

Honolulu, Hawaii

March 23, 2012

RE: S.B. No. 2873  
S.D. 1  
H.D. 2

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 S.B. No. 2873, S.D. 1, H.D. 1, 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 and make permanent current exemptions from Hawaii's environmental impact statement law for secondary actions. Specifically, this measure:

- (1) Authorizes agencies to exempt from the environmental impact statement law, certain ancillary or incidental secondary actions to improve or develop infrastructure within existing public rights-of-way or highways; and
- (2) Requires applicants proposing certain actions identified in the environmental impact statement law to prepare environmental assessments.

The Office of Environmental Quality Control, the Chamber of Commerce of Hawaii, and RMA Sales supported this measure. The Department of Transportation; the Department of Business, Economic Development, and Tourism; the Building Industry Association of Hawaii; The Outdoor Circle; the Land Use Research Foundation of Hawaii; the Sierra Club, Hawaii Chapter; the General Contractors Association of Hawaii; and an individual opposed this measure.

SB2873 HD2 HSCR EEP HMS 2012-3061



Your Committee has amended this measure by:

- (1) Requiring the Office of Environmental Quality Control to determine whether an applicant must prepare an environmental assessment whenever there is an issue of which of two or more state or county agencies has jurisdiction to determine whether an environmental assessment is required; and
- (2) 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 S.B. No. 2873, S.D. 1, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as S.B. No. 2873, S.D. 1, H.D. 2.

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

*Denny Coffman*

---

DENNY COFFMAN, Chair



State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.:	Committee Referral:	Date:		
SB 2873 SD1 HD1	TRN, EEP, JUD	3/20/12		
<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. COFFMAN, Denny (C)	✓			
2. KAWAKAMI, Derek S.K. (VC)	✓			
3. CABANILLA, Rida T.R.	✓			
4. CARROLL, Mele				✓
5. CHANG, Jerry L.	✓			
6. HAR, Sharon E.				✓
7. HERKES, Robert N.				✓
8. ITO, Ken				✓
9. NAKASHIMA, Mark M.	✓			
10. RIVIERE, Gil		✓		
11. THIELEN, Cynthia		✓		
TOTAL (11)	5	2	0	4
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: _____				
Distribution: Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				