

Honolulu, Hawaii

MAR 02 2007

RE: S.B. No. 642

S.D. 2

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

Madam:

Your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Intergovernmental and Military Affairs, to which was referred S.B. No. 642, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose of this measure is to clarify when a supplemental environmental impact statement is necessary.

Specifically, this measure requires the preparation of a supplemental environmental impact statement when one or more of the following events occur:

- (1) There are substantial 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 Department of Health, the State of Hawaii Environmental Council, Keep the North Shore Country, Kuli'ou'ou/Kalani Iki Neighborhood Board, the Sierra Club, Hawaii Chapter, and one individual. Testimony in opposition to this measure was submitted by the



Office of Corporation Counsel, County of Hawai'i; the Land Use Research Foundation of Hawaii; and the Kuilima Resort Company. The Department of the Attorney General submitted comments.

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

It was indicated to your Committees in written testimony that title 11, chapter 200, sections 26 to 29, Hawaii Administrative Rules, provides rules and procedures relating to supplemental environmental impact statements. Your Committees believe that the language of this measure should be amended to be similar to the administrative rules language relating to supplemental environmental impact statements to avoid confusion. It was also suggested in written testimony that the supplemental environmental impact statement should be valid for five years, and if the proposed action has not commenced within that time frame, the applicant of the supplemental environmental impact statement will need to prove to the approving agency the continued validity of the supplemental environmental impact statement. Lastly, it was suggested in written testimony that a supplemental environmental impact statement is warranted if a proposed action will substantively change an original environmental impact statement with a finding of no significant impact or an environmental impact statement exemption.

Your Committees circulated a proposed draft of this measure that adopted all of the foregoing suggested amendments for consideration, but for technical reasons, your Committees did not include these amendments. Nevertheless, your Committees believe that this measure merits further discussion and hopes to include these amendments at a later date as this measure proceeds through the legislative process.



Accordingly, your Committees have amended this measure by inserting an effective date of July 1, 2050, to ensure ongoing discussion on this issue.

As affirmed by the records of votes of the members of your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Intergovernmental and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 642, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 642, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committees on Water, Land,  
Agriculture, and Hawaiian  
Affairs and Intergovernmental  
and Military Affairs,


  
LORRAINE R. INOUE, Chair

  
RUSSELL S. KOKUBUN, Chair



The Senate  
Twenty-Fourth Legislature  
State of Hawaii

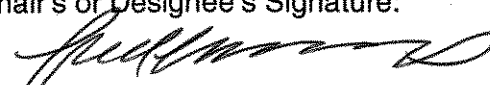
**Record of Votes**  
**Committee on Water, Land, Agriculture and Hawaiian Affairs**  
**WAH**

Bill / Resolution No.:* <b>SB 042 SD1</b>	Committee Referral: <b>ENE, WAH/IGM</b>	Date: <b>2/28/07</b>		
<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
KOKUBUN, Russell S. (C)	X			
TOKUDA, Jill N. (VC)	X			
FUKUNAGA, Carol				X
HEE, Clayton				X
SLOM, Sam			X	
<b>TOTAL</b>	<b>2</b>		<b>1</b>	<b>2</b>
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

The Senate  
Twenty-Fourth Legislature  
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**Record of Votes**  
**Committee on Intergovernmental and Military Affairs**  
**IGM**

Bill / Resolution No.:* <b>SB642 SDI</b>	Committee Referral: <b>ENE, WAA/IGM</b>	Date: <b>2/28/07</b>		
<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
INOUE, Lorraine R. (C)	✓			
TSUTSUI, Shan S. (VC)				✓
HEMMINGS, Fred	✓			
<b>TOTAL</b>				
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				

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