

Honolulu, Hawaii

FEB 26 2010

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

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committees on Energy and Environment and Water, Land, Agriculture, and Hawaiian Affairs, to which was referred S.B. No. 2957 entitled:

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

beg leave to report as follows:

The purpose of this measure is to provide an exemption from environmental assessment requirements for projects that protect, preserve, and enhance the environment, land, or natural resources, under certain conditions and require the Environmental Council to make a determination of whether the exemption should be applicable after a public hearing.

Testimony in support of this measure was submitted by one organization, and one organization supports the intent. One organization submitted comments. Testimony in opposition was submitted by one state agency, one county agency, and five organizations. Written testimony presented to the Committees may be reviewed on the Legislature's website.

Your Committees find that conservation work that protects, preserves, or enhances the environment is often required to conduct the same environmental assessments as projects that have negative impacts on the environment. The purpose of this measure in this regard is to distinguish between constructing residential homes and engaging in conservation work to protect native forests. Environmental assessments can take six to twelve months, and cost approximately \$100,000 to \$200,000, per project. Recently, the



Department of Land and Natural Resources has taken note of this concern and proposed significant changes to administrative rules governing conservation work on private lands in conservation districts.

Your Committees, similarly, hope to ease the regulatory burden on beneficial conservation projects for invasive species control and predator fencing, however, your Committees are concerned that the measure as written may impose additional burdens. Thus, your Committees have amended this measure by adopting the recommendations of The Nature Conservancy to:

- (1) Clarify the kinds of projects that may be eligible for the exemption to actions that protect, preserve, or enhance native species, native habitat, or native ecosystem functions, including:
 - (A) Invasive species control using approved methods in accordance with state and federal law; and
 - (B) The installation of barriers to control non-native animals and of dip tanks, helicopter landing zones, or field camps for fire control;
- (2) Remove the public hearing requirement and replace it with a public notification process;
- (3) Change the determining authority from the Environmental Council to the Department of Land and Natural Resources; and
- (4) Remove the requirement that for any exemption granted the applicant must submit a report documenting the implementation of the action.

Your Committees have also amended this measure by changing its effective date to July 1, 2050 to ensure further discussion of these issues.

As affirmed by the records of votes of the members of your Committees on Energy and Environment and Water, Land, Agriculture, and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2957, as amended herein, and recommend that it pass Second

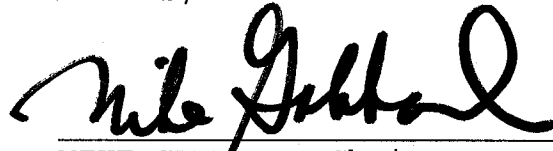


Reading in the form attached hereto as S.B. No. 2957, S.D. 1, and
be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Energy and
Environment and Water, Land,
Agriculture, and Hawaiian
Affairs,



CLAYTON HEE, Chair



MIKE GABBARD, Chair



