

# OFFICE OF PLANNING STATE OF HAWAII

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MARY ALICE EVANS DIRECTOR OFFICE OF PLANNING

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Statement of MARY ALICE EVANS Director, Office of Planning before the HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION Tuesday, February 9, 2021 9:00 AM Via Videoconference

#### in consideration of HB 901 RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.

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

The Office of Planning **strongly supports** Administration Bill, HB 901, which would amend Hawaii Revised Statutes (HRS) § 343-5.5 to delete reference to discretionary permits in allowing infrastructure improvements within a highway or public right-of-way to be exempt from environmental assessment requirements. The bill would exempt development projects involving discretionary approvals from the need to prepare an Environmental Assessment ("EA") or an Environmental Impact Statement ("EIS") if the only trigger is a relatively minor infrastructure improvement such as a water line or sewer line connection or driveway improvements to a highway or public right-of-way.

This bill streamlines the environmental review process by deleting the reference to discretionary consents and allowing the infrastructure exemption for all development projects. There is no impact on public review since discretionary permits are already required to undergo public hearings. The bill would also reduce the time to process major projects which otherwise would require the preparation of an EA or EIS.

Thank you for this opportunity to testify.

## DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

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Statement of MIKE MCCARTNEY Director Department of Business, Economic Development, and Tourism before the HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

> Tuesday, February 9, 2021 09:00 AM State Capitol, Conference Room 325

#### In consideration of HB 901 RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.

Chair Lowen, Vice Chair Marten and members of the Committee on Energy & Environmental Protection.

The Department of Business, Economic Development and Tourism (DBEDT) **strongly supports** Administration Bill, HB 901.

This bill would amend Hawaii Revised Statutes (HRS) § 343-5.5 to delete reference to discretionary permits in allowing infrastructure improvements within a highway or public right-of-way to be exempt from environmental assessment requirements. If approved, the bill would streamline the environmental review process by exempting all development projects from the need to prepare an Environmental Assessment ("EA") or an Environmental Impact Statement ("EIS") for relatively minor improvements within or to a highway or public right-of-way.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE GOVERNOR

MIKE MCCARTNEY

CHUNG I. CHANG DEPUTY DIRECTOR DAVID Y. IGE GOVERNOR OF HAWAII



STATE OF HAWAII

ELIZABETH A. CHAR, Ph.D. DIRECTOR OF HEALTH OFFICE OF ENVIRONMENTAL QUALITY CONTROL 235 SOUTH BERETANIA STREET, SUITE 702 HONOLULU, HAWAII 96813 oeqchawaii@doh.hawaii.gov

### **Testimony** COMMENTING on **HB0901 RELATING TO ENVIRONMENTAL IMPACT STATEMENT** COMMITTEE ON ENERGY & 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	Room Number:	325
	9:00 a.m.		Via Videoconference

1 **OEQC's Position:** The Office of Environmental Quality Control (OEQC), an agency attached to the

2 Department of Health and which administers Chapter 343, Environmental Impact Statements, Hawai'i

3 Revised Statutes (HRS) provides these comments on HB0901.

4 **Purpose and Justification:** While this bill attempts to streamline the development process, it would do

5 so by terminating a longstanding and accepted practice of comprehensively analyzing major development

6 projects in their entirety when the triggering component of the project are uses of an adjoining public

7 Right-of-Way, such as necessary improvements to an intersection at a public highway or modification of

8 sewer or drainage infrastructure. This is a substantial change from the practice of reviewing proposed

9 large-scale projects, and deserves substantial consideration and attention prior to implementation.

- 10 Further, the bill would have the unintended effect of improperly segmenting actions when there is a
- 11 "primary action" component on private lands that triggers HRS Chapter 343 (due to needing a general
- 12 plan amendment or being situated in the Conservation District, in Waikiki, or on a historic site, for

KEITH KAWAOKA

1	example), along with a "secondary action" component involving infrastructure in a public Right-of-Way
2	that currently also triggers review but that would be exempted from the requirements of HRS Chapter 343
3	pursuant to this bill. In this scenario, the primary action component would have to undergo
4	environmental review, while the secondary action component would not. Longstanding policy and the
5	administrative rules that govern the environmental review process (HAR Section 11-200.1-10) have
6	consistently prohibited the "segmenting" of projects into multiple components that are not considered
7	comprehensively. We encourage very thoughtful consideration of the significant implications of this bill.
8	Thank you for the opportunity to testify.

#### HB-901 Submitted on: 2/5/2021 11:55:20 PM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Ted Bohlen	Individual	Oppose	No

Comments:

To: The Honorable Nicole Lowen, Chair,

The Honorable Lisa Marten, Vice Chair, and Members of the

House Committee on Energy and Environmental Protection

From: Ted Bohlen

Re: Hearing HB901 RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Tuesday February 9, 2021, 9:00 a.m., by videoconference

#### Position: **OPPOSE!**

I am very familiar with the Environmental Impact Statement law because, from 2006 through 2020, I represented the State Office of Environmental Quality Control and the Environmental Council.

This bill would exempt from environmental reviews infrastructure improvements in State or county rights of way, even when the improvements are part of a major project that has pending discretionary permits and may have substantial environmental impacts. The environmental review statute is designed to provide the public information on environmental impacts of proposed actions. This bill would deprive the public of that information for certain projects that require infrastructure improvements on State or county land, and so should be deferred.

Thank you for the opportunity to testify.

## <u>HB-901</u>

Submitted on: 2/6/2021 8:13:49 PM Testimony for EEP on 2/9/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cory Harden	Individual	Oppose	No

Comments:

Aloha legislators,

Yikes! Do not exempt secondary projects from environmental review. Our enivonrment is under enough assault already!

mahalo,

Cory Harden



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COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION Rep. Nicole E. Lowen, Chair Rep. Lisa Marten, Vice Chair DATE: Tuesday, February 9, 2021 TIME: 9:00 am

HB 901 Environmental Impact Statements

STRONG OPPOSITION

Aloha Chair Lowen, Vice Chair Marten, and Members of the Committee

Life of the Land is Hawai'i's own energy, environmental and community action group advocating for the people and `aina for 51 years. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

HRS Chapter 343 has several triggers that require initiation of the environmental impact statement processes.

One giant loophole is using private funds for a project on privately-owned agricultural land. Large wind farms, cemeteries, golf courses, resorts, shopping centers, and can all escape the EIS process.

There is a massive fossil fuel power plant in Honoka`a on Hawai`i Island that was built without an EIS. A law was passed to prevent new fossil fuel power plants from escaping the EIS process.

There is a hook that captures some of these massive projects. If they require modification to a road or other public system, then an EIS is required. **HB 901 would eliminate this hook, initiating good and bad development without proper review.** 

Mahalo Henry Curtis, Executive Director

#### HB-901 Submitted on: 2/7/2021 8:18:29 PM Testimony for EEP on 2/9/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sherry Pollack	Individual	Oppose	No

Comments:

I strongly oppose this bill. Exemptions from environmental assessment requirements are a very bad idea. I ask that you please defer this bill.

LATE \*Testimony submitted late may not be considered by the Committee for decision making purposes.

DAVID Y. IGE GOVERNOR



TESTIMONY BY:

JADE T. BUTAY DIRECTOR

Deputy Directors LYNN A.S. ARAKI-REGAN DEREK J. CHOW ROSS M. HIGASHI EDWIN H. SNIFFEN

STATE OF HAWAII DEPARTMENT OF TRANSPORTATION 869 PUNCHBOWL STREET HONOLULU, HAWAII 96813-5097

#### February 9, 2021 9:00 A.M. State Capitol, Teleconference

#### H. B. 901 RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

House Committee on Energy and Environmental Protection

The Department of Transportation (DOT) **supports** H.B. 901 which amends Chapter 343, Hawaii Revised Statutes, to exempt secondary actions from the need to obtain an Environmental Impact Statement (EIS) when the secondary action is limited to installation, renovation, construction, or development of infrastructure within the existing public right-of-way or highway. An exemption would streamline the development approval process, save time, and the costs in preparing an EIS.

Thank you for the opportunity to provide testimony.