Respectfully,
George Massengale, JD
Legislative Analyst