

STAND. COM. REP. NO.

237

Honolulu, Hawaii

**FEB 12 2021**

RE: S.B. No. 1055  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committees on Agriculture and Environment and  
Transportation, to which was referred S.B. No. 1055 entitled:

"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT  
STATEMENTS,"

beg leave to report as follows:

The purpose and intent of this measure is to exempt  
development projects involving discretionary approvals from the  
need to prepare an environmental assessment or an environmental  
impact statement if the only trigger is a relatively minor  
infrastructure improvement, such as a water line or sewer line  
connection or driveway improvements to a highway or public right-  
of-way.

Your Committees received testimony in support of this measure  
from the Department of Business, Economic Development, and  
Tourism; Department of Transportation; Office of Planning; City  
and County of Honolulu Department of Planning and Permitting; and  
one individual. Your Committees received testimony in opposition  
to this measure from Life of the Land, Makahanaloa Fishing  
Association, Wailoa River and Reeds Bay Boating and Users  
Association, Earthjustice Mid-Pacific Office, and seventeen  
individuals. Your Committees received comments on this measure  
from the Office of Environmental Quality.



Your Committees find that this measure seeks to streamline the environmental review process by deleting the reference to discretionary consents and allowing for infrastructure exemptions for all development projects. Additionally, your Committees find that discretionary permits are already required to undergo public hearings, so this measure will save the time and costs associated with preparation of an environmental assessment or environmental impact statement. Thus, the streamlined process would reduce the time to process applications major projects.

However, your Committees have heard testifiers' concerns that this measure would also terminate a longstanding and accepted practice of comprehensively analyzing major development projects in their entirety when the triggering component of the project are uses of an adjoining public right-of-way, such as necessary improvements to an intersection at a public highway or modification of sewage or drainage infrastructure. Additionally, this measure may improperly segment actions when there is a "primary action" component on private lands that triggers the use of chapter 343, Hawaii Revised Statutes, along with a "secondary action" component involving infrastructure in a public right-of-way that triggers review, but would be exempt from chapter 343, Hawaii Revised Statutes. Judicial and administrative rules that govern the environmental review process currently prohibit the segmenting of projects into multiple components that are not considered comprehensively.

Your Committees have amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1055, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1055, S.D. 1, and be referred to your Committee on Judiciary.

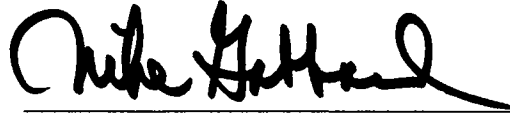


Respectfully submitted on  
behalf of the members of the  
Committees on Agriculture and  
Environment and Transportation,



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CHRIS LEE, Chair



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MIKE GABBARD, Chair



The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Agriculture and Environment**  
**AEN**

Bill / Resolution No.:* SB 1055	Committee Referral: AEN/TRS, JDC	Date: 02/10/2021
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The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312      Pass, with amendments 2311      Hold 2310      Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
ACASIO, Laura			✓	
RHOADS, Karl		✓		
FEVELLA, Kurt			✓	
<b>TOTAL</b>	2	1	2	

Recommendation:  Adopted      Not Adopted

Chair's or Designee's Signature:  


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\*Only one measure per Record of Votes

