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LATE

SENATE COMMITTEE ON ENERGY AND ENVIRONMENT SENATE COMMITTEE ON WATER, LAND, AND HOUSING

February 10, 2011, 4:30 P.M.
(Testimony is 1 page long)

TESTIMONY IN OPPOSITION TO SB 688

Aloha Chair Gabbard, Chair Dela Cruz, and Members of the Committees:

The Sierra Club of Hawai'i *opposes* HB 378. This bill would amend Haw. Rev. Stat. § 343-5 to create a statutory exemption for affordable housing. While the Sierra Club supports reasonable efforts to develop more affordable housing, it is equally important to ensure the environmental and socio-economic impacts of a proposed project -- including the impacts on future residents -- are considered and addressed *before problems occur*.

Hawai'i has a two-tiered land use process. This measure could omit environmental review from certain state land reclassifications before the Land Use Commission. This nod towards growth over planning would be in addition to the already extensive waivers granted to 201H projects, such as an exemption from "all statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units thereon..." Haw. Rev. Stat. § 201H-38 (2007). And

The legislative body shall approve, approve with modification, or disapprove the project by resolution within forty-five days after the corporation has submitted the preliminary plans and specifications for the project to the legislative body. If on the forty-sixth day a project is not disapproved, it shall be deemed approved by the legislative body.

Id. In short, this measure would weaken our three-decade old Hawai'i Environmental Protection Act, not only by eliminating the environmental review of potentially damaging projects, but upsetting the current process that is in place with the Environmental Council and the exemption requirements.

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.

The intent behind Haw. Rev. Stat. Chapter 343, Hawai'i'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.

The purpose of the environmental review law is 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*.

Any development project that has minimal impacts on the environment -- affordable or not -- should be exempted from Chapter 343. And a mechanism already exists to exempt these types of projects. The Environmental Council has the ability to approve exemption lists and, in fact, is actively considering several proposed exemptions by the City and County of Honolulu.

In short, we ask that this Committee hold this bill. Thank you for the opportunity to testify.