



For Exclusive Release to Honolulu Star-Advertiser: March 15, 2012

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LEGISLATURE SEEKS TO UNDERCUT HAWAII'S ENVIRONMENTAL PROTECTIONS

by

State Representative Cynthia Thielen (R, 50th District: Kailua, Kaneohe Bay)

Honolulu – The Honolulu Star-Advertiser has drawn much attention in its editorial pages to key issues affecting our State, such as open government, education, reapportionment, homelessness, clean energy, and the cost and reliability of electricity, but a significant area remains outside the spotlight: the Legislature's attack on Hawaii's landmark environmental protections. A startling number of bills which would have long-lasting impacts on the integrity and preservation of our environmental and cultural resources are being rapidly ushered through the legislative process. These bills include, but are not limited to, HB530, HB2145, HB2154, HB2324, HB2325, HB2611, HB2613, and HB2690, SB2235, SB2335, SB2381, SB2785, SB2873, SB2927 and SB3010.

These short-sighted bills cast aside over thirty years of wisdom by exempting government projects from the public environmental review process (as set forth by Chapters 205A and 343, Hawai'i Revised Statutes, enacted by our State Legislature in 1975 and 1979). Chapters 205A established our Special Management Area (SMA) permitting process to protect and conserve our shorelines and coastal resources. Chapter 343 further articulated our environmental protections by requiring environmental assessments (EA) or impact statements (EIS) as part of the review process for proposed projects and development affecting the public sector.

Many of these bills are being pushed by the Governor and certain legislative and committee leaders. Approximately half of these bills were fast-tracked and specifically bypassed the substantive committees (WLO & EEP), leaving the public out of the loop. Other bills had their content gutted and replaced, further lessening review and public input.

HB530 gives the Office of Planning the ability to grant or deny SMA permits and shoreline setback variances for State structures and activities, exempts the certain State departments from the Coastal Zone Management Act, has the potential to exempt an undersea cable from environmental review, and specifies that State projects are not required to be consistent with County general plans.

HB2145 makes it State policy to identify certain key, State projects, such as the interisland cable and fixed rail, with the intent to complete these projects by 2023. While this bill doesn't specifically exempt such projects from environmental review, it lays the groundwork for other bills specific to these projects which DO allow for such exemptions.

The following bills exempt specific agencies and projects from review or permitting requirements: airport projects (HB2154), Dept. of Transportation (DOT) Harbors Division (HB2613), broadband

projects (HB2324, HB2325, & SB2235), geothermal projects (HB2690), Dept. of Land and Natural Resources (DLNR) Boating Division (SB2381), secondary actions/DOT highway projects (HB2611 & SB2873), tentative subdivisions (SB2335), development projects in the vicinity of rail and bus transit stations (SB2927), and bridge rehabilitation by DOT and its contractors (SB3010).

SB2785 establishes a regulatory structure for the installation and implementation of an interisland electric transmission cable system and associated on-island infrastructure. Essentially, this bill is to enable an interisland cable to transmit an electricity supply from one island to another; so energy produced on one island can be sent to power a different island. Placing the burden of one island's energy needs on another island's resources is unnecessary when you consider that Oahu can produce from its own backyard three times the amount of energy it consumes simply by tapping into its wave energy resources, as indicated in a recent U.S. Department of Energy report (see <http://www1.eere.energy.gov/water/pdfs/mappingandassessment.pdf>).

SB2785 contains two key areas of language which would place the financial risk and burden on the ratepayers and entitle the electric utility company to recover capital costs through an automatic rate adjustment and cable surcharge, even if they elect not to complete the project. This is a blank check for a business venture, and we have grave concerns about the likely cost to ratepayers. While Governor Abercrombie testified at a recent WLO/EEP Committee hearing that he does not intend for the project to be risk-free for the utility company, it nevertheless is. Oahu residents already pay 0.5% more in taxes to fund the fixed rail project; can we really afford the additional, unfair burden of financial risk the cable would place on the public?

These bills go directly against our State's long-standing commitment to protect our environment and support the well-being of Hawaii's people. The public needs to voice their concern, loudly and often, to their elected officials if we're to get back on the right track.

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State Representative Cynthia Thielen (R, 50th District: Kailua, Kaneohe Bay)

Rep. Thielen has represented the 50th District for 22 years and serves on the following House committees:

Energy & Environmental Protection (Ranking Member)

Water, Land & Ocean Resources (Ranking Member)

Judiciary (Ranking Member,

Consumer Protection & Commerce

Housing