

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

April 2, 2012

**SENATE BILL 755 S.D. 2 H.D. 2  
RELATING TO ECONOMIC DEVELOPMENT**

**HOUSE COMMITTEE ON FINANCE**

The Department of Transportation (DOT) strongly supports Senate Bill 755 S.D.2 HD2.

The provisions of this bill, specifically Parts II, III, and IV will temporarily remove regulatory restrictions and/or enable the Director of Transportation, with the approval of the Governor, to exempt certain state projects from several duplicative State permitting requirements. This will allow various DOT projects to be expeditiously completed and help to promote economic revitalization. These new provisions will still allow for open transparency in the public process and protection of the environment. It is important to note that removing duplicative state permitting processes, removes the redundancies of the review processes that are in place through federal regulations.

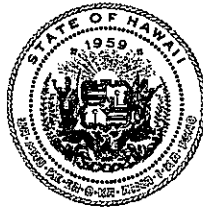
Additionally, Part V will also assist the DOT by temporarily allowing a more streamlined processing of state projects through the environmental review requirements of Chapter 343. This will allow the DOT to more timely and efficiently implement projects to meet the growing needs of improving and maintaining our infrastructure and facilities of our systems.

Through the enactment of these various temporary provisions, we are confident and excited to be an integral part of this strategy to move projects forward, generate jobs and stimulate the economy.

Thank you for the opportunity to provide testimony.



NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**WILLIAM J. AILA, JR.**  
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

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

**Before the House Committee on**  
**FINANCE**

**Monday, April 2, 2012**  
**5:00 P.M.**  
**State Capitol, Conference Room 308**

**In consideration of**  
**SENATE BILL 755, SENATE DRAFT 2, HOUSE DRAFT 2**  
**RELATING TO ECONOMIC DEVELOPMENT**

Senate Bill 755, Senate Draft 2, House Draft 2 proposes: (1) PART II – To temporarily exempt airport structures and improvements from the special management area (SMA) permit and shoreline setback variance (SSV) requirements when the structures and improvements are necessary to comply with Federal Aviation Administration regulations; (3) PART III - To temporarily authorize the Department of Land and Natural Resources (Department) and the Department of Transportation, with the approval of the Governor, to exempt departmental projects from the special management area permit and shoreline setback variance requirements; (4) PART IV – To exempt all work involving submerged lands used for state commercial harbor purposes from any permit and site plan review requirements for lands in the Conservation District; and (5) PART V – To temporarily authorize a more streamlined process for exempting state and county projects from the environmental review process of Chapter 343, Hawaii Revised Statutes (HRS), and reduce the deadline for challenging the lack of an environmental assessment for a state or county project.

The Department supports the intent of PART III of this measure which would temporarily exempt state projects from the requirements of SMA and SSV to expedite the implementation of state projects to improve or repair our deteriorated facilities and create jobs to improve the economy.

Although this bill proposes to allow the Department a temporary exemption from requirements of the SMA and SSV under Chapter 205A, HRS, the measure also contains conditions that the Department believes are reasonable when attempting to balance the need to revitalize the economy while ensuring the protection of the environment, coastal resources,

and public access. The Department supports the conditions proposed in this measure, which are as follows:

1. The measure requires state projects to comply with Chapter 343, HRS.
2. Exemption applies only to “state projects”, which essentially limits the work to within facilities and/or parcels under the Department’s jurisdiction (i.e. parks, harbors, trails, etc.) and work that is consistent with the existing use within those facilities and/or parcels.
3. The measure provides accountability with the Governor through exemptions recommended by the Board of Land and Natural Resources or the Chairperson.
4. The measure requires the Department to consult with both the Office of Planning and the Department’s Office of Conservation and Coastal Lands (OCCL) for state projects deemed exempt. OCCL is charged with regulating activity in conservation districts and along the shoreline and must review projects against various criteria, including consistency with Chapter 205A, HRS, adverse impacts to natural resources, and compatibility with surrounding land uses. OCCL has the in-house expertise to perform these consistency evaluations.
5. The measure has a sunset date of June 30, 2015, which would allow time for the economy to recover and other contemplated changes to Chapter 205A, HRS, to be implemented.

The Department notes that PART VI should be revised to be consistent with the intended repeals:

1. SECTION 18. should reference “part III or V” instead of “part II, III, or V”.
2. SECTION 18. (1) should reference “part III” instead of “part II”.
3. SECTION 18. (2) should reference “part V” instead of “part III”.
4. SECTION 20. (1) should reference “Parts III and V” instead of “Parts II, III, and V”.

Thank you for the opportunity to comment.

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



GARY L. HOOSER  
DIRECTOR

**STATE OF HAWAII**  
**OFFICE OF ENVIRONMENTAL QUALITY**  
**CONTROL**

235 S BERETANIA ST. SUITE 702  
HONOLULU, HAWAII 96813  
Tel. (808) 586-4185  
Fax. (808) 586-4186  
Email: oeqc@doh.hawaii.gov

**HOUSE FINANCE COMMITTEE**

**SB755, HD2, RELATING TO ECONOMIC DEVELOPMENT**

Testimony of Gary Hooser  
Director of the Office of Environmental Quality Control

April 2, 2012 5pm Room 308

1 The Office of Environmental Quality Control (OEQC) opposes SB755 HD2 and offers  
2 the following comments.

3 While SB755 HD2 contains a number of legislative changes that will have environmental  
4 impacts, the OEQC concerns focus primarily on the aspects that directly impact Chapter 343  
5 HRS, the Hawaii Environmental Policy Act. The OEQC is responsible by law to administer the  
6 environmental review requirements governing Environmental Assessments and Environmental  
7 Impact Statements. Our office also works very closely with the Environmental Council (EC) on  
8 these matters as they are mandated by law to manage the exemption list process, Chapter 343  
9 rulemaking and to serve as the liaison with the community on matters pertaining to the  
10 environment.

11 The OEQC believes SB755 HD2, is unnecessary and because of its ambiguities, omissions  
12 and conflicting purposes, will cause confusion in the manner in which Chapter 343 is interpreted  
13 and administered, thus increasing the likelihood of negative environmental and cultural impacts  
14 which would as a result lead to an increase in future lawsuits against the State of Hawaii.

1           There is now in place an established procedure which already provides a straight-  
2 forward, easy to implement exemption list process for actions/projects that are likely to have no  
3 or negligible environmental impacts. Scrapping the current structure that ensures thoughtful  
4 review, complete transparency and opportunity for public input in exchange for a unilateral  
5 process that includes no public input, no transparency and no system of thoughtful impartial  
6 review sets a bad precedent, provides a separate set of rules for the public and private projects,  
7 and is not in the best interest of the public or the environment.

8           There is currently no back log of Agency requests for exemption list updates or additions,  
9 the EC is fully functioning and has in fact sent notices to every agency in State government  
10 asking them to update their exemption lists. This is not an onerous process but does allow for  
11 public notice and input.

12           In addition, even if an action is not on any exemption list, if it is expected to have no or a  
13 negligible environmental impact it can still be exempted fairly easily via a simple "outside  
14 consultation" process. Exemptions can be achieved under existing law via the system now in  
15 place in one day on a single sheet of paper. More complicated projects requiring more review  
16 could take a few days at the most. I have attached two examples of actual "exemption  
17 declarations" of the hundreds our office has on file as examples of how exemptions to Chapter  
18 343 are made by numerous agencies on a daily basis for those projects expected to have no or a  
19 negligible impact on the environment.

20           However, projects that are expected to have a significant impact cannot and should not be  
21 exempted, and under the present law are required to complete at the minimum an Environmental  
22 Assessment.

23           Blanket exemptions assume all similar actions have equal impacts, which is a key false  
24 premise upon which these proposals are based. Exemption decisions made via the existing

1 process recognize that this is not the case. The reality is that similar actions may often have  
2 dissimilar impacts depending on the size, scope and location of the action.

3 The exemption list process has two tiers, one is a “class of action” tier which is  
4 established by Rule and the other is an agency specific list that details a more specific type of  
5 action. These “exemption lists” are supported by Rules and procedures established by the  
6 Environmental Council that provide additional clarity, ensure the exemption process is not  
7 abused and that exemption declarations are made in writing and are available for public  
8 inspection. SB755 HD2 states that “The Governor may establish the list without necessity of:  
9 (2) Compliance with procedures established by the environmental council...” I assume but it is  
10 not clear, that this statement means without compliance to HAR 11-200-8 which is the section of  
11 Administrative Rules that applies to the exemption process and the establishment of exemption  
12 lists. It is not clear whether SB755 HD2 empowers the Governor to establish or modify lists that  
13 apply to “classes of action” and/or the “agency specific lists”.

14 Without the support of Rules or any defined process, it is unclear as to what basis or  
15 decision making criteria will be used to determine that specific types of projects probably will  
16 have minimal or no significant impact and therefore should be added to or included on a  
17 categorical list of projects that might be considered exempt from the Chapter 343, HRS process.

18 It is also unclear whether or not quasi state agencies or public development corporations  
19 working in conjunction with regular state agencies would be able to utilize the same exemption  
20 preferences that might be afforded by the implementation of this measure.

21 The OEQC is also very concerned about the dramatic shortening of the judicial review  
22 period concerning a decision to exempt an agency action from the existing 120 days to only 60  
23 days, and the removal of the general public’s right to seek judicial review. It is important to note  
24 that there is no requirement for public or even of EC or OEQC notification of an exemption

1 declaration and thus no way of knowing if a project is exempted or not exempt, nor whether a  
2 project has started or not. 60 days is a woefully inadequate period of time to respond to an action  
3 when you do not know whether or not it has occurred.

4 For these reasons and many others, the OEQC strongly opposes SB755 HD2 and  
5 encourages the Committee to hold this measure or defer indefinitely.

6 For the record, the OEQC is available to meet with any agency and any legislator to assist  
7 in the implementation of Chapter 343 and/or to help develop genuine streamlining proposals that  
8 increase efficiencies while maintaining important environmental and public interest safeguards.

9 The OEQC recognizes the importance of the efficient implementation of the law, and we  
10 fully acknowledge the importance of economic development – however the purpose of the  
11 OEQC and the Hawaii Environmental Policy Act is supported and stated clearly in the law “that  
12 the quality of the environment is as important to the welfare of the people of Hawaii as is the  
13 economy of the State”.

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



Telephone (808) 586-4185  
Fax (808) 586-4186  
Email: environmental.council@doh.hawaii.gov

STATE OF HAWAII  
ENVIRONMENTAL COUNCIL  
235 SOUTH BERETANIA STREET, SUITE 702  
HONOLULU, HAWAII 96813

MARY STEINER  
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GARY HOOSER (EX-OFFICIO)

April 2, 2012

**Re: SB 755 SD 2 HD 2, Relating to Economic Development**

Chair Oshiro and Members of the House Committee on Finance:

My name is Mary Steiner. I am the Chair of the Environmental Council. Please accept this testimony on behalf of the Environmental Council.

The Environmental Council **strongly opposes** SB 755 SD 2 HD 2. Part V Section 10 declares that the purpose of Part V is to "temporarily authorize a more streamlined process for exempting state and county projects from the environmental review process" in order to promote economic development. It also "reduces the deadline for challenging the lack of an assessment for a state project."

To realize this, SB 755 SD 2 HD 2 would authorize the governor to "establish a list of specific types of projects that are exempt from the need to prepare an EA because they will probably have minimal or no significant effects on the environment." The governor may include project types already on other state agency lists. The governor may establish this list without:

- Approval of the Environmental Council. (Note: the Council does not "approve" lists; it concurs. This is an important legal distinction.)
- Compliance with the administrative rules for establishing exemption lists;
- Or adopting rules under Chapter 91.

It then directs the Office of Environmental Quality Control (OEQC) to publish this list at the request of the governor. The list would take effect upon publication in the bulletin. Section 14 provides for the governor's exemption list to be repealed on June 30, 2015, except for any project already exempted or where "construction has commenced but not concluded by June 30, 2015," thus allowing an exemption in perpetuity.

Section 12 would add three definitions to HRS § 343-2: construction, state project, and county project. A "county project" is defined as the county agency being the contracting agency and includes county or state funds. This definition appears to be a holdover from the proposed HD 2. Its inclusion is no longer necessary.



Construction is defined to include: "grading, grubbing, stockpiling, excavation, foundation laying, pile driving, demolition, building, reconstruction, rehabilitation, renovation, repairing, maintaining, paving, landscaping, and any other improvement of real property."

A state project is defined as where the contracting agency is a state agency and the funding includes county, state, or federal funds.

State agencies already have exemption lists. These lists are for projects that have little or no significant effects on the environment. These lists include, to varying degrees, all of the activities in the definition of "construction." The public has vetted them and the Council has concurred that the exempted project types are appropriate. Most state agencies welcome public participation in creating their lists and make ample use of them. They exempt many actions every year without challenge or public concern.

Agencies may at any time request that the Council concur with additions to their exemption lists. This may take 2-3 months; including public commenting and revising the proposed language to more accurately achieve the agency's goal.

In cases where an agency may propose an activity not on an existing list but with little or no significant effects, the agency may still exempt that specific activity after consulting with other agencies to ensure that no sensitive environments would be affected or significant cumulative effects would occur. Again, most agencies use this effectively.

Finally, Section 13 would amend the provision to sue for failure to properly follow Chapter 343. It would revise HRS § 343-7(a) to bifurcate standing to sue on an improper exemption between applicants (private individuals and companies) and agencies. Applicants would continue the existing process – 120 days for the Council, the OEQC, an approving agency, or members of the public to challenge an exemption. However, as written, state and county agencies would have a different standard – 60 days for only the Council, OEQC, or an approving agency to sue. Members of the public would have no standing.

The Council requests that the Legislature clarify how these provisions would directly result in economic revitalization.

The governor, as an office of the executive branch, and therefore an agency by definition of HRS § 343-2, already may establish exemption lists, albeit with the Council's concurrence and subject to the Hawaii Administrative Rules.

This measure would provide the governor an alternative pathway to establish an exemption list that would take immediate effect upon publication in the bulletin. This could happen on July 1, 2012, the day the bill takes effect. No discussion has been held on how the governor would prepare such a list.

Moreover, this measure would only allow entities subject to the governor's control to challenge the activities exempted under the governor's list. Should the Council seek to challenge an inappropriate exemption issued under the governor's list, the Council would need the governor to approve the commitment of state resources to pursue such a challenge. This does not seem reasonable.

These limiting factors are even more pronounced for any approving state agencies. They are directly under the power of the executive. The practical effect of this is that no one will exercise oversight of the government to ensure its actions have little or no significant effects on the environment.

The Council has resolved exemption backlog issues and issued a letter to all state and county agencies in September of 2011 stating its availability to work with the agencies to update exemption lists. Several agencies and the Council have concurred with updating their lists. This includes the Department of Accounting and General Services, responsible for many activities that meet the definition of "construction" in this bill.

The question remains: how would authorizing the governor to establish exemption lists for actions that have little or no significant effects on the environment and are immune to public oversight result in economic development?

To our knowledge, there are no projects unable to proceed because they are not on an exemption list or whereby the Council has failed to concur with the proposed exemption.

The most logical inference should SB 755 SD 2 HD 2 become law, is that the activities likely to be placed on the governor's exemption list would not be the ones with little or no significant effects, but would be the ones with potential significant effects or creating public controversy. This would be a misuse of executive power, counter to democratic principles of governance, and contrary to the spirit and letter of HRS § 343-1, which states that (emphasis added):

"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.**"

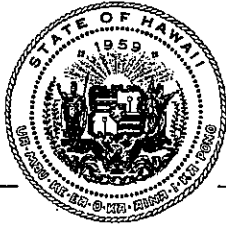
And as eloquently stated in HRS § 341-1:

"The legislature finds that the quality of the environment is as important to the welfare of the people of Hawaii as is the economy of the State. The legislature further finds that the determination of an optimum balance between economic development and environmental quality deserves the most thoughtful consideration, and that the maintenance of the optimum quality of the environment deserves the most intensive care."

If you have questions, I, or a designated member of the Council, will be present at the hearing. Thank you for the opportunity to submit testimony.

Sincerely,

Mary Steiner  
Chair



## DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

NEIL ABERCROMBIE  
GOVERNOR  
RICHARD C. LIM  
DIRECTOR  
MARY ALICE EVANS  
DEPUTY DIRECTOR  
JESSE K. SOUKI  
DIRECTOR  
OFFICE OF PLANNING

### OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846  
Fax: (808) 587-2824

Statement of  
**JESSE K. SOUKI**  
Director, Office of Planning  
Department of Business, Economic Development, and Tourism  
before the  
**HOUSE COMMITTEE ON FINANCE**  
Monday, April 2, 2012  
5:00 PM  
State Capitol, Conference Room 308

in consideration of  
**SB 755 SD2 HD2**  
**RELATING TO ECONOMIC DEVELOPMENT.**

Chair Oshiro, Vice Chair Lee, and Members of the House Committee on Finance.

The intent of SB 755 SD2 HD2 is to promote economic development by temporarily removing regulatory restrictions on certain state and county projects.

Part II of SB 755 SD2 HD2 temporarily exempts airport structures and improvements from the special management area permit and shoreline setback variance requirements when the structures and improvements are necessary to comply with Federal Aviation Administration regulations.

Part III of SB 755 SD2 HD2 temporarily authorizes the heads of the department of land and natural resources and department of transportation with the approval of the governor, to exempt department projects from the special management area permit and shoreline setback variance requirements.

Part II and Part III of SB 755 SD2 HD2 sunset on June 30, 2015.

The Office of Planning (OP) administers Hawaii Revised Statutes (HRS) Chapter 205A, the Coastal Zone Management (CZM) law, which implements the CZM Act passed by

the U.S. Congress in 1972. The special management area (SMA) permitting system is part of the federal and state approved Hawaii CZM Program.

OP supports section 3, part II of SB 755 SD2 HD2, and proposes an amendment to sections 5, 6 and 7, part III of the bill.

OP supports section 3, which amends HRS §261-4, for the following reasons:

- 1) Federal Aviation Administration (FAA) permits and licenses are identified on the National Oceanic and Atmospheric Administration (NOAA) approved list of "Federal Licenses and Permits Subject to Federal Consistency Certification," in accordance with 15 Code of Federal Regulations section 930.53. The FAA "permits and licenses for construction and operation of airports" are subject to Hawaii CZM Program federal consistency review.
- 2) The requirements of the National Environmental Policy Act (NEPA) and Hawaii HRS Chapter 343 Environmental Impact Statements (EIS) are applicable to structures and improvements relating to airports. OP as the lead agency of Hawaii CZM Program will continue to review and comment on NEPA and EIS documents in that regard.
- 3) Section 3 of the bill, which amends HRS §261-4, will provide the department of transportation with sufficient authority to plan, design and construct airports, subject to Hawaii CZM Program federal consistency review, without sacrificing special controls on developments within an area along the shoreline in order to avoid permanent losses of valuable coastal resources.
- 4) At the administration's direction, OP is working on an alternative process to SMA permitting for state projects. Recommendations for alternative processes, in consultation with affected state agencies, will be completed before the next legislative session.

OP proposes the following amendment to sections 5, 6 and 7 of the bill.

**Section 5, §171- (b) (page 4, lines 11-19):**

"(b) The board, upon recommendation of office of planning and with the approval of the governor, may exempt any state project from the requirements of part II and part III of chapter 205A; provided that any project exempted under this section shall be subject to:

- (1) The requirements of chapter 343, unless exempt from the need for an environmental assessment under that chapter; and
- (2) Consultation with the office of conservation and coastal lands and office of planning."

**Section 6, §264- (b) (page 5, lines 11-19):**

"(b) The director of transportation, upon recommendation of office of planning and with the approval of the governor, may exempt any state project from the requirements of part II and part III of chapter 205A; provided that any project exempted under this section shall be subject to:

- (1) The requirements of chapter 343, unless exempt from the need for an environmental assessment under that chapter; and
- (2) Consultation with the office of conservation and coastal lands and office of planning."

**Section 7, §266- (b) (page 6, lines 8-16):**

"(b) The director of transportation, upon recommendation of office of planning and with the approval of the governor, may exempt any state project from the requirements of part II and part III of chapter 205A; provided that any project exempted under this section shall be subject to:

- (1) The requirements of chapter 343, unless exempt from the need for an environmental assessment under that chapter; and
- (2) Consultation with the office of conservation and coastal lands and office of planning."

The proposed amendments above will allow the state to remain consistent with the CZM Act.

Thank you for the opportunity to comment this bill.



**SB755 SD2 HD2**  
**RELATING TO ECONOMIC DEVELOPMENT**  
House Committee on Finance

April 2, 2012

5:00 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) **OPPOSES** SB755 SD2 HD2, which would reduce the protections for Hawai'i's environmental and cultural resources by creating special management area (SMA), conservation district use permit (CDUP), and environmental review exemption processes in the name of expediting various projects undertaken by the State. SB755 HD2 consolidates the provisions from a number of other bills introduced this legislative session that contain new SMA, CDUP, and environmental review exemptions for a wide variety of projects that receive any level of state or federal funding. We note that this bill continues to evolve from previous iterations passed in the Senate and in its subject-matter committees, but it still remains a significant step back in the statutory protections meant to maintain Hawai'i's unique character and history.

Part III of SB755 HD2 grants the State broad powers over project planning while simultaneously reducing county and community input by giving the Board of Land and Natural Resources and State Department of Transportation (DOT) Director the authority to exempt agency projects from SMA permits and shoreline setback compliance. In order for a project to qualify for this exemption, the Department of Land and Natural Resources (DLNR) or the DOT would need to serve as the contracting agency with project funding to include any amount of State or federal funds. Unlike environmental assessments under Chapter 343, SMA permits and shoreline setbacks establish standards for proposed projects and the acceptable level of effect that projects may have on surrounding resources. County planning departments also serve as the reviewing agency for SMA review, and would therefore lose this local level of review for projects involving the State DLNR or DOT.

Although brief, Part IV of SB 755, HD 2 creates a broad and vague exemption from CDUP and site plan approval for lands in the conservation district. The proposed exemption would apply to "all work involving submerged lands used for state commercial harbor purposes" without any limitations as to who must conduct the planning or work, the scope of activities, or the boundaries of the commercial harbor, which is not otherwise defined in the existing law. Arguably, the dredging of a new harbor channel could be covered by such an exemption. And while people may associate this exemption with developed areas such as Honolulu Harbor, the exemption

would also apply to rural locations such as Kaunakakai or Hana Harbors, where shipping and vessel traffic must co-exist with community use of the ocean.

Possibly most troubling is the separate EA exemption process created in Part V, when a functional system for creating government agency exemption lists currently exists and is overseen by the Office of Environmental Quality Control (OEQC) and the Environmental Council. There appears to be no functional difference between the system that this bill would establish under the Governor and the system currently in place, except: (1) the proposed system would bypass public review and approval by the Environmental Council and (2) the list of exemptions could be immediately valid following the publication of the Governor's exemption lists in the periodic bulletin published by OEQC, without a 30-day public comment period needed under the existing law. The Environmental Council, after a previous period of inadequate support by the State, has diligently worked to clear the backlog of agency Chapter 343 exemption lists over the past year. The creation of this separate Governor's exemption list undermines the dedicated work of the Environmental Council and public participation in the process.

In drafting this testimony, we recognize that many of the most egregious SMA and Chapter 343 exemptions were removed from the previous version of SB 755. Nonetheless, many setbacks to resource protection and community input remain. Although this bill may be touted as a means of promoting economic recovery, the consequences of poor planning remain the same, regardless of the State's economy, and could result in irreversible impacts or costly remediation measures in the future. State projects will always be needed. Temporary exemptions can easily become permanent. Regardless of the changes made to the planning and permitting process, the affected government agencies remain stewards of our natural resources and must ensure the continued protection of traditional and customary rights and practices. The difference is that if the changes proposed in this bill go into effect, agency staff will be left to examine these effects in isolation, without the inter-agency and public participation that are built into the SMA, CDUP, and Chapter 343 systems.

Accordingly, OHA urges the committees to HOLD SB755 SD2 HD2. Mahalo for the opportunity to testify on this measure.



UNIVERSITY  
of HAWAII  
MĀNOA

Water Resources Research Center  
Environmental Center

April 1, 2012  
RL: 2297

SB 755 SD2 HD2  
RELATING TO ECONOMIC DEVELOPMENT

House Committee on Finance  
Public Hearing – Monday April 02, 2012  
5:00 p.m., State Capitol, Conference Room 308

By  
David Penn, Environmental Center  
**COMMENTS ONLY**

Dear Chair Oshiro, Vice Chair Lee, and committee members,

Senate Bill 755 proposes “to promote economic development by temporarily removing regulatory restrictions to the expeditious construction of certain state and county projects.” In addition to the fact that Part IV of the proposed measure would not be temporary, and therefore conflicts with the stated legislative purpose, we are particularly concerned about Parts IV and V of this bill regarding exemptions from the requirements of Hawaii Revised Statutes §§ 183C and 343. We note with interest that previous versions of this measure would have facilitated poker tournaments and excise tax holidays, which could serve as sources of revenue for expanding the state’s regulatory capacity and enhancing the state’s environmental protection efforts.

**Hawaii Revised Statutes § 183C, Conservation District Use Permitting**

The legislative intent of Chapter 183C is “to conserve, protect, and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety and welfare.” Haw. Rev. Stat. § 183C-1. Section IV of SB 755 proposes to exempt “all work involving submerged lands used for state commercial harbor purposes . . . from any permit and site plan review requirements for lands in the conservation district.” While other agencies and processes are available to assure that uses of submerged lands that are approved by Board of Land and Natural Resources (BLNR) are managed appropriately, the conservation district use permit and site plan approval processes



provide front-line discretionary public trust safeguards for assuring that a specific proposed use of the conservation district is appropriate to begin with. *See* Haw. Rev. Stat. § 183C-1.

In addition to disturbing constitutionally-grounded agency discretion, the proposed measure would eliminate significant opportunities for public involvement in the disposition of submerged land public trust resources. Under the existing process, “[t]he department [of land and natural resources] shall hold a public hearing in every case involving the proposed use of [conservation district] land for commercial purposes, at which hearing interested persons shall be afforded a reasonable opportunity to be heard.” Haw. Rev. Stat. § 183C-6(c). Although we encourage the implementation of local projects in a more effective, efficient, and timely manner, we suggest that it may not be appropriate to achieve these objectives at the expense of a careful, initial, and transparent BLNR examination of capital project necessity v. public trust responsibility.

#### **HRS § 343, Environmental Review**

The legislative intent of Chapter 343 is “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.” Haw. Rev. Stat. § 343-1. We are concerned that the proposed measure would frustrate this intent in at least three specific ways:

- (1) by substituting gubernatorial judgment on environmental concerns for the expertise of cabinet officers and councillors who were selected by the governor to exercise this judgment on behalf of our island environment and citizens;
- (2) by not explicitly requiring that an agency publicly declare each instance when it exempts a specific action from the need for preparation of an environmental assessment because the action falls within a specific type of state project that appears on the governor’s exemption list; and
- (3) by failing to include requirements that the governor (a) consult with agencies and stakeholders about each specific type of state project that would be temporarily exempted, and (b) include documentation of that consultation with the list of exempt state project types.

While it may be useful to shorten the deadline for certain challenges to decisions that agencies make under chapter 343, we suggest that it would be unwise to shorten the deadline for initiating a judicial proceeding that concerns a proposed action that was undertaken without a formal determination by the agency that an assessment is or is not required, as the lack of formal determination makes it difficult to discover when such an action occurs.

Thank you for considering our testimony on this proposed legislation. Please note that our testimony is advisory only and should not be construed to represent an official institutional position of the University of Hawaii.



# Sierra Club

## Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803  
808.538.6616 hawaii.chapter@sierraclub.org

### HOUSE COMMITTEE ON FINANCE

April 2, 2012, 5:00 P.M.  
(Testimony is 2 pages long)

### TESTIMONY IN STRONG OPPOSITION TO SB 755

Aloha Chair Oshiro and Members of the Committees:

The Sierra Club of Hawai'i strongly *opposes* SB 755 (Proposed HD2). This bill (1) exempts airport structures from the SMA if there is a pertinent FAA regulation; (3) exempts DOT and DLNR from the SMA under certain circumstances; (4) exempts submerged lands for commercial harbors from BLNR oversight; (5) allows the governor create lists to exempt projects from any environmental review; (6) removes the public's right to challenge the failure to obtain an environmental assessment; and (7) limits any action challenging the failure to do an assessment to 60 days.

This "gut and replace" measure is a direct assault on regulations intended to protect the environment.

***SB 755 would remove the failure to obtain an environmental assessment from judicial review by the public.*** On page 10, lines 10-20, the standard for judicial review is repeated from prior sections but the line "Others, by court action, may be adjudged aggrieved" is omitted. A court would presume such an omission was a deliberate attempt to ensure challenges may only be brought by the administration -- who, pragmatically, will never challenge the Governor's decision.

If no citizen could ever challenge an agency on the failure to conduct an environmental review, presumably agencies would feel little or no need to conduct such a review. Past history confirms this conclusion. On multiple occasions agencies in Hawaii failed to conduct an environmental review until legal challenges were filed (Koa Ridge, Superferry, Kahului Airport, etc.).

With respect to the provisions that exempt certain agencies from coastal regulations, this has been a long-standing goal of the Department of Transportation. Some form of this measure has been introduced for eleven years stemming out of litigation around the Kahului Airport expansion. In that case, DOT attempted to issue a series of "finding of no significant impacts" with the Kahului Airport until the environmental community successfully sued. One could question how any agency could plausibly contend that the construction or expansion of an airport

would have no significant environmental impacts . . . but DOT did, and now is seeking authority to avoid these types of bothersome regulations in the future.

Because state and county agencies are typically more concerned with their mission than the environment, these agencies tend to marginalize environmental concerns and fail to objectively analyze all relevant factors. For this reason, this Legislature created a series of checks and balances (state and county approval) and public notification requirements. This measure proposes to eliminate this balance.

Without any county permitting requirements or Coastal Zone Management Act approvals, most opportunities for the public to meaningfully participate in DOT projects would be eliminated. This measure would eliminate regulations that ensure:

- the public is well informed of projects before they are authorized;
- that community members -- your constituents -- are able to participate in the planning process;
- that the public and the counties can suggest ways to improve projects to save money, protect natural resources, or satisfy community concerns; and
- save money in the long-term by preventing fool-hardy and short-sighted decisions.

This measure also wrongly justifies the removal of environmental regulations by electing a "growth at all costs" mentality. This is a silly rationale. Do we really want to encourage the development of highways and airports without examining the particularized impacts on the neighborhood or the marine environment? What about the counties' and public's interest in connecting sewage lines, county roads, and meshing any state plan with the counties long-term plan?

The economic benefit of this measure -- if any -- is not worth the destruction of our democratic process and the resulting risks to the communities we call home.

Our regulatory system provides for checks and balances and ensures protection of the public at large. It ensures some form of accountability—if the State plans to take action that may diminish the quality of life or adversely impact the environment that everyone shares, those impacts are acknowledged and mitigated before they occur. Without such a disclosure, we 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*.

Mahalo for the opportunity to testify.



## LIFE OF THE LAND

76 North King Street, Suite 203

Honolulu, Hawai'i 96817

Phone: 533-3454; E: [henry.lifeoftheland@gmail.com](mailto:henry.lifeoftheland@gmail.com)

### **COMMITTEE ON FINANCE**

Rep. Marcus R. Oshiro, Chair

Rep. Marilyn B. Lee, Vice Chair

DATE: Monday, April 02, 2012

TIME: 5:00 P.M.

PLACE: Conference Room 308

BILL: SB 755, SD2, HD2

**OPPOSE**

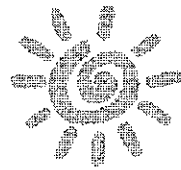
Aloha Chair Oshiro, Vice Chair Lee Members of the Committee

My name is Henry Curtis and I am the Executive Director of Life of the Land, Hawai'i's own energy, environmental and community action group advocating for the people and `aina for four decades. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

SB 755, SD2, HD2: "Notwithstanding any law to the contrary, all work involving submerged lands used for state commercial harbor purposes shall be exempt from ... requirements established under chapter 183C"

HRS §183C-1 Findings and purpose. **The legislature finds** that lands within the state land use conservation district contain important natural resources essential to the preservation of the State's fragile natural ecosystems and the sustainability of the State's water supply. It is therefore, **the intent of the legislature to conserve, protect, and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety and welfare.**

***We can have a diversified economy and a strong environment.***



## LIFE OF THE LAND

76 North King Street, Suite 203

Honolulu, Hawai'i 96817

Phone: 533-3454; E: [kat.lifeoftheland@gmail.com](mailto:kat.lifeoftheland@gmail.com)

### **COMMITTEE ON FINANCE**

Rep. Marcus Oshiro, Chair

Rep. Marilyn Lee, Vice Chair

Monday, April 2, 2012

5:00 p.m.

Room 308

### **STRONG OPPOSITION to SB 755 SD2, HD2 - ELIMINATING ENVIRONMENTAL REVIEW**

Aloha Chair Oshiro, Vice Chair Lee and Members of the Committee!

My name is Kat Brady and I am the Assistant Executive Director of Life of the Land, Hawai'i's own energy, environmental and community action group advocating for the people and `aina for over four decades. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation. I am testifying today in my role as Life of the Land's Vice President for Social Justice.

SB 755 SD2, HD2 has been touted as 'narrow' and 'temporary' exemptions from environmental laws that have been in place for 40 years to protect Hawai'i's fragile and unique environment and resources.

Life of the Land finds it interesting that this bill has morphed dramatically since it crossed over from the Senate to the House:

**SB 755** - The purpose of this Act is to support the findings of the small business working group and recommendations to stimulate Hawaii's economy for residents and retailers alike by reducing the cost of certain consumer items for Hawaii residents for a very limited time each year.

### **SB 755 SD1 & SD 2 - RETAINED ORIGINAL PURPOSE**

**SB 755 HD1** - The purpose of this part is to authorize peer-to-peer games of skill and thereby to bolster the State's economy.

**SB 755 HD2** - The purpose of this Act is to promote economic development by temporarily removing regulatory restrictions to the expeditious construction of certain state and county projects.

Life of the Land respectfully reminds the committee that the terms 'temporary' and 'sunset' have not followed through with their definitions. We further remind the committee that submerged lands are Hawaiian lands.

We point out that banishing prisoners in 1995 was a 'temporary' measure to address our overcrowded correctional facilities. Today, 17 years later, approximately 50% of our prison population is serving their sentences abroad, thousands of miles from home because of this 'temporary' fix.

A 'sunset' date has been added to bills in order to provide comfort to those of us who work to protect Hawai'i's incredible environment that the proposal is for a limited time only. We respectfully point out that the five-year sunset on DLNR's authority to issue licenses for incidental take, safe harbor agreements and habitat conservation plans that was extended twice by subsequent Legislatures was just eliminated by this committee last week.

SECTION 5's exemptions from requirements of special management areas permits and shoreline setback requirements would trigger NEPA in some cases. DOT just testified in a recent informational briefing that they always comply with federal law.

SECTION 9 provides exemptions from conservation district permitting and site plan approval requirements. We remind the committee that Conservation is the highest classifications of land under DLNR and the state should not even consider weakening the protections.

SECTION 11 lines 6 and 7 amend Chapter 343 – Hawai'i's environmental statute.

*"Until June 30, 2015, the governor may establish a list of specific types of state projects that are actions exempt from the need for preparation of an environmental assessment because they will probably have minimal or no significant effects on the environment."*

Life of the Land respectfully asks how the Governor or anyone else would know that *they will probably have minimal or no significant effects on the environment* if there is no environmental review?

SECTION 13 limits judicial review from 120 days to 60 days. At the recent Hawaiian Affairs Committee briefing, the Attorney General found that this change would not be 'infirm'. In other words, even if there is no notification, cutting the time for judicial review in half is no problem!

Life of the Land respectfully reminds the committee of the rights enshrined in our Constitution:

## **ARTICLE IX**

### **PRESERVATION OF A HEALTHFUL ENVIRONMENT**

**Section 8.** The State shall have the power to promote and maintain a healthful environment, including the prevention of any excessive demands upon the environment and the State's resources. [Add Const Con 1978 and election Nov 7, 1978]

## **ARTICLE XI**

### **CONSERVATION AND DEVELOPMENT OF RESOURCES**

**Section 1.** For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State.

All public natural resources are held in trust by the State for the benefit of the people. [Add Const Con 1978 and election Nov 7, 1978]

### **ENVIRONMENTAL RIGHTS**

**Section 9.** Each person has the right to a clean and healthful environment, as defined by laws relating to environmental quality, including control of pollution and conservation, protection and enhancement of natural resources. Any person may enforce this right against any party, public or private, through appropriate legal proceedings, subject to reasonable limitations and regulation as provided by law. [Add Const Con 1978 and election Nov 7, 1978]

In closing, we share the first principle of the United States Department of Transportation's definition of Environmental Justice:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.

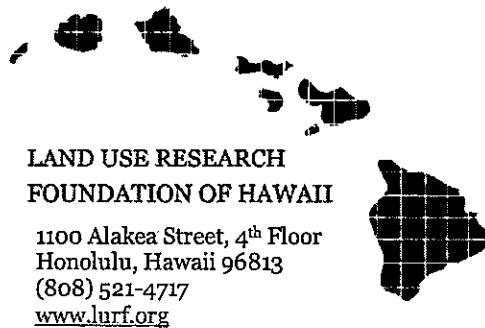
We ask the Committee to weigh the high costs and temporary benefits this morphed measure provides. Please think of future generations and their rights to a clean and healthful environment when you vote on this measure.

We close by sharing Native American wisdom...

*Treat the earth well. It was not given to you by your  
parents, it was loaned to you by your children.*

*We do not inherit the Earth from our Ancestors,  
We borrow it from our Children.*





LAND USE RESEARCH  
FOUNDATION OF HAWAII

1100 Alakea Street, 4<sup>th</sup> Floor  
Honolulu, Hawaii 96813  
(808) 521-4717  
[www.lurf.org](http://www.lurf.org)

April 2, 2012

Representative Marcus R. Oshiro, Chair  
Representative Marilyn B. Lee, Vice Chair  
House Committee on Finance

**Support of SB 755, SD2, Proposed HD2 Relating to Economic Development**  
(Amends Chapter 266, Hawaii Revised Statutes (HRS), to exempt the Department of Transportation, Harbors Division (DOT), from the permit and site plan approval requirements relating to submerged lands within the Conservation District.)

**Monday, April 2, 2012, 5:00 p.m., in CR 308**

My name is Dave Arakawa, and I am the Executive Director of the Land Use Research Foundation of Hawaii (LURF), a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a major utility company. One of LURF's missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources and public health and safety.

LURF is **in strong support** of passage of SB 755, SD2, HD2, for further review, input and discussion between the House and Senate.

**SB 755, SD2, HD2.** One of the main purposes of this measure is to promote economic development by temporarily removing regulatory restrictions to the expeditious construction of certain state and county projects.

- Part II temporarily exempts airport structures and improvements from the special management area permit ("SMA") and shoreline setback variance ("SSV") requirements when the structures and improvements are necessary to comply with Federal Aviation Administration ("FAA") regulations;
- Part III temporarily authorizes the department of land and natural resources ("DLNR") and department of transportation ("DOT"), with the approval of the governor, to exempt department projects from the special management area permit and shoreline setback variance requirements;
- Part IV exempts all work involving submerged lands used for state commercial harbor purposes from any permit and site plan review requirements for lands in the conservation district; and

- Part V temporarily authorizes a more streamlined process for exempting state and county projects from the environmental review process of chapter 343, Hawaii Revised Statutes ("HRS"), and includes amendments reducing the deadline for challenging the lack of an environmental assessment for a state project, from 120 days to sixty days, which we understand is consistent with the existing deadlines for other challenges under HRS sections 343-7(b) and (c).

It appears that the intent of the HD2 amendment includes promoting economic revitalization by way of capital expenditures on public infrastructure projects which will benefit the public; to temporarily expedite the process of constructing these public infrastructure projects without jeopardizing the public health, safety, welfare and the environment; and to generate jobs and infuse dollars into the local economy through those public infrastructure projects.

We understand that by temporarily exempting the need for certain regulatory requirements, the delays for constructing public infrastructure projects will be substantially reduced due to the elimination of existing redundant and duplicative data gathering and review processes, yet environmental concerns will still be addressed through the Chapter 343 process, public review through that process, and compliance with and oversight by all applicable Federal requirements.

**LURF's Position.** LURF strongly supports the passage of SB 755, SD2, HD2, because it would allow for further review, input, discussion and cooperation between the House and Senate to achieve its purpose and intent of allowing government agencies to more effectively and efficiently plan and implement projects in a timely manner to meet the growing needs of the public and Hawaii's various industries (tourism, maritime, agricultural, etc.).

For instance, we understand that the cargo system for Hawaii is dependent on the State commercial harbors system, as ninety-eight percent of imported goods pass through the State's commercial harbors. If necessary DOT capital projects are not completed, or harbor facilities are not maintained and/or rehabilitated in a timely manner due to unnecessary permit delays, there could be significant detrimental impacts to the operations of harbors facilities and the delivery of goods.

We understand that sufficient environmental and regulatory oversight will continue to be maintained and enforced for SMA and SSV exemptions relating to airport structures and improvements necessary to comply with FAA approvals, DLNR and DOT projects, submerged lands within the State commercial harbors system, and conservation district permitting and site plan approval, relating to the preservation and protection of the ecosystem, flora and fauna, as follows:

- **All SMP/SSV exemptions are still subject to applicable oversight and compliance with HRS Chapter 343 relating to Environmental Assessments and Environmental Impact Statements.** We understand that applicable State projects and processes will still be subject to certain applicable requirements of HRS Chapter 343 and the laws relating to Environmental Assessments and Environmental Impact Statements, which involves public involvement and input with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility that is subject to Chapter 343;

- **Required consultation with the DLNR's State Office of Conservation for all SMA or SSV exemptions.**
- **Required consultation with the Office of Planning for all SMA or SSV exemptions.**
- **Required approval of the applicable State director of DLNR or DOT for all SMA or SSV exemptions.**
- **Required approval of the Governor for all SMA or SSV exemptions.**
- **Oversight by and compliance with requirements, rules and regulations of the State Department of Health ("DOH") for Federal programs such as the Clean Air Act and Clean Water Act, etc.** We understand that State agencies will still be subject to all applicable requirements of, and oversight by the State DOH for Federal programs such as the Clean Water Act and the Clean Air Act with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility within its jurisdiction.
- **Oversight and compliance with State Historic Preservation Review.** We understand that State projects will still be subject to all applicable requirements of HRS 6E-8, which requires State departments to consult with the Historic Preservation Division (SHPD) of the Department of Land and Natural Resources, to review proposals and determine whether they could cause an adverse effect to a historic property, including those located on submerged lands, and the project may proceed with the concurrence of the SHPD;
- **Oversight by and compliance with requirements, rules and regulations of the U.S. Army Corps of Engineers.** State agencies will still be subject to all applicable federal requirements, regulations and oversight of the U.S. Army Corps of Engineers with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility within its jurisdiction;
- **Oversight by and compliance with requirements, rules and regulations of the Federal Clean Air Act.** State agencies will still be subject to the applicable federal requirements, regulations and oversight under the Federal Clean Air Act with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility within its jurisdiction;
- **Oversight by and compliance with requirements, rules and regulations of the Federal Clean Water Act and the Federal Water Pollution Control Amendments.** State agencies will still be subject to all applicable federal requirements, regulations and oversight under the Federal Clean Water Act and the Federal Clean Water Pollution Control Amendments with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility within its jurisdiction;
- **Oversight by and compliance with requirements, rules and regulations of the Federal Comprehensive Environmental Response, Compensation and liability Act (CERCLA).** State agencies will still be subject to the applicable federal requirements, regulations and oversight under

the CERLA, with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility within its jurisdiction;

- **Oversight by and compliance with requirements, rules and regulations of the Federal Endangered Species Act.** State agencies will still be subject to all applicable federal requirements, regulations and oversight under the Federal Endangered Species Act with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility within its jurisdiction;
- **Oversight by and compliance with requirements, rules and regulations the National Environmental Policy Act ("NEPA").** It is our understanding that State agencies will still be subject to the applicable federal requirements, regulations and oversight of NEPA with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility within its jurisdiction;
- **Oversight by and compliance with requirements, rules and regulations of the U.S. Environmental Protection Agency ("EPA").** It is our understanding that State agencies will still be subject to the applicable federal requirements, regulations and oversight of the U.S. EPA with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility within its jurisdiction;
- **Oversight by and compliance with requirements, rules and regulations of the Federal Aviation Administration ("FAA").** State agencies will still be subject to all applicable federal requirements, regulations and oversight under the FAA with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility within its jurisdiction;
- **Oversight by and compliance with requirements, rules and regulations of the National Historic Preservation Act.** We understand that State agencies will still be subject to all applicable federal requirements under the National Historic Preservation Act for undertakings involving federal funding, permitting or approvals;
- **Oversight by and compliance with requirements, rules and regulations of the Federal Marine Protection, Research and Sanctuaries Act.** State agencies will still be subject to all applicable federal requirements, regulations and oversight under the Federal Marine Protection, Research and Sanctuaries Act with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility within its jurisdiction;
- **Oversight by and compliance with requirements, rules and regulations of the Federal Pollution Prevention Act.** State agencies will still be subject to all applicable federal requirements, regulations and oversight under the Federal Pollution Prevention Act with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility within its jurisdiction;

- **Oversight by and compliance with requirements, rules and regulations of the National Transportation Act.** We understand that State agencies will still be subject to all applicable federal requirements under the National Historic Preservation Act and the National Transportation Act for undertakings involving federal funding, permitting or approvals; and similar requirements under HRS 6E-8, including requirements for consultation with and concurrence of SHPD.

Based on the above, we believe that the public can be assured that environmentally significant, endangered or threatened species or ecosystems or culturally significant sites will not be subject to destruction or demolition without being subject to all of the above requirements - consultation with DLNR's Office of Conservation and Coastal Lands and the State Office of Planning; approval by the applicable DLNR or DOT department head; approval by the Governor of the State of Hawaii; State and federal oversight, **subject to all applicable requirements of HRS Chapter 343, relating to Environmental Assessments and Environmental Impact Statements**; and compliance with all other applicable and State and Federal requirements and permit approvals. In fact, we understand that certain State departments, such as DOT, have verified that much, if not all of the above state and federal requirements duplicate and even exceed what is required under the permit and site plan approvals for submerged lands in the Conservation District within DOT's commercial harbors system.

For the reasons stated above, LURF **strongly supports the passage of SB 755, SD2, HD2** and respectfully urges your favorable consideration of this measure.



Testimony to the House Committees on Finance  
Tuesday, April 3, 2012 at 5:00 pm  
Conference Room 308, State Capitol

**RE: SENATE BILL NO.755 SD2 HD 2 RELATING TO ECONOMIC DEVELOPMENT**

Chair Oshiro, Vice Chair Lee, and Members of the Committee:

The Chamber is the largest business organization in Hawaii, representing more than 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

The Chamber of Commerce of Hawaii strongly supports the intent of SB 755 SD2, HD2. The Bill attempts to streamline the government permitting process (State and County) for certain public infrastructure CIP projects. By expediting these projects, the hope is to get the funds into the economy as quickly as possible.

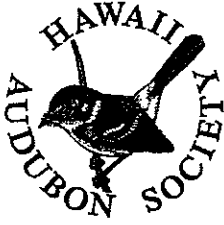
While we support the overall intent, we would like to clarify that the projects identified should be limited to existing facilities (i.e. airport and harbor facilities, road rights of ways) or approved land uses (i.e. executive orders, leases, easements, licenses, etc.). The rationale being that the overall environmental impacts of these infrastructure projects would be minimal when done within existing facilities or lands uses, and any additional permitting or approvals would be redundant, including compliance with Chapter 343 HRS.

Parts II and, III of the bill provide for temporary exemptions or process to expedite the identified public infrastructure CIP projects.

Part IV permanently exempts all work involving submerged lands used for state commercial harbor purposes from any permit and site plan review requirements for lands in the conservation district. The language in the bill is not clear on whether this permanent exemption is limited to work within an existing harbor facility or allows for construction of a new or expansion of an existing harbor facility and entrance channel on unencumbered submerged lands. This should be clarified in the bill.

Part V temporarily authorizes a more streamlined process for exempting state and county projects from the environmental review process of chapter 343, HRS, and reduces the deadline for challenging the lack of an environmental assessment for a state or county project. Again we believe that clarification should be added that this section applies only to existing facilities (i.e. airport and harbor facilities, road rights of ways) or approved land uses (i.e. executive orders, leases, easements, licenses, etc.). The rationale being that the overall environmental impacts of these infrastructure projects would be minimal when done within existing facilities or lands uses, and any additional permitting or approvals would be redundant, including compliance with Chapter 343 HRS.

We look forward to continued discussion on this measure. Thank you for this opportunity to express our views.



*For the Protection of Hawaii's Native Wildlife*  
**HAWAII AUDUBON SOCIETY**

850 Richards Street, Suite 505, Honolulu, HI 96813-4709

Phone/Fax: (808) 528-1432; hiaudsoc@pixi.com

[www.hawaii-audubon.com](http://www.hawaii-audubon.com)

April 2, 2012

House of Representatives

Committee on Finance

Subject: Testimony in **Opposition** of SB755 SD2 HD2 Relating to "Economic Development"

Hearing Scheduled for 4/2/2012 5:00 PM

Aloha Chair Oshiro, Vice-Chair Lee, and Members of the Committee:

The Hawaii Audubon Society was founded in 1939 as an independent, nonprofit membership association dedicated to the protection of Hawaii's native wildlife and habitats through education, science and advocacy. The Society has over 2,300 members throughout Hawaii.

The Hawaii Audubon Society strongly opposes Senate Bill 755, Senate Draft 2, House Draft 2, which would allow state and county construction projects to be exempted from Hawaii's environmental review process, Chapter 343, Hawaii Revised Statutes and special management area (SMA) permit processes; shortens legal challenge periods; and reduces public involvement. This bill is not in the public interest and is not protective of Hawaii's native flora and fauna or cultural resources.

This bill circumvents environmental review, planning, and public involvement. Environmental protections and safeguards are established for a reason and should not be bypassed under the auspices of economic development. Environmental protections ensure economic prosperity. Tourism is the primary economic engine for Hawaii and is inextricably linked to our unique and beautiful natural resources. Hawaii's environmental review and SMA processes do not stifle economic development, but rather ensure that the state and counties are making sound decisions and using resources wisely. Making myopic and misguided decisions, such as this bill proposes, is contrary to the intent of the legislation that created the environmental review and SMA processes, which provide for better projects in the long run. Furthermore, the "economic development" that this bill purports to foster, is not looking at the economic components of environmental review as it will result in the loss of work for other sectors. This bill also proposes a misallocation of duties from the counties to the Office of Planning, who is not presently staffed and equipped to handle such tasks.

There is already an environmental review exemption process with the Environmental Council. As the Office of Environmental Quality Control testified for the March 21, 2012 hearing for this bill, the Environmental Council is current with exemption list requests and the existing exemption process is working. There is no need for duplication with legislated exemptions.

Hawaii Audubon Society hopes that this Committee will not allow this egregious bill to move forward. Thank you for the opportunity to testify.

**BIA-HAWAII**  
**BUILDING INDUSTRY ASSOCIATION**

**Testimony to the House Committees on Finance**  
**Monday, April 2, 2012**  
**5:00p.m.**  
**State Capitol, Conference Room 308**

**RE: S.B. 755 SD2 HD 2, RELATING TO ECONOMIC DEVELOPMENT**

Dear Chair Oshiro, Vice Chairs M. Lee, and members of the Committee:

I am Gladys Quinto-Marrone of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

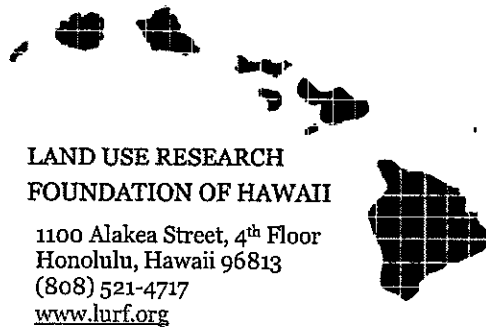
BIA-HAWAII strongly supports the intent of SB 755 SD2, HD2 Proposed. The bill attempts to streamline the government permitting process (State and County) for certain public infrastructure CIP projects. By expediting these projects, the hope is to get the funds into the economy as quickly as possible.

Part II temporarily exempts airport structures and improvements from the special management area permit and shoreline setback variance requirements when the structures and improvements are necessary to comply with Federal Aviation Administration regulations. Part III temporarily authorizes the heads of the department of land and natural resources and department of transportation, with the approval of the governor, to exempt department projects from the special management area permit and shoreline setback variance requirements. This part is repealed on June 30, 2015. Part IV exempts all work involving submerged lands used for state commercial harbor purposes from any permit and site plan review requirements for lands in the conservation district. This part does not sunset. Part V temporarily authorizes a more streamlined process for exempting state and county projects from the environmental review process of chapter 343, Hawaii Revised Statutes. Part V also temporarily reduces the deadline for challenging the lack of an environmental assessment for a state project. This part is repealed on June 30, 2015.

While we support the overall intent, we would like to clarify that the projects identified should be limited to existing facilities (i.e. airport and harbor facilities, road rights of ways) or approved land uses (i.e. executive orders, leases, easements, licenses, etc.). The rationale being that the overall environmental impacts of these infrastructure projects would be minimal when done within existing facilities or lands uses, and any additional permitting or approvals would be redundant, including compliance with Chapter 343 HRS.

We look forward to continued discussion on this measure. Thank you for this opportunity to express our views.





April 2, 2012

Representative Marcus R. Oshiro, Chair  
Representative Marilyn B. Lee, Vice Chair  
House Committee on Finance

**Revised Testimony in Support of SB 755, SD2, Proposed HD2 Relating to Economic Development** (Part II temporarily exempts airport structures and improvements from the special management area permit ("SMA") and shoreline setback variance ("SSV") requirements when the structures and improvements are necessary to comply with Federal Aviation Administration regulations. Part III temporarily authorizes the Department of Land and Natural Resources and Department of Transportation, with the approval of the Governor, to exempt department projects from the SMA and SSV requirements. Part IV exempts all work involving submerged lands used for State commercial harbor purposes from any permit and site plan review requirements for lands in the Conservation District. Part V temporarily authorizes a more streamlined process for exempting state and county projects from the environmental review process of chapter 343, HRS, and reduces the deadline for challenging the lack of an environmental assessment for a state or county project.)

**Monday, April 2, 2012, 5:00 p.m., in CR 308**

My name is Dave Arakawa, and I am the Executive Director of the Land Use Research Foundation of Hawaii (LURF), a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a major utility company. One of LURF's missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources and public health and safety.

LURF is **in strong support of passage of SB 755, SD2, HD2**, for further review, input and discussion between the House and Senate.

**SB 755, SD2, HD2.** One of the main purposes of this measure is to promote economic development by temporarily removing regulatory restrictions to the expeditious construction of certain state and county projects.

- Part II **temporarily** exempts airport structures and improvements from the special management area permit ("SMA") and shoreline setback variance ("SSV") requirements when the structures and improvements are necessary to comply with Federal Aviation Administration ("FAA") regulations;

- Part III temporarily authorizes the Department of Land and Natural Resources (“DLNR”) and Department of Transportation (“DOT”), with the approval of the governor, to exempt department projects from the special management area permit and shoreline setback variance requirements;
- Part IV exempts all work involving submerged lands used for state commercial harbor purposes from any permit and site plan review requirements for lands in the Conservation District; and
- Part V temporarily authorizes a more streamlined process for exempting state and county projects from the environmental review process of Chapter 343, Hawaii Revised Statutes (“HRS”), and **specifically emphasizes that this Part does not statutorily expand the types of State projects that are exempt under the existing provisions of HRS Chapter 343 or pertinent implementing rules.** Provides that the Governor may establish a list of specific types of state projects that are actions exempt from the need for preparation of an environmental assessment upon a **required finding by the Governor that said state projects “will probably have minimal or no significant effects on the environment.”** Part V also includes amendments reducing the deadline for challenging the lack of an environmental assessment for a state project, from 120 days to sixty days, which we understand is consistent with the existing deadlines for other challenges under HRS sections 343-7(b) and (c).

It appears that the intent of the HD2 amendment includes promoting economic revitalization by way of capital expenditures on public infrastructure projects which will benefit the public; to temporarily expedite the process of constructing these public infrastructure projects without jeopardizing the public health, safety, welfare and the environment; and to generate jobs and infuse dollars into the local economy through those public infrastructure projects.

We understand that by temporarily exempting the need for certain regulatory requirements, the delays for constructing public infrastructure projects will be substantially reduced due to the elimination of existing redundant and duplicative data gathering and review processes, yet environmental concerns will still be addressed through the Chapter 343 process, public review through that process, and compliance with and oversight by all applicable Federal requirements.

**LURF’s Position.** LURF strongly supports the passage of SB 755, SD2, HD2, because it would allow for further review, input, discussion and cooperation between the House and Senate to achieve its purpose and intent of allowing government agencies to more effectively and efficiently plan and implement projects in a timely manner to meet the growing needs of the public and Hawaii’s various industries (tourism, maritime, agricultural, etc.).

For instance, we understand that the cargo system for Hawaii is dependent on the State commercial harbors system, as ninety-eight percent of imported goods pass through the State’s commercial harbors. If necessary DOT capital projects are not completed, or harbor facilities are not maintained and/or rehabilitated in a timely manner due to unnecessary permit delays, there could be significant detrimental impacts to the operations of harbors facilities and the delivery of goods.

We understand that sufficient environmental and regulatory oversight will continue to be maintained and enforced for SMA and SSV exemptions relating to airport structures and

improvements necessary to comply with FAA approvals, DLNR and DOT projects, submerged lands within the State commercial harbors system, and conservation district permitting and site plan approval, relating to the preservation and protection of the ecosystem, flora and fauna, as follows:

- **All SMP/SSV exemptions are still subject to applicable oversight and compliance with HRS Chapter 343 relating to Environmental Assessments and Environmental Impact Statements.** We understand that applicable State projects and processes will still be subject to certain applicable requirements of HRS Chapter 343 and the laws relating to Environmental Assessments and Environmental Impact Statements, which involves public involvement and input with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility that is subject to Chapter 343;
- **Required consultation with the DLNR's State Office of Conservation for all SMA or SSV exemptions.**
- **Required consultation with the Office of Planning for all SMA or SSV exemptions.**
- **Required approval of the applicable State director of DLNR or DOT for all SMA or SSV exemptions.**
- **Required approval of the Governor for all SMA or SSV exemptions.**
- **Oversight by and compliance with requirements, rules and regulations of the State Department of Health ("DOH") for Federal programs such as the Clean Air Act and Clean Water Act, etc.** We understand that State agencies will still be subject to all applicable requirements of, and oversight by the State DOH for Federal programs such as the Clean Water Act and the Clean Air Act with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility within its jurisdiction.
- **Oversight and compliance with State Historic Preservation Review.** We understand that State projects will still be subject to all applicable requirements of HRS 6E-8, which requires State departments to consult with the Historic Preservation Division (SHPD) of the Department of Land and Natural Resources, to review proposals and determine whether they could cause an adverse effect to a historic property, including those located on submerged lands, and the project may proceed with the concurrence of the SHPD;
- **Oversight by and compliance with requirements, rules and regulations of the U.S. Army Corps of Engineers.** State agencies will still be subject to all applicable federal requirements, regulations and oversight of the U.S. Army Corps of Engineers with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility within its jurisdiction;
- **Oversight by and compliance with requirements, rules and regulations of the Federal Clean Air Act.** State agencies will still be subject to the applicable federal requirements, regulations and oversight under the Federal

Clean Air Act with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility within its jurisdiction;

- **Oversight by and compliance with requirements, rules and regulations of the Federal Clean Water Act and the Federal Water Pollution Control Amendments.** State agencies will still be subject to all applicable federal requirements, regulations and oversight under the Federal Clean Water Act and the Federal Clean Water Pollution Control Amendments with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility within its jurisdiction;
- **Oversight by and compliance with requirements, rules and regulations of the Federal Comprehensive Environmental Response, Compensation and liability Act (CERCLA).** State agencies will still be subject to the applicable federal requirements, regulations and oversight under the CERCLA, with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility within its jurisdiction;
- **Oversight by and compliance with requirements, rules and regulations of the Federal Endangered Species Act.** State agencies will still be subject to all applicable federal requirements, regulations and oversight under the Federal Endangered Species Act with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility within its jurisdiction;
- **Oversight by and compliance with requirements, rules and regulations the National Environmental Policy Act ("NEPA").** It is our understanding that State agencies will still be subject to the applicable federal requirements, regulations and oversight of NEPA with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility within its jurisdiction;
- **Oversight by and compliance with requirements, rules and regulations of the U.S. Environmental Protection Agency ("EPA").** It is our understanding that State agencies will still be subject to the applicable federal requirements, regulations and oversight of the U.S. EPA with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility within its jurisdiction;
- **Oversight by and compliance with requirements, rules and regulations of the Federal Aviation Administration ("FAA").** State agencies will still be subject to all applicable federal requirements, regulations and oversight under the FAA with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility within its jurisdiction;
- **Oversight by and compliance with requirements, rules and regulations of the National Historic Preservation Act.** We understand that State agencies will still be subject to all applicable federal requirements under the National Historic Preservation Act for undertakings involving federal funding, permitting or approvals;

- **Oversight by and compliance with requirements, rules and regulations of the Federal Marine Protection, Research and Sanctuaries Act.** State agencies will still be subject to all applicable federal requirements, regulations and oversight under the Federal Marine Protection, Research and Sanctuaries Act with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility within its jurisdiction;
- **Oversight by and compliance with requirements, rules and regulations of the Federal Pollution Prevention Act.** State agencies will still be subject to all applicable federal requirements, regulations and oversight under the Federal Pollution Prevention Act with respect to construction, reconstruction, demolition, or alteration of any structure, building, or facility within its jurisdiction;
- **Oversight by and compliance with requirements, rules and regulations of the National Transportation Act.** We understand that State agencies will still be subject to all applicable federal requirements under the National Historic Preservation Act and the National Transportation Act for undertakings involving federal funding, permitting or approvals; and similar requirements under HRS 6E-8, including requirements for consultation with and concurrence of SHPD.

Based on the above, we believe that the public can be assured that environmentally significant, endangered or threatened species or ecosystems or culturally significant sites will not be subject to destruction or demolition without being subject to all of the above requirements - consultation with DLNR's Office of Conservation and Coastal Lands and the State Office of Planning; approval by the applicable DLNR or DOT department head; approval by the Governor of the State of Hawaii; State and federal oversight, **subject to all applicable requirements of HRS Chapter 343, relating to Environmental Assessments and Environmental Impact Statements**; and compliance with all other applicable and State and Federal requirements and permit approvals. In fact, we understand that certain State departments, such as DOT, have verified that much, if not all of the above state and federal requirements duplicate and even exceed what is required under the permit and site plan approvals for submerged lands in the Conservation District within DOT's commercial harbors system.

For the reasons stated above, LURF **strongly supports the passage of SB 755, SD2, HD2** and respectfully urges your favorable consideration of this measure.

## **Testimony in Opposition to SB 755 SD2 HD2**

### **HEARING**

#### **COMMITTEE ON FINANCE**

Rep. Marcus R. Oshiro, Chair

Rep. Marilyn B. Lee, Vice Chair

Rep. Isaac W. Choy, Rep. Chris Lee, Rep. Ty Cullen, Rep. Dee Morikawa, Rep. Heather Giugni, Rep. James Kunane Tokioka, Rep. Sharon E. Har, Rep. Kyle T. Yamashita, Rep. Mark J. Hashem, Rep. Barbara C. Marumoto, Rep. Linda Ichiyama, Rep. Gil Riviere, Rep. Jo Jordan, Rep. Gene Ward, Rep. Derek S.K. Kawakami

#### **NOTICE OF HEARING**

DATE: Monday, April 2, 2012

TIME: 1:30 PM

PLACE: Conference Room 308  
State Capitol  
415 South Beretania Street

#### **SB 755 SD2, HD2 - RELATING TO ECONOMIC DEVELOPMENT.**

Part II temporarily exempts airport structures and improvements from the special management area permit and shoreline setback variance requirements when the structures and improvements are necessary to comply with FAA regulations.

Part III temporarily authorizes the department of land and natural resources and department of transportation, with the approval of the governor, to exempt department projects from the special management area permit and shoreline setback variance requirements.

Part IV exempts all work involving submerged lands used for state commercial harbor purposes from any permit and site plan review requirements for lands in the conservation district.

Part V temporarily authorizes a more streamlined process for exempting state and county projects from the environmental review process of chapter 343, HRS, and reduces the deadline for challenging the lack of an environmental assessment for a state or county project.

#### **Aloha Chairman Marcus R. Oshiro, Chair, Vice Chairman Marilyn B. Lee and the Committee on Finance:**

My name is Wayne Takamine and I participated in the Kaka'ako Makai Master Planning process as the chairman of the Kaka'ako Makai Community Planning Advisory Council (CPAC).

CPAC has strong concerns for the following sections of SB755 SD2, HD2

- Part IV exempts all work involving submerged lands used for state commercial harbor purposes from any permit and site plan review requirements for lands in the conservation district.

- Part V temporarily authorizes a more streamlined process for exempting state and county projects from the environmental review process of chapter 343, HRS, and reduces the deadline for challenging the lack of an environmental assessment for a state or county project.

We believe Part IV that allows exemptions to work involving Kaka'ako makai and Kewalo Basin harbor submerged lands purposes from any permit and site plan review requirements, and Part V that suspends the environmental review process of chapter 343, HRS, would threaten our Kaka'ako Makai shoreline and public access to ocean recreation by allowing poorly vetted development.

From our experience with the Kaka'ako Makai master planning process since 2005, CPAC has witnessed strong support for HRS 206E-31.5, which is the law that prohibits residential housing and the sale of state land in Kaka'ako Makai by countless individuals, community groups, cultural groups, environmental groups and Kaka'ako Makai stakeholders.

During the Kaka'ako Makai Master Planning Process, CPAC has followed the lead of state legislators, stakeholders, community groups and the HCDA that has determined the state land in Kaka'ako Makai can best serve the public as "The Community's Gathering Place" as defined by the adopted Kaka'ako Makai Vision and Guiding Principals and the approved Kaka'ako Makai Conceptual Master Plan and "The Public Cultural Market" concept described in HRS 206E-34 that is a required in Kaka'ako Makai.

We respectfully ask the House Committee on Finance to consider our strong opposition to SB 755 SD1, HD1 and our appreciation for your support in making Kaka'ako Makai the "Community's Gathering Place."

Respectfully,

Wayne Takamine  
CPAC Chairman



**O'ahu Council  
Association of Hawaiian Civic Clubs**

P.O. Box 37874  
Honolulu, Hawaii 96837-1122

March 31, 2012

**TESTIMONY EXPRESSING CONCERNS WITH SB755, SD2, HD2  
RELATING TO ECONOMIC DEVELOPMENT**

Hearing, Monday, April 2, 2012, 5:00 p.m.  
Conference Room 308, State Capitol

Representative Marcus R. Oshiro, Chair  
Representative Marilyn B. Lee, Vice Chair  
Members, Committee on Finance

Aloha mai, Representative Oshiro a me Representative Lee and members of the  
Committee on Finance

The O'ahu Council of the Association of Hawaiian Civic Clubs submits the following concerns about SB 755, SD2, HD2, Relating to Economic Development, for your consideration. The bill, if enacted, would temporarily exempt airport structure and improvements from the special management area permit and shoreline setback variance requirements when the structures and improvement are necessary to comply with FAA regulations, and temporarily authorize the Department of Land and Natural Resources and Department of Transportation, with the approval of the governor, to exempt department projects from the special management area permit and shoreline setback variance requirements, and exempt all work involving submerged lands used for state commercial harbor purposes from any permit and site plan review requirements for lands in the conservation district, and lastly authorize a more streamlined process for exempting state and county projects from the environmental review process of chapter 343, HRS, and reduces the deadline for challenging the lack of an environmental assessment for a state or county project.

In your deliberations, many of you as legislators and residents of this state have supported the Native Hawaiian value of "Malama 'Āina", and for that we have appreciated your support. Provisions of this bill seem to allow actions contrary to that value.

Hawaii is a state comprised of islands. Our lands are limited. Once the environment is adversely impacted, it takes years, if ever, to recover, and usually those responsible are long gone, leaving



the state to wrestle with the problem. An environmental assessment minimizes the opportunity for fatal errors to our environment. We should not sacrifice protection of our land for a short-term, limited economic benefit. Our natural resources must be responsibly and respectfully managed, utilized when necessary, replenished and preserved for future generations. State government should be the model, not the exception, to assuring that protection.

We would like to see this bill amended to include language that provides safeguards concerning the proposed exemptions, and other changes wherever possible.

For example, in Part V, Section 10, it would be helpful if you insert the following precautionary language after subsection (3):

“(4) All state departments whose projects would be exempted must have completed an internal review of the project’s impact upon natural or cultural resources and determine necessary mitigating actions that must be taken in response to potential known or unknown adverse impacts of these resources prior to proceeding with any actions to execute the project, such mitigation to be addressed within 30 days prior to commencement of project construction.”

We feel that including language such as this one holds our government agencies accountable for ensuring that our natural and cultural resources are properly protected as prescribed under the Hawai’i State Constitution. Otherwise, this bill may be subject to challenge on constitutional grounds.

The O’ahu Council of AHCC has been a long-standing advocate for protection of our natural and cultural resources with a balance for economic development. We appreciate the opportunity to express our concerns about SB 755, and ask that you reconsider the length, depth and breadth of the exemptions that would be authorized in this bill and insert safeguards to *malama `aina i ke kai, i na wahi pana a me wahi kapu*: protect our land, our seas, and our cultural resources.

Me kealoha pumehana



MAHEALANI CYPHER  
President

**About the O’ahu Council, Association of Hawaiian Civic Clubs (AHCC)**

The O’ahu Council is one of five councils that comprise the AHCC. It advocates actions that enhance the civic, economic, educational, health and social welfare of our communities and elevates the social and intellectual status of all Hawaiians. Twenty-five clubs located throughout the island of O’ahu comprise the council.

1065 Ahua Street  
Honolulu, HI 96819  
Phone: 808-833-1681 FAX: 839-4167  
Email: [info@gcahawaii.org](mailto:info@gcahawaii.org)  
Website: [www.gcahawaii.org](http://www.gcahawaii.org)



# GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded via Capitol Website

April 2, 2012

TO: HONORABLE REPRESENTATIVES MARCUS OSHIRO, CHAIR, MARILYN LEE, VICE CHAIR, MEMBERS OF THE HOUSE COMMITTEE ON FINANCE

SUBJECT: **SUPPORT OF S.B. 755, SD2, HD2, RELATING TO ECONOMIC DEVELOPMENT.** Part II temporarily exempts airport structures and improvements from the special management area permit and shoreline setback variance requirements when the structures and improvements are necessary to comply with FAA regulations. Part III temporarily authorizes the department of land and natural resources and department of transportation, with the approval of the governor, to exempt department projects from the special management area permit and shoreline setback variance requirements. Part IV exempts all work involving submerged lands used for state commercial harbor purposes from any permit and site plan review requirements for lands in the conservation district. Part V temporarily authorizes a more streamlined process for exempting state and county projects from the environmental review process of chapter 343, HRS, and reduces the deadline for challenging the lack of an environmental assessment for a state or county project. (SB755 HD2)

### HEARING

DATE: Monday, April 2, 2012  
TIME: 5:00 p.m.  
PLACE: Room 308

Dear Chair Oshiro, Vice Chair M. Lee and Members of the Committee,

The General Contractors Association (GCA) is an organization comprised of over six hundred (600) general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is celebrating its 80<sup>th</sup> anniversary this year; GCA remains the largest construction association in the State of Hawaii whose mission is to represent its members in all matters related to the construction industry, while improving the quality of construction and protecting the public interest. **GCA is in support of S.B. 755, SD2, HD2, Relating to Economic Development.**

This bill would temporarily allow exemptions from some environmental requirements, while still complying with federal requirements, to address ways in which the economy could be stimulated and address some of the overdue repairs of public work projects. The purpose of this measure is to promote economic development by temporarily removing regulatory restrictions to the expeditious construction of certain state and county projects.

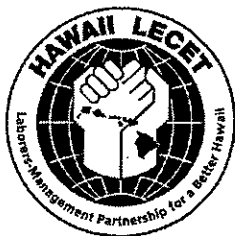
Unfortunately, Hawaii's economic recovery has not been as positive as projected. One strategy to promote economic revitalization is by way of capital expenditures on public infrastructure projects. This strategy will generate jobs and infuse dollars into the local economy. Additionally, the public infrastructure constructed will benefit the general public.

Part II of this bill would amend Section 261-4, Hawaii Revised Statutes to provide an exception to the Special Management Area Use Permit requirement relating to development to exclude airports, structures and improvements when such work is necessary to comply with Federal Aviation Administration (FAA) regulations. The purpose of Section II of this measure is to assist the Department of Transportation in the effective and efficient operation of its airport facilities by providing a temporary exemption from special management area minor and use permit requirements for airport facility development that is necessary to comply with Federal Aviation Administration requirements.

GCA supports the passage of S.B. 755, SD2, HD2 to insure that Hawaii's economy will get restarted and also ensure public safety by the further development of project works project. The proposed exemptions will be for a temporary period, and because no major construction is expected to be mounted in that time, we believe that this measure is a reasonable and prudent way to invigorate the state's economy while also maintaining the appropriate regulatory measures.

For these reasons, GCA supports the passage of S.B. 755, SD2, HD2 and recommends its passage.

Thank you for the opportunity to provide our support on this measure.



Testimony of Maurice Morita  
Assistant Director  
Hawaii LECET  
1617 Palama Street  
Honolulu, HI 96817

HOUSE COMMITTEE ON FINANCE  
Monday, APRIL 02, 2012  
5:00 p.m., Conference Room 308

**SB 755,SD2,HD2 - RELATING TO ECONOMIC DEVELOPMENT**

Aloha Chair Oshiro, Vice Chair Lee, and Members of the Committee:

My name is Maurice Morita and I am the assistant director of Hawaii LECET (Laborers-Employers Cooperation and Education Trust). Hawaii LECET is a partnership between the Hawaii Laborers' Union, Local 368 and our union contractors.

The Hawaii LECET **"strongly supports"** SB 755, SD2, HD2, which authorizes temporary or permanent exemptions for some government projects from environmental requirements, including the special management area permit and shoreline setback variance requirements, permit, and site plan approval requirements, and environmental assessment requirements.

Hawaii LECET believes this bill will stimulate Hawaii's economy, and help many of the construction workers on the bench as well as improve the quality of life for our children in the future.

Thank you for the opportunity to submit this testimony.

The Pacific Resource  
**PARTNERSHIP**



Testimony of C. Mike Kido  
External Affairs  
The Pacific Resource Partnership

House Committee on Finance  
Representative Marcus Oshiro, Chair  
Representative Marilyn Lee, Vice Chair

SB 2030, SD2, HD1 – Relating to Procurement  
Monday, April 2, 2012  
5:00 PM  
Conference Room 308

Aloha Chair Oshiro, Vice Chair Lee, and Members of the Committee:

My name is C. Mike Kido, External Affairs of the Pacific Resource Partnership (PRP), a labor-management consortium representing over 240 signatory contractors and the Hawaii Regional Council of Carpenters, formerly the Hawaii Carpenters Union.

S.B. 2030, SD2, HD1 would alleviate some of the problems associated with the subcontractor listing requirement on public works construction projects.

This bill provides that the procurement officer may allow the scope of work for a listed subcontractor to be expanded after bid opening for clarification purposes and with certain conditions. This measure will also permit a previously licensed and listed subcontractor whose license was suspended or forfeited at bid time for a ministerial violation, to have its license reinstated before award, thus avoiding bid disqualifications for such technical reasons.

This bill will reduce the number of potential bid protests relating to clarifications and interpretations of scope of work issues and allow a previously licensed subcontractor time to have its license reinstated before disqualifying the bid.

PRP **strongly supports** S.B. 2030, SD2, HD1 and recommends its adoption and respectfully requests **deleting the defective date and replacing it with "upon approval."**

Thank you for the opportunity to share our views with you.

To: Representative Marcus R. Oshiro, Chair  
Representative Marilyn B. Lee, Vice Chair  
Members of the House Committee on Finance

From: Lani T. Kawahara, Individual

RE: Testimony in **opposition** to SB755 SD2 HD2

Hearing: April 2, 2012, 5:00pm, Room 308

I stand in **strong opposition** to SB755 SD2 HD2 along with The Office of Environmental Quality Control; the Office of Hawaiian Affairs; the Office of Planning; Hawaii's Thousand Friends; Historic Hawaii Foundation; The Outdoor Circle; the Environmental Council; Life of the Land; the Marine and Coastal Zone Advocacy Council; the Sierra Club, Hawaii Chapter; and numerous other individuals.

The Hawaii State Constitution, Article 11, section 1 demands "the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State."

I oppose SB755 SD2 HD2 for the following reasons:

- It abdicates the government's responsibility to conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals and energy sources.
- It abuses the concept of our natural resources and beauty being held in public trust for the benefit of the people into perpetuity.
- The bill is a "temporary" fix that subjugates decades of thoughtful review, legislation and public input into protecting our environment.
- It is not in the best interest of the public and has the potential to cause great harm to our environment.

I urge legislators to vote NO on SB755 SD2 HD2.

Lani T. Kawahara  
PO Box 1565  
Kapaa, HI 96746

COMMITTEE ON FINANCE  
Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair

**In Opposition to**

- **SB755**, Exempts State Department's of Transportation and Land and Natural Resources from Environmental and Special Management Area Review, among other poor planning practices

Hearing: Monday, April 2, 2012, 5:00 p.m.

**Dear Honorable Chairs Oshiro and Lees and Members of the Committees:**

I strongly **OPPOSE** SB755

The bill is based on myth and has no substantive factual support to justify its need.

**MYTH.** SB755 creates jobs. In fact, the bill would cost jobs and reduce government revenue but not create any NEW jobs. The bill intends to reduce permitting times, perhaps by as much as 6 to 9 months, but doesn't create larger, more complex projects that would require more people and thus create more jobs.

**FACT.** Shorter permitting times do not create more projects, larger projects, or create more jobs than the originally proposed by the project. In contrast, analyzing the environmental and coastal impacts of proposed projects DOES create jobs, which increases business for consulting firms that pay Gross Revenue Tax, which adds revenue to the State. The employees of these private firms pay income tax, thereby adding to State revenue.

**MYTH.** Coastal permitting delays State DOT/DLNR projects and thus causes the loss of construction jobs.

**FACT.** The Special Management Area permitting system and its companion Environmental Assessment does not provide for denial of a proposed project. SMA permits allow conditions to avoid, minimize and mitigate adverse impacts to natural and historic resources. Unless there is clear and indisputable evidence that ecological damage will occur, the SMA permit must be approved. The very nature of the process is designed to add conditions that diminish adverse effects, not cancel projects or stop them. For example, placing jet fuel tanks in the tsunami zone was not the basis for denying an SMA permit at Kahului Airport. Instead, the permit served as the vehicle to add a condition of approval that the fuel tanks be elevated out of harm's way. Furthermore, there must be a nexus between the condition imposed and the environmental harm avoided.

**MYTH.** We need to expedite projects that fix our failing facilities by avoiding environmental and coastal review.

**FACT.** Over \$35 million in projects at the Kahului Airport were approved in less than 9 months in 2008. None have been started! Clearly, other factors have delayed fixing our facilities for over 4 years. The environmental review and SMA permitting system did not.

**MYTH. EXEMPTING THE SUPERFERRY CREATED JOBS!**

**FACT. Those who forget history are bound to repeat its mistakes.**

Superferry did not receive SMA review because DOT Harbors Division is already exempt from coastal permitting. Furthermore, DOT Harbors Division already has an Environmental Exemption List approved by the Environmental Council. Additional exemptions are unnecessary, do not speed job creation, and do not result in improved facilities.

In summary, SB755 will not achieve the Legislature's objectives of streamlining permitting and creating jobs. Instead, it risk the loss of valuable, trained professional staff in the government, non-government, and private sector, will result in delayed projects and litigation, annuls home rule whereby the individual counties and islands dictate development patterns, and costs lost tax revenue for the State of Hawaii. To conclude, SB755 is imprudent, inappropriate for a tourist-based economy, and ensures poor planning and wasted revenue prevails.

I strongly encourage you to vote against the bills and remove them from further consideration.

Mahalo for the opportunity to comment and participate!

*Thorne Abbott*

Resident: Wailuku - Maui / Waikiki - Oahu



**HOUSE COMMITTEE FINANCE**  
**Monday, April 2, 2012**  
**5:00 PM, Conference Room 308**  
**Agenda #4**

**Senate Bill 755, HD2**  
**Relating to "Economic Development"**

Aloha Chair Oshiro, Vice Chair Lee and Finance Committee Members:

This testimony provides comments in ***strong opposition*** to SB 755, HD2. The proposed legislation flies in the face of the higher integrity of Hawai'i's well-established land use policies and landmark environmental protections, as well as the public's inalienable right to due process. Shame on the morally-compromised politicians and their cohorts who devised this proposal and shame on the Legislators who have pushed it along on its fast track.

This grossly **misdirected measure** proposes to:

- Allow the state and all counties to "streamline" **exemptions** from the **environmental review requirements** of the environmental impact disclosure law, Chapter 343, HRS, for state and county projects.
- Allow the governor to **exempt** Department of Land and Natural Resources and Department of Transportation projects, including airport projects, from the **special management area permit and shoreline setback variance requirements**,
- **Exempt** commercial harbor projects involving submerged lands (and their pollutants) from **conservation district permitting and site plan approval requirements**.
- Allow the governor to develop a list of state projects **exempt** from the **environmental review requirements** of the environmental impact disclosure law, Chapter 343, HRS.
- **Exempt** projects approved by the governor from **approval by the Environmental Council or compliance with rules of the Office of Environmental Quality Control**.
- Require any appeal of an agency's action absent environmental assessment to be an **expedited Court appeal**.

While this proposed legislation postures as a "temporary" lifting of long-established and successful land use and environmental laws, it is the permanent results of the outcomes of the absence of these protections that will be devastating and irreversible. *Our island economy is dependent upon and subsidiary to our unique environment, open shoreline resources, and panoramic view planes from the ocean to the mountains.*

The Legislature in its wisdom must look beyond the short-sighted, self-serving and superficial claims of special interests seeking to exploit our finite islands and the time-honored values that protect our natural and shoreline resources, our environmental

quality of life, and Hawai'i's unique culture, The legislature in its wisdom should instead look to the shortcomings of the governmental malfunctions and funding displacements that are known to shortchange efficiency and allow substandard operations to cause delays in the established and proper permitting procedures, and to ultimately prompt federal investigations into intended protective practices, such as historic preservation.

In the larger view, how is it that any such open-ended measure as this could be enacted to potentially violate the federal laws after which Hawai'i's long-standing environmental statutes are modeled? Will this assault on Hawai'i's environmental integrity not, at the very least, cause investigations from the EPA, Army Corps of Engineers and Department of the Interior relating respectively to coastal zone management, harbor receiving waters, preservation and protection of historic and cultural assets, and associated improvement programs?

SB 755 HD2 flies in the face of Hawai'i's historic cultural and present-day public interest commitment to protect our fragile coastal and inland environment and to plan sustainable land uses carefully and comprehensively to ensure the continued integrity and preservation of our environmental and cultural resources for present and future generations. In many ways, this proposed legislation appears intended to shortchange the public to achieve a carte blanche slate for foot-loose development.

Redundant to similar egregious legislation aggressively proposed this year, SB 755 HD2 is a transparent attempt by certain present legislators, politicians and their cohorts to **undermine and erode, abuse and defile** long-standing statutes protecting our **finite and fragile island resources** at the cost and corrosion of Hawai'i's environmental and cultural quality of life for present and future generations.

**SB 755 HD2 is the antithesis of  
Hawaii's Environmental and Cultural Protections in the Greater Public Interest.**

**Please kill this bill!**

Most sincerely,

Michelle S. Matson

March 30, 2012

The Honorable Representative Marcus Oshiro, Chair  
House Committee on Finance  
Hawai'i State Capitol  
Honolulu, HI 969813

RE: Testimony opposing SB755 SD2, HD2

Aloha Chair Oshiro and Committee Members:

The proposal exempts from all county permits, licenses and certificate requirements the capital improvement projects authorized under this act; provided that the capital improvement projects shall meet all federal, state, and other applicable county code requirements.

While we agree that SB755 SD2, HD2 might benefit the state by allowing for positive economic benefits, there is no acceptable rational for removing regulatory restrictions to the expeditious construction of certain state and county projects. Further, there is no justification for exempting government projects while providing no such exemptions to private projects.

The potential impacts of government CIP projects are no different from the potential impacts of any other type of construction or development. The same is true for projects that might trigger the SMA process. All government and private projects should meet the same standards for the benefit of the Hawaii's people and environment. And those standards must include the types of project reviews currently in the law, without special exemptions.

### **SB755 SD2, HD2**

**Part II:** Regardless of FAA regulations we still must know the impacts on sensitive areas. FAA regulations are not a license to create unacceptable impacts in Hawaii's most sensitive areas. Also, this action could jeopardize federal funding for Coastal Zone Management work in Hawai'i.

**Part III:** Authorizes the Directors of the Department of Land and Natural Resources and Department of Transportation, with the Governor's approval, to completely exempt from the SMA process and shoreline setback variance requirements any of their departments' projects. Part IV is a total evisceration of the SMA process for these departments and will likely result in projects that will forever encroach on our priceless coastal resources and make a mockery of more than 30 years of careful coastal management by the counties, in compliance with Federal law. And again, this action could jeopardize federal funding for Coastal Zone Management work in Hawai'i.

**Part IV:** This is another dangerous and destructive element of this devastating legislation. It exempts all work involving submerged lands used for state commercial harbor purposes from any permit and site plan review requirements for lands in the conservation district. Chapter 343, HRS, and federal permitting, with Chapter 183C are crucial for protecting Hawai'i's conservation lands. State law related to conservation lands requires the Department of Land and Natural Resources (DLNR) to regulate land use through permitting and regulate construction of structures through site plan approvals.

Chapter 343, HRS, and federal permitting, without Chapter 183C, do not provide oversight for submerged lands and protection of individuals' due process rights. Chapter 343's Environmental Assessments and Environmental Impact Statements only require disclosure of the effects of a proposed action, suggested mitigation and alternatives. They do not result in the approval or denial of a project or a permit.

For submerged lands in the conservation district these determinations are made by the DLNR pursuant to Chapter 183C. Additionally, federally mandated permit requirements (e.g., U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency) do not ensure consideration and protection of rights conferred by the Hawaii State Constitution.

SB755 SD2, HD2 would exempt all activities on submerged lands for state commercial harbor purposes, regardless of size, scope or potential impacts. This would undermine the purpose for which Chapter 183C was enacted — to conserve, protect, and preserve important natural and cultural resources of the state and to promote their long-term sustainability and the public health, safety, and welfare.

**Part V:** Purports to promote a more streamlined process for exempting projects from environmental review under HRS Chapter 343. By streamlined what is meant is allowing the Governor to grant exemptions from Chapter 343 to virtually any project of his choosing without regard to how it might impact Hawaii's most important asset, our physical environment. This is a power that never should be granted to any individual in government. Exemptions should only be available through a process that thoroughly assesses a project's potential impacts. It is not up to the Governor and his staff to determine a project's potential impacts. Even the HD2 states that the proposed gubernatorial power would be imprecise. HD2 states these exempted projects "will probably have minimal impacts". The term probably implies the odds are in its favor. The members of The Outdoor Circle, and many thousands of other Hawai'i residents don't want the protection of our environment to be left to chance. Let's review all necessary to find out exactly what their impacts might be.

The hallmark of the 2012 legislature is the endless assault on protecting Hawaii's unique and invaluable environment. Too many legislators in this difficult economic era have chosen to align themselves with special interests that stand to reap large economic benefits from the suspension of some of Hawaii's most important and long-standing environmental protection laws. And by coincidence, this also is an election year.

SB755 SD2, HD2 must be stopped. Thousands of statewide members of The Outdoor Circle are eagerly awaiting word on how their elected officials vote on this measure knowing full well that in August and November, they too get a chance to vote.

Respectfully,

Bob Loy  
Interim CEO  
Director of Environmental Programs

March 30, 2012

Honorable Members of the House Committee on Finance

Aloha Chair Oshiro, Vice Chair Lee, and Members:

**Subject: SB580 S.D. 2 H.D. 1 RELATING TO AQUATIC LIFE**

**Hearing Date and Time: Tuesday, April 3, 2012 3:00 pm**

I testify in strong support of PART II of the bill as it proposes to statutorily establish a Division of Aquatic Resources within the Department of Land and Natural Resources. This provides our ocean resources the management structure and capability to perform the scientific research and investigation, observation and monitoring necessary to ensure the sustainability of these unique and precious resources.

I find PART I SECTION 2. of this bill, to be redundant and superfluous as SECTION 1. provides:

*"The department of land and natural resources shall hold public informational meetings and hearings pursuant to chapter 91 to ensure community participation and involvement in the reviews."*

I therefore recommend the deletion of PART I SECTION 2., since all interested parties will have had an opportunity to participate in the public informational meetings and hearings for the review that will be provided in the report.

Thank you for your consideration.

Most Respectfully Yours,

Roy N. Morioka

349-9297

SB755

Oppose

**Will we ever learn? Skip the EIS process to expedite a project?**

**Sound familiar? Isn't that how we lost the Super Ferry?**

**The major cause for the delay of most State projects isn't the EA/EIS process.**

**It is human error and flawed decisions by the executive management of the DOT and DLNR.**

**Case in point: The phase one widening of Queen Kaahumanu highway in Kailua Kona was projected to cost \$18 million (\$ 4.2 million/mile) and take 2 years.**

**However the project was started before the design was complete, so the project morphed into a 4+ year project, costing \$44 million (\$10 million/mile).**

**Phase two widening of Queen Kaahumanu is already 3 years late and still hasn't started. The first two years of delay were due to DOT accepting a bid, which was subsequently successfully challenged by another bidder, forcing a complete re-bidding of the project.**

**The last year of delay was due to challenges filed by local Hawaiian cultural interests. There is a very strong likelihood that this could have been prevented had DOT chosen to prepare a new EIS and cultural survey instead of trying to save money by using a fifteen year old Environmental Impact Statement.**

**The EA/EIS process is NOT broken. The decision process of the executive management of DOT and DLNR is broken. Fix those.**

**The people of Hawaii have been adamant that they don't want gambling.**

**Don't gamble with Hawaii's fragile and irreplaceable environment.**

**Fred Housel**

**Kailua Kona, HI**

Cliff DeVries  
Oppose  
SB755

I'm shocked that the governor wants to eliminate all environment protections for our citizens. His vision is seems very short sighted. Shouldn't we be concerned to protect the beauty of our environment? Tourism is our biggest industry; we need to protect it.

Our environmental laws ensure residents have clean water and protect our natural resources for future generations. Our regulations cannot be set aside every time the state experiences an economic downturn. Nor should the public be removed from the decision-making process on roads, bridges, and highways that fundamentally shape our communities.

We can have both a strong economy and a strong environment -- we do not have to make artificial choices between the two. Protecting our environment does help our economy.

## FINTestimony

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**m:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 31, 2012 8:23 AM  
**To:** FINTestimony  
**Cc:** mh@interpac.net  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Cory Harden  
Organization: Individual  
E-mail: [mh@interpac.net](mailto:mh@interpac.net)  
Submitted on: 3/31/2012

### Comments:

Dear Legislators,

Please oppose SB 755. Count me as an "apocalyptic naysayer" who won't allow the Governor to exempt state projects from any environmental review; (2) immunize the Governor from any judicial challenge by the public; (3) allow the Department of Transportation and Department of Land and Natural Resources to exempt themselves from coastal regulations; and (4) exempt airport structures and improvements from coastal regulations. Mahalo, Cory H



## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 31, 2012 1:29 AM  
**To:** FINTestimony  
**Cc:** tane\_1@msn.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: David M.K. Inciong, II  
Organization: Individual  
E-mail: [tane\\_1@msn.com](mailto:tane_1@msn.com)  
Submitted on: 3/31/2012

### **Comments:**

We live on islands and Hawaii's natural and coastal resources are too fragile and finite to be exempt from environmental oversight. I am against SB 755 HD2 for obvious reasons.

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, April 02, 2012 8:09 AM  
**To:** FINTestimony  
**Cc:** margaretwille@mac.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: margaret wille  
Organization: Individual  
E-mail: [margaretwille@mac.com](mailto:margaretwille@mac.com)  
Submitted on: 4/2/2012

### Comments:

It would appear that the environment is no longer important to our lawmakers despite all of their malama the 'aina rhetoric. They are being shortsighted in their management of our state and falling over their feet in accusatory statements against those who are concerned about the environment (Read: "the best defense is a good offense"). Read: toss out the Hawaii Constitution's public trust doctrine, and its precautionary principle and hope that the State Court's deny standing to anyone who seeks judicial review of this law. Read: dictatorship policies are more efficient than democratic policies. Read: Remember what happened when we circumvented environmental laws to give preferential treatment to the 'uperferry folks. The point here: We are putting federal funding for environmental programs at risk by gutting the provisions that implement those programs.

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, April 02, 2012 8:32 AM  
**To:** FINTestimony  
**Cc:** gentlewave@hawaii.rr.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: David Dinner  
Organization: Individual  
E-mail: [gentlewave@hawaii.rr.com](mailto:gentlewave@hawaii.rr.com)  
Submitted on: 4/2/2012

**Comments:**

This bill flies in the face of our intentions as citizens to be involved in the actions of our government and has the potential to further damage our already abused Hawaiian environment. Even if our current administration intends to utilize this bill in a conscientious manner, this bill gives future administrations the potential for unchecked and reckless development. The unintended consequences can be devastating.

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 31, 2012 10:24 AM  
**To:** FINTestimony  
**Cc:** kgoodwin@hawaiiantel.net  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Kip Goodwin  
Organization: Individual  
E-mail: [kgoodwin@hawaiiantel.net](mailto:kgoodwin@hawaiiantel.net)  
Submitted on: 3/31/2012

### **Comments:**

Here on Kauai we are learning of deteriorating nearshore water quality and adverse effect on marine life. We need strong, consistent environmental controls on the land, where ocean pollution comes from, and that should be Hawaii government's priority one.

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**sent:** Saturday, March 31, 2012 9:19 AM  
**To:** FINTestimony  
**Cc:** mhinchey@gmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: Yes  
Submitted by: Mike Hinchey  
Organization: Individual  
E-mail: [mhinchey@gmail.com](mailto:mhinchey@gmail.com)  
Submitted on: 3/31/2012

### **Comments:**

This bill goes too far. Our environmental laws ensure residents have clean water and protect our natural resources for future generations. Our regulations cannot be set aside every time the state experiences an economic downturn. Nor should the public be removed from the decision-making process on roads, bridges, and highways that fundamentally shape our communities.

We can have both a strong economy and a strong environment -- we do not have to make artificial choices between the two. Protecting our environment does help our economy.

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**it:** Saturday, March 31, 2012 8:45 AM  
**To:** FINTestimony  
**Cc:** jenhomcy@aol.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Jennifer Homcy  
Organization: Individual  
E-mail: [jenhomcy@aol.com](mailto:jenhomcy@aol.com)  
Submitted on: 3/31/2012

**Comments:**

This bill represents abuse of power. I strongly oppose it in its entirety.

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**sent:** Saturday, March 31, 2012 8:41 AM  
**To:** FINTestimony  
**Cc:** dancsmith@rocketmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Daniel C. Smith  
Organization: Individual  
E-mail: [dancsmith@rocketmail.com](mailto:dancsmith@rocketmail.com)  
Submitted on: 3/31/2012

### **Comments:**

We can have both a strong economy and a strong environment -- we do not have to make artificial choices between the two. Protecting our environment does help our economy.

SB 755 goes too far. We lost the SuperFerry due to cutting corners. What a tragedy! (And I work for an airline.) Our environment is a key element of our tourism industry and our quality of life.

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 31, 2012 8:28 AM  
**To:** FINTestimony  
**Cc:** laurenelizabeth1@gmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Laureen Elizabeth  
Organization: Individual  
E-mail: [laurenelizabeth1@gmail.com](mailto:laurenelizabeth1@gmail.com)  
Submitted on: 3/31/2012

**Comments:**

No bill should exempt State projects, or government, from environmental review. The future of Hawaii and its environment depend on protection of that environment!



## **FINTestimony**

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**n:** mailinglist@capitol.hawaii.gov  
**ent:** Saturday, March 31, 2012 9:06 AM  
**To:** FINTestimony  
**Cc:** frankelr001@hawaii.rr.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Richard Frankel  
Organization: Individual  
E-mail: [frankelr001@hawaii.rr.com](mailto:frankelr001@hawaii.rr.com)  
Submitted on: 3/31/2012

**Comments:**

Please do not weaken our environmental laws and regulations. A healthy environment is our most important asset as a state that depends on tourism. Strengthen our environmental laws, do not weaken them.  
Thank you.

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**sent:** Saturday, March 31, 2012 8:28 AM  
**To:** FINTestimony  
**Cc:** dward@hawaii.edu  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Deborah Ward  
Organization: Individual  
E-mail: [dward@hawaii.edu](mailto:dward@hawaii.edu)  
Submitted on: 3/31/2012

### **Comments:**

Aloha, Chair and Committee members,  
Public review of plans to construct infrastructure in our community is essential. I spend many hours a week reviewing DEIS documents, at no expense to public coffers, and my comments bring to light considerations not illuminated in the original draft. I do this as a public service, and I know it makes a difference. Please do not erase the public contribution by passing this proposal. Thank you!

## FINTestimony

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m: mailinglist@capitol.hawaii.gov  
Sent: Saturday, March 31, 2012 8:11 AM  
To: FINTestimony  
Cc: riesling22@yahoo.com  
Subject: Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Benjamin Hunter  
Organization: Individual  
E-mail: [riesling22@yahoo.com](mailto:riesling22@yahoo.com)  
Submitted on: 3/31/2012

### Comments:

I think that all public and governmental projects should be subject to environmental safety reviews.

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**nt:** Saturday, March 31, 2012 10:27 AM  
**To:** FINTestimony  
**Cc:** octopus@maui.net  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Rene Umberger  
Organization: Individual  
E-mail: [octopus@maui.net](mailto:octopus@maui.net)  
Submitted on: 3/31/2012

Comments:  
Aloha Chair,

There is no reason and no need to sacrifice our environment and natural treasures for economic growth.

Let the current processes in place do their intended jobs in safeguarding our irreplaceable environment.

Maalo,  
Rene Umberger

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**nt:** Saturday, March 31, 2012 10:50 AM  
**To:** FINTestimony  
**Cc:** susan.stayton@gmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Susan Stayton  
Organization: Individual  
E-mail: [susan.stayton@gmail.com](mailto:susan.stayton@gmail.com)  
Submitted on: 3/31/2012

### **Comments:**

It is outrageous to propose reducing or eliminating Environmental protections for the purpose of commercial enterprises. If we compromise our environment we will destroy our economy. Our environment is our most important aspect treasure. Without it we are just like so many other places. Please do not pass this bill.

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 31, 2012 10:38 AM  
**To:** FINTestimony  
**Cc:** [teri.kalele.molokai@mac.com](mailto:teri.kalele.molokai@mac.com)  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Taryn Waros  
Organization: Individual  
E-mail: [teri.kalele.molokai@mac.com](mailto:teri.kalele.molokai@mac.com)  
Submitted on: 3/31/2012

### **Comments:**

Aloha Kakou, We are so blessed to live in Hawaii, please do not forget that. As a keiki o ka aina, I was taught that I am merely a steward of this land and it is my responsibility to make the right choices for the future of our island home. Giving the governor, or any other single person or organization full authority to make decisions without accountability to a greater whole is setting a dangerous precedence. Please do not allow this miscarriage of justice to occur.

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**at:** Saturday, March 31, 2012 1:11 PM  
**To:** FINTestimony  
**Cc:** konakatr@hotmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: kathryn reynolds  
Organization: Individual  
E-mail: [konakatr@hotmail.com](mailto:konakatr@hotmail.com)  
Submitted on: 3/31/2012

### **Comments:**

Our environmental laws ensure residents have clean water and protect our natural resources for future generations. Our regulations cannot be set aside everytime the state experiences an economic downturn. Nor should the public be removed from the decision-making process on roads, bridges, and highways that fundamentally shape our communities.

We can have economic growth without sacrificing the environment.

I live on the Big Island and work in the tourist industry. I here hundreds of comments each month about the reason tourists come here - because of the vistas, because they dont like congested cities like Honolulu, because they can commune and feel nature. The environment is BIGGEST asset. ONce you change it, compromise it, it is gone forever.

How do you justify that for transient greed?

I have traveled the worlds and seen the results of turning backs toward the environment and the insidious growth of neglect for it.

Hear the voices who do not hold up alot of money to buy your view in favor of their monetary gain.

Everyone is the custodian of the Earth - when you are dying how will you feel about compromising its natural beauty and existence.?

Kathryn Reynolds

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 31, 2012 12:53 PM  
**To:** FINTestimony  
**Cc:** dwestinc@sbcglobal.net  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: David Westerfield  
Organization: Individual  
E-mail: [dwestinc@sbcglobal.net](mailto:dwestinc@sbcglobal.net)  
Submitted on: 3/31/2012

**Comments:**

We want a strong economy AND strong environmental regulations. If the environment is degraded, Hawaii will not continue to be the paradise people come to visit.



## FINTestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Saturday, March 31, 2012 10:40 AM  
To: FINTestimony  
Cc: mendezj@hawaii.edu  
Subject: Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Javier Mendez-Alvarez  
Organization: Individual  
E-mail: [mendezj@hawaii.edu](mailto:mendezj@hawaii.edu)  
Submitted on: 3/31/2012

### Comments:

We can have both a strong economy and a strong environment; we do not have to make artificial choices between the two. Protecting the environment does help our economy, the public, and voter's, well being.

## FINTestimony

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m: mailinglist@capitol.hawaii.gov  
Sent: Saturday, March 31, 2012 2:50 PM  
To: FINTestimony  
Cc: skaye@runbox.com  
Subject: Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: sally kaye  
Organization: Individual  
E-mail: [skaye@runbox.com](mailto:skaye@runbox.com)  
Submitted on: 3/31/2012

### Comments:

This is a dreadful bill, and would set a dangerous precedent. If former Governor Lingle had proposed such legislation it would never have even had a hearing.

A sad, sad day for Hawai'i that these provisions are even being considered.

Hopefully the electorate will remember who supported this bill come elections in November.

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 31, 2012 5:32 PM  
**To:** FINTestimony  
**Cc:** clk5356@gmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Carolyn L Knoll  
Organization: Individual  
E-mail: [clk5356@gmail.com](mailto:clk5356@gmail.com)  
Submitted on: 3/31/2012

### **Comments:**

You can't be serious!! This bill would (1) allow the Governor to exempt state projects from any environmental review; (2) immunize the Governor from any judicial challenge by the public; (3) allow the Department of Transportation and Department of Land and Natural Resources to exempt themselves from coastal regulations; and (4) exempt airport structures and improvements from coastal regulations.

This is democracy??? Our environmental laws ensure residents have clean water and protect our natural resources for future generations. Our regulations cannot be set aside everytime the state experiences an economic downturn. Nor should the public be removed from the decision-making process on roads, bridges, and highways that fundamentally shape our communities.

This is a very bad bill!!!

## FINTestimony

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**m:** mailinglist@capitol.hawaii.gov  
**ent:** Saturday, March 31, 2012 3:53 PM  
**To:** FINTestimony  
**Cc:** rogercamp1@msn.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Roger Campbell  
Organization: Individual  
E-mail: [rogercamp1@msn.com](mailto:rogercamp1@msn.com)  
Submitted on: 3/31/2012

### Comments:

This bill goes too far. Our environmental laws ensure residents have clean water and protect our natural resources for future generations. Our regulations cannot be set aside everytime the state experiences an economic downturn. Nor should the public be removed from the decision-making process on roads, bridges, and highways that fundamentally shape our communities.

We can have both a strong economy and a strong environment -- we do not have to make articial choices between the two. Protecting our environment does help our economy.

Sincerely , Roger Campbell  
Mililani, HI.

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**sent:** Saturday, March 31, 2012 2:42 PM  
**To:** FINTestimony  
**Cc:** digraziat001@gmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Thomas DiGrazia  
Organization: Individual  
E-mail: [digrasiat001@gmail.com](mailto:digrasiat001@gmail.com)  
Submitted on: 3/31/2012

**Comments:**

Our precious environment is too important to be removed from judicial and public review. I am strongly opposed to SB 755. Please kill it as a bad environmental idea!

Mahalo,

Tom DiGrazia, grandfather of four.

## FINTestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Saturday, March 31, 2012 7:27 PM  
To: FINTestimony  
Cc: k.ciro@yahoo.com  
Subject: Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Ciro Kama'i  
Organization: Individual  
E-mail: [k.ciro@yahoo.com](mailto:k.ciro@yahoo.com)  
Submitted on: 3/31/2012

### Comments:

We do live on these islands and Hawaii's natural and coastal resources are too fragile and finite to be exempt from environmental oversight. and that I am against SB 755 HD2.

## FINTestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Saturday, March 31, 2012 7:03 PM  
To: FINTestimony  
Cc: 8alana8@gmail.com  
Subject: Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Alana Bryant  
Organization: Individual  
E-mail: [8alana8@gmail.com](mailto:8alana8@gmail.com)  
Submitted on: 3/31/2012

### Comments:

Please do not support SB 755. This bill gives the governor far too much power, and puts large developments before the environment. I grew up in Hawaii, but have lived on the mainland for some time, and it is alarming how much Oahu is starting to look like the mainland. This is not a good thing. We have so many visitors because we are DIFFERENT. We have so many visitors because of Hawaii's natural beauty; because it makes them feel good. No large projects should be exempt from coastal regulations, and no state project should be exempt from environmental review. Please, remember why Hawaii is special and do not support SB 744.

halo for your consideration,

Alana Bryant

## FINTestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Saturday, March 31, 2012 8:05 PM  
To: FINTestimony  
Cc: djrx.cares@hawaii.rr.com  
Subject: Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Comments Only  
Testifier will be present: No  
Submitted by: Alex Oshiro  
Organization: Individual  
E-mail: [djrx.cares@hawaii.rr.com](mailto:djrx.cares@hawaii.rr.com)  
Submitted on: 3/31/2012

### Comments:

We need to work together to create a sustainable future for our islands where we work together to create a sustainable future created by the people for the people. Our environmental laws ensure residents have clean water and protect our natural resources for future generations. Our regulations cannot be set aside everytime the state experiences an economic downturn. Nor should the public be removed from the decision-making process on roads, bridges, and highways that fundamentally shape our communities. We can have both a strong economy and a strong environment -- we do not have to make artificial choices between the two. Protecting our environment does help our economy.



## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 31, 2012 7:55 PM  
**To:** FINTestimony  
**Cc:** blue2.indigo@yahoo.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Comments Only  
Testifier will be present: No  
Submitted by: Robyn Blaisdell  
Organization: Sierra Club  
E-mail: [blue2.indigo@yahoo.com](mailto:blue2.indigo@yahoo.com)  
Submitted on: 3/31/2012

### **Comments:**

My comments are brief and to the point:

NO EXEMPTIONS FOR ANYONE - this is too important to allow one person the control of a number of the items included in the Bill.

## FINTestimony

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**m:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 31, 2012 6:37 PM  
**To:** FINTestimony  
**Cc:** michael@permaculturemaui.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Michael Howden  
Organization: Permaculture Maui  
E-mail: [michael@permaculturemaui.com](mailto:michael@permaculturemaui.com)  
Submitted on: 3/31/2012

### Comments:

I am strongly against SB 755, as I feel it will weaken protections already in the law, against environmental degradation. If we are not careful and take care for what we still have, Hawai'i may well become a habitat inimical to further human inhabitation.

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 31, 2012 12:52 PM  
**To:** FINTestimony  
**Cc:** rangien2010@yahoo.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Puanani Rogers  
Organization: Hui Ho'okipa Network - Kauai  
E-mail: [rangien2010@yahoo.com](mailto:rangien2010@yahoo.com)  
Submitted on: 3/31/2012

### **Comments:**

We are in STRONG OPPOSITION of this bill. It is a bill that will take away the people's rights to protect, preserve and restore our lands, water and cultural values. The Governor must not be given the power to make such decisions of exemptions, that power belongs to our people and our legislators. We should investigate the Governor's real intentions to exempt these protective laws.

## FINTestimony

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**m:** mailinglist@capitol.hawaii.gov  
**at:** Sunday, April 01, 2012 7:38 AM  
**To:** FINTestimony  
**Cc:** gshaines@earthlink.net  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Gregg Haines  
Organization: Individual  
E-mail: [gshaines@earthlink.net](mailto:gshaines@earthlink.net)  
Submitted on: 4/1/2012

### Comments:

Our environmental laws ensure residents have clean water and protect our natural resources for future generations. Why do these laws and regulations get flushed down the tubes every time the state experiences an economic downturn?

Also, the public should never be removed from the decision-making process on roads, bridges, and highways, no matter how bad the economy becomes.

Please do not allow this bill to pass! We all will regret it if it does.

Thanks for your time!

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Date:** Sunday, April 01, 2012 1:30 PM  
**To:** FINTestimony  
**Cc:** jeannine@hawaii.rr.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Jeannine Johnson  
Organization: Individual  
E-mail: [jeannine@hawaii.rr.com](mailto:jeannine@hawaii.rr.com)  
Submitted on: 4/1/2012

Comments:  
Aloha mai kākou,

I strongly oppose SB755, SD2 HD2. I oppose allowing the Governor to establish a list of state projects that will be exempt from Chapter 343 the Environmental Impact Statement requirement, the Special Management Area (SMA) permit process. I oppose exempting DOT projects from the SMA and shoreline setback process and Chapter 343 environmental review. As we have seen with the widening of Kalaniana'ole Highway and more recently the Queen Street extension, many iwi kupuna were found and some inexcusably ground up in pile drivings or left storage for years. I especially oppose the expedited judicial appeal, no contested case process. Mahalo.

Jeannine "apocalyptic naysayer" Johnson

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, April 01, 2012 2:37 PM  
**To:** FINTestimony  
**Cc:** tjdavies@juno.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Support  
Testifier will be present: No  
Submitted by: T. J. Davies  
Organization: Individual  
E-mail: tjdavies@juno.com  
Submitted on: 4/1/2012

### **Comments:**

This bill goes too far. Our environmental laws ensure residents have clean water and protect our natural resources for future generations. Our regulations cannot be set aside everytime the state experiences an economic downturn. Nor should the public be removed from the decision-making process on roads, bridges, and highways that fundamentally shape our communities.

We can have both a strong economy and a strong environment -- we do not have to make artificial choices between the two. Protecting our environment does help our economy.

## FINTestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, April 02, 2012 5:55 AM  
To: FINTestimony  
Cc: mauibrad@hotmail.com  
Subject: Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Brad Parsons  
Organization: Aloha Analytics  
E-mail: [mauibrad@hotmail.com](mailto:mauibrad@hotmail.com)  
Submitted on: 4/2/2012

Comments:  
Representatives:

Times will be changing and the State does not need to make legal exceptions for itself in the Environmental Law, as soon economic and financial constraints to development will do so more than adequately. Hawaii's aina is unique in the world and that should not be compromised for the sake of fleeting development, not even for the state.

I recommend that the following described Part V be struck from the bill and that the rest of be passed without these changes to HRS Chapter 343, "Part V temporarily authorizes a more streamlined process for exempting state and county projects from the environmental review process of chapter 343, HRS, and reduces the deadline for challenging the lack of an environmental assessment for a state or county project."

Brad Parsons  
Aloha Analytics  
Hanalei and Lahaina, HI

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, April 01, 2012 10:35 AM  
**To:** FINTestimony  
**Cc:** redahi@hawaii.rr.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: B.A. McClintock  
Organization: Individual  
E-mail: [redahi@hawaii.rr.com](mailto:redahi@hawaii.rr.com)  
Submitted on: 4/1/2012

### **Comments:**

Environmental regulations are necessary even during a down-turn in our economy. We do not want to have to pay in the long-run for foolishness we do today. And, we will pay on way or another. Please OPPOSE this bill!



## FINTestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Sunday, April 01, 2012 9:28 AM  
To: FINTestimony  
Cc: douglasperrine@yahoo.com  
Subject: Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Douglas Perrine  
Organization: Individual  
E-mail: [douglasperrine@yahoo.com](mailto:douglasperrine@yahoo.com)  
Submitted on: 4/1/2012

### Comments:

Our environmental protection regulations were created for good reason, and they are needed now as much as ever. There is no need to bypass them. This bill creates a process which invites abuse and is to the benefit and profits of a few special interests to the detriment of the majority of Hawaii's citizens who benefit from a clean and safe environment.

## FINTestimony

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m: mailinglist@capitol.hawaii.gov  
nt: Sunday, April 01, 2012 9:03 AM  
To: FINTestimony  
Cc: jdancer@kula.us  
Subject: Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: John NAYLOR  
Organization: Individual  
E-mail: [jdancer@kula.us](mailto:jdancer@kula.us)  
Submitted on: 4/1/2012

### Comments:

The environment is our economy in Hawaii! WAKE UP! Our environmental laws protect all of us.  
Do NOT weaken our laws, enforce them!

Sincerely,  
John Naylor

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**nt:** Sunday, April 01, 2012 11:34 PM  
**To:** FINTestimony  
**Cc:** shannonkona@gmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Shannon Rudolph  
Organization: Individual  
E-mail: [shannonkona@gmail.com](mailto:shannonkona@gmail.com)  
Submitted on: 4/1/2012

**Comments:**

SB755 is sickening and we WILL remember WHO voted in favor of this bill in Nov."

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**nt:** Saturday, March 31, 2012 11:59 PM  
**To:** FINTestimony  
**Cc:** silversurferkauai@hotmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Kaitlyn McKee  
Organization: Individual  
E-mail: [silversurferkauai@hotmail.com](mailto:silversurferkauai@hotmail.com)  
Submitted on: 3/31/2012

### **Comments:**

We can have both a strong economy and a strong environment -- we do not have to make articial choices between the two. Protecting our environment does help our economy. Everyone must follow the laws, that is what makes it a law.

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**nt:** Sunday, April 01, 2012 6:37 AM  
**To:** FINTestimony  
**Cc:** tyandjul@mac.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Julia Devrell  
Organization: Individual  
E-mail: [tyandjul@mac.com](mailto:tyandjul@mac.com)  
Submitted on: 4/1/2012

### **Comments:**

As an alumni of the University of Hawaii who took classes in Environmental Studies, I've learned that regulations to protect Hawaii's environment are of utmost importance both economically and for the preservation of human health. Residents and visitors alike benefit from this regulation. Why would tourists visit Hawaii if our environment was degraded? Please do not reduce environmental regulation and protection. Thank you

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 31, 2012 1:00 PM  
**To:** FINTestimony  
**Cc:** icec002@hawaii.rr.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: charley ice  
Organization: Individual  
E-mail: [icec002@hawaii.rr.com](mailto:icec002@hawaii.rr.com)  
Submitted on: 3/31/2012

### **Comments:**

We were all aghast when Nixon did it ("When the President does it, it isn't illegal"). But it's still true: no one is above the law. If there is something wrong about the due process of discovery about why something stinks, let's be Republican and lie about it openly. Meanwhile, we passed sound laws to protect the communities of Hawaii, and we expect them to be upheld (enforced), not shotgunned. Hear and kill or hold and kill, let's get back on track with proper review.

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**nt:** Monday, April 02, 2012 12:52 AM  
**To:** FINTestimony  
**Cc:** evernw@aol.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Evern Williams  
Organization: Individual  
E-mail: [evernw@aol.com](mailto:evernw@aol.com)  
Submitted on: 4/2/2012

**Comments:**

I vehemently oppose SB755!

Taking away critical environmental checks and controls is irresponsible. It is short term gain for long term pain. Once our land is unprotected and ruined it can never come back. You were elected to pass responsible legislation.

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 2:41 AM  
**To:** FINTestimony  
**Cc:** paikoman@yahoo.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Lisa Hallett  
Organization: Individual  
E-mail: [paikoman@yahoo.com](mailto:paikoman@yahoo.com)  
Submitted on: 4/2/2012

### **Comments:**

Let us not forget our responsibility to our fragile environment and quality of living in these hard economic times. Please be thoughtful of the legacy you are a part of. Do not sell out. Keep the checks and balances in place. Mahalo for your service to the people, environment and the aina.



## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**nt:** Monday, April 02, 2012 2:55 AM  
**To:** FINTestimony  
**Cc:** j.lilinoe@gmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Josephine Keliipio  
Organization: Individual  
E-mail: [j.lilinoe@gmail.com](mailto:j.lilinoe@gmail.com)  
Submitted on: 4/2/2012

**Comments:**

"No special group should be above or exempted from the law that protects the public";

## FINTestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, April 02, 2012 5:23 AM  
To: FINTestimony  
Cc: lanikawahara@gmail.com  
Subject: Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: Yes  
Submitted by: Lani T. Kawahara  
Organization: Individual  
E-mail: [lanikawahara@gmail.com](mailto:lanikawahara@gmail.com)  
Submitted on: 4/2/2012

### Comments:

To: Representative Marcus R. Oshiro, Chair  
Representative Marilyn B. Lee, Vice Chair Members of the House Committee on Finance

From: Lani T. Kawahara, Individual

RE: Testimony in opposition to SB755 SD2 HD2

Dating: April 2, 2012, 5:00pm, Room 308

I stand in strong opposition to SB755 SD2 HD2 along with The Office of Environmental Quality Control; the Office of Hawaiian Affairs; the Office of Planning; Hawaii's Thousand Friends; Historic Hawaii Foundation; The Outdoor Circle; the Environmental Council; Life of the Land; the Marine and Coastal Zone Advocacy Council; the Sierra Club, Hawaii Chapter; and numerous other individuals.

The Hawaii State Constitution, Article 11, section 1 demands "the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State."

I oppose SB755 SD2 HD2 for the following reasons:

- It abdicates the government's responsibility to conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals and energy sources.
- It abuses the concept of our natural resources and beauty being held in public trust for the benefit of the people into perpetuity.
- The bill is a "temporary" fix that subjugates decades of thoughtful review, legislation and public input into protecting our environment.
- It is not in the best interest of the public and has the potential to cause great harm to our environment.

I urge you to vote NO on SB755 SD2 HD2.

Lani T. Kawahara  
PO Box 1565  
Kapaa, HI 96746

## FINTestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Sunday, April 01, 2012 10:25 PM  
To: FINTestimony  
Cc: anmmarie@hawaii.rr.com  
Subject: Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Ann Marie Kirk  
Organization: Individual  
E-mail: [anmmarie@hawaii.rr.com](mailto:anmmarie@hawaii.rr.com)  
Submitted on: 4/1/2012

### Comments:

Aloha,

I ask that you vote NO on SB 755 HD 2. This bill is not in the best interest of Hawai'i and its citizens.

The emphasis of this bill is removing the environmental and cultural safeguards for reviewing projects so work/construction can be done on a faster basis. Because something is done faster doesn't make it safe and right - it just means it got done faster. What happened to asking what is safe and right for our community? Is this right for the proper protection and preservation of our precious land and coastal/ocean areas? With the elimination of the environmental review process this leads to taking away community participation in having their concerns heard - is it right to silence the very community being affected by a proposed project - to silence their voices in favor of, or against, or to even have their concerns heard regarding a proposed project on land or ocean resources? Is this what democracy is - silencing the voice of community members on matters that directly affect where they live and the coastal environments and ocean areas of Hawai'i that we love? Is this the right thing to do?

The standard of how we care for Hawai'i; our environment (land and ocean) and our cultural sites should be the same across the board for those in the public and private sector. This bill is filled with exemptions for the State and once exemptions are made, there is no turning back. This bill is wrong on so many levels.

Please do not support SB 755 HD 2.

Mahalo,  
Ann Marie Kirk

Maunaloa, O'ahu

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Date:** Sunday, April 01, 2012 8:48 PM  
**To:** FINTestimony  
**Cc:** koadonheacock@yahoo.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Don Heacock  
Organization: Individual  
E-mail: [koadonheacock@yahoo.com](mailto:koadonheacock@yahoo.com)  
Submitted on: 4/1/2012

### **Comments:**

I strongly oppose SB 755 for the following reasons:

-HRS chapter 343 already provides for exemptions in the form of FONSI -our environmental impact assessment and protection laws should not be forsaken due to economic development goals -Chapter 343, in its current form, is essential to guiding sustainable development that meet three criteria: 1) protect and/or restore ecological integrity, 2) are socially and culturally equitable, and 3) it promotes economic efficiency where all factors are considered, with no "externalities".

Aloha for this opportunity to comment on this very bad bill.

Sincere Aloha e Malama Pono,  
Don Heacock  
2265 Hulemalu Road  
Lihue, Kauai, Hawaii 96766

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**at:** Sunday, April 01, 2012 8:42 PM  
**To:** FINTestimony  
**Cc:** abaalto@gmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: Yes  
Submitted by: anthony aalto  
Organization: Individual  
E-mail: [abaalto@gmail.com](mailto:abaalto@gmail.com)  
Submitted on: 4/1/2012

**Comments:**

Aloha Chair Oshiro and members of the committee,

I strongly urge you to oppose this bill.

To start with it is a solution in search of a problem.

The top environmental officer in the state has testified that there are NO projects currently delayed as a result of environmental review. NONE.

Secondly, these environmental review processes were enacted for a reason: to protect the public interest and to provide a mechanism for public involvement. To gut these laws, even if on a temporary basis, is retrograde and undemocratic.

Third, if the concern is to accelerate construction projects, this can be achieved by many other means short of trampling on our environmental laws - appoint a smart growth facilitator to help ensure projects move forward and to help companies and agencies figure out how to expedite projects. Create special districts as a means to spark infrastructure improvements... but please don't gut our laws.

Mahalo

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**At:** Sunday, April 01, 2012 3:29 PM  
**To:** FINTestimony  
**Cc:** sfletch@hawaiiantel.net  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Sheryl Fletcher  
Organization: Individual  
E-mail: [sfletch@hawaiiantel.net](mailto:sfletch@hawaiiantel.net)  
Submitted on: 4/1/2012

**Comments:**

No special group should be above or exempted from the law that protects the public. Special Interests people and corporations shouldn't be able to sidestep the law.

## FINTestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Friday, March 30, 2012 4:36 PM  
To: FINTestimony  
Cc: psgegen@hotmail.com  
Subject: Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

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Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Patrick Gegen  
Organization: Individual  
E-mail: [psgegen@hotmail.com](mailto:psgegen@hotmail.com)  
Submitted on: 3/30/2012

### Comments:

Aloha Honorable Finance Committee Members:

While the economic vitality of our state is very important, the legacy of stewardship and preservation of our land is of much greater magnitude. Please do not risk the important and comprehensive processes that have wisely been put in place by our predecessors for a finite "boost" in getting economic things started.

Remember - It is not the things we do that are important...It is what we stand for that makes - difference.

Respectfully,  
Pat Gegen  
Kalaheo, Kauai, Hawaii

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 30, 2012 10:39 PM  
**To:** FINTestimony  
**Cc:** merway@hawaii.rr.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Marjorie Erway  
Organization: Individual  
E-mail: [merway@hawaii.rr.com](mailto:merway@hawaii.rr.com)  
Submitted on: 3/30/2012

**Comments:**

This is an absolutely terrible law-- way too much is exempted and our lands will suffer awfully. Please OPPOSE this completely. There is no going back if this passes. No amount of jobs will ever justify these kinds of exemptions.

Just vote NO!!!!!! Pretty please!



## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 30, 2012 4:14 PM  
**To:** FINTestimony  
**Cc:** abensley80@yahoo.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: Yes  
Submitted by: Adam Bensley  
Organization: Individual  
E-mail: [abensley80@yahoo.com](mailto:abensley80@yahoo.com)  
Submitted on: 3/30/2012

### **Comments:**

I strongly oppose SB755. This bill is an insult to the people of Hawai'i. It is an insult to all the hard work that has gone into protecting the environment over the last 30 years, and it is an insult to people like myself who selflessly put countless, unpaid, hours every week into environmental issues that will benefit everyone living on these islands. It is extremely asinine to sacrifice the environment for the sake of economics and making money. When the environment suffers, we suffer with it. And when the environment is finally damaged beyond repair, everyone living here will suffer, and no amount of money will be able to clean our waterways, re-grow our reefs, and bring plant and wildlife back from extinction. What tourist is going to want to come to a "paradise" that has been urbanized beyond reason and has damaged its environment to the extent that it is no longer of novel value? The Hawaiian culture has already fallen to genocide, and now it looks like this bill will do the same thing to the environment. Please kill this bill and put time and effort into protecting the environment.

Me ka ha'aha'a,  
Adam Bensley

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 30, 2012 3:25 PM  
**To:** FINTestimony  
**Cc:** inunyabus@gmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Elaine Dunbar  
Organization: Individual  
E-mail: [inunyabus@gmail.com](mailto:inunyabus@gmail.com)  
Submitted on: 3/30/2012

Comments:  
SB755

Aloha Chair and Members,

This is not how the State of Hawaii government is supposed to function. It is tantamount to lawlessness, for some. Discriminatory to others. The State of Hawaii is NOT Neil Abercrombie's personal cookie jar to do with as he pleases.

Everything that is being proposed in this bill are actions that would require a Constitutional Amendment to have taken place prior to being introduced. That DID NOT happen and these actions are CONTRARY to the Constitution of Hawaii, not only that they intend to give a governor autonomous control but they are in complete contradiction of the laws in place to preserve and protect these islands.

Checks and balances of Hawaii Government are being abused and subverted under this governor.

To preserve and protect these islands: that is your duty and your oath. The laws are the means to do that. I am sure you need not be reminded of these facts but it is an unsettling set of circumstances that the bill has continued to come this far.

Please spare Hawaii the avalanche of lawsuits that will be brought due to one BAD DECISION which is to pass SB755.

Mahalo, we are depending on you to do the right thing for the overall benefit to all people in Hawaii.

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**Cont:** Friday, March 30, 2012 6:42 AM  
**To:** FINTestimony  
**Cc:** rkaye@mdi.net  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Robin Kaye  
Organization: Individual  
E-mail: [rkaye@mdi.net](mailto:rkaye@mdi.net)  
Submitted on: 3/30/2012

### **Comments:**

Please do NOT pass this destructive and unnecessary bill. Not to be apocalyptic, but this bill would be a retreat from the environmentally protective positions established by the legislature years ago. Economic challenges do not mean environmental destruction. Please think long term; kill this bill.

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**sent:** Friday, March 30, 2012 6:45 AM  
**To:** FINTestimony  
**Cc:** friendsoflanai@gmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Friends of Lana'i  
Organization: Friends of Lana'i  
E-mail: [friendsoflanai@gmail.com](mailto:friendsoflanai@gmail.com)  
Submitted on: 3/30/2012

### **Comments:**

Please do NOT move this bill forward. It is an unnecessary repudiation of the strong environmental and judicial protections implemented by previous legislators -- protections that recognize the critical importance of our land, sea and natural resources. Do NOT let "jobs, jobs, jobs" rob us of a legacy for our keiki.

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 30, 2012 11:02 AM  
**To:** FINTestimony  
**Cc:** pbdocberry@gmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Paul Berry  
Organization: Individual  
E-mail: [pbdocberry@gmail.com](mailto:pbdocberry@gmail.com)  
Submitted on: 3/30/2012

### Comments:

Please vote NO on SB755. This mistaken attempt to sabotage environmental safeguards demonstrates how little it sponsors understand the fragile nature of our environment and how uncommitted these sponsors are to the long term sustainability of the environment supporting all of Hawaii's economic enterprise.

Paul Berry  
46-158 Kiowai St #2411  
Kaneohe, Hi 96744

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**Content:** Friday, March 30, 2012 4:36 PM  
**To:** FINTestimony  
**Cc:** psgegen@hotmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Patrick Gegen  
Organization: Individual  
E-mail: [psgegen@hotmail.com](mailto:psgegen@hotmail.com)  
Submitted on: 3/30/2012

### **Comments:**

Aloha Honorable Finance Committee Members:

While the economic vitality of our state is very important, the legacy of stewardship and preservation of our land is of much greater magnitude. Please do not risk the important and comprehensive processes that have wisely been put in place by our predecessors for a finite "boost" in getting economic things started.

Remember - It is not the things we do that are important...It is what we stand for that makes difference.

Respectfully,  
Pat Gegen  
Kalaheo, Kauai, Hawaii

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 6:58 AM  
**To:** FINTestimony  
**Cc:** dmclegg@earthlink.net  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: dorothy clegg  
Organization: Individual  
E-mail: [dmclegg@earthlink.net](mailto:dmclegg@earthlink.net)  
Submitted on: 4/2/2012

Comments:

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**At:** Sunday, April 01, 2012 4:13 PM  
**To:** FINTestimony  
**Cc:** Kealii8@hotmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Kealii Makekau  
Organization: Individual  
E-mail: [Kealii8@hotmail.com](mailto:Kealii8@hotmail.com)  
Submitted on: 4/1/2012

Comments:  
Hell No!



## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Date:** Sunday, April 01, 2012 3:23 PM  
**To:** FINTestimony  
**Cc:** castanha@hawaii.edu  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Dr. Anthony Castanha  
Organization: Individual  
E-mail: [castanha@hawaii.edu](mailto:castanha@hawaii.edu)  
Submitted on: 4/1/2012

**Comments:**

I oppose this bill for short-term economic gain at the long-term expense of our cultural environment. Mahalo nui loa.

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**it:** Sunday, April 01, 2012 8:57 AM  
**To:** FINTestimony  
**Cc:** boudkelly@gmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Kelly Boudreau  
Organization: Individual  
E-mail: [boudkelly@gmail.com](mailto:boudkelly@gmail.com)  
Submitted on: 4/1/2012

Comments:

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**.it:** Sunday, April 01, 2012 8:59 AM  
**To:** FINTestimony  
**Cc:** sethcornell80@hotmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Seth Cornell  
Organization: Individual  
E-mail: [sethcornell80@hotmail.com](mailto:sethcornell80@hotmail.com)  
Submitted on: 4/1/2012

Comments:

## **FINTestimony**

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**m:** mailinglist@capitol.hawaii.gov  
**at:** Sunday, April 01, 2012 12:55 PM  
**To:** FINTestimony  
**Cc:** feathers03@me.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Margaret Sueoka  
Organization: Individual  
E-mail: [feathers03@me.com](mailto:feathers03@me.com)  
Submitted on: 4/1/2012

Comments:

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 3:10 PM  
**To:** FINTestimony  
**Cc:** hpacleb@hotmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Helen Pacleb  
Organization: Individual  
E-mail: [hpacleb@hotmail.com](mailto:hpacleb@hotmail.com)  
Submitted on: 4/2/2012

**Comments:**

"No special group should be above or exempted from the law that protects the public"

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 3:33 PM  
**To:** FINTestimony  
**Cc:** mlspadaro@yahoo.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Mary Spadaro  
Organization: Individual  
E-mail: [mlspadaro@yahoo.com](mailto:mlspadaro@yahoo.com)  
Submitted on: 4/2/2012

**Comments:**

This bill creates far too many exemptions for the Special Management Area permits. They are Special Management Areas for a reason. Do not pass this bill. IN the long run, our economy will be stronger if we give adequate protections to our environment.

March 30, 2012

Committee on Finance

Public Hearing: April 2, 2012 at 5 p.m., Room 308

Regarding: SB 755 SD2 HD 2

Dear Chair Oshiro and Vice Chair Lee, and members of the Committee,

I write in strong opposition to both the intent and the structure of SB 755 SD2 HD 2.

First, although SB 755 SD 2 HD 2 purports to support economic revitalization, the actual effect of SB 755 SD 2 HD 2 would be to weaken Hawaii's economy by removing safeguards currently in place that protect our environment. Most would agree that it is our environment—the clean air, water, and oceans, the forests and coral reefs that bring so many visitors to Hawaii. By suspending environmental review, State and County projects could move forward at the pleasure of the Governor or County's Mayor without notice of potential environmental harms. The authors of this bill have missed the crucial link between the natural beauty of Hawaii, tourism, and our economy. No job is so important as to warrant the removal of protections of our most valuable economic resource.

Next, SB 755 SD 2 HD 2 may also adversely impact Hawaii's economy by opening the door to potential costs for environmental damage done by State and County projects. Environmental damage is often very costly or simply impossible to remedy. This could saddle the State with the high cost of remediation, an expense that could be avoided by allowing Chapter 343 to stay intact, and by following the spirit of the law which asks that projects are scrutinized before damage is done, not after.

In addition, and perhaps most egregious, is SB 755 SD 2 HD 2's express suspension of due process where an individual or agency is denied a cause of action. In addition, SB 755 gives the Governor unprecedented powers—both in his power to exempt types of projects, and in the hold he may place on OEQC to make public exempted projects. Secrecy, suspension of due process, and an utter disregard for the State's environment has no place in a democratic government. It is doubtful that this bill would pass Constitutional muster, and it would be a waste of State funds to have to defend this sorry bill in litigation.

I therefore respectfully ask the Committee to vote against SB 755 SD 2 HD 2. We can find a better way to both protect the environment and create jobs.

Thank you for the opportunity to testify.

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Leslie Cole-Brooks

Attorney at Law

leslie@cole-brooks.com

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, April 02, 2012 11:12 AM  
**To:** FINTestimony  
**Cc:** ypeia01@yahoo.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: christine johnson  
Organization: Individual  
E-mail: [ypeia01@yahoo.com](mailto:ypeia01@yahoo.com)  
Submitted on: 4/2/2012

Comments:



## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 11:27 AM  
**To:** FINTestimony  
**Cc:** pdp@hawaii.edu  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Panos Prevedouros  
Organization: Individual  
E-mail: [pdp@hawaii.edu](mailto:pdp@hawaii.edu)  
Submitted on: 4/2/2012

**Comments:**

Strongly oppose SB 755 that circumvents due process and grants special rights to special interests.

Shame on the Governor for his position on Ho'opili and for calling real pro-farm, pro-agriculture people Apocalyptic Naysayers.

This bill institutionalizes aina rape.

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 11:42 AM  
**To:** FINTestimony  
**Cc:** thad@thad.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Thad Spreg  
Organization: Individual  
E-mail: [thad@thad.com](mailto:thad@thad.com)  
Submitted on: 4/2/2012

**Comments:**

I oppose this bill. It does not help our community. It does not help. Circumventing/waiving the rules for certain groups, projects, jobs, is not right. Our economy is not so bad that we need anything like this. Please stop this bad idea. Protect the People (not carpenter and labor unions) who you were elected to serve by keeping the rules and procedures we have in place for everybody. The laws this bill is designed to circumvent were put in place for a reason, to protect us and make sure things get done right. Don't destroy that protection!

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, April 02, 2012 12:05 PM  
**To:** FINTestimony  
**Cc:** wellerge@manaikaika.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Gary Weller  
Organization: Individual  
E-mail: [wellerge@manaikaika.com](mailto:wellerge@manaikaika.com)  
Submitted on: 4/2/2012

**Comments:**

I am OPPOSE to SB 755

"No one and no special group should be above or exempted from the law that protects the public";

Gary E Weller

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, April 02, 2012 12:28 PM  
**To:** FINTestimony  
**Cc:** leinaur001@hawaii.rr.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: ROBERTS LEINAU  
Organization: Individual  
E-mail: leinaur001@hawaii.rr.com  
Submitted on: 4/2/2012

Comments:

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, April 02, 2012 9:46 AM  
**To:** FINTestimony  
**Cc:** konaconnection@yahoo.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: April K. Lee  
Organization: Individual  
E-mail: [konaconnection@yahoo.com](mailto:konaconnection@yahoo.com)  
Submitted on: 4/2/2012

### Comments:

Re: exempting State construction activity from various public interest and environmental protections

Aloha Public Servants of Hawai'i,

FUKUNAGA, CHUN OAKLAND, SHIMABUKURO, Baker, Galuteria, Slom, Solomon, Tokuda, Wakai are compromising their principles because they do not have the discipline to fix the problems that are causing the need to consider such a violation of their oath to the people of 'awai'i, ESPECIALLY its indigenous people, who are masters in considering the aina and those who previously cared for it. I am appalled that no one has taken to task the unbelievable waste of time and money that our governmental system has built into it, mostly in part, because those with intentions as fore-mentioned, used their influence in administrations of government to dissuade development completely.

Sacrificing nature, our environment and the sustainability of our small Islands is NOT intelligent, and is failing to do your job...your only job; to protect Hawai'i and its ohana.

Money is not the end-game. When will permanence and those enduring values that makes any family or civilization flourish be supported by a system of government that has inner strength & conviction of Principle, to use their intelligence & power of persuasion to lead in a manner that does the greatest good for the greatest number, not the greatest dollar amount for any number.

Mahalo for your consideration,  
April K. Lee  
Hawi, HI

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 9:46 AM  
**To:** FINTestimony  
**Cc:** konaconnection@yahoo.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: April K. Lee  
Organization: Individual  
E-mail: [konaconnection@yahoo.com](mailto:konaconnection@yahoo.com)  
Submitted on: 4/2/2012

**Comments:**

Re: exempting State construction activity from various public interest and environmental protections

Aloha Public Servants of Hawai'i,

FUKUNAGA, CHUN OAKLAND, SHIMABUKURO, Baker, Galuteria, Slom, Solomon, Tokuda, Wakai are compromising their principles because they do not have the discipline to fix the problems that are causing the need to consider such a violation of their oath to the people of Hawai'i, ESPECIALLY its indigenous people, who are masters in considering the aina and those who previously cared for it. I am appalled that no one has taken to task the unbelievable waste of time and money that our governmental system has built into it, mostly in part, because those with intentions as fore-mentioned, used their influence in administrations of government to dissuade development completely.

Sacrificing nature, our environment and the sustainability of our small Islands is NOT intelligent, and is failing to do your job...your only job; to protect Hawai'i and its ohana.

Money is not the end-game. When will permanence and those enduring values that makes any family or civilization flourish be supported by a system of government that has inner strength & conviction of Principle, to use their intelligence & power of persuasion to lead in a manner that does the greatest good for the greatest number, not the greatest dollar amount for any number.

Mahalo for your consideration,  
April K. Lee  
Hawi, HI

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, April 02, 2012 9:54 AM  
**To:** FINTestimony  
**Cc:** samantha.a.garcia.uqge@statefarm.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Comments Only  
Testifier will be present: No  
Submitted by: Sam  
Organization: Sierra Club Hawaii  
E-mail: [samantha.a.garcia.uqge@statefarm.com](mailto:samantha.a.garcia.uqge@statefarm.com)  
Submitted on: 4/2/2012

### Comments:

I have lived in Hawaii all my life and to see how far our economy has gone to &quot;try&quot; and make the state of Hawaii a better place so far 21 years later has done nothing but spend even more money on projects that don't even make a difference in our communities but make it even more difficult for many to survive this economic downturn. And for anyone to tell us &quot;we have no say&quot; in what goes on in our communities! Makes me question the type of leadership for our state. Where is the ALOHA? Where is the PRIDE? And Justice in our system today?! THE PEOPLE HAVE ALL THE RIGHT TO SPEAK UP! WE ARE THE COMMUNITIES! They should really think twice about all of this because so far theirs not a lot of happy people in favor of his bill!

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 10:03 AM  
**To:** FINTestimony  
**Cc:** a\_kass@yahoo.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Andrew Kass  
Organization: Individual  
E-mail: [a\\_kass@yahoo.com](mailto:a_kass@yahoo.com)  
Submitted on: 4/2/2012

Comments:  
Hello,

Thank you for giving me this opportunity to testify online.

I oppose SB 755 because Hawaii's precious and unique environment needs all the protection we can give it. Exempting the government from review and accountability does not protect the environment. In fact, it sets up the conditions for destruction and waste, as seen in the debacle of the so-called "super" ferry. Further, with the state's newly created development corporation, I see the risk of using the state exemptions for the benefit of private developers.

Hawaii's environment has been so abused and overlooked that it's disappearing right before our eyes. Wetlands are getting paved over, farmlands are being turned into residential developments, and coastal lands are degraded. Every bit that we take away is never coming back.

To protect Hawaii's environment is to plan for the future much better than any building or project could. Forcing every entity, private and public, to follow a scientific environmental review is the only way to ensure we are not taking expedient solutions that will have long-term impact. In addition, the review process allows volunteers who care for the 'aina to add their observations, such as where monk seals or endangered birds are sighted, or where historical floods occurred. By taking into account community input such as this, projects can save time and money by addressing issues in the planning phase instead of later. An environmental review is good for the environment and the developer, and I prefer that state-sponsored projects take advantage of that benefit.

Parts of the environmental review process may be flawed, but that means they should be amended not circumvented. Please work with scientists and environmentalists to create a review process that is adapted to modern reality, not political and fiscal expediency.

Aloha,

Andrew Kass, Kapa'a, Kaua'i.



## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, April 02, 2012 12:45 PM  
**To:** FINTestimony  
**Cc:** kaiwahine@hawaiiantel.net  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Bobbie Alicen  
Organization: Individual  
E-mail: [kaiwahine@hawaiiantel.net](mailto:kaiwahine@hawaiiantel.net)  
Submitted on: 4/2/2012

Comments:

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 2:59 PM  
**To:** FINTestimony  
**Cc:** aikoy@hawaii.edu  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Aiko Yamashiro  
Organization: Individual  
E-mail: [aikoy@hawaii.edu](mailto:aikoy@hawaii.edu)  
Submitted on: 4/2/2012

### **Comments:**

There seems to be no good reason to exempt certain kinds of development from following our environmental protection laws and protocol. All development should have to go through the same kind of review process. We only have a precious and limited land mass and ocean that it is our kuleana to take care of. If we don't have healthy natural resources, not all the money in the world will be able to keep us alive. Please help us take long-term care of what is truly more valuable than "the economy."

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, April 02, 2012 12:47 PM  
**To:** FINTestimony  
**Cc:** jami.kawa@gmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position:  
Testifier will be present: No  
Submitted by: Jamie Kawauchi  
Organization: Individual  
E-mail: [jami.kawa@gmail.com](mailto:jami.kawa@gmail.com)  
Submitted on: 4/2/2012

Comments:  
STRONGLY OPPOSE SB 755, SD2, HD2 (HSCR1307-12)!!!

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 12:51 PM  
**To:** FINTestimony  
**Cc:** hampton@hokua.org  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Ed Hampton  
Organization: Individual  
E-mail: [hampton@hokua.org](mailto:hampton@hokua.org)  
Submitted on: 4/2/2012

Comments:  
Please, please vote against SB 755 Mahalo nui loa.

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 1:00 PM  
**To:** FINTestimony  
**Cc:** kuwada@hawaii.edu  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Bryan Kuwada  
Organization: Individual  
E-mail: [kuwada@hawaii.edu](mailto:kuwada@hawaii.edu)  
Submitted on: 4/2/2012

**Comments:**

We really need to have more foresight when it comes to issues like this. For hundreds of years, we have seen the disastrous results of ill-thought-out short term solutions, and yet we always seem to think that our situations are different and that this particular time is so dire that it's worth sacrificing our environment just this once. But what about the next time? Do we really want our legacy to be that we provided a modicum of economic stimulus? Or do we want it to be that we protected this land for our children?

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 1:02 PM  
**To:** FINTestimony  
**Cc:** makuakauka@hotmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Fred Dodge, MD  
Organization: Individual  
E-mail: [makuakauka@hotmail.com](mailto:makuakauka@hotmail.com)  
Submitted on: 4/2/2012

**Comments:**

No group or special interest should be above the present laws which protect the public and the environment. Mahalo.

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 1:37 PM  
**To:** FINTestimony  
**Cc:** shelleymuneoka@gmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Shelley Muneoka  
Organization: Individual  
E-mail: [shelleymuneoka@gmail.com](mailto:shelleymuneoka@gmail.com)  
Submitted on: 4/2/2012

### **Comments:**

Aloha Finance Committee members,  
Mahalo for accepting my late testimony in STRONG opposition to SB755 SD2HD2.

The contents of this bill are extremely concerning. Granting blanket exemptions, instead of requiring projects to apply for them on a case by case basis dangerously undercuts the few protections provided by environmental review.

Part III allows the heads of the DoTransportation and DLNR (with the governor's approval) to exempt department projects from special management area permits and shoreline setback variance requirements. These two requirements are in place to protect from increased run-off and erosion, to protect the beauty and integrity of our shorelines and to protect the built structures from sea-level rise and tsunami. These purposes are important. The fact that this clause will sunset in 2015 matters little as the buildings/projects will remain for many years beyond 2015. It is not a wise use of taxpayer money to develop inside the shoreline setback. Not even for short-term economic benefit.

Part IV is particularly troubling because it doesn't sunset. It would "exempt all work involving submerged lands used for state commercial harbor purposes from any permit and site plan review requirements for lands in the conservation district." State commercial harbors have the same impact that private commercial harbors have and should be subject to the same review. Permits and site plans are one of the only ways the process "looks before it leaps", considers impacts before rolling blindly forward--it is important to take pause before altering our finite natural resources.

Part V temporarily exempts state and county projects from environmental review requirements (ch. 343) and also reduces the timeline to challenge the lack of an environmental assessment for a state project. Environmental review should not be viewed as a frivolous thing, a mere inconvenience. Also, shortening the time in which we need to challenge the lack of an EA will deal a blow to citizen enforcement. The onus should not be on the public to make sure the state is meeting its own requirements, but as it sometimes happens, we should be allowed the full time to bring about such complaints. The natural resources that may be impacted by a project are looked at by EAs. Those resources are largely held in public trust and it is the government's duty to protect those resources for perpetuity.

The public and Native Hawaiians (not by our choice) are depending on you to protect our natural resources and our special places. There are only a few tools in this process that we can use to achieve that, and SB755 attempts to render those impotent. If tourism is important

to you, think about what brings people to Hawai'i, it's not strip malls and fancy buildings. It's the natural beauty, the rare ecology, and all the things that makes Hawai'i special that brings people here.

lease oppose SB2511. Mahalo for your time, Shelley Muneoka



## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, April 02, 2012 1:11 PM  
**to:** FINTestimony  
**Cc:** ponosize@hotmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: Yes  
Submitted by: Pono Kealoha  
Organization: Individual  
E-mail: ponosize@hotmail.com  
Submitted on: 4/2/2012

Comments:

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, April 02, 2012 1:13 PM  
**fo:** FINTestimony  
**Cc:** newswireh@yahoo.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: jesse ponce de leon  
Organization: Individual  
E-mail: [newswireh@yahoo.com](mailto:newswireh@yahoo.com)  
Submitted on: 4/2/2012

Comments:

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 1:16 PM  
**To:** FINTestimony  
**Cc:** tui.scan.lan@gmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Tui Scanlan  
Organization: Individual  
E-mail: [tui.scan.lan@gmail.com](mailto:tui.scan.lan@gmail.com)  
Submitted on: 4/2/2012

**Comments:**

Without regulatory review, State projects may be unwittingly putting the public at risk. Reviews are made to ensure that codes are regulations are enforced. Oversights in these industry standards could cause irreparable damage to our registered voters and natural resources

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 1:59 PM  
**To:** FINTestimony  
**Cc:** hpacleb@hotmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Helen Pacleb  
Organization: Individual  
E-mail: [hpacleb@hotmail.com](mailto:hpacleb@hotmail.com)  
Submitted on: 4/2/2012

**Comments:**

"No special group should be above or exempted from the law that protects the public";

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, April 02, 2012 2:13 PM  
**To:** FINTestimony  
**Cc:** ChoonJamesHawaii@gmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: Yes  
Submitted by: Choon James  
Organization: Country Talk Story  
E-mail: [ChoonJamesHawaii@gmail.com](mailto:ChoonJamesHawaii@gmail.com)  
Submitted on: 4/2/2012

### Comments:

We OPPOSE SB 755 and all its convoluted contortions.

The State Capitol is heading the wrong direction when it wants to deprive the public of open government.

It's time to table and burn this bill and start over again next year.

These basic environmental laws are not tree-hugging laws. They are basic common sense logical steps that all should adhere to in order to protect the well-being of all on our island home.

For example: The provisions of Chapter 343, Hawai'i Revised Statutes (HRS), specifically HRS §194;§167;343-5(a)(1), simply requires preparation of an Environmental Assessment (EA).

Prior to preparing a draft EA, it is important to consult with the community regarding your proposed activity as well as agencies. Groups, individuals, and organizations that have expertise in the field, have an interest or will be affected by the proposed project should be consulted. Immediate neighbors or neighboring landowners must be contacted. Consultation with the local planning department is required.

Consultation with the affected community is the first of several elements of public participation in the environmental review process established under Chapter 343. The centrality of public participation to rational environmental management has long been recognized as good policy, and it is explicitly identified as a founding principle in the legislative findings that preface the EIS law.

§194;§167;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."

What's so apocalyptic about adherence to this environment review law unless the Governor and any of you legislators wish to see yourselves as emirs or ayatollahs.

The Special Management (SMA) that the Governor wants to exempt for certain exceptional projects has the same protective principles for the public at large.

<http://www.state.hi.us/dbedt/czm/program/sma.php>

#### Special Management Area (SMA)

"People familiar with the area in which a "development" is proposed can call attention to issues that may not be fully understood or appreciated by County staff evaluating the proposal, or by decision-makers. Oftentimes, the public may be more familiar with particular aspects of issues such as public shoreline access, recreational resources, and coastal views than reviewing staff and agencies. Such specific input is key and can result in more effective mitigation measures."

What's so naysaying and apocalyptic about our efforts to protect these logical and proven environmental review laws?

We are an island of 596.7 square miles. We are Hawaii. We are not Arizona, Florida, California, Utah or New York. We cannot allow land use policies to be commandeered by special interest corporations, exceptional contractors, and the likes. To kow-tow to these spoiled exceptional groups is akin to allowing them to tear down a cathedral to fry an egg.

These basic democratic principles must not be tampered with or subverted to appease a few, may I suggest you review the names and comments made at [http://signon.org/sign/an-open-letter-in-defense?source=c.em.cp&r\\_by=2813884](http://signon.org/sign/an-open-letter-in-defense?source=c.em.cp&r_by=2813884)

Choon James  
Kahuku, Hawaii  
808 291 9111  
[ChoonJamesHawaii@gmail.com](mailto:ChoonJamesHawaii@gmail.com)

## **FINTestimony**

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**n:** mailinglist@capitol.hawaii.gov  
**at:** Sunday, April 01, 2012 2:36 PM  
**To:** FINTestimony  
**Cc:** qehcc@hotmail.com  
**Subject:** Testimony for SB755 on 4/2/2012 5:00:00 PM

Testimony for FIN 4/2/2012 5:00:00 PM SB755

Conference room: 308  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: casina waterman  
Organization: Individual  
E-mail: qehcc@hotmail.com  
Submitted on: 4/1/2012

Comments: