

Honolulu, Hawaii

Feb 6, 2007

RE: H.B. No. 653
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 653 entitled:

"A BILL FOR AN ACT RELATING TO SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENTS,"

begs leave to report as follows:

The purpose of this measure is to provide for the preparation of a supplemental environmental impact statement when:

- (1) There are changes proposed in a project;
- (2) Substantial changes occur with respect to circumstances under which a project is being undertaken; or
- (3) New information becomes available that was not known at the time the environmental impact statement was accepted.

Your Committee notes that there have been proposals for the repeal or expiration of an environmental impact statement following the passage of a certain number of years if a project is not undertaken within that time. Your Committee finds that such a dated expiration provision would be arbitrary in determining the duration prior to the expiration of the environmental impact statement and in the actual application of such a provision on a project. Accordingly, your Committee finds that this measure requires the preparation of a supplemental statement based not on



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an arbitrary passage of a time certain, but on substantial changes in a project, substantial changes in its surrounding circumstances, or new information that was not known at the time the environmental impact statement was accepted.

Your Committee received testimony in support of this measure from the Conservation Council for Hawaii, Na Leo Pohai, and several individuals. The Land Use Research Foundation submitted testimony in opposition to this measure. The Attorney General and the Office of Environmental Quality Control submitted comments.

Your Committee has amended this measure by:

- (1) Deleting references to environmental impact reports and inserting environmental impact statements;
- (2) Clarifying that environmental impact statements are "accepted" and not "certified as complete";
- (3) Adding a definition of "substantial changes";
- (4) Amending section 343-5(g) to conform to the new section provided in this measure; and
- (5) Making technical nonsubstantive changes for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 653, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 653, H.D. 1, and be referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,



HERMINA MORITA, Chair



