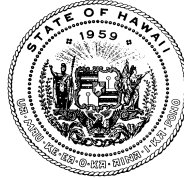


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Testimony COMMENTING on HB0842
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION
REPRESENTATIVE NICOLE E. LOWEN, CHAIR
REPRESENTATIVE LISA MARTEN, VICE CHAIR

Testimony of Keith Kawaoka
Acting Director, Office of Environmental Quality Control
Attached Agency to the Department of Health

Hearing Date: February 9, 2021
9:00 a.m.

Room Number: Via Videoconference

1 **OEQC's Position:** The Office of Environmental Quality Control (OEQC), an attached agency to the
2 Department of Health which administers Chapter 343, Environmental Impact Statements, Hawai'i
3 Revised Statutes (HRS) would like to provide comments and address some concerns on HB0842. We
4 appreciate the intent provided that its enactment does not reduce or replace priorities within the
5 Administration's executive budget.

6 **Purpose and Justification:** Primarily, the bill would establish within OEQC an Environmental Impact
7 Statement Information Hub responsible for providing information on various identified aspects of
8 pending Environmental Impact Statements (EIS). Presently, pursuant to Chapter 343, HRS, the OEQC
9 publishes a periodic bulletin (called *The Environmental Notice*) twice each month that contains, amongst
10 other things, essentially all the information identified in this bill. Issues of this bulletin are available on
11 the OEQC website and are regularly emailed to over 1100 subscribers, who can sign-up on the OEQC
12 website.

1 As indicated, the website and *The Environmental Notice* contains additional information and documents
2 regarding the environmental review process in Hawaii. In particular, this process provides that many
3 more Environmental Assessments (EAs) are prepared than very detailed EISs. This bill seems to focus on
4 “agency” (not private “applicant”) projects undergoing only the EIS process, while the OEQC website
5 contains substantial detail and information on both agency- and applicant-proposed EAs and EISs.
6 Further, the bill infers that the separate Environmental Council (EC) makes decisions on EAs or EISs.
7 Actually, neither the OEQC nor the EC has authority to make determinations on individual EAs or EISs.
8 Such determinations are made by various State or county agencies that are either proposing or approving
9 actions that trigger Chapter 343 HRS review. In the case of EISs, the Governor or relevant mayors have
10 the authority to determine the acceptability of a Final EIS.

11 Accordingly, OEQC publishes information about a pending EA or EIS at the request of the relevant
12 agency or authority. The OEQC always directs that public comments are to be addressed to those
13 agencies with authority. However, currently, not all agencies may be prepared to receive comments online
14 as typically, comments are directly received by agencies via email or postal mail.

15 The OEQC acknowledges there is always room for improvement in how the website presents the
16 information, and within tight staff and budgetary limits, strives to continually enhance the website’s
17 attributes. OEQC will continue to explore means of improving the website and highlighting projects still
18 open for public review. However, the establishment of a new digital platform to receive online comments
19 for all the myriad State and county agencies will require a substantial modification of the way OEQC and
20 all these agencies/stakeholders engage in the process.

21 Currently, a model is evolving where individual agencies occasionally are hosting such online platforms
22 on a case-by-case basis for individual actions and receiving online comments in this manner seemingly
23 helps keep comments organized for each agency’s actions. The bill appears to direct OEQC to receive,
24 organize and disseminate all comments for all actions across all agencies. This would be challenging and

1 problematic, especially since OEQC has no authority or control over the ultimate consideration of these
2 comments and any subsequent responses to such comments.

3 **Recommendation:** OEQC would encourage further analysis and development of the evolving “agency”
4 model. Additional fiscal resources would be needed to accomplish what this bill proposes. OEQC would
5 appreciate the additional fiscal resources for this task, provided it does not reduce or replace priorities
6 with the Administration’s budget request.

7 Thank you for the opportunity to testify.

HB-842

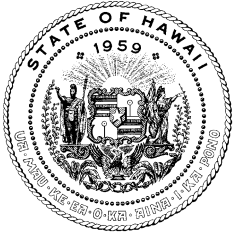
Submitted on: 2/5/2021 1:26:55 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ruta Jordans	Individual	Support	No

Comments:

It appears this bill will make making and getting environmental impact statements more efficient and effective.



LATE

STATE ENVIRONMENTAL COUNCIL

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Ron Terry
Michael Tulang
N. Mahina Tuteur

Testimony of
Puananionaona P. Thoene
Council Chair on behalf of the State Environmental Council

Before the
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Tuesday, February 9, 2021

9:00 AM

via videoconference

providing comments on
House Bill 842

Chair Lowen, Vice Chair Marten, and Members of the House Committee on Energy & Environmental Protection,

The Environmental Council (Council) is established by HRS § 341-3(c). The functions of the Council are to serve as a liaison between the Office of Environmental Quality Control (OEQC) Director and the general public to make recommendations concerning ecology and environmental quality. The Council monitors the progress of the State, county, and federal agencies in achieving the State's environmental goals and policies. It issues an annual report with recommendations for improvement to the Governor, the Legislature, and the general public (HRS § 341-6). Finally, the Council promulgates administrative rules for implementing Chapter 343, HRS (HRS § 343-6). In 2019, the Council, working with OEQC, completed rulemaking to update the Environmental Impact Statement (EIS) rules, Hawai'i Administrative Rules Title 11, Chapter 200.1.

The Council submitted testimony on a similar bill last session, HB 2624, and notes that many of the items proposed by HB 842 are currently done by OEQC through its website and *The Environmental Notice* that is published on the 8th and 23rd of every month. The Council also notes that Section 1 of the bill incorrectly states that the Council makes decisions on environmental assessments (EA) and EISs. The Council does not have authority to act as the accepting authority for any EA or EIS.

Mahalo for the opportunity to testify on this measure and for your consideration.

LATE

HB-842

Submitted on: 2/8/2021 8:51:49 PM

Testimony for EEP on 2/9/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kathleen Pahinui	Individual	Support	No

Comments:

I support making the process of reviewing and commenting on EIS and EA easier for the public. I support this bill.