

SB723

Testimony

Testimony to the Senate Committee on Judiciary and Labor
Tuesday, March 1, 2011; 9:00 a.m.
Conference Room 016

RE: SENATE BILL NO. 723 RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Chair Hee, Vice Chair Shimabukuro and Members of the Committee:

The Chamber of Commerce of Hawaii **strongly supports** S.B. No. 723, as it proposes to extend the sunset date of Act 87 from July 1, 2011, to July 1, 2015.

The Chamber is the largest business organization in Hawaii, representing more than 1,100 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the “Voice of Business” in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state’s economic climate and to foster positive action on issues of common concern.

The purpose of this Act is to delineate a clear exemption to the applicability of Chapter 343, Hawaii Revised Statutes, the state's environmental impact statement law, when the primary action is not subject to a discretionary consent or a public hearing and the secondary action is ancillary and limited to the installation, improvement, renovation, construction, or development of infrastructure within an existing public right-of-way.

The legislation is needed because of the recent court decisions where any action that involved the use of a state or county road right of way was a “trigger” for the EA/EIS. Because an access improvement, easement, drainage, waterline, etc., is now viewed as a use of state or county lands when it touches (over, under, across) a state or county road right of way, the entire project is then required to prepare an environmental assessment for the entire project.

Requiring the preparation of a 343 HRS document for projects with insignificant environmental impacts and cases with minor utility or access concerns is not the intent of the EA/EIS process.

We strongly support the approval of S.B. No. 723 to address the immediate problems caused by the Courts interpretation of Chapter 343 HRS. Our preference is for a longer sunset period.

Thank you for this opportunity to express our views.