



**STATE OF HAWAII  
OFFICE OF PLANNING  
& SUSTAINABLE DEVELOPMENT**

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Coastal Zone  
Management  
Program

Environmental Review  
Program

Land Use Commission

Land Use Division

Special Plans Branch

State Transit-Oriented  
Development

Statewide Geographic  
Information System

Statewide  
Sustainability Branch

Statement of  
**MARY ALICE EVANS**  
Director, Office of Planning and Sustainable Development  
before the  
**HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL  
PROTECTION**  
Tuesday, February 8, 2022  
8:50 AM  
State Capitol, Conference Room 325  
in consideration of  
**HB 2388**  
**RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.**

Chair Representative Lowen, Vice Chair Representative Martin, and  
Members of the House Committee on Energy & Environmental Protection.

The Office of Planning and Sustainable Development (OPSD) offers the following comments and addresses some concerns on HB 2388. Per Act 152 (21), the Office of Environmental Quality Control (OEQC) within the Department of Health (DOH) was transferred and renamed to the Environmental Review Program (ERP) within OPSD. Primarily, the bill would establish within OPSD an interactive website responsible for providing information on various identified aspects of pending Environmental Impact Statements (EIS).

Presently, pursuant to Chapter 343, HRS, the OPSD publishes a periodic bulletin (called *The Environmental Notice*) twice each month that contains, amongst other things, essentially all the information identified in this bill. Issues of this bulletin are available on the OPSD-ERP website and are regularly emailed to over 1200 subscribers, who can sign-up on the OPSD-ERP website. The website does highlight the current issue of *The Environmental Notice*, which identifies and provides details on submitting comments for pending documents that are currently open for public comment.

As indicated, the website and *The Environmental Notice* contains additional information and documents regarding the environmental review process in Hawaii. In particular, this process provides that many more Environmental Assessments (EAs) are prepared than very detailed EISs. This bill seems to focus on private “applicant” projects undergoing only the EIS process, while the OPSD-ERP website contains substantial detail and information on both agency- and applicant-proposed EAs and EISs.

Further, the bill infers that the separate Environmental Advisory Council (EAC) considers appeals of non-acceptance of EISs filed by applicants; that authority was removed from the EAC by Act 152 in 2021.

Actually, neither the OPSD nor the EAC has authority to make any of the various determinations on individual EAs or EISs. Such determinations are made by numerous State or county agencies that are either proposing or approving actions that trigger Chapter 343 HRS review. In the case of EISs, agencies or the Governor or relevant mayors have the authority to determine the acceptability of a Final EIS. OPSD publishes information about a pending EA or EIS at the request of the relevant agency or authority. Accordingly, the OPSD always directs that public comments are to be addressed to those agencies with authority. However, currently, not every State or county agency may be prepared to receive comments online as proposed by this bill, as typically, comments are directly received by agencies via email or postal mail.

The OPSD acknowledges there is always room for improvement in how the website presents the information, and within tight staff and budgetary limits, strives to continually enhance the website's attributes. In fact, the Environmental Review Program's website was just switched to a new server as a result of the 2021 transfer from DOH to OPSD. This switch took substantial staff time and resources to implement, and refinements are still underway. OPSD will continue to explore means of improving the website and highlighting projects still open for public review. However, the establishment of a new digital platform to receive online comments for all the myriad State and county agencies will require a substantial modification of the way OPSD and all these agencies/stakeholders engage in the process.

Currently, a model is evolving where individual agencies or consultants occasionally are hosting online platforms on a case-by-case basis for individual actions; receiving online comments in this manner seemingly helps keep comments organized for each separate action. This bill appears to direct OPSD to receive, organize and disseminate all comments for all actions across all agencies. This would be challenging and problematic, especially since OPSD has no authority or control over the ultimate consideration of these comments and any subsequent responses to such comments.

OPSD would encourage further analysis and development of the evolving "agency" model. Additional fiscal resources would be needed to accomplish what this bill proposes. However, Section 3 of the bill incorrectly identifies DOH as the expending agency. As the designated expending agency, OPSD would appreciate the additional fiscal resources for this task, provided it does not reduce or replace priorities with the Administration's budget request.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE  
GOVERNOR



CRAIG K. HIRAI  
DIRECTOR

GLORIA CHANG  
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
OFFICE OF THE PUBLIC DEFENDER

**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
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ADMINISTRATIVE AND RESEARCH OFFICE  
BUDGET, PROGRAM PLANNING AND  
MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

**WRITTEN ONLY**  
TESTIMONY BY CRAIG K. HIRAI  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION  
ON  
HOUSE BILL NO. 2388

**February 8, 2022**  
**8:50 a.m.**  
**Room 325 and Videoconference**

RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

The Department of Budget and Finance (B&F) offers comments on House Bill (H.B.) No. 2388.

H.B. No. 2388 amends Section 343-3, HRS, to require the Office of Environmental Quality Control (OEQC) to establish, implement, and maintain an interactive website that shall be accessible by the public at no cost and appropriates an unspecified amount of general funds in FY 22 and FY 23 to the Department of Health for establishing, implementing, and maintaining the interactive website.

B&F notes that pursuant to Act 152, SLH 2021, OEQC was transferred to the Office of Planning and Sustainable Development, which is administratively attached to the Department of Business, Economic Development and Tourism, and renamed to the Environmental Review Program.

B&F also notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

**HB-2388**

Submitted on: 2/6/2022 9:50:47 AM

Testimony for EEP on 2/8/2022 8:50:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Henry Curtis	Life of the Land	Support	No

Comments:

Life of the Land supports this measure.

**HB-2388**

Submitted on: 2/3/2022 1:07:23 PM

Testimony for EEP on 2/8/2022 8:50:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Kimeona Kane	Individual	Support	No

Comments:

Aloha mai,

Mahalo for considering this option for the public to support their voice towards Environmental Impact Statements via online submittal. Inclusion is incredibly important and the need to reach the public is absolutely necessary.

Kimeona Kane

**HB-2388**

Submitted on: 2/3/2022 5:14:33 PM

Testimony for EEP on 2/8/2022 8:50:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Barbara Barry	Individual	Support	No

Comments:

Aloha,

I strongly support HB 2388.

Mahalo,

Barbara Barry

**HB-2388**

Submitted on: 2/5/2022 9:09:49 AM

Testimony for EEP on 2/8/2022 8:50:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Kathleen M Pahinui	Individual	Support	No

Comments:

Aloha Chair Lowen and Committee Members:

I strongly support this bill as it makes it easier for public input. EIS are done on projects that have a major impact on a community and providing comments should not be difficult. Transparency for these types of projects is very key.

Please support this bill for public transparency.

Mahalo,

Kathleen M Pahinui

Waialua, North Shore Oahu Resident



**HB-2388**

Submitted on: 2/7/2022 1:53:19 PM

Testimony for EEP on 2/8/2022 8:50:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Keenan Yoshizawa	Individual	Support	No

Comments:

"Chair of the House Committee on Energy & Environmental Protection"

Subject: House Bill 2388 Relating to Environmental Impact Statements

Hearing Date: February 8, 2022

My name is Keenan Yoshizawa, a resident of the State of Hawaii, and High School Student. I am testifying in support of HB 2388.

I am in support of this bill as it will allow for a greater number of public comments to be submitted to the Office of Environmental Quality Control. Currently, information on various projects and their environmental impacts are not readily available to the public or for public comment. This bill would amend that by ensuring the Office of Environmental Quality Control's website offers clear insight into and ability to comment on the state's environmental review process. Thank you for the opportunity to testify in support of this measure.

Keenan Yoshizawa

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