

Honolulu, Hawaii  
March 16, 2010

RE: S.B. No. 2957  
S.D. 1  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Sir:

Your Committees on Energy & Environmental Protection and Water, Land, & Ocean Resources, to which was referred S.B. No. 2957, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE ENVIRONMENT,"

beg leave to report as follows:

The purpose of this bill is to expedite the development of projects that protect, preserve, or enhance native species, native habitat, or native ecosystem function by:

- (1) Exempting those projects to protect, preserve or enhance native species, habitat or ecosystem function and that are approved by the Department of Land and Natural Resources (DLNR) from the requirement of preparing an environmental assessment (EA); and
- (2) Establishing the process to approve and exempt a project from the EA requirements, including the contents of a request for exemption, publication requirements, and the period in which the request must be acted upon by DLNR.

The Nature Conservancy of Hawaii, Land Use Research Foundation of Hawaii, and PAHIO Development, Inc. supported this bill. The Outdoor Circle, Hawaii Audubon Society, Sierra Club - Hawaii Chapter, The Chamber of Commerce of Hawaii, Building Industry Association of Hawaii, and a concerned individual opposed this measure. DLNR and a concerned individual submitted comments.



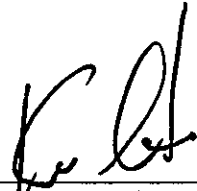
Your Committees find that certain projects that are specifically developed and carefully designed to address significant threats to and degradation of the state's natural environment, should not be subjected to regulatory burdens that consume time and limited financial resources that are better spent on protecting coral reefs, forests, and wetlands from invasive species, pollution, over-use, and the effects of climate change.

Your Committees have amended this bill by:

- (1) Deleting the process to approve and exempt a project from the EA requirement, leaving the approval of DLNR and the description of the types of projects that should be exempted;
- (2) Inserting a findings and purpose section to, among other things, elucidate the types of projects that should be exempt from preparation of an EA;
- (3) Changing the effective date to upon its approval; and
- (4) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the records of votes of the members of your Committees on Energy & Environmental Protection and Water, Land, & Ocean Resources that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2957, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2957, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committees on Energy &  
Environmental Protection and  
Water, Land, & Ocean Resources,

  
\_\_\_\_\_  
KEN ITO, Chair

  
\_\_\_\_\_  
HERMINA MORITA, Chair



State of Hawaii  
House of Representatives  
The Twenty-fifth Legislature

HSCR 769-10

**Record of Votes of the Committee on Energy & Environmental Protection**

| Bill/Resolution No.:   | Committee Referral: | Date:         |      |         |
|--|---------------------|---------------|------|---------|
| SB 2957, SDI   | EEP/WLO, JUD        | 11 Dec 3-9-10 |      |         |
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure.  |                     |               |      |         |
| <b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold<br><input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) |                     |               |      |         |
| EEP Members  | Ayes                | Ayes (WR)     | Nays | Excused |
| 1. MORITA, Hermina M. (C)  | ✓                   |               |      |         |
| 2. COFFMAN, Denny (VC)   | ✓                   |               |      |         |
| 3. CABANILLA, Rida   | ✓                   |               |      |         |
| 4. CHANG, Jerry L.   | ✓                   |               |      |         |
| 5. CHONG, Pono   | ✓                   |               |      |         |
| 6. HAR, Sharon E.  | ✓                   |               |      |         |
| 7. HERKES, Robert N.   | ✓                   |               |      |         |
| 8. ITO, Ken  | .                   |               |      | ✓       |
| 9. LEE, Chris  | ✓                   |               |      |         |
| 10. LUKE, Sylvia   | ✓                   |               |      |         |
| 11. SAGUM, Roland D., III  | ✓                   |               |      |         |
| 12. CHING, Corinne W.L.  | ✓                   |               |      | ,       |
| 13. THIELEN, Cynthia   |                     | ✓             |      |         |
| <b>TOTAL (13)</b>  | 11                  | 1             | 0    | 1       |
| <b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted<br>If joint referral, _____ did not support recommendation.<br><div style="text-align: center; font-size: small;">committee acronym(s)</div>                              |                     |               |      |         |
| <b>Vice Chair's or designee's signature:</b> <u>Denny Coffman</u>  |                     |               |      |         |
| <b>Distribution:</b> Original (White) – Committee            Duplicate (Yellow) – Chief Clerk's Office            Duplicate (Pink) – HMSO  |                     |               |      |         |

