

STAND. COM. REP. NO. 2154

Honolulu, Hawaii

FEB 14 2012

RE: S.B. No. 2281  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committees on Energy and Environment and Public Safety, Government Operations, and Military Affairs, to which was referred S.B. No. 2281 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 allow agencies or applicants to bypass the preparation of an environmental assessment and proceed directly to the preparation of an environmental impact statement in situations where the responsible agency determines that an environmental impact statement is likely to be required for a proposed action.

Your Committees received testimony in support of this measure from the Office of Environmental Quality Control, Office of Planning, University of Hawaii Environmental Center, The Chamber of Commerce of Hawaii, The Outdoor Circle, and one individual. Your Committees received comments on this measure from the Office of Hawaiian Affairs.

Pursuant to Act 1, Session Laws of Hawaii 2008, the University of Hawaii conducted a review of the State's environmental review system. In its report released in October 2010, the University of Hawaii recommended allowing project proponents to bypass the environmental assessment process and proceed to environmental impact statement preparation when warranted. In conjunction with that review, a working group

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composed of state agencies, a private trade organization, and several nonprofit groups also conducted a review of Hawaii's environmental review system. The working group unanimously recommended allowing project proponents to bypass the environmental assessment process and proceed to environmental impact statement preparation.

Your Committees find that bypassing the environmental assessment in certain situations will improve the efficiency of the environmental review process and speed the progress of proposed actions.

Your Committees have amended this measure by adopting the amendments proposed by the Office of Environmental Quality Control, which:

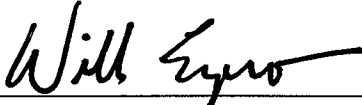
- (1) Add definitions for the terms "direct to environmental impact statement decision" and "direct to environmental impact statement notice";
- (2) Replace the term "environmental impact statement publication notice" with "direct to environmental impact statement notice";
- (3) Clarify that the Office of Environmental Quality Control is required to inform the public of the filing of any direct to environmental impact statement decision;
- (4) Create a sixty-day deadline for initiating a judicial proceeding to review:
  - (A) An agency's direct to environmental impact statement decision; and
  - (B) The acceptance of an environmental impact statement prepared pursuant to a direct to environmental impact statement decision; and
- (5) Increase from thirty days to sixty days the deadline for initiating a judicial proceeding to review an agency's determination that an environmental impact statement is not required for a proposed action.

As affirmed by the records of votes of the members of your Committees on Energy and Environment and Public Safety, Government



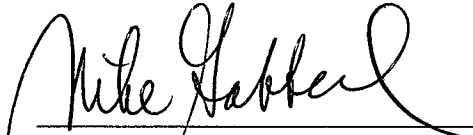
Operations, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2281, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2281, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committees on Energy and  
Environment and Public Safety,  
Government Operations, and  
Military Affairs,



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WILL ESPERO, Chair



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MIKE GABBARD, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Energy and Environment**  
**ENE**

Bill / Resolution No.:* <b>SB 2281</b>	Committee Referral: <b>ENE/PGM, WAM</b>	Date: <b>7 Feb 2012</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)	X			
ENGLISH, J. Kalani (VC)	X			
GREEN, M.D., Josh				X
IHARA, Jr., Les	X			
SLOM, Sam				X
<b>TOTAL</b>	<b>2</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office            Drafting Agency            Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Public Safety, Government Operations, and**  
**Military Affairs**  
**PGM**

Bill / Resolution No.:* <b>SB 2281</b>	Committee Referral: <b>ENE/PGM, WAM</b>	Date: <b>2-7-12</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
ESPERO, Will (C)	✓			
KIDANI, Michelle N. (VC)	✓			
BAKER, Rosalyn H.	✓			
RYAN, Pohai	✓			
SLOM, Sam				✓
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office            Drafting Agency        Committee File Copy				

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