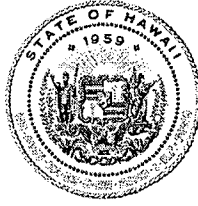
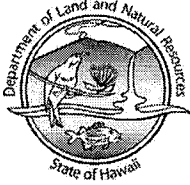


SB 699

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the Senate Committee on
WAYS AND MEANS**

**Friday, February 25, 2011
9:00 AM
State Capitol, Conference Room 211**

**In consideration of
SENATE BILL 699, SENATE DRAFT 1
RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL**

Senate Bill 699, Senate Draft 1 proposes to establish significant filing fees to help fund operations of the Office of Environmental Quality Control (OEQC) and creates a special fund.

The Department of Land and Natural Resources (Department) recognizes the needs of OEQC to establish appropriate fees to cover the cost of services. However, the Department has concerns with the process and the size of the fees imposed on the Department and our small landowner and non-profit partners and for conservation projects that do not generate monetary profits and that support public benefits. Costs in the ball park of \$500 for an environmental assessments (EA) and \$1,000 for an environmental impact statement (EIS) seem more appropriate for small projects. The way the bill is currently written, it would also have no exemption for any government sponsored projects, even small projects, because government agencies would exceed the revenue or number of employees thresholds.

In assessing the amount of the filing fee, take into consideration that many other agencies are also passing on permit processing fees for the Administrative work that they do to develop, review and issue permits. For instance, the Department is in the process of adopting fees for Conservation District Use permits, which also require an EA or EIS, which range in costs from \$250 for small projects, up to \$2,500 for complex projects that could require weeks and months of staff time.

WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DEPARTMENT OF DESIGN AND CONSTRUCTION
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 11TH FLOOR
HONOLULU, HAWAII 96813

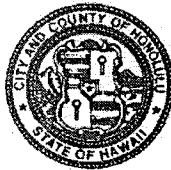
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PETER B. CARLISLE
MAYOR

COLLINS D LAM, P.E.
DIRECTOR

LORI M. KAHIKINA, P.E.
DEPUTY DIRECTOR



February 24, 2011

The Honorable David Y. Ige, Chair
and Members
Ways and Means Committee
State Capitol
Honolulu, Hawaii 96813

Dear Chair Ige and Members:

Subject: Senate Bill No. 699 SD1, Relating to the Office of Environmental Quality Control

The Department of Design and Construction (DDC) respectfully **opposes** SB699 SD1, which imposes fees for filing environmental review documents, including environmental assessments, environmental impact statements, preparation notices, and supplemental documents, with the Office of Environmental Quality Control (OEQC).

The proposed filing fees are disproportionate to the actual services performed by the OEQC, whose function is essentially to act as an information clearinghouse. In this role, the OEQC's responsibilities are very narrowly defined and the costs for operating should be relatively small. Suggested reforms for the OEQC in recent years have not proposed significant expansion of the OEQC's role as an information clearinghouse.

The collection of filing fees from State and county agencies would severely burden those agencies required to publish many environmental review documents on a regular basis as a function of their operations. The proposed fees are equal to or higher than filing fees that decision-making agencies of State and county governments typically collect. The imposition of filing fees of the magnitude proposed could motivate State and county agencies (including DDC) to make more liberal use of their exemption privileges to avoid the excessive filing costs. This might not be in the best public interest.

Filing of environmental review documents should not be confused with review of plans and other construction-related documents submitted in support of applications for permits and approvals administered by county agencies and certain State agencies other than the OEQC. Significant staff time and specialized skills are required to adequately analyze and process these submittals. In contrast, the OEQC staff is not required to make any decisions or recommendations relating to the actions described in the environmental review documents that are filed by the OEQC. Only on rare occasions does the OEQC have a role in interpreting and

The Honorable David Y. Ige, Chair
and Members
Ways and Means Committee
February 24, 2011
Page 2

applying the laws and regulations relating to the environmental review process as it applies to a particular proposed action. Even in that function, the OEQC's legal role and powers are very limited. Most of OEQC's processing of environmental review documents is routine and should not generate significant operating costs.

Other State and county agencies in Hawai'i face budgetary constraints similar to those faced by the OEQC. The imposition of filing fees is neither necessary nor justified. For the reasons indicated herein, DDC respectfully **opposes** SB699 SD1.

Thank you for the opportunity to testify.

Very truly yours,



Collins Lam, P.E.
Director

CDL:WB:hm

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 10:55 AM
To: WAM Testimony
Cc: palmtree7@earthlink.net
Subject: Testimony for SB699 on 2/25/2011 9:00:00 AM

Testimony for WAM 2/25/2011 9:00:00 AM SB699

Conference room: 211
Testifier position: support
Testifier will be present: No
Submitted by: janice palma-glennie
Organization: Individual
Address:
Phone:
E-mail: palmtree7@earthlink.net
Submitted on: 2/23/2011

Comments:

This legislation is long overdue. It would take important steps toward reforming the governance of the environmental review system by establishing a system of filing fees for environmental review documents.¶;

These funds would then be used to supplement the budget of the OEQC to address long-standing issue of budget shortfalls in the OEQC.¶;¶;

Please support its passage.
mahalo.

From: Denise Antolini [deniseantolini@gmail.com]
Sent: Wednesday, February 23, 2011 10:24 AM
To: WAM Testimony
Subject: Comment in Support of SB699, 2-25-11 decisionmaking

Senate Committee on Ways and Means
Hearing on SB699

Feb. 25, 2011 9:00 am Decisionmaking

Dear Chair Ige, Vice-Chair Kidani, and Members:

Thank you for scheduling decision-making on SB699, which will establish a fee system to strengthen and modernize the State Office of Environmental Quality Control.

Please support SB699.

Mahalo,

Denise Antolini
59-463 Alapio Road
Pupukea, HI 96712
808-638-5594