

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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COMMITTEE ON FINANCE

SB 2281, SD1, HD1, RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

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

April 2, 2012

1 **Office's Position:** SUPPORT

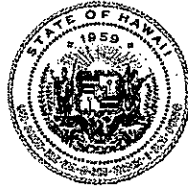
2 **Fiscal Implications:** Will likely reduce costs to agencies and applicants with regards to the
3 avoidance of preparing duplicate documentation.

4 **Purpose and Justification:** SB 2281, SD1, HD1, authorizes an agency or an applicant to bypass
5 the preparation of a separate environmental assessment and proceed directly to the preparation of
6 an environmental impact statement.

7 The OEQC strongly believes that this bill will streamline the environmental review
8 process while still maintaining the integrity and intention of the Hawaii Environmental Policy
9 Act, Chapter 343, HRS. Thus, I respectfully urge your committee to pass this measure.

10 Thank you.

NEIL ABERCROMBIE
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IN REPLY REFER TO:

April 3, 2012

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

**SENATE BILL 2281 S.D. 1 H.D. 1
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS**

HOUSE COMMITTEE ON FINANCE

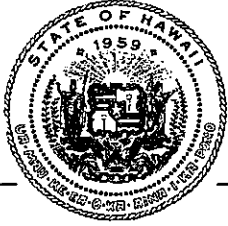
The Department of Transportation (DOT) supports the intent of Senate Bill 2281 S.D.1 H.D.1.

The provisions of this bill, will allow State agencies to go directly to preparing an EIS by publishing an environmental impact statement preparation notice (EISPN).

However, DOT has a concern regarding the vague nature of the publication requirements for an EISPN. Currently, an EISPN requires an applicant to produce an EA prior to publishing an EISPN. DOT recommends that the necessary language be included in this bill to clarify the requirements for the EISPN.

Thank you for the opportunity to provide testimony.





**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

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Statement of
JESSE K. SOUKI
Director, Office of Planning
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON FINANCE,
Tuesday, April 3, 2012
3:00 PM
State Capitol, Conference Room 308

in consideration of
SB 2281 SD 1 HD 1
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.

Chair Oshiro, Vice Chair Lee, and Members of the House Committees on Finance.

The Office of Planning (OP) supports the changes made in SB 2281, SD1, HD1 allowing agencies to proceed directly to preparing an environmental impact statement (EIS) without preparing an environmental assessment (EA). HD1 removes additional requirements that would increase the amount of steps required to proceed from an EA to an EIS. These additional steps to proceed from an EA to an EIS would increase the amount of time required to complete a comprehensive environmental review as well as create uncertainty and ambiguity within the law. OP believes HD 1 is consistent with the Governors' New Day Plan to refine and improve government processes by expediting a comprehensive environmental review and disclosure of proposed actions.

Thank you for the opportunity to testify.



SB2281 SD1 HD1
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS
House Committee on Finance

April 3, 2012

3:00 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) offers the following comments on SB2281 SD1 HD1, which would allow an agency or applicant to bypass the preparation of an environmental assessment ("EA") and proceed directly to an environmental impact statement ("EIS"), as allowed by an agency decision. OHA generally supports the streamlining of the environmental review process, as long as a direct to EIS system creates mechanisms for the consideration of environmental and cultural impacts for a project through public scoping.

First, we recognize the need for a scoping and consultation period following a direct to EIS decision, as provided in previous testimony by our agency and the Office of Environmental Quality Control (OEQC), among others. Under the existing environmental review process, both consultation and scoping for an EIS are done as part of the mandatory preparation of an EA. If an agency or applicant is allowed to proceed directly to an EIS, a mechanism must be created for determining the scope of resources and impacts analyzed in an EIS, prior to the preparation of a draft EIS. The current version of this bill appears to suggest that this scoping period will be addressed by rule amendments to the definition of "preparation notice" contained in Hawai'i Administrative Rules, Chapter 200, subchapter 2. To the extent that other review and comment periods are defined by statute, OHA believes that a 30-day scoping period for a direct to EIS decision should be similarly added to Chapter 343, Hawai'i Revised Statutes.

Second, we suggest a minor changes to the language of SB2281 HD1 to ensure consistency under the proposed amendments that allow for a direct to EIS decision and applicant preparation of an EA or EIS.

- For section 343-5(d), or subsection (f) as amended in HD1, language would need to be introduced to provide for applicant preparation of an EA or EIS. "[(d)] (f) Whenever an applicant requests approval for a proposed action and there is a question as to which of two or more state or county agencies with jurisdiction has the responsibility of [preparing the] determining whether an environmental [assessment,] assessment or environmental impact statement is required, the office, after

consultation with and assistance from the affected state or county agencies, shall determine which agency shall ~~[prepare]~~ require the applicant to prepare the [assessment.] assessment or environmental impact statement."

Mahalo for the opportunity to testify on this measure.