



**STATE OF HAWAII**  
**OFFICE OF ENVIRONMENTAL QUALITY**  
**CONTROL**

235 S BERETANIA ST. SUITE 702  
HONOLULU, HAWAII 96813  
Tel. (808) 586-4185  
Fax. (808) 586-4186  
Email: oeqc@doh.hawaii.gov

**COMMITTEE ON JUDICIARY**

**HB 2611, HD1, RELATING TO ENVIRONMENTAL IMPACT STATEMENTS**

**Testimony of Gary Hooser**  
**Director of the Office of Environmental Quality Control**

**February 21, 2012**

1 **Office's Position:** Support.

2 **Fiscal Implications:** None

3 **Purpose and Justification:** This measure temporarily amends chapter 343, Hawaii Revised  
4 Statutes to clarify current exemptions for secondary actions and require that applicants prepare  
5 environmental assessments when required, effective July 1, 2012, with a sunset date of July 1,  
6 2013.

7 OEQC strongly supports the amendments to this measure and urge the committee to pass  
8 HB 2611, HD1.

9 Thank you.



## Testimony to the House Committee on Judiciary

February 21, 2012

2:00 p.m.

Capitol, Room 325

### H.B. 2611 HD1, Relating to Environmental Impact Statements

Chair Keith-Agaran, Vice-Chair Rhoads, and members of the Committee:

My name is Gladys Marrone, Government Relations Director for the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

BIA-Hawaii **strongly supports** H.B. 2611 HD1, which proposes to permanently amend chapter 343, Hawaii Revised Statutes to clarify current exemptions for secondary actions and require that applicants prepare environmental assessments when required.

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, an environmental assessment is required for the entire project.

Requiring the preparation of a 343 HRS document for projects with insignificant environmental impacts makes a mockery of the EA/EIS process. If the legislative intent was that an EA/EIS would be required any time the project touches a public road, then the law should be changed to require an EA/EIS for all projects because all projects, at some point, connect to a public road.

BIA-Hawaii **strongly supports** H.B. 2611 HD1.

Thank you for this opportunity to express our views.



# NAIOP

COMMERCIAL REAL ESTATE  
DEVELOPMENT ASSOCIATION  
HAWAII CHAPTER

February 19, 2012

The Hon. Gilbert S.C. Keith-Agaran, Chair, and  
Members of the House Committee on  
Judiciary

State Capitol, Room 325  
Honolulu, Hawaii 96813

Re: Testimony in Support of House Bill No. 2611, H.D. 1, Relating to Environmental Impact Statements

Dear Chair Keith-Agaran-Members of the Committee:

I am submitting this testimony on behalf of NAIOP Hawaii. We are the Hawaii chapter of NAIOP, the Commercial Real Estate Development Association, which is the leading national organization for developers, owners and related professionals in office, industrial and mixed-use real estate. The local chapter comprises property owners, managers, developers, financial institutions and real estate related professionals who are involved in the areas of commercial and industrial real estate in the State of Hawaii.

We support this bill. Before Act 87 of the 2009 Session Laws was passed, a number of projects could not move forward because they were required to do an environmental assessment / environmental impact statement before they could get approval to install or connect utilities, because the utility connections were within a public road or right-of-way and several Hawaii Supreme Court cases had concluded that would trigger Chapter 343. Act 87 sought to address that problem but was a temporary measure. We believe there should be a permanent blanket exemption of such minor actions as connecting utilities, because they do not have an effect on the environment, and agencies should not have to waste time or resources going through an individual exemption analysis on these situations.

Thank you for the opportunity to testify on this measure.

Very truly yours,



James K. Mee  
Chair, Legislative Affairs Committee

**Testimony for HB2611 on 2/21/2012 2:00:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Tuesday, February 21, 2012 7:57 AM

**To:** JUDtestimony

**Cc:** ChoonJamesHawaii@gmail.com

---

Testimony for JUD 2/21/2012 2:00:00 PM HB2611

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Choon James  
Organization: 'Country Talk Story  
E-mail: ChoonJamesHawaii@gmail.com  
Submitted on: 2/21/2012

Comments:  
OPPOSED to HB2611

Aloha,

There is NEVER a good time to deny the public due process and transparency, temporarily or otherwise.

I include the Mission of Chapter 343. It would be outrageous and a travesty for any lawmaker to undermine this process. No one should be above the law or EXEMPTED from the law that protects especially the ordinary people.

¶ 343-1 Findings and purpose. The legislature finds that the quality of humanity's environment is critical to humanity's well-being, that humanity's activities have broad and profound effects upon the interrelations of all components of the environment, and that an environmental review process will integrate the review of environmental concerns with existing planning processes of the State and counties and alert decision makers to significant environmental effects which may result from the implementation of certain actions. The legislature further finds that the process of reviewing environmental effects is desirable because environmental consciousness is enhanced, cooperation and coordination are encouraged, and public participation during the review process benefits all parties involved and society as a whole. Both the Rules and the Guidebook provide that conversations with the community should occur at the outset of the process, prior to assembly of the actual draft EA. This assures that both concerns of the community and intimate knowledge of the site of proposed actions are understood and incorporated into the planning process.

HB 2611 disenfranchises the public and is undemocratic.

RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.

Temporarily amends chapter 343, Hawaii Revised Statutes to clarify current exemptions for secondary actions and require that applicants prepare environmental assessments when required. Effective July 1, 2012. Repeal on July 1, 2013. (HB2611 HD1)

Choon James  
Kahuku, Hawaii 96731

808 293 9111