

Honolulu, Hawaii

FEB 14 2025

RE: S.B. No. 1074  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawaii

Sir:

Your Committees on Water and Land and Agriculture and Environment, to which was referred S.B. No. 1074 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Allow a previously authorized or permitted activity or operation to continue operation while the appropriate agency determines whether the activity or operation is subject to or exempt from the environmental review process; and
- (2) Allow an operator 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; Department of Agriculture; Sailing Shipp's LTD; Captain Andy's Sailing, Inc.; Holo Holo Charters, Inc.; Activities and Attractions Association of Hawaii; The Yard; Calypso Charters; Maui Hotel and Lodging Association; Shangri-La Sailing Charters; Sailing Maui Inc.; Fair Wind Cruises; Kona Sunrise Charters; Jack's Diving Locker; Explore Kauai Scuba, LLC; Absolute Charters, Inc.; Sea Paradise Scuba



Inc.; Ka'anapali Beach Resort Association; Maui Chamber of Commerce; Teralani Sailing Adventures; Kaanapali Kai Charters; and numerous individuals.

Your Committees received testimony in opposition to this measure from Earthjustice; Sierra Club of Hawai'i; NWHI Hui; For the Fishes; League of Women Voters of Hawaii; Free Access Coalition; Big Island Reef Keepers Hui; Green Party of Hawai'i; Kupuna for the Moopuna; Sierra Club, Maui Group; Hawaii's Thousand Friends; and numerous individuals.

Your Committees received comments on this measure from the Office of Planning and Sustainable Development and three individuals.

Your Committees find that the State's environmental review process is intended to scrutinize new projects with potential environmental impacts. However, due to recent court decisions, long-permitted activities, including long-standing commercial operations, which the State did not intend to be subject to environmental review, may be compelled to cease operations despite decades-long compliance with regulatory requirements. Accordingly, this measure clarifies that the environmental review process is intended to evaluate the environmental impact of new projects rather than disrupt ongoing, well-regulated activities.

Your Committees have amended this measure by:

- (1) Clarifying that an activity or operation previously permitted, authorized, or undertaken by a commercial entity may continue while the appropriate approving agency determines whether the activity or operation is subject to or exempt from the environmental review process;
- (2) Specifying that an environmental assessment or environmental impact statement be submitted to the appropriate approving agency;
- (3) Clarifying that if an approving agency determines that an activity or operation previously permitted, authorized, or undertaken by a commercial entity shall be subject to the environmental review process, a person

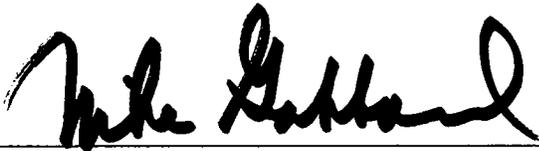


with oversight of the activity or operation may renew the appropriate permits while under review; and

- (4) Inserting an effective date of January 1, 2050, to encourage further discussion.

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

Respectfully submitted on behalf of the members of the Committees on Water and Land and Agriculture and Environment,



MIKE GABBARD, Chair



LORRAINE R. INOUÉ, Chair





The Senate  
 Thirty-Third Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Agriculture and Environment**  
**AEN**

Bill / Resolution No.:* <b>SB1074</b>	Committee Referral: <b>WTL/AEN, JDC</b>	Date: <b>2/12/2025</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)		<del>X</del>		
RICHARDS, III, Herbert M. "Tim" (VC)		<del>X</del>		
DECOITE, Lynn				X
RHOADS, Karl		X		
AWA, Brenton	X			
<b>TOTAL</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:            Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office            Drafting Agency        Committee File Copy				

\*Only one measure per Record of Votes