

Honolulu, Hawaii

FEB 14 2025

RE: S.B. No. 1074
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committees on Water and Land and Agriculture and
Environment, to which was referred S.B. No. 1074 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:

- (1) Allow a previously authorized or permitted activity or operation to continue operation while the appropriate agency determines whether the activity or operation is subject to or exempt from the environmental review process; and
- (2) Allow an operator of a previously authorized or permitted activity or operation to renew the appropriate permits while under the environmental review process.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; Department of Agriculture; Sailing Shipp's LTD; Captain Andy's Sailing, Inc.; Holo Holo Charters, Inc.; Activities and Attractions Association of Hawaii; The Yard; Calypso Charters; Maui Hotel and Lodging Association; Shangri-La Sailing Charters; Sailing Maui Inc.; Fair Wind Cruises; Kona Sunrise Charters; Jack's Diving Locker; Explore Kauai Scuba, LLC; Absolute Charters, Inc.; Sea Paradise Scuba



Inc.; Ka'anapali Beach Resort Association; Maui Chamber of Commerce; Teralani Sailing Adventures; Kaanapali Kai Charters; and numerous individuals.

Your Committees received testimony in opposition to this measure from Earthjustice; Sierra Club of Hawai'i; NWHI Hui; For the Fishes; League of Women Voters of Hawaii; Free Access Coalition; Big Island Reef Keepers Hui; Green Party of Hawai'i; Kupuna for the Moopuna; Sierra Club, Maui Group; Hawaii's Thousand Friends; and numerous individuals.

Your Committees received comments on this measure from the Office of Planning and Sustainable Development and three individuals.

Your Committees find that the State's environmental review process is intended to scrutinize new projects with potential environmental impacts. However, due to recent court decisions, long-permitted activities, including long-standing commercial operations, which the State did not intend to be subject to environmental review, may be compelled to cease operations despite decades-long compliance with regulatory requirements. Accordingly, this measure clarifies that the environmental review process is intended to evaluate the environmental impact of new projects rather than disrupt ongoing, well-regulated activities.

Your Committees have amended this measure by:

- (1) Clarifying that an activity or operation previously permitted, authorized, or undertaken by a commercial entity may continue while the appropriate approving agency determines whether the activity or operation is subject to or exempt from the environmental review process;
- (2) Specifying that an environmental assessment or environmental impact statement be submitted to the appropriate approving agency;
- (3) Clarifying that if an approving agency determines that an activity or operation previously permitted, authorized, or undertaken by a commercial entity shall be subject to the environmental review process, a person

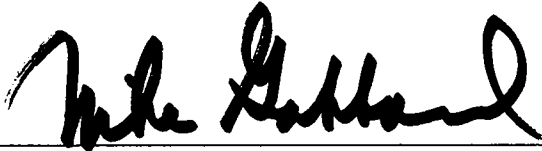


with oversight of the activity or operation may renew the appropriate permits while under review; and

- (4) Inserting an effective date of January 1, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1074, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1074, S.D. 1, and be referred to your Committee on Judiciary.

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



MIKE GABBARD, Chair



LORRAINE R. INOUÉ, Chair



Record of Votes
Committee on Water and Land
WTL

*Only one measure per Record of Votes

Record of Votes
Committee on Agriculture and Environment
AEN

*Only one measure per Record of Votes