



# OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE  
GOVERNOR

MARY ALICE EVANS  
DIRECTOR  
OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846  
Fax: (808) 587-2824  
Web: <http://planning.hawaii.gov/>

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**

DAVID Y. IGE  
GOVERNOR

MIKE MCCARTNEY  
DIRECTOR

CHUNG I. CHANG  
DEPUTY DIRECTOR

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804  
Web site: [dbedt.hawaii.gov](http://dbedt.hawaii.gov)

Telephone: (808) 586-2355  
Fax: (808) 586-2377

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.



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

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| 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.

**HB-901**

Submitted on: 2/6/2021 8:13:49 PM

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

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Cory Harden         | Individual          | Oppose                    | No                        |

Comments:

Aloha legislators,

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

mahalo,

Cory Harden



P.O. Box 37158, Honolulu, Hawai'i 96837-0158  
Phone: 927-0709 henry.lifeoftheland@gmail.com

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

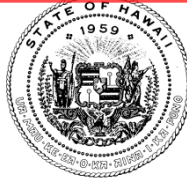
| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Sherry Pollack      | Individual          | Oppose                    | No                        |

Comments:

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



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.