



SB 2281, SD 1
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS
Senate Committee on Ways and Means

February 23, 2012

9:00 a.m.

Room 211

The Office of Hawaiian Affairs (OHA) offers the following comments on SB 2281, SD 1, which would allow a proposing or accepting agency to require the preparation of only an environmental impact statement where an environmental impact statement will likely be required.

As an agency tasked with reviewing and commenting on environmental review documents prepared pursuant to Chapter 343, Hawaii Revised Statutes on behalf of our beneficiaries, OHA staff are familiar with the state review process. We feel that the proposed amendments more accurately reflect the reality of practices in the Chapter 343 process. We note, however, that the new subsections (f) and (g) on page 13 of the bill should also be amended to be consistent with the rest of the proposed changes in SB 2281, SD 1. Specifically, subsection (f) should be amended to reflect that under SB 2281, SD 1, non-agency applicants will be preparing environmental assessments. Subsection (g) should be amended to reflect the new option that a direct to environmental impact statement notice may be prepared by an agency, as an alternative to the preparation of an environmental assessment.

Mahalo for the opportunity to testify on this measure.

From: [Hooser, Gary L](#)
To: [WAM Testimony](#)
Cc: [Sen. Mike Gabbard](#); [Sen. David Ige](#); [Carlton Saito](#)
Subject: Feb 23, 91m SB2281sd1 - suggested amendments. Prior concurrence has been received from E&E Senator Gabbard
Date: Wednesday, February 22, 2012 4:51:11 PM
Attachments: [SB2281-SD1_HTH_02-23-12_WAM.pdf](#)

Aloha Senator Ige,

Please consider the attached amendments to SB2281sd1. This “direct to EIS Bill” is a true streamlining measure that will significantly speed up the EIS process without compromising environmental or public concerns.

It is my goal that I believe is shared by the Administration – that this measure be passed forward as cleanly as possible so that it might avoid conference committee and go up to the Governor’s office for approval and signature as early as possible. Thus the request to make some further amendments in WAM rather than wait and amend in the House.

The attached amendments are necessary to assure consistency and avoid misunderstanding of intent – Senator Gabbard’s office has reviewed this amendment and is offering prior concurrence to its acceptance by WAM

[After checking and reconfirming with staff and others involved in the process I am confident that the following is an accurate statement of the proposed benefits of enacting SB2281 into law:](#)

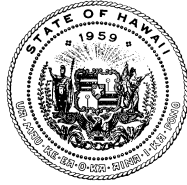
Allowing a proposing or approving agency at the outset to issue a determination that an EIS is required would enable the proposing agency or applicant to bypass the 3-12 months required for the EA phase. Preparation cost for an EA ranges from \$20,000 to \$100,000, with EAs anticipating an EISPN on the upper end of the scale. For applicants, further costs are incurred on a monthly basis in the form of contractual obligations and interest-bearing loans. For agencies, this not only reduces their already-limited budgets that could be dedicated to preparing the EIS, but also consumes agency staff time and resources to manage the contractor or applicant, review the product, and resolve internal agencies concerns before issuing the determination, only to repeat these steps for the EIS.

Mahalo for your help and assistance. Please call if you have questions or need my assistance. gh

Gary Hooser
Director
Office of Environmental Quality Control
235 S. Beretania Street, Suite 702
Honolulu, HI 96813
808-586-4185

Note: Email to and from this email address does not constitute official comment on items being considered by the

Environmental Council, nor does it represent official comment on any Chapter 343 documents including EA's or EIS's that are under review. Official comment on Environmental Council matters should be sent to environmental.council@doh.hawaii.gov with the subject line marked "Environmental Council Comment/Testimony". Official comment on Chapter 343 EA and EIS documents should be sent directly to the applicant or agency who is responsible to respond, with a cc to oeqc@doh.hawaii.gov Information on projects presently undergoing environmental review is available in the Environmental Notice and updated on the 8th and 23rd of each month. <http://hawaii.gov/health/environmental/oeqc/environmental/oeqc/index.html>



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 WAYS AND MEANS

SB 2281 SD1, RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

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

February 23, 2012

1 **Office's Position:** SUPPORT – Suggested Amendments

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, authorizes an agency or an applicant to bypass the
5 preparation of a separate environmental assessment and proceed directly to the preparation of an
6 environmental impact statement.

7 The suggested amendments below are intended to provide clarity and consistency with
8 regards to the treatment of the various types of environmental reviews and the addition of the
9 direct to EIS option.

10 On Page 2, please delete lines 13 to 16, and replace existing language with the following:

11 “Direct to environmental impact statement notice” means a notice, published in periodic
12 bulletin referenced in HRS §343-3(d), to the office, the public, and all interested parties that the
13 agency has made a direct to environmental impact statement decision.”

1 On Page 6 lines 20 and 21, please amend the passage to read: environmental impact
2 statement, following adequate notice to, and consultation with, the public and all interested
3 parties.

4 In the same passage on page 7, please amend line 2 and the rest of paragraph to read,
5 “statement notice in the periodic bulletin referenced in HRS 343-3(d) shall be considered
6 adequate notice. Publication of this notice shall initiate a 30-day period for the public and
7 interested parties to become consulted parties and for the proponent to hold scoping meetings to
8 gather input from the public.”

9 On page 10, please amend line 2 to read, “impact statement, following adequate notice to,
10 and consultation with, the public and”. Also, please amend the rest of line 5 to read, “in the
11 periodic bulletin referenced in HRS 343-3(d) shall be considered adequate notice. Publication of
12 this notice shall initiate a 30-day period for the public and interested parties to become consulted
13 parties and for the proponent to hold scoping meetings to gather input from the public. For an.”

14 Thank you.