

STAND. COM. REP. NO.

1785

Honolulu, Hawaii

APR 02 , 2025

RE: S.B. No. 1074
S.D. 2
H.D. 2

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

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 1074, S.D. 2, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to temporarily allow:

- (1) An activity or operation that is permitted or authorized under the ocean recreation and coastal area programs chapter of the Hawaii Revised Statutes, and renewed within twelve months preceding the initiation of proceedings to determine whether the activity or operation is subject to environmental review to continue operation for one year while the appropriate agency makes the determination and conducts any necessary environmental review; and
- (2) A person with oversight of the activity or operation to renew the appropriate permits while under the environmental review process.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Office of

2025-3020 SB1074 HD2 HSCR HMSO



Planning and Sustainable Development; Teralani Sailing Adventures; Maui Brewing Co.; Holo Holo Charters; Activities and Attractions Association of Hawaii; The Ritz-Carlton Maui, Kapalua; Island Dream Productions; Maui Hotel and Lodging Association; Outrigger Hospitality Group; Sailing Maui Inc.; Sail Maui; Sea Sports Distributors, Inc.; Lahaina Divers Inc; Maui Classic Charters; Hula Girl Sailing Charters; Shangri-La Sailing Charters; Three's Bar & Grill; Explore Kauai Scuba; Stanford Yacht Tenders, Ltd.; RED Hospitality & Leisure Hawaii, LLC; Trilogy Excursions; Calypso Charters; Absolute Charters, Inc; The Westin Maui Resort & Spa Ka'anapali; 3two3 Promotions; Schooner Creek Boat Works; Ocean Tourism Coalition; Ka'anapali Beach Resort Association; Sailing Shippis; Sea Maui; Duke's Maui; Exclusive Limo Maui; Custom Metal Creations; Island Scuba Inc.; Fun Charters Inc.; Fair Wind Cruises; Captain Andy's Sailing Adventures; Ka'anapali Kai Charters; Kona Snorkel Trips; Outrigger Kā'anapali Beach Resort; Maui Chamber of Commerce; Maui Concierge Service; and numerous individuals.

Your Committee received testimony in opposition to this measure from the Office of Hawaiian Affairs; Hawaii Island Aha Moku; League of Women Voters of Hawaii; Friends of Hanauma Bay; Big Island Reef Keepers Hui; Kua'āina Ulu 'Auamo; Environmental Caucus of the Democratic Paty of Hawai'i; Hawai'i Reef and Ocean Coalition; Climate Protectors Hawai'i; For the Fishes; Sierra Club of Hawai'i; Conservation Council for Hawai'i; Free Access Coalition; Napili Bay and Beach Foundation; Life of the Land; Sierra Club, Maui Group; Hawai'i Ocean Legislative Task Force; Kupuna for the Moopuna; Earthjustice; Nā Alaka'i o 'Ahahui o Hawai'i; Moana Ohana; Northwestern Hawaiian Islands Hui; Nā Kia'i Kai; Pō'ai Wai Ola; Kūmano I Ke Ala; Na Papai Waewae Ula Ula; Ko'olaupoko Hawaiian Civic Club; Hawaii's Thousand Friends; Surfrider Foundation; and numerous individuals.

Your Committee received comments on this measure from Rodrigues Ohana.

Your Committee finds that the State's environmental review process is designed to assess new projects with potential environmental impacts. Your Committee further finds that recent court decisions have expanded the kinds of activities subject to environmental review, causing long-standing commercial operations to cease operation while the environmental review is pending.



This measure ensures that certain activities or operations can continue for one year while undergoing environmental review.

Your Committee has amended this measure by:

- (1) Placing the new statutory language in the Session Laws of Hawaii, rather than codifying the language in Hawaii Revised Statutes;
- (2) Deleting the definition of "permitted or authorized"; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1074, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1074, S.D. 2, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



HSCP 1785

Bill/Resolution No.: SB 1074 SD2 HD1		Committee Referral: EEP/WAL, JHA		Date: 03/27/2025	
<input checked="" 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)					
JHA Members		Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)		✓			
2. POEPOE, Mahina (VC)				✓	
3. BELATTI, Della Au		✓			
4. COCHRAN, Elle					✓
5. HASHEM, Mark J.		✓			
6. KAHALOA, Kirstin		✓			
7. PERRUSO, Amy A.				✓	
8. TAKAYAMA, Gregg		✓			
9. TODD, Chris		✓			
10. GARCIA, Diamond			✓		
11. SHIMIZU, Garner M.			✓		
TOTAL (11)		6	2	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					