

LINDA LINGLE
GOVERNOR OF HAWAII



LAURENCE K. LAU
Acting Director

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
235 S BERETANIA ST. SUITE 702
HONOLULU, HAWAII 96813
Tel. (808) 586-4185
Fax. (808) 586-4186
Email: oeqc@doh.hawaii.gov

Committee on Energy and Environment

Committee on Education

SB 2848 Relating to the Environment

Testimony of Laurence K. Lau
Acting Director of the Office of Environmental Quality Control
February 4, 2008

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

3 **Fiscal Implications:** SB 2848 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 auditor to contract
6 with the University of Hawai'i to perform a study of the State's environmental review process.
7 The study will include HRS Chapter 341, which created the Office of Environmental Quality
8 Control, the Environmental Council, and the Environmental Center, HRS Chapter 343, the
9 State's environmental review law, and HRS Chapter 344, the State's environmental policy act.

10 We believe that the Office should be the contracting and approving agency, instead of the
11 auditor. We question the appropriation of funds by the legislature to its own agency.

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

15 Thank you for the opportunity to testify on SB 2848.



**Testimony to the Senate Committee on Energy & Environmental Protection
Monday, February 4, 2008 at 1:15 p.m.
Conference Room 225, State Capitol**

RE: SENATE BILL NO. 2848 RELATING TO THE ENVIRONMENT

Chairs Menor and Sakamoto, Vice Chairs Tokuda and Hooser, and Members of the Committees:

My name is Jim Tollefson and I am the President and CEO of The Chamber of Commerce of Hawaii ("The Chamber"). The Chamber supports SB 2848 with amendments.

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.

S.B. No. 2848 proposes to provide an appropriation to the legislative auditor to contract with the UH for a study to modernize Hawaii's EIS process.

We understand that the 2006 Legislature passed Act 294 which appropriated 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 Chamber strongly supports the need for a comprehensive review of Chapter 343 that should include as part of environmental impacts, economic impacts as well. However, we strongly recommend that the bill be amended to instruct the Auditor to review the environmental laws/ordinance/rules of other states/municipalities to provide a context for the review of Chapter 343 that is being conducted by the University of Hawaii. We believe the Chapter 343 process should remain a public disclosure document that identifies impacts and a range of mitigation measures for proposed actions rather than another layer of discretionary permitting.

Thank you for this opportunity to submit testimony.



Legislative Testimony

SB 2848, RELATING TO THE ENVIRONMENT

Senate Committees on Energy and Environment,
and Education

February 1, 2008

1:15 p.m.

Room: 225

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB 2848, which would appropriate funds for the State Auditor 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 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 Committees to PASS SB 2848, taking the above concerns into account. Thank you for the opportunity to testify.



Protecting nature. Preserving life.™

The Nature Conservancy of Hawai'i
923 Nu'uau Avenue
Honolulu, Hawai'i 96817

Tel (808) 537-4508
Fax (808) 545-2019

nature.org/hawaii

**Testimony of The Nature Conservancy of Hawai'i
Supporting S.B. 2848 Relating to the Environment
Senate Committee on Energy and Environment
Senate Committee on Education
Monday, February 4, 2008, 1:15PM, Room 225**

The Nature Conservancy of Hawaii supports S.B. 2848 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.

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Conservation Council for Hawai'i

Testimony Submitted to the Senate Committee on Energy & Environment
and Senate Committee on Education

Hearing: Monday, February 4, 2008 1:15 pm
Conference Room 225

Support for SB 2848 Relating to the Environment

Aloha. The Conservation Council for Hawai'i supports SB 2848, which provides an appropriation to the state auditor 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



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

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