

STAND. COM. REP. NO. 713-10

Honolulu, Hawaii

March 12, 2010

RE: S.B. No. 2818
S.D. 2
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committees on Energy & Environmental Protection and Water, Land, & Ocean Resources and Economic Revitalization, Business, & Military Affairs, to which was referred S.B. No. 2818, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION,"

beg leave to report as follows:

The purpose of this measure is to improve the environmental review process by making it more streamlined, open, and consistent.

This measure would also clarify the roles of the director of the office of Environmental Quality Control and the Environmental Council with regard to administration of the environmental review process.

Specifically, this measure:

- (1) Amends Chapter 341, Hawaii Revised Statutes by:
 - (a) Reducing the size of the Environmental Council from fifteen to nine members;
 - (b) Revising the role of the Director of the Office of Environmental Quality Control to consist of



administrative and advisory duties in support of the Environmental Council;

- (c) Revising the role of the Environmental Council to include advising the Governor on environmental quality matters and rulemaking to implement Chapters 341 and 343, Hawaii Revised Statutes;
 - (d) Establishing the Environmental Review Special Fund; and
- (2) Makes numerous amendments to Chapter 343, Hawaii Revised Statutes, regarding the environmental review process that clarify:
- (a) The types of actions that will be subject to an environmental review and the timing of that review;
 - (b) The criteria for determining the significance of environmental effects;
 - (c) The timing and extent of public notice and comment; and
 - (d) The period during which environmental impact statements remain valid.

Your Committees received testimony in support of this measure from the Sierra Club-Hawaii Chapter. Your Committees received testimony opposed to this measure from the Attorney General, Department of Health, City and County of Honolulu Department of Planning and Permitting, Alexander and Baldwin, Inc., Building Industry Association - Hawaii, Chamber of Commerce Hawaii, Hawaii Association of Realtors, Hawaii Developers Council, Hawaii Island Chamber of Commerce, Hawaii Leeward Planning Conference, Hawaii's Thousand Friends, Land Use Research Foundation of Hawaii, and The Outdoor Circle. The University of Hawaii Environmental Center, Earthjustice, Historic Hawaii Foundation, and The Nature Conservancy offered comments on the measure.

Your Committees find that this measure would implement many of the recommendations that resulted from examination of the State's environmental review system pursuant to Act 1, Session Laws of Hawaii 2008. However, your Committees further find that there is a lack of consensus among various stakeholders with an interest in this legislation, including government agencies,



builders and developers, historic preservation associations, business interests, and environmental groups.

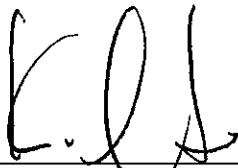
Your Committees note that a working group has been assembled to address concerns regarding changes to Hawaii's environmental review policy, in an effort to reach consensus on the unresolved issues raised by this measure. However, because the working group has not yet finished its work, your Committees believe that passage of this measure in its present form would be premature.

Accordingly, your Committees have amended this measure by:

- (1) Deleting Sections 2 through 9, which contain the proposed changes to Chapter 343, Hawaii Revises Statutes, relating to environmental impact statements;
- (2) Changing the effective date to July 1, 2010; and
- (3) Making technical amendments for the purposes of consistency, conformity, and style.

As affirmed by the records of votes of the members of your Committees on Energy & Environmental Protection and Water, Land, & Ocean Resources and Economic Revitalization, Business, & Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2818, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2818, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committees on Energy & Environmental Protection and Water, Land, & Ocean Resources and Economic Revitalization, Business, & Military Affairs,



KEN ITO, Chair



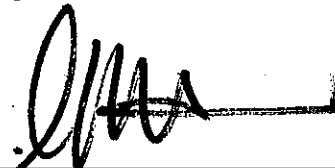
HERMINA MORITA, Chair



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ANGUS L.K. MCKELVEY, Chair



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Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: SB 2818 SD 2	Committee Referral: EEP/WLO/EBM, JUD, FIN	Date: 3- ¹¹ 9-10		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. MORITA, Hermina M. (C)	✓			
2. COFFMAN, Denny (VC)	✓			
3. CABANILLA, Rida	✓			
4. CHANG, Jerry L.	✓			
5. CHONG, Pono	✓			
6. HAR, Sharon E.	✓			
7. HERKES, Robert N.		✓		
8. ITO, Ken				✓
9. LEE, Chris	✓			
10. LUKE, Sylvia	✓			
11. SAGUM, Roland D., III		✓		
12. CHING, Corinne W.L.	✓			
13. THIELEN, Cynthia	✓			
TOTAL (13)	10	2	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u>Denny Coffman</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				

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Record of Votes of the Committee on Water, Land, & Ocean Resources

Bill/Resolution No.: SB 2818, SDZ	Committee Referral: EEP/WLO/EBM, JUD, FIN	Date: 3/11/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WLO Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)	X SEH			X
2. HAR, Sharon E. (VC)	X			
3. CABANILLA, Rida	X			
4. CHANG, Jerry L.	X			
5. CHONG, Pono	X			
6. COFFMAN, Denny	X			
7. HERKES, Robert N.		X		X SEH
8. LEE, Chris	X			
9. LUKE, Sylvia	X			
10. MORITA, Hermina M.	X			
11. SAGUM, Roland D., III		X		X SEH
12. CHING, Corinne W.L.	X			
13. THIELEN, Cynthia	X			
TOTAL (13)	10	2		1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ committee acronym(s) did not support recommendation.				
Vice Chair's or designee's signature:				
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Record of Votes of the Committee on Economic Revitalization, Business, & Military Affairs

Bill/Resolution No.: SB 2818 SD2	Committee Referral: EEP/WLO/EBM, JUD FIN	Date: THUR 11 May 11 AM 2010		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EBM Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	✓			
2. CHOY, Isaac W. (VC)	✓			
3. BERG, Lyla B.				✓
4. EVANS, Cindy	✓			
5. MANAHAN, Joey				✓
6. TAKAI, K. Mark				✓
7. TOKIOKA, James Kunane	✓			
8. TSUJI, Clift	✓			
9. WAKAI, Glenn				✓
10. WOOLEY, Jessica				✓
11. WARD, Gene	✓			
TOTAL (11)	6			5
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. _____ committee acronym(s)				
Vice Chair's or designee's signature: <i>Sean W. Choy</i>				
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