

SB 2281

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



GARY L. HOOSER
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COMMITTEE ON ENERGY & ENVIRONMENT
COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
MILITARY AFFAIRS

SB 2281, RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

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

February 2, 2012

1 **Office's Position:** SUPPORT

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

4 **Purpose and Justification:** SB 2281 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 Office of Environmental Quality Control supports SB 2281, as it furthers the OEQC
8 and the Environmental Council's goal of improving the Chapter 343 environmental review
9 process in a manner that lowers costs, reduces redundancy, and increases efficiency without
10 sacrificing important environmental and public interest safeguards.

11 It is important to note that this was one of five unanimous recommendations of the
12 Environmental Review Working Group that was convened in conjunction with the University of
13 Hawaii study of October 2010.

1 While we support the passage of this measure, we anticipate possibly offering future
2 technical and housekeeping amendments that may be necessary to ensure smooth
3 implementation and avoid confusion that may arise given existing Hawaii Administrative Rules.
4 Thank you.



**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
**SENATE COMMITTEE ON ENERGY AND ENVIRONMENT,
AND
SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT
OPERATIONS, AND MILITARY AFFAIRS**

Thursday, February 2, 2012
3:30 PM
State Capitol, Conference Room 224

in consideration of
SB 2281
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.

Chairs Gabbard and Espero, Vice Chairs English and Kidani, and Members of the Senate Committees on Energy and Environment, and Public Safety, Government Operations, and Military Affairs.

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

Thank you for the opportunity to testify.



SB 2281

RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Senate Committee on Energy and Environment

Senate Committee on Public Safety, Government Operations, and Military Affairs

February 2, 2011

3:30 p.m.

Room 224

The Office of Hawaiian Affairs (OHA) offers the following comments on SB 2281, 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 is 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 12 of the bill should also be amended to be consistent with the rest of SB2281's proposed changes. Specifically, subsections (f) and (g) should be amended to reflect that under SB2281 non-agency applicants will be preparing environmental assessments and agencies may allow applicants to skip the development of an environmental assessment and move straight to the development of an environmental impact statement.

Mahalo for the opportunity to testify on this measure.



UNIVERSITY
of HAWAII
MĀNOA

February 01, 2012
RL: 2274

SB 2281
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Senate Committee on Energy and Environment
Senate Committee on Public Safety, Government Operations, and Military Affairs
Public Hearing – Thursday, February 02, 2012
3:30 p.m., State Capitol, Conference Room 224

By
David Penn, Environmental Center
SUPPORT

Dear Chairs Gabbard and Espero, Vice Chairs English and Kidani, and committee members,

The Environmental Center supports the proposed revisions to Hawaii Revised Statutes § 343 that would allow agencies and applicants, when required to prepare an environmental assessment (EA) for a proposed action, to proceed directly to the preparation of an environmental impact statement (EIS). In January 2010, the University of Hawaii Environmental Review Study Team recommended that the Legislature allow project proponents, with agency consultation, to bypass the EA stage and proceed directly to an EIS. Eventually this recommendation gained the unanimous support of the Environmental Review Working Group convened by Chair Gabbard during the 2010 legislative session.

The possible benefits of a “direct-to-EIS” process include reduced costs for agencies, applicants, and consumers, and reduced workloads for the Office of Environmental Quality Control and the Environmental Center. However, because the “direct-to-EIS” approach would omit one layer of public participation that would otherwise normally occur in the preparation of an EA, in a “direct-to-EIS” process it would be particularly important for agencies, applicants, and preparers to conduct rigorous and comprehensive consultation prior to and during the preparation of the draft EIS.

To maintain clarity and consistency with existing statutory and regulatory language, we suggest (1) using a term other than “environmental impact statement preparation notice” to describe a notice of a “direct-to-EIS” decision in sections 343-5(b) and (c) of the statute; (2) adding the selected descriptive term for notice of a “direct-to-EIS” decision to the definitions section of the statute, 343-2; and (3) revising section 343-7(b) of the statute to explicitly provide for judicial review of a “direct-to-EIS” decision and of the acceptability of a final EIS that originated from that decision.

SB: 2281

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Thank you for the opportunity to testify on this proposed legislation. Please note that our testimony is advisory only and should not be construed to represent an official institutional position of the University of Hawaii.



**Testimony to the Senate Committee on Energy and Environment
Thursday, February 2, 2012 at 3:30 p.m.
Conference Room 224, State Capitol**

**RE: SENATE BILL NO. 2281 RELATING TO ENVIRONMENTAL IMPACT
STATEMENTS**

Chair Gabbard, Vice Chair English, and Members of the Committee:

The Chamber of Commerce of Hawaii strongly supports S.B. No. 2281, 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.

The Chamber is the largest business organization in Hawaii, representing more than 1,100 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

The proposed bill will removed 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 this opportunity to express our views.

February 2, 2012

The Honorable Mike Gabbard, Chair
Senate Committee on Energy and Environment
The Honorable Senator Will Espero, Chair
Senate Comm. on Public Safety, Government Operations, and Military Affairs
Hawai'i State Capitol
Honolulu, HI 96813

RE: Testimony supporting SB2281-Relating to Environmental Impact Statements

Chairs Gabbard, Espero and Members of the Committees:

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

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.

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.

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

We wholeheartedly support SB2281.

Respectfully,

Bob Loy
Director of Environmental Programs

Testimony for ENE/PGM 2/2/2012 3:30:00 PM SB2281

Conference room: 224

Testifier position: Support

Testifier will be present: No

Submitted by: Thomas T Shirai Jr

Organization: Individual

E-mail: Kawaihapai@hawaii.rr.com

Submitted on: 2/2/2012

Comments:

Aloha Chair Gabbard, Vice Chair Kidani & Cmte Mbrs, I support SB 2281.
Mahalo.

Thomas T Shirai Jr

Mokule'ia, Waialua