

LATE

Testimony for ENE 1/31/2012 2:45:00 PM SB3044

Conference room: 225
Testifier position: Oppose
Testifier will be present: No
Submitted by: Nancy Davlantes
Organization: Individual
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Submitted on: 1/31/2012

Comments:

There seems to be no purpose for this bill other than to undermine the purpose of Chapter 343.

No justification is given for why requiring environmental impact statements (EISs) for commercial leases but environmental assessments (EAs) for non-commercial leases will result in better use of state marine waters and submerged ceded lands.

For any lease of state lands, commercial or non-commercial, marine or otherwise, an EA should be performed to determine the potential for significant effect. If there is such a potential, then it should do an EIS. If there is no potential for significant effect, then it should receive a Finding of No Significant Impact (FONSI) and be allowed to proceed, regardless of what type of lease.

If the Legislature is concerned that commercial leases should be doing EISs and not just EAs, then a better approach would be to support SB 2281, which provides for agencies and applicants to opt to bypass preparing an EA and directly prepare an EIS. This saves the agency and applicant time and money, while still providing a robust review of potential environmental impacts.

I realize this submission is late, but I just heard about this bill and wanted to express my opposition. Thank you for the opportunity to testify.

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Testifier will be present: No
Submitted by: Crystal Kia Paul
Organization: Individual
E-mail: crystalkpaul@yahoo.com
Submitted on: 1/31/2012

Comments:

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NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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LAND
STATE PARKS

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Testimony of
WILLIAM J. AILA, JR.
Chairperson

Before the Senate Committee on
ENERGY AND ENVIRONMENT

Tuesday, January 31, 2012
2:45 P.M.
State Capitol, Conference Room 225

In consideration of
SENATE BILL 3044
RELATING TO STATE MARINE WATERS

The purpose of Senate Bill (SB) 3044 is to require an applicant for a lease of state marine waters to submit an environmental impact statement (EIS) for commercial leases or an environmental assessment for non-commercial leases. The Department of Land and Natural Resources (Department) opposes this measure.

The Department appreciates the intent of SB 3044, but feels it unfairly penalizes entities wishing to establish a commercial use of state marine waters by arbitrarily requiring an EIS for a project regardless of its size or location, and irrespective of whether it actually would have environmental, social or economic effects. In addition, the Department feels the measure is unnecessary as the existing laws governing environmental impact reporting under Chapter 343, Hawaii Revised Statutes and Hawaii Administrative Rules (HAR) 11-200-12, already allows an agency to require an EIS should the action trigger the need for one.

From HAR 11-200-12:

In determining whether an action may have a significant effect on the environment, the agency shall consider every phase of a proposed action, the expected consequences, both primary and secondary, and the cumulative as well as the short-term and long-term effects of the action. In most instances, an action shall be determined to have a significant effect on the environment if it:

1. Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;
2. Curtails the range of beneficial uses of the environment;

3. Conflicts with the state's long-term environmental policies or goals and guidelines as expressed in chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders;
4. Substantially affects the economic welfare, social welfare, and cultural practices of the community or State;
5. Substantially affects public health;
6. Involves substantial secondary impacts, such as population changes or effects on public facilities;
7. Involves a substantial degradation of environmental quality;
8. Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;
9. Substantially affects a rare, threatened, or endangered species, or its habitat;
10. Detrimentally affects air or water quality or ambient noise levels;
11. Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters;
12. Substantially affects scenic vistas and viewplanes identified in county or state plans or studies; or,
13. Requires substantial energy consumption.

Whether a project is commercial or noncommercial should not determine whether an EIS is required. The determining factor should be whether an EIS is required based on the significance criteria articulated in HAR 11-200-12, and what environmental, social, or economic effects the project actually may cause.

The Department opposes SB 3044 for the reasons given above.