

**Testimony to the Senate Committee on Energy and Environment
Tuesday, January 31, 2012 at 2:45 p.m.
Conference Room 016, State Capitol**

RE: SENATE BILL NO. 3044 RELATING TO STATE MARINE WATERS

Chair Gabbard, Vice Chair English, and Members of the Committee:

The Chamber of Commerce of Hawaii ("The Chamber") **opposes** S.B. 3044 relating to State Marine Waters.

The Chamber is the largest business organization in Hawaii, representing more than 1,100 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 opposes S.B. No. 3044 which proposes to Amend Chapter 190D HRS by requiring an applicant for a lease of state marine waters to submit an application containing an environmental impact statement for commercial leases or an environmental assessment for non-commercial leases.

The triggers for an Environmental Assessment (EA) or Environmental Impact Statement (EIS) are contained in Chapter 343 HRS. The purpose of the environmental review process is to disclose impacts attributed to the proposed project. The intensity of the land use generally determines when a project will require an EIS.

We believe the proposed bill will create confusion in the statute by now triggering an EIS for a "commercial" lease and limiting a "non-commercial" lease to an EA. What happens if the non-commercial lease will result in negative impacts to the offshore environment? Under the proposed bill, the commercial/non-commercial nature of the business is the trigger rather than the impacts generated by the project.

Thank you for this opportunity to express our views.