



University of Hawaii at Manoa

Environmental Center
Crawford 317 • 2550 Campus Road
Honolulu, Hawaii 96822
Telephone (808) 948-7361

RL:0586

**HB 167, HD 1
RELATING TO ENVIRONMENTAL QUALITY**

**Statement for
Senate Committee on
Economic Development
Public Hearing - March 20, 1986**

**By
Doak Cox, Environmental Center
Jacquelin Miller, Environmental Center**

HB 167, HD 1 proposes a number of amendments to the Environmental Impact Statement (EIS) law, HRS 343. This statement on the bill does not reflect an institutional position of the University of Hawaii.

We attach to this statement a copy of the 1985 Environmental Center statement on SB 70, the companion to the original version of HB 167. All of the comments in the 1985 statement are pertinent to HB 167, HD 1 with the exception that the one improvement suggested with respect to the provision regarding rules has already been made in HD 1.



University of Hawaii at Manoa

Environmental Center
Crawford 317 • 2550 Campus Road
Honolulu, Hawaii 96822
Telephone (808) 948-7361

RL:0537

SB 70 RELATING TO ENVIRONMENTAL QUALITY

Statement for
Senate Committee on
Economic Development
Public Hearing - 4 March 1985

By
Doak C. Cox, Environmental Center
Jacquelin Miller, Environmental Center
Ray Tabata, Sea Grant

SB 70 proposes a number of amendments to the Environmental Impact Statement (EIS) law, HRS 343. This statement on this bill does not reflect an institutional position of the University of Hawaii.

In our opinion all of the proposed amendments are appropriate except for one requiring that the rules governing the EIS system prescribe procedures to be followed in preparing environmental assessments. We will discuss, in succession, a proposed change in EIS nomenclature, three proposed changes in the prescription of actions subject to environmental assessment, proposed changes in durations of periods allowed in the review and acceptance of EIS's, and two proposed changes in requirements as to EIS-system rules, only one of which we consider inappropriate.

EIS nomenclature

The bill proposes (p. 1, l. 11 et. seq.) to make a distinction between: 1) a draft EIS (the version submitted for review), and 2) a final EIS (the version, revised after the review, submitted for acceptance). The distinction in nomenclature, which is consistent with the federal EIS system, would facilitate proper identification of the documents.

Actions subject to assessment

The bill proposes three amendments to present provisions regarding actions subject to assessment.

By first amendment, proposed reclassifications of Conservation District land, as well as projects proposed in such land, would be subject to assessment (p. 2, l. 14). The amendment is appropriate and in accord with a court decision regarding the applicability of EIS-system requirements to reclassification of Conservation District land.

The second amendment would substitute, for the Waikiki-Diamond Head area as defined in an out-of-date document, the Waikiki Special Design District as an area in which actions would require assessment (p. 3, l. 5 et. seq.). The Waikiki Special Design District does not include the slopes of Diamond Head. However, Diamond Head itself is in the Conservation District, and its lower slopes adjacent to Waikiki are in the Special Management Area (SMA) established under the Coastal Zone Management Act. Actions in the Conservation District are subject to environmental assessment under the State EIS law, and actions in the SMA are subject to assessment in a City and County EIS system. Hence the amendment is appropriate.

The third amendment would add to present provisions regarding the requirement for assessment of amendments to county general plans, a provision for assessing certain amendments to the development plans of the City and County of Honolulu (p. 3, l. 15 et. seq.). The amendment is appropriate to the status of such development plans.

Time limits

With the extension of time that may be granted on the request of an applicant, the total length of time allowable between the initial filing of an EIS (draft) on an applicant action and the determination as to the acceptability of an EIS (final) is now 90 days. This overall limit would not be altered by the bill, but the partitioning of the time would be altered to allow 45 days for the public review of the draft EIS, 30 days for response to the review, and an allowable 15 day extension. The separate prescription of time limits for the review and response periods, which are made possible by the distinction between draft and final EIS's are appropriate, and applicants will still be protected under the proposed provisions against dilatory tactics by accepting agencies. Hence the time limits proposed with respect to EIS's for applicant actions are appropriate.

The 45-day limit proposed for the public review of EIS's on agency actions is also appropriate.

Requirements as to rules

The bill would add to present requirements as to rules governing the EIS system, a requirement that they prescribe procedures to be followed in preparing environmental assessments (p. 8, ls. 13-14). In our opinion it is important to prescribe minimum contents of assessments, but doubtful that any but the most general prescriptions can be made as to the procedures to be used in making assessments. We would suggest amendment of the proposed subsection (of 343-6) to read (3) Prescribe the preparation and content of an environmental assessment.

The bill would also require that the rules include a prescription of procedures to be followed in withdrawing an EIS. This provision is appropriate.