

Honolulu, Hawaii

**Feb 17**, 2012

RE: H.B. No. 2611  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 2611 entitled:

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

begs leave to report as follows:

The purpose of this measure is to clarify current exemptions from environmental impact statements for secondary actions and require that applicants prepare environmental assessments when required.

The Department of Transportation, Land Use Research Foundation of Hawaii, Chamber of Commerce of Hawaii, and the Building Industry Association of Hawaii submitted testimony in support of this measure. The Office of Environmental Quality Control and Hawaiian Electric Company and its subsidiaries, Hawaii Electric Light Company and Maui Electric Company, submitted testimony in support of the intent of this measure. The Sierra Club Hawaii Chapter and Outdoor Circle opposed this measure. The Environmental Center of the University of Hawaii at Manoa submitted comments on this measure.

Your Committee has amended this measure by:


- (1) Authorizing, but not requiring, the reviewing agency to exempt secondary actions from environmental impact statement requirements;



- (2) Limiting those exemptions to cases where the environmental impact of the secondary action is not significant;
- (3) Deleting the requirement that in order to be exempt from the environmental impact statement requirements, the applicant must submit documentation from the appropriate agency confirming that no further discretionary approvals are required;
- (4) Clarifying the intent of this measure by amending the definition of "secondary action" to refer to any infrastructure within the highway or public right of way that is ancillary or incidental to the primary action;
- (5) Sunsetting the measure on July 1, 2013; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2611, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.B. No. 2611, H.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Energy &  
Environmental Protection,

  
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DENNY COFFMAN, Chair



