



LATE TESTIMONY

BOARD OF DIRECTORS  
EXECUTIVE COMMITTEE

THE OUTDOOR CIRCLE

March 13, 2012

Joel Kurokawa  
*President*

The Honorable Representative Denny Coffman, Chair  
House Committee on Energy and Environmental Protection  
Hawai'i State Capitol  
Honolulu, HI 96813

Marcy Fleming  
*1st Vice President*

Maureen Murphy  
*2nd Vice President*

RE: Testimony supporting SB2281 SD1 Relating to Environmental Impact Statements

Diane Anderson  
*3rd Vice President*

Chair Coffman and Members of the Committees:

Betsy Connors  
*4th Vice President*

Thank you for this opportunity to present testimony in support of SB2281 SD1.

Diane Harding  
*Treasurer*

The Outdoor Circle believes that it makes good sense to forego the preparation of an Environmental Assessment (EA) on any project for which it is determined that an Environmental Impact Statement (EIS) will be required.

Heather Shank  
*Assistant Treasurer*

Since the EIS results in a more comprehensive and detailed review of all the impacts of a project than is required in an EA, it is a waste of time, energy and money to prepare an EA when an EIS for the same project is imminent.

Teresa Trueman-Madriaga  
*Secretary*

Alexandra Avery  
*Advisor*

This legislation will help streamline the environmental review process and save money without sacrificing the protection of our islands.

Jo Ann Best  
*Advisor*

We wholeheartedly support SB2281 SD1.

Paula Ress  
*Advisor*

Respectfully,

Marcy Fleming  
Bradley Totherow  
*Finance*

Bob Loy  
Director of Environmental Programs

BRANCHES

East Honolulu (O'ahu)

Kane'ohe (O'ahu)

Kapolei (O'ahu)

Kaua'i

Kona (Hawai'i)

Lani-Kailua (O'ahu)

Maui

North Shore (O'ahu)

Waikoloa Village (Hawai'i)

Waimea (Hawai'i)



# LATE TESTIMONY

GLENN M. OKIMOTO  
DEPUTY DIRECTOR  
Deputy Directors  
FORD N. FUCHIGAMI  
JADE BUTAY  
RANDY GRUNE  
JADINE URASAKI

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

March 15, 2012

**S.B. 2281, S.D. 1  
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS**

**HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION**

The Department of Transportation (DOT) supports Senate Bill 2281 Senate Draft 1 (SB2281 SD1).

The current Environmental Impact Statement (EIS) process requires an applicant/agency to conduct an EA. Based upon the determination in the EA, the applicant/agency will then proceed to prepare either a Finding of No significant Impact (FONSI) or an FEA EISPN.

The ability to go directly to an EIS, if warranted, will save an applicant/agency time and money. It will enable an applicant/agency to forego the environmental assessment process and move directly to the EIS process. On a number of occasions, thousands of dollars and considerable time are spent producing a determination that an EIS is required that is already apparent and is prudent to pursue.

It is when an agency cannot decide if an EIS is required that should trigger the EA process. This bill allows the process to progress directly to the EIS stage and eliminate what would be an unnecessary step when it is already known that an EIS will be required.

Thank you for the opportunity to provide testimony.



# LATE TESTIMONY

Re: S.B. 2281, SD 1

Committee: Committee on Energy & Environmental Protection  
Committee on Finance

Hearing Date: March 15, 2012

Time: 9:00 am

Room: Conference Room 325

Number of copies needed:

Dear Honorable Representatives Coffman & Oshiro, Chairs; Honorable Representatives Kawakami & Lee, Vice Chairs; and Members of the Committees:

My name is Diane Brucato-Thomas, RDH, EF, BS, FAADH, a Puna landowner since 1986 and resident since 1991. This testimony is **in opposition of S.B. 2281, SD1**, which would differentiate between geothermal exploration and development and repeals geothermal subzone provision under state law.

The passing of this bill would:

- 1) facilitate the exploration and development of geothermal in Puna, a rapidly growing residential zone with no regard for residents' right to quiet, dark, and safety, especially considering there are no measures in place for emergency evacuation;
- 2) decrease property values for residents
- 3) interfere with ecotourism of the unique environment of Puna
- 4) potentially interfere with the business of interstellar exploration by telescopes at observatories due to extremely bright lights;
- 5) by not requiring Environmental Assessment or Environmental Impact Statement, there is a great potential for take of Endangered Newell Shearwater known to nest at Puulena Crater, due to:
  - a. Extremely bright lights, which confuse fledgings that navigate by the moon to find the sea
  - b. Overhead high power lines, which interfere with birds' flight patterns.

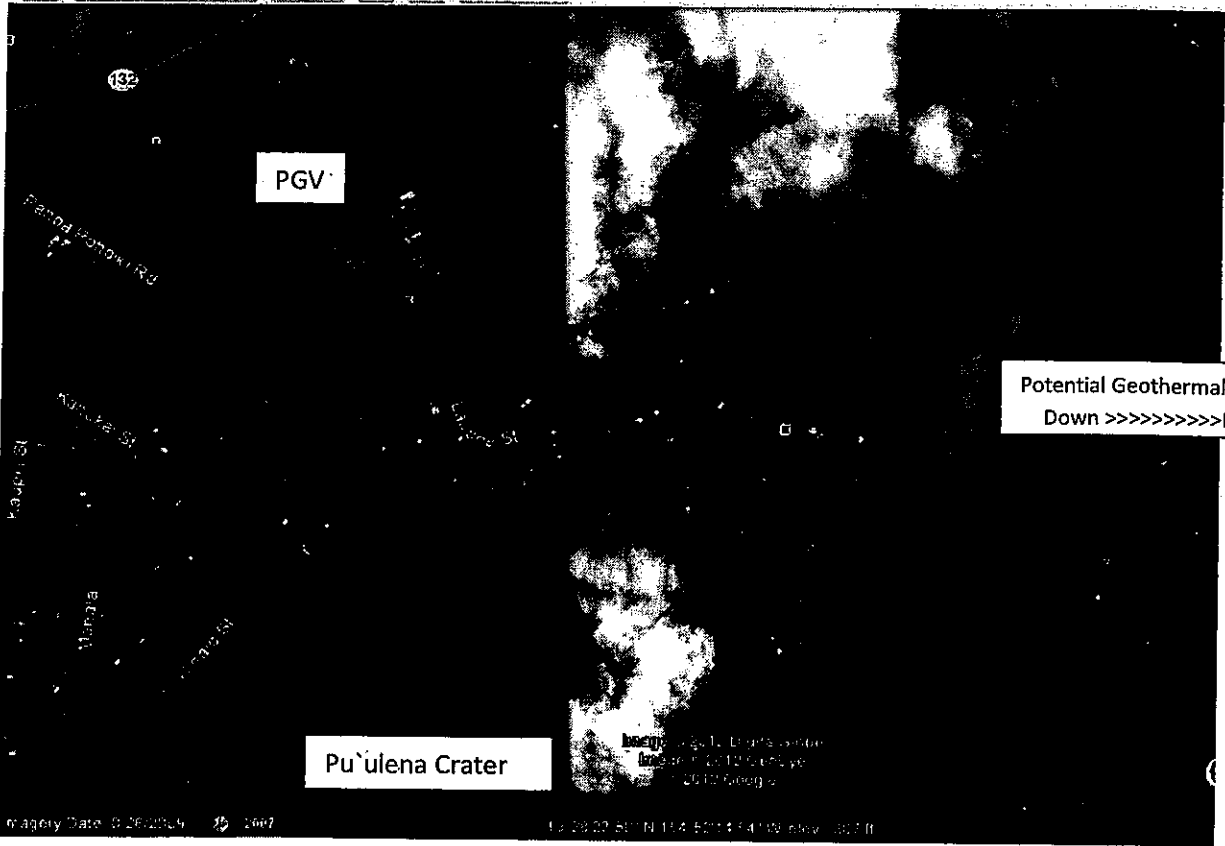
At this time, the existing geothermal plant has yet to comply with original permits to screen lights so as not to interfere with Puulena Crater. Norma Creps of DLNR has stated that such protective shading is definitely possible, while still maintaining safety for workers, helicopters, and planes.

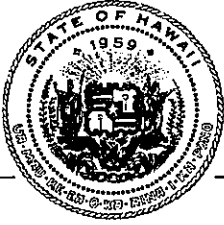
Please see documentation below, which includes biological survey statement and area map. I urge you to vote "no" on this proposed legislation. Thank you for your consideration.

Sincerely,



Diane Brucato-Thomas, RDH, EF, BS, FAADH





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

**NEIL ABERCROMBIE**  
GOVERNOR  
**RICHARD C. LIM**  
DIRECTOR  
**MARY ALICE EVANS**  
DEPUTY DIRECTOR  
**JESSE K. SOUKI**  
DIRECTOR  
OFFICE OF PLANNING

**OFFICE OF PLANNING**

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846  
Fax: (808) 587-2824

Statement of  
**JESSE K. SOUKI**  
Director, Office of Planning  
Department of Business, Economic Development, and Tourism  
before the  
**HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION**

Thursday, March 15, 2012  
9:00 AM  
State Capitol, Conference Room 325

in consideration of  
**SB 2281, SD1**  
**RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.**

Chair Coffman, Vice Chair Kawakami, and Members of the House Committee on Energy and Environmental Protection.

The Office of Planning supports SB 2281, but opposes the changes made in SB 2281 SD1. The original SB 2281 allows agencies to proceed directly to preparing an environmental impact statement (EIS) without preparing an environmental assessment (EA). SB 2281 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.

First, SD1 creates a new notice requirement called a "direct to environmental impact statement notice." Second, SD1 requires a "direct to environmental impact statement decision" by the agency that a proposed action is likely to have a significant effect on the environment. This process is redundant and creates uncertainty and ambiguity in the law, which is fertile ground for litigation. This additional language is unnecessary to achieve the purpose of the bill which is to streamline the process while maintaining full environmental disclosure.

The purpose of an EA is to determine whether the proposed action will likely have a significant impact on the environment. If a project proponent chooses to skip the EA for an EIS, they are conceding that there is a significant impact. This does not impact the project proponent's determination of project scope or consultation with stakeholders at the earliest practicable time. These concepts are embedded in existing rules under Hawaii Administrative Rules chapter 11-200, which requires thorough analysis, public disclosure, and notice.

The original bill is far simpler and provides adequate notice. It allows the project proponent to "choose not to prepare an environmental assessment and instead...prepare an environmental impact statement, following adequate notice to the public and all interested parties." According to the original SB 2281, adequate notice involves following established notification procedures which are pre-requisite to filing an EIS, as follows: "For the purposes of this subsection, an environmental impact statement **publication** notice shall be considered adequate notice." (Emphasis added.) The only change we recommend to the original SB 2281 is that "publication" be change to "preparation." This change would make the statute consistent with current EIS rules.

SB 2281, in its original form, is also consistent with National Environmental Policy Act (NEPA) regulations, which provide that "[a]n assessment is not necessary if the agency has decided to prepare an environmental impact statement." See 40 C.F.R. § 1501.3(a). This is important to the state since many large public infrastructure projects are joint NEPA and Hawaii Environmental Policy Act (HEPA) documents. To the extent that NEPA and HEPA are consistent makes the overall environmental impact analysis system more efficient in identifying significant environmental impacts; tailoring minimization, avoidance, and mitigation; and processing concurrent public notices and regulatory requirements.

Thank for allowing our late testimony on this important matter.