

Honolulu, Hawaii

FEB 16 2007

RE: S.B. No. 642
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Energy and Environment, to which was referred S.B. No. 642 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 clarify when supplemental environmental impact statements should be conducted.

Specifically, this measure provides 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.

Testimony in support of this measure was submitted by the Office of Environmental Quality Control; the Mayor of the County of Maui; Hawaii's Thousand Friends; Keep the North Shore Country; Kuli'ou'ou/ Kalani Iki Neighborhood Board #2; O'ahu County Committee of the Democratic Party of Hawaii; Office of Hawaiian Affairs; Sierra Club, Hawai'i Chapter; Windward Ahupua'a Alliance, and one individual. Testimony in opposition to this measure was submitted



by the Land Use Research Foundation of Hawaii and Kuilima Resort Company. The Department of the Attorney General submitted comments.

Your Committee finds that communities need to know what environmental impacts developments will have. Furthermore, your Committee recognizes that changes occurring in the community over the period of time that a long development is taking place can result in different impacts than were foreseen in the planning stages of the development. Your Committee finds that requiring supplemental impact statements is not unduly burdensome on developers and are essential for getting the necessary information regarding the impacts on the community so that mitigation measures can be considered if necessary.

Your Committee notes that by basing the requirement for supplemental statements on whether there have been "substantial changes" does not set an arbitrary time limit. Rather, it serves the needs of communities while limiting the requirement on developers to cases where real changes in impacts are likely to have occurred. Your Committee notes that several testifiers mentioned the expansion of the Turtle Bay Resort in Kahuku, which was approved over twenty years ago, as an example of how long developments can take and the resulting changes or changes in understanding regarding cultural, environmental, and community issues.

Your Committee believes this measure will help decision makers make informed decisions about whether or not a project should go forward, and how to balance those going forward with protecting the State's natural and cultural resources.

This measure has been amended to:

- (1) Substitute "environmental impact statements" for "environmental impact reports", for accuracy and consistency with the terminology used in the statute and regulations;
- (2) Substitute "accepted" for "certified as complete", for accuracy and consistency with the terminology used in the statute and regulations;
- (3) Provide a definition for "substantial changes"; and



- (4) Amend section 343-5(g), Hawaii Revised Statutes, which provides that no additional statement shall be required once a statement is accepted, to provide an exception to conform to the new section provided in this measure.

Technical, nonsubstantive changes have also been made for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 642, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 642, S.D. 1, and be referred to the Committees on Water, Land, Agriculture, and Hawaiian Affairs and Intergovernmental and Military Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Energy and
Environment,

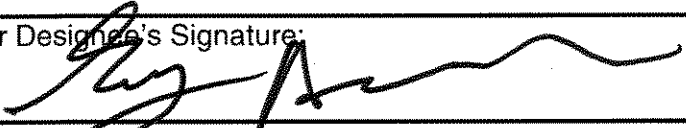


RON MENOR, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Energy and Environment
ENE

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|--|--|-------------------------|-----|----------|
| Bill / Resolution No.:* SB 642 | Committee Referral: ENE, WAA/IGM | Date: 2/13/07 | | |
| <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 |
| MENOR, Ron (C) | ✓ | | | |
| HOOSER, Gary L. (VC) | ✓ | | | |
| IHARA, Jr., Les | | | | ✓ |
| KOKUBUN, Russell S. | | | | ✓ |
| TRIMBLE, Gordon | ✓ | | | |
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| TOTAL | 5 | | | 2 |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature:  | | | | |
| Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency | | | | |

*Only one measure per Record of Votes