



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
House Committee on Energy & Environmental Protection

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by  
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SB 2145 SD2 – Relating to the Environment

Chair Morita, Vice Chair Evans, and Members of the Committee:

SB 2145 SD 2 would appropriate funds to the State Department of Health (DOH) to require the State Office of Environmental Quality Control (OEQC) to contract with the UH Environmental Center to perform a comprehensive review of the State Environmental Impact Statement (EIS) system. The measure would further appropriate funds to the DOH to enable the State Environmental Council to hire a program director to coordinate the State's environmental justice activities.

Established by Act 132 of the 1970 Legislature, the University of Hawai'i Environmental Center is one of three entities that comprise the State's environmental quality infrastructure, along with OEQC and the State Environmental Council. Performing research, education and service functions, the Center long has served as a repository of scholarly expertise and advisory consultation on matters related to the State EIS system. In this capacity, the Environmental Center on two prior occasions has conducted comprehensive studies of the State EIS system (Cox, et al., 1978; Rappa, et al., 1991.) Each of these prior studies was commissioned in response to recognition of the need to reconcile evolving State environmental management needs with the statutory and regulatory frameworks of the EIS system. Each contributed recommendations for amendments in provisions of these frameworks, most of which subsequently were adopted.

In the 15 years that have elapsed since the most recent review of the EIS system, numerous changes have occurred in the theory and practical application of environmental management. Advances in understanding of ecological relationships, growing appreciation of more subtle implications of human impacts on natural systems, and evolving policy formulations within government agencies with environmental management responsibilities have created new challenges for professional environmental managers. These challenges have led to both general and particular shortcomings in the ability of existing EIS procedures to deal adequately with new and continuing development proposals.

SB 2145 SD 2 appropriates an unspecified sum to the DOH to perform a comprehensive, updated review of the EIS system. We note that §341-4(b)(2), HRS, directs the OEQC director to:

*Conduct research or arrange for the conduct of research through contractual relations with the [UH environmental] center, state agencies, or other persons with competence in the field of ecology and environmental quality.*

Hence, legislative direction of OEQC to contract with the Center in this research endeavor is consistent with existing statutory provisions that define the appropriate relationship between the OEQC and the Center.

The required research will encompass three general components: 1) a compilation of statutory and regulatory provisions and amendments thereto and their assessed effects in the interval since the previous study; 2) A survey of stakeholders and user groups to assess perceived shortcomings of the present system, and; 3) a detailed examination of ecological and social characteristics of particular significance to Hawaiian environmental management needs that define regional EIS requirements that may differ from those undertaken in other states. The first two of these components largely defined the previous study; the third will afford insight into anticipated emerging demands in order to better integrate management provisions with known global and regional trends, both in environmental parameters and in the particular social and economic characteristics of our island communities. For example, recognizing the growing awareness of consequences of energy-mediated carbon release into the atmosphere, what incremental environmental management policies may be enacted through such policy frameworks as EIS to mitigate and facilitate a transition to a carbon-free energy economy in Hawai'i?

The Center's 1991 study required \$62,300 to accomplish the more limited framework of investigation. In view of changing management needs and the increasing complexity of research questions and the effort required to incorporate these expanded considerations, we estimate that the cost of this research will be on the order of \$105,000. To accomplish this work, we therefore suggest that Section 5 of the measure include a specific appropriation sufficient to accommodate a study cost of \$105,000, along with established overhead requirements pursuant to prevailing research rates. In addition, we note that the 1991 study was initiated in March of 1990 and completed 15 months later in June, 1991. SB 2145 SD2 has amended the measure to require submittal of the completed study by no later than 20 days before the start of the 2007 Legislative session, slightly more than six months after funding for the work will be effective. Recognizing the expanded scope and the complexity of the task, the Environmental Center respectfully requests that the delivery date for the final report be stipulated to be 20 days prior to the start of the 2008 Legislative session.

Thank you for the opportunity to testify on this important measure.