STAND. COM. REP. NO. 2364

Honolulu, Hawaii

FEB 2 6 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



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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:

- 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



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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,

MIKE GABBARD, Chair





The Senate Twenty-Fifth Legislature State of Hawaii

Record of Votes Committee on Energy and Environment ENE

Bill / Resolution No.:* SB 2957	Committee Referral: ENE/WTL 18Feb 2010							
The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
GABBARD, Mike (C)	· · ·							
ENGLISH, J. Kalani (VC)								
GREEN, M.D., Josh								
HOOSER, Gary L.								
IHARA, Jr., Les		· · · · · · · · · · · · · · · · · · ·		-				
KOKUBUN, Russell S.								
HEMMINGS, Fred								
				· · · · ·				
TOTAL		44			3			
Recommendation:								
Chair's or Designee's Signature:								
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy								

*Only one measure per Record of Votes

The Senate Twenty-Fifth Legislature State of Hawaii

Record of Votes Committee on Water, Land, Agriculture and Hawaiian Affairs WTL

Bill / Resolution No.:*	Committee Referral:			Date:				
^B 2957	ENE/WTL			2/18/10				
The committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WF	R) Nay	Excused			
HEE, Clayton (C)								
TOKUDA, Jill N. (VC)					1			
BUNDA, Robert								
FUKUNAGA, Carol		V,						
KOKUBUN, Russell S.	· .	\checkmark						
TAKAMINE, Dwight Y.		\checkmark						
HEMMINGS, Fred		anner:						
	2							
			2010 - 20					
TOTAL		4	0		3			
Recommendation:								
Chair's or Designee's Signature:								
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy								

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