



Guest Editorial for Wednesday, April 25, 2012

Legislation endangering our communities, environment

By Cynthia Thielen – Special to The Garden Island

Two of my grandchildren are growing up on Kaua‘i, including one just newly born. They are very fortunate to call such a beautiful place their home and to be raised in a community that values its quieter lifestyle and unique cultural and environmental resources, and has a long history of standing up for itself.

These qualities which make Kaua‘i so special are in grave danger from several bills pushing their way through the State Legislature this Session.

These measures, particularly SB755 and SB2927, seek blanket exemptions for state and county projects from Hawaii’s long-standing environmental review process and, equally disturbing, its County planning laws.

I recall how adamant Kaua‘i residents were a few years ago when the SuperFerry was proposed. Many of you fought very hard, and successfully, to keep the ferry from coming to Kaua‘i due to the negative impact you felt it would have on the quality of life, traffic congestion and natural and cultural resources (such as native species and marine access). SB755 and SB2927 would severely impact these aspects of Kaua‘i Island, and all our State’s islands, to an exponential degree.

These short-sighted bills cast aside over 30 years of wisdom by exempting government projects from the public environmental review process.

Chapter 205A, enacted in 1975, established our Special Management Area (SMA) permitting process to protect and conserve our shorelines and coastal resources. Chapter 343, enacted in 1979, further articulated our environmental protections by requiring environmental assessments (EA) or impact statements (EIS) as part of the review process for proposed projects and development affecting the public sector.

Now these protections are jeopardized by language in SB755, which removes State projects from environmental review and permitting and states that “consistency of a state project with a county general plan and zoning shall not be required”. This means that Kauai’s community-specific zoning can be completely disregarded.

SB2927 would exempt development projects in the vicinity of rail and bus transit stations from review and permitting requirements and circumvent County and community-specific planning.

This means that any height and density restrictions for new buildings in certain communities would no longer apply.

No environmental review would be needed. County zoning can be ignored. Coastal, conservation and agricultural lands would be opened to development. Legal recourse and public input would be limited. These bills are being shepherded by key Democratic leaders, including our Governor (whose legislative package included other exemption bills and who has testified in person at committee hearings on SB755) and certain State agencies. Only some Representatives from Maui, the Big Island, and O’ahu voted no on these bills; Kaua‘i legislators supported the bills.

Proponents of such legislation often make the erroneous argument that the environmental review process is responsible for significant project delays and point to exemptions from this review as the only way to move projects forward and provide more construction jobs. This is simply not true.

While environmental review does include a designated period for review and public input, this does not take years and it can ensure that other more costly and significant time delays from unforeseen complications are avoided.

That is part of the purpose of environmental review: to identify concerns and address them prior to a project's implementation. Chapters 343 and 205A ensure the protection of our natural and cultural resources while vetting any potential speed bumps these projects might encounter.

So what is really slowing down projects? A lack of government agency follow-through after the environmental review has been completed or SMA permits approved.

Certain agencies, particularly the State Department of Transportation (DOT), have left projects in limbo for years by not moving projects forward once the environmental review and permitting has been approved. A concrete example of this? DOT improvements for Kahului Airport on Maui have been approved through the issuance of five SMA permits since 2007. While an SMA permit for the addition of a security perimeter was approved in 2007, DOT only completed work on the project about three years later.

Proponents of these bills also argue that federal laws will still provide environmental oversight of exempted projects.

This is false. If a project doesn't involve federal funding or land, then the federal environmental laws don't apply. In addition, these federal laws are much weaker than our State laws, particularly those that address cultural resources such as burial sites and traditional gathering practices.

As my grandchildren grow up on Kaua'i, I hope they will see government officials protecting, not eliminating, the laws to protect our environment and support the well-being of Hawai'i's people. Kaua'i County and its residents have worked hard to develop and protect its land use regulations.

Kaua'i should speak out now to prevent the erosion of their environmental, cultural, and community safeguards.

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