HR 432 / HCR 267
REQUESTING A REVIEW OF THE
APPLICABILITY OF CHAPTER 343, HRS

Statement for
House Committee on
Planning, Energy and Environmental Protection

Public Hearing - April 16, 1987

By
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HR 432 and HCR 267 request that the Environmental Council with the assistance of the Office of Environmental Quality Control (OEQC) and the University of Hawaii Environmental Center review the existing six applicable categories for Environmental Assessment as delineated in HRS Section 343-5. The purpose of the review is to determine the need for amendments, if any, to insure compliance with the State's environmental goals and objectives. A report of this review is to be submitted to the legislature prior to the opening of the 1988 Session.

HR 432 and HCR 267 correctly note in the rationale clauses, the importance of a clean and healthful environment and the need for long term protection and maintenance of Hawaii's fragile environment as recognized by the guarantees in the Hawaii State Constitution and the Hawaii State Planning Act, (HRS 226). In addition, HRS 343 was enacted to assure that environmental issues are considered in land use decision making. At the present time formal environmental review, ie. assessment, under HRS 343-5, is limited to six categories of actions. As noted in the resolutions, there are proposed actions that do not fall within the six categories, but because of their specific nature and location, they are capable of producing significant environmental impacts. In some cases, the potential significance of these impacts has been recognized and specific legislation has been enacted to deal with these issues on a case-by-case basis. This approach is costly in terms of the time and effort required by the legislature and affected agencies in reviewing and assessing individual
projects. Furthermore, it complicates the Environmental Impact Statement (EIS) management responsibilities of OEQC by triggering the EIS law outside of Chapter 343. And finally, this piece-meal application of the EIS law may result in inappropriate legislation, for example, the present requirement under Chapter 205A-44(2) for an Environmental Impact Statement, instead of an Assessment, for sand beach replenishment actions.

The requested review of the categories that trigger environmental assessment procedures and the subsequent comprehensive report should aid not only in assuring that appropriate environmental review is undertaken responsive to the State's environmental goals and objectives, but also will facilitate the management process and avoid unnecessary separate legislative actions. The Environmental Center will be pleased to assist, as requested by HR 432 and HCR 267, in this review and in the development of the requested report.