

STAND. COM. REP. NO.

1164

Honolulu, Hawaii

FEB 28

, 2025

RE: H.B. No. 661
H.D. 2

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 661, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL REVIEW,"

begs leave to report as follows:

The purpose of this measure is to permit, except in certain circumstances, a previously authorized activity challenged as being subject to environmental review to continue while the applicable agency or applicant conducts an environmental assessment, prepares an environmental impact statement, or determines whether the activity is exempt.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Office of Planning and Sustainable Development; Calypso Charters; Activities and Attractions Association of Hawaii; The Westin Maui Resort & Spa; Maui Hotel & Lodging Association; Sail Maui; Teralani Sailing Adventures; Sheraton Maui Resort & Spa; Kā'anapali Beach Resort Association; Quicksilver Charters, LLC; Three's Bar & Grill; Holo Holo Charters, Inc.; OUTRIGGER Kā'anapali Beach Resort; Sea Sports Distributors; Island Dream Productions; OUTRIGGER Hospitality Group; Ka'anapali Kai Charters; The Ritz-Carlton Maui, Kapalua; Hawaii Longline Association; Sailing Maui Inc.; Hana Hou Hospitality Restaurants; Sailing Shipp's Ltd; Pacific Jet Sports; Hi-Tech Surf Sports; Cafe Jai, LLC; 3two3 Promotions; Island Scuba

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Inc.; Schooner Creek Boat Works; Aqualani, Trilogy Excursions; Hawaii Goes Fishing; Hawaii Seafood Council; Exclusive Limo Maui; Captain Andy's Sailing Inc; Ocean Tourism Coalition; Fair Wind Cruises; Kona Sunrise Charters; Maui Chamber of Commerce; Native Hawaiian Gathering Rights Association; and numerous individuals.

Your Committee received testimony in opposition to this measure from the Hawai'i Reef and Ocean Coalition; Climate Protectors Hawai'i; Environmental Caucus of the Democratic Party of Hawai'i; League of Women Voters of Hawaii; Sierra Club of Hawai'i; Nā Pāpa'i Wāwae 'Ula'ula; Free Access Coalition; Green Party of Hawai'i; Country Talk Story; Kihei Community Association; Big Island Reef Keepers Hui; Moana Ohana; 'Ilio'ulaokalani Coalition; Sierra Club, Maui Group; Pō'ai Wai Ola; Northwestern Hawaiian Islands Hui; Nā Kia'i Kai; Ko'olaupoko Hawaiian Civic Club; Conservation Council for Hawai'i; He'eia National Estuarine Research Reserve; Kua'āina Ulu 'Auamo; Native Hawaiian Legal Corporation; For the Fishes; Kūmano I Ke Ala; Earthjustice; The Moanalua Gardens Foundation; Center for Biological Diversity; Hawaii Island Aha Moku; Friends of Hanauma Bay; and numerous individuals.

Your Committee received comments on this measure from two individuals.

Your Committee finds that the environmental review process under chapter 343, Hawaii Revised Statutes, was designed to evaluate the potential environmental impact of certain actions. Your Committee further finds that recent court decisions have broadened the definition of an environmental "action", extending the definition to long-standing, historically permitted activities in certain state-managed areas. Your Committee recognizes that the expansion of this definition negatively impacts law-abiding operations, such as commercial boating and recreational activities that are already regulated under strict administrative rules. This measure addresses this issue by permitting, except in certain circumstances, a previously authorized activity challenged as being subject to environmental review to continue while the applicable agency or applicant conducts an environmental assessment, prepares an environmental impact statement, or determines whether the activity is exempt.

Your Committee has amended this measure by:



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- (1) Narrowing which activities are authorized to continue while the agency or applicant conducts an environmental assessment, prepares an environmental impact statement, or determines whether the activity is exempt; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 661, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 661, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



State of Hawaii
House of Representatives
The Thirty-third Legislature

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Record of Votes of the Committee on Judiciary & Hawaiian Affairs

| Bill/Resolution No.: HB 661 HD1 | Committee Referral: EEP/WAL, UHA | Date: 02/27/2025 | | |
|--|-------------------------------------|---------------------|------|---------|
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. | | | | |
| The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) | | | | |
| JHA Members | Ayes | Ayes (WR) | Nays | Excused |
| 1. TARNAS, David A. (C) | ✓ | | | |
| 2. POEPOE, Mahina (VC) | | | ✓ | |
| 3. BELATTI, Della Au | | ✓ | | |
| 4. COCHRAN, Elle | | | | ✓ |
| 5. HASHEM, Mark J. | ✓ | | | |
| 6. KAHALOA, Kirstin | | ✓ | | |
| 7. PERRUSO, Amy A. | | | ✓ | |
| 8. TAKAYAMA, Gregg | ✓ | | | |
| 9. TODD, Chris | ✓ | | | |
| 10. GARCIA, Diamond | ✓ | | | |
| 11. SHIMIZU, Garner M. | | ✓ | | |
| TOTAL (11) | 5 | 3 | 2 | 1 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. | | | | |
| Vice Chair's or designee's signature: _____ | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |