EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

July 12, 2006

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2575 SD2 HD1 CD1

On July 11, 2006, Senate Bill No. 2575, entitled "A Bill for an Act Making an Appropriation for a Baseline Environmental Study of the Waianae Coast Ocean Area," became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

An increase in the diversity of activities in the Waianae Coast ocean area has raised concerns over the effects such activity can have on resources, public safety, user relations, and traditional livelihoods. The purpose of this bill is to provide funding for a baseline environmental study of the Waianae Coast ocean area, which will be used to draft proposed rules for an Ocean Recreation Management Area (ORMA) designation for the Waianae Coast, as mandated by Act 6, Special Session Laws of Hawaii 2005.

I am supportive of establishing an Ocean Recreation Management Area for the Waianae Coast with pertinent administrative rules to protect resources and regulate permitted commercial activities. However, this bill leaves some issues insufficiently resolved.

First, this law could potentially set a precedent that the Department of Land and Natural Resources (DLNR) must conduct a baseline environmental study before adopting rules to create and regulate an ORMA. The DLNR has demonstrated that it is capable of adequately making such rules and has, in this particular instance, met extensively with interested parties to resolve conflicts concerning the proposed ORMA rules in a manner that complies with the federal Marine Mammal Protection Act.

Second, this bill does not provide the public with reasonable means to express their comments and concerns. Although the baseline study proposed in this bill is not an environmental impact statement (EIS), it is modeled in much the same way. An important component of an EIS is a required public review and comment period. A comment period is not required in this study.

Furthermore, estimates from multiple parties place the cost of this study anywhere from $250,000 to $1,000,000, while this measure only appropriates $120,000. A shortage of funds could force the DLNR to divert staff resources and expertise from existing projects in order to complete the study.

It is imperative that a Waianae ORMA be established and that all parties work with due diligence to properly manage this area.

Therefore, I allowed Senate Bill No. 2575 to become law as Act 314 effective July 11, 2006 without my signature.

Sincerely,

LINDA LINGLE