

STAND. COM. REP. NO.

1398

Honolulu, Hawaii

, 2025

**MAR 20**

RE: S.B. No. 1074

S.D. 2

H.D. 1

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

Madame:

Your Committees on Energy & Environmental Protection and  
Water & Land, to which was referred S.B. No. 1074, S.D. 2,  
entitled:

"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT  
STATEMENTS,"

beg leave to report as follows:

The purpose of this measure is to allow:

- (1) A previously authorized or permitted activity or  
operation to continue operation for a period of one year  
while the appropriate agency determines whether the  
activity or operation is subject to or exempt from the  
environmental review process; and
- (2) A person with oversight 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; Office of  
Planning and Sustainable Development; Teralani Sailing Adventures;  
NOKANET Consulting; Ocean Tourism Coalition; Activities and  
Attractions Association of Hawaii; Sailing Shipps LTD. dba Gemini



Charters; Maui Hotel and Lodging Association; The Westin Maui Resort & Spa; Maui Chamber of Commerce; Kaanapali Golf Courses; Absolute Charters dba Kainani Sails; Maui Classic Charters; Explore Kauai Scuba; Jack's Diving Locker; Absolute Charters, Inc.; Lahaina Divers; Blue Dolphin Charters, Ltd.; Maui Brewing Co; The Ritz-Carlton Maui, Kapalua; Meili Vodka; Outfitters Kauai Ltd; Island Scuba Inc.; Schooner Creek Boat Works; Critical Ocean Rescue Education Hawaii; Resting Beach Face LLC; Holokai Catamaran; Islands Beach Activities, Inc.; Fun Charters Inc.; Sheraton Maui Resort & Spa; RED Hospitality and Leisure Hawaii, LLC; Outrigger Hospitality Group; Maita'i Catamaran Corporation; Sailing Shipps; Sailing Maui Inc.; Exclusive Limo Maui; Island Dream Productions; Sea Maui; Gone Surfing Hawaii; Ka'anapali Kai Charters; Three's Bar & Grill; Na Pali Experience; 3two3 Promotions; Anela Kai Catamarans, Inc.; Hi-Tech Surf Sports; Banyan Tree Divers Maui; Splashers Ocean Adventures DBA Kona Snorkel Trips; Extended Horizons; Captain Andy's Sailing; Maui Snorkeling; Kamoana Incorporated; Trilogy Excursions; Aloha Blue Charters; Aqua Adventures; Holo Holo Charters, Inc.; Irish on maui; Tech Partners Hawaii; Outrigger Kā'anapali Beach Resort; and numerous individuals.

Your Committees received testimony in opposition to this measure from the Office of Hawaiian Affairs; 'Īlio'ulaokalani Coalition; Earthjustice; Clean The Pacific; Recycle Hawaii; Northwestern Hawaiian Islands Hui; Sierra Club of Hawai'i; For the Fishes; Rights of Nature Hawai'i; Hawai'i Reef and Ocean Coalition; Climate Protectors Hawai'i; Friends of Hanauma Bay; League of Women Voters of Hawaii; Friends of Pebble Beach, South Kona, HI; Environmental Caucus of the Democratic Party of Hawai'i; Kihei Community Association (KCA); Big Island Reef Keepers Hui; Earthjustice; Pō'ai Wai Ola; Nā Kia'i Kai; Native Hawaii Legal Corporation; Free Access Coalition; Surfrider Foundation, Hawai'i Region; Kua'Āina Ulu 'Auamo; Kupuna for the Moopuna; Green Party of Hawai'i; Kūmano I Ke Ala; Ko'olaupoko Hawaiian Civic Club; Legacy Reef Foundation; and numerous individuals.

Your Committees find that recent court decisions have broadened the kind of activities that are subject to environmental review, potentially forcing long-standing commercial activities to cease operation while the environmental review is conducted. While your Committees recognize that certain activities should be



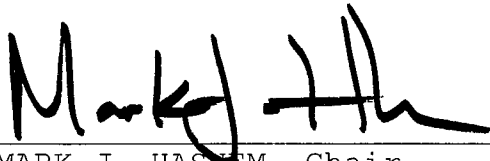
authorized to continue operations pending environmental review, this authorization should be more narrowly applied.

Accordingly, your Committees have amended this measure by:

- (1) Allowing only those activities or operations that are permitted or authorized under chapter 200, Hawaii Revised Statutes, and renewed within twelve months preceding the initiation of proceedings to determine whether the activities or operations are subject to environmental review to continue operation for one year pending the determination and any necessary environmental review and allowing persons with oversight of these activities or operations to renew permits;
- (2) Adding a sunset date of June 30, 2027;
- (3) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Energy & Environmental Protection and Water & Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1074, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1074, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on  
behalf of the members of the  
Committees on Energy &  
Environmental Protection and  
Water & Land,



MARK J. HASLEM, Chair



NICOLE E. LOWEN, Chair



MSCE 1398

Bill/Resolution No.: SB1074, SD2		Committee Referral: EEP/WAL, JHA		Date: 3/18/25	
<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)					
EEP Members		Ayes	Ayes (WR)	Nays	Excused
1. LOWEN, Nicole E. (C)		✓			
2. PERRUSO, Amy A. (VC)			✓		
3. KAHALOA, Kirstin		✓			
4. KUSCH, Matthias		✓			
5. QUINLAN, Sean					✓
6. WARD, Gene					✓
TOTAL (6)		3	1		2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature: Amy Perruso					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					

State of Hawaii  
House of Representatives  
The Thirty-third Legislature

## Record of Votes of the Committee on Water & Land

Bill/Resolution No.: SB 1074 BD2		Committee Referral: BEP/WAL, IJHA		Date: 3/18/2025	
<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)					
WAL Members		Ayes	Ayes (WR)	Nays	Excused
1. HASHEM, Mark J. (C)		✓			
2. LAMOSAO, Rachele F. (VC)		✓			
3. BELATTI, Della Au			✓		
4. ICHIYAMA, Linda		✓			
5. IWAMOTO, Kim Coco				✓	
6. MORIKAWA, Dee		✓			
7. POEPOE, Mahina				✓	
8. WOODSON, Justin H.					✓
9. SHIMIZU, Garner M.			✓		
10. SOUZA, Kanani			✓		
TOTAL (10)		4	3	2	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted         If joint referral, _____ did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature: _____					
Distribution: Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO					