



# University of Hawai'i at Mānoa

## Environmental Center

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## SB 560

### RELATING TO SPECIAL MANAGEMENT AREAS

#### Senate Committee on Water, Land, and Hawaiian Affairs

**Public Hearing, February 5, 1999  
1:30 p.m., Room 225, State Capitol**

By

John Harrison, Environmental Center  
David Duffy, Botany, PCSU  
Charles Lamoureux, Lyon Arboretum

HB 560 would amend Section 205A-22, HRS, to define "substantial adverse environmental or ecological effect" as it relates to special management areas.

Our comments on this measure are compiled from voluntarily submitted opinions of the listed academic sources, and as such, do not constitute an institutional position of the University of Hawaii.

The proposed definition of "substantial adverse environmental or ecological effect" offers a good start, but it raises a number of questions. First and foremost, the proposed definition omits the critical element of time. The 5% negative effect is per action, but the intent of the measure is to halt long term, or cumulative degradation. Inclusion of a reference interval linking sequential or cumulative actions to the baseline is needed in order to make this definition effective. Otherwise, the all too common scenario of multiple, minor losses which, combined, add up to far more than a 5% loss of public trust or other natural resources would continue unabated. Perhaps if the phrase, "per century" were added after every reference to 5%, the measure would more effectively address the problem.

Another concern lies in the fact that for many, if not most areas, few quantitative baseline benchmarks in specific water quality or species abundance and distribution parameters are established. Thus, a beneficial effect of this measure may be to provide for project-specific baseline surveys as part of the planning and long term management process.

Finally, we note that 5% of an entire ahupua'a may amount to an area significantly larger than the SMA.