

Honolulu, Hawaii

FEB 08 2021

RE: S.B. No. 351
S.D. 1

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

Sir:

Your Committee on Agriculture and Environment, to which was referred S.B. No. 351 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to repeal:

- (1) The statutory requirement for the Environmental Council to prepare an annual report by January 31 of each year;
- (2) The provision in Chapter 343, Hawaii Revised Statutes, whereby an applicant can appeal a non-acceptance determination on its final environmental impact statement directly to the Environmental Council; and
- (3) References to the environmental center in various sections of chapter 341, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Office of Environmental Quality Control, State Environmental Council, and one individual. Your Committee received testimony in opposition to this measure from one individual.



Your Committee finds that the Environmental Council does not have its own budget and relies on volunteers to complete its annual report. There is uncertainty about whether the annual report is serving its statutory function of providing recommendation for improvement of the progress of state, county, and federal agencies in achieving the State's environmental goals and policies. Thus, your Committee notes the testimony of the State Environmental Council that it should not be held to the requirement to produce an annual report if it no longer serves its intended purpose and seeks to spend its efforts in other roles, such as community outreach and developing guidance on rules regarding environmental impact statements.

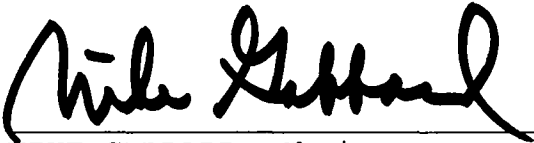
Additionally, your Committee finds that under Section 343-5, Hawaii Revised Statutes, appeals for a non-acceptance determination on its final environmental impact statement can be appealed directly to the Environmental Council. Given that the Environmental Council is not proficient to function as a quasi-judicial body due to a lack of resources, equipment, and staffing, and because determination of the sufficiency of an environmental impact statement properly lies with technical experts at relevant agencies reviewing these documents, your Committee has determined that appeals of this nature should not fall under the Environmental Council's purview.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 351, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 351, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Agriculture and
Environment,



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 351	Committee Referral: AEN, JDC	Date: 02/03/2021
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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	✓			
TOTAL	5			

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes