

STAND. COM. REP. NO.

2456

Honolulu, Hawaii

FEB 10 2020

RE: S.B. No. 2663
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Agriculture and Environment, to which was referred S.B. No. 2663 entitled:

"A BILL FOR AN ACT RELATING TO THE ENVIRONMENTAL IMPACT STATEMENT LAW,"

begs leave to report as follows:

The purpose and intent of this measure is to require a supplemental environmental assessment or supplemental environmental impact statement (EIS) after the passage of fifteen years from the date of the acceptance of the statement or the determination of a finding of no significant impact, if the proposed action is not completed.

Your Committee received testimony in support of this measure from one member of the County Council of the County of Maui, Animal Rights Hawai'i, and three individuals. Your Committee received testimony in opposition to this measure from the Department of Design and Construction of the City and County of Honolulu, Chamber of Commerce Hawaii, and Maui Chamber of Commerce. Your Committee received comments on this measure from the Office of Planning, Office of Environmental Quality Control, Department of Transportation, Department of Environmental Services of the City and County of Honolulu, and the Department of Planning and Permitting of the City and County of Honolulu.



Your Committee finds that many large-scale projects that require an EIS take years longer than initially anticipated and go beyond the time period of potential impacts examined in the EIS. Although section 11-200-26, Hawaii Administrative Rules, requires a supplemental EIS when a project with an approved EIS has changed substantively in size, scope, intensity, use, location, or timing, state law lacks an explicit time frame of validity for an environmental impact statement. Your Committee finds that while a supplemental EIS may ensure consideration of an action that is essentially different from the action proposed under the original EIS, the drafting, submission, and approval of a supplemental EIS adds costs to projects that are often already expensive. Therefore, your Committee finds that establishment of an explicit time frame of validity for an EIS will ensure that an EIS does not go stale, without the need for triggering a costly supplemental EIS in every situation.

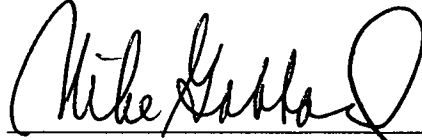
Your Committee has amended this measure by:

- (1) Requiring a supplemental environmental assessment if the proposed action has not been implemented, without requiring that the proposed action be completed, within fifteen years from the date of the determination of a finding of no significant impact;
- (2) Deleting language that would have required that the subsequent determination of a finding of no significant impact, acceptance of the supplemental environmental impact statement, or the declaration that the action is exempt under council rules be a condition precedent to the implementation or completion of the proposed action; and
- (3) 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. 2663, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2663, S.D. 1, and be referred to your Committee on Ways and Means.



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



MIKE GABBARD, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:* SB 2663	Committee Referral: AEN, WAM	Date: 02/05/2020
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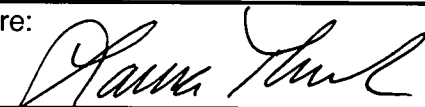
The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	<input checked="" type="checkbox"/>			
RUDERMAN, Russell E. (VC)				<input checked="" type="checkbox"/>
RHOADS, Karl	<input checked="" type="checkbox"/>			
THIELEN, Laura H.	<input checked="" type="checkbox"/>			
FEVELLA, Kurt				<input checked="" type="checkbox"/>
TOTAL	3			2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: 

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File with Committee Report Clerk's Office Drafting Agency Committee File Copy

*Only one measure per Record of Votes