



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
SENATE COMMITTEE WAYS AND MEANS

Thursday, February 23, 2012
9:00 AM
State Capitol, Conference Room 211

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

Chair Ige, Vice Chair Kidani, and Members of the Senate Committee on Ways and Means.

The Office of Planning supports SB 2281, SD1 allowing agencies to proceed directly to preparing an environmental impact statement without preparing an environmental assessment. SB 2281, SD1 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.



Testimony to Senate Committee on Ways and Means

Thursday, February 23, 2012

9:00 a.m.

Capitol Room 211

RE: S.B. 2281 SD1, Environmental Impact Statements

Good morning Chair Ige, Vice-Chair Kidani, members of the Committee:

My name is Gladys Quinto Marrone, Government Relations Director for the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, BIA-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 S.B. No. 2281 SD1, as it proposes to authorize an agency or an applicant to bypass the preparation of an environmental assessment and proceed directly with an environmental impact statement for proposed actions that are determined to require an environmental impact statement.

S.B. 2281 SD1 will remove a certain amount of redundancy in the Chapter 343 HRS Environmental Review process. While the proposed amendment will eliminate one opportunity for public comment, the public is afforded opportunities to comment on the document during the EIS preparation. In addition, the proposed process will reduce the cost and time for processing documents as it will eliminate the need for an EA when an EIS is going to be required.

Thank you for the opportunity to testify.



February 17, 2012

Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair
Senate Committee on Ways and Means

Opposition to SB 2281, SD1 and Support of the Original SB 2281 re Environmental Impact Statements. (Allow certain projects to proceed directly with an EIS, instead of first preparing an environmental assessment.)

Thursday, February 23, 2012, 9:00 a.m., in CR 211

My name is Dave Arakawa, and I am the Executive Director of the Land Use Research Foundation of Hawaii (LURF), a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF's missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources and public health and safety.

LURF **strongly opposes the revisions in SB 2281, SD1**, but remains in **strong support of the original version of SB 2281**.

SB 2281, SD1. The original version of SB2281 authorized an agency or an applicant to bypass the preparation of an environmental assessment ("EA") and proceed directly to an Environmental Impact Statement ("EIS") for proposed actions that are determined to require an EIS. **The SD1 version, however, includes amendments which would result in increased costs for state agencies due to increased staff work, unnecessary and duplicative public notices, increased opportunities for lawsuits and increased costs to state agencies, legal fees and costs and lost financial opportunities for the state resulting from lawsuits to stop or delay projects, due to the following:**

1. **New lawsuit opportunity and increased work for agency staff: Preparation of written "Direct to EIS decision."** The bill creates a new requirement and lawsuit opportunity which requires that agency staff, without having reviewed any environmental report or study, prepare a written determination regarding "Direct to Environmental Impact Statement." (The adequacy or inadequacy of this "decision" could be the grounds for a lawsuit to stop any proposed project).
2. **New lawsuit opportunity and increased work for agency staff: Preparation of "finding of likelihood to have a significant effect on the environment."** The bill creates a new lawsuit opportunity, which requires that agency staff, without having reviewed any environmental report or study, evaluate the proposed project and prepare a written finding that a proposed action "is likely

to have a significant effect on the environment.” (The adequacy or inadequacy of this “finding” could be the grounds for a lawsuit to stop or delay any proposed project; and could otherwise be used out of context or misinterpreted.)

3. **New lawsuit opportunity and increased work for agency staff: Duplicative “Direct to EIS notice” requirement.** The bill creates yet another new lawsuit opportunity by requiring that agency staff prepare duplicative notice requirements for both a “direct to EIS notice” and another EIS preparation notice. Both of these requirements would provide notice of the preparation of an EIS to the same parties – the office, the public, and all interested parties. (Again, the adequacy, inadequacy, or timing of this new notice requirement could be the grounds for a lawsuit to stop or delay any proposed project.)
4. **New lawsuit opportunity: right to file lawsuit re “preparation” of a Direct EIS.** This bill also creates a new lawsuit opportunity to stop or delay any project based on the “preparation” of a direct EIS. This provision is unnecessary, as the law already provides the right to file a lawsuit regarding the acceptance of an EIS.
5. **Provides sixty days to file lawsuits regarding “decisions” to allow a direct EIS.** The bill provides a sixty day time period, relating to an agency’s “decision” to allow a “direct EIS.” Sixty days is the same time period provided to file a lawsuit regarding the “acceptance of an EIS document” by an agency!
6. **Added bonus: Doubles the time period to file lawsuits for “determinations that a statement is not required.”** As an interesting added bonus for lawsuits having nothing to do with direct EIS, the bill also extends the time period to file a lawsuit, from thirty days to sixty days, relating to an agency’s determination to allow a “direct EIS.”
7. **Undisclosed additional costs to the State, counties and private parties.** The additional requirements of SD1 will result in increased costs to the State agencies; require increased staff, duplicative notifications and possible lawsuits. The new costs of the SD1 amendments have not been calculated or presented to this Senate Committee on Ways and Means for review, evaluation and inclusion in the State’s supplemental budget.

LURF’s Position. We understand that the purpose of this bill is to allow agencies and applicants to proceed directly to the preparation of an EIS, to improve the efficiency of the environmental review process and speed the progress of completing proposed actions. However, the proposed amendments in SB 2281, SD1 would result in additional requirements, increased staff work, unnecessary and duplicative public notices, increased opportunities for lawsuits and increased costs to state agencies, which costs have not been presented to this Committee.

Based on the above, LURF, **strongly opposes the amendments made in SB 2281, SD1**, and respectfully recommends that this Committee **restore the provisions of the original version of SB 2281.** We also have a minor comment regarding the original version of SB 2281 – that the term “adequate notice” be deleted, and replaced by the specific notice required – the “Environmental Impact Statement publications notice” (original SB 2281, pages 5, 8 and 9).

Thank you for the opportunity to testify regarding this measure.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: redahi@hawaii.rr.com
Subject: Testimony for SB2281 on 2/23/2012 9:00:00 AM
Date: Sunday, February 19, 2012 11:13:01 PM

Testimony for WAM 2/23/2012 9:00:00 AM SB2281

Conference room: 211
Testifier position: Oppose
Testifier will be present: No
Submitted by: Bobby McClintock
Organization: Individual
E-mail: redahi@hawaii.rr.com
Submitted on: 2/19/2012

Comments:

Because we are an island our environment is both precious and fragile. NO ONE for ANY reason should be able to bypass an environmental assessment. Please stop this bill!