

STAND. COM. REP. NO. 2519

Honolulu, Hawaii

FEB 15 2008

RE: S.B. No. 2808
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committees on Energy and Environment and Transportation and International Affairs, to which was referred S.B. No. 2808 entitled:

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

beg leave to report as follows:

The purpose of this measure is to clarify that an environmental assessment shall not be required for an action that proposes the use of state or county lands or the use of state or county funds, if the use of the state or county land or the expenditure of state or county funds is limited to an existing public street, road, or highway for an easement, drainage, waterlines, access improvements, utility right of way, or the like.

Testimony in support of this measure was submitted by the Department of Transportation; the City and County of Honolulu, Department of Planning; the County of Hawaii Planning Department; Building Industry Association of Hawaii; Coalition of Hawaii Engineering and Architectural Professionals; AIA Hawaii State Council; Hawaii Association of Realtors; General Growth Properties; General Contractors Association of Hawaii; The Chamber of Commerce of Hawaii; Kiewit Building Group; The Gas Company; National Association of Industrial and Office Properties; Hawaii Business Roundtable; Maui Contractors Association; Central Pacific Bank; Hawaii Island Chamber of Commerce; Maui Chamber of Commerce; Pahio Development, Inc.; Ralph S. Inouye Co., Ltd.; Austin,

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Tsutsumi & Associates, Inc.; HSI Mechanical, Inc.; Cooper and Cooper LLC; Associated Builders and Contractors of Hawaii; Hawaiian Dredging Construction Company; Hawaii Building and Construction Trades Council, AFL-CIO; KSD Hawaii; Royal Contracting Co., Ltd.; Plumbers and Fitters Local 675; Hawaii Developers Council; Land Use Research Foundation of Hawaii; and five individuals. Testimony in opposition to this measure was submitted by the Sierra Club Hawaii Chapter; Sierra Club, Oahu Group; Na Leo Pohai, The Outdoor Circle; Earth Justice; Hawaii's Thousand Friends; and twenty-one individuals. Comments on the measure were submitted by the Office of Environmental Quality Control; Environmental Center of the University of Hawaii at Manoa; and Life of the Land.

Your Committees find that under current interpretation of the environmental impact law, any action involving the use of a right of way involving a state or county road may trigger an environmental impact assessment or an environmental impact statement. This measure would provide for some flexibility under limited conditions.

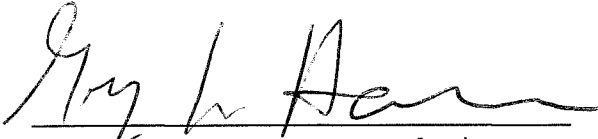
Your Committees have amended this measure by:

- (1) Adding an exemption for a modification or disposal of highway access rights or use, occupancy, or work within a public highway right-of-way to serve private development outside the highway right-of-way; provided that the proposed development outside the highway right-of-way does not involve any action by the state Land Use Commission or Board of Land and Natural Resources; the use of five or more acres of land that has not been disturbed by intensive human uses since 1840; or any use of plants or animals that are not, but potentially could become established in Hawaii;
- (2) Clarifying that all exemptions authorized under the new section are inapplicable when the cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment; and
- (3) Making the effective date July 1, 2050, for the purpose of further discussion, and repealing the Act after one year.



As affirmed by the records of votes of the members of your Committees on Energy and Environment and Transportation and International Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2808, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2808, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on behalf of the members of the Committees on Energy and Environment and Transportation and International Affairs,



J. KALANI ENGLISH, Chair




RON MENOR, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Transportation and International Affairs
TIA

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2808	ENE/TIA, JDL	2-14-08		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	✓	✓		
GABBARD, Mike (VC)		✓		
ESPERO, Will	✓			
HOOSER, Gary L.			✓	
INOUYE, Lorraine R.	✓			
TSUTSUI, Shan S.		✓		
TRIMBLE, Gordon	✓			
TOTAL	4	2	1	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes