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SB 2294
RELATING TO ENVIRONMENTAL PROTECTION

Senate Committee on
Agriculture and Environmental Protection

Public Hearing - February 25, 1992
1:00 PM, Room 305 SOT

By
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SB 2294 amends the state EIS law (Chapter 343) by making some minor changes to Subsection 343-5(a)8 and adding a new Subsection 343-5(a)9.

Our statement on this bill does not represent an institutional position of the University of Hawaii.

The house cleaning amendment to Subsection 343(a)8 is in itself minor, however, the subsection which it modifies is one that we have cited for deletion in our recently completed review of the EIS system. Subsection 343-5(a)8 requires an EA whenever the construction of a heliport is proposed. As stated previously, there is nothing inherent in the construction of a heliport that makes it any worse than many other development projects that do not specifically require an EA. These projects include large scale residential and commercial complexes, road construction, and airport construction. The specific location of the proposed heliport construction should be the determining criterion for requirement of an EA. As we pointed out in the EIS study, it seems that this criterion triggering the EIA process was meant to stop helicopters from flying over wilderness areas. This is an inappropriate rationale for triggering in the EIS system.

The proposed new Section 343-5(a) presents a similar situation for geothermal. Drilling geothermal wells in and of itself may not be any more damaging then drilling water wells or laying sewer lines which do not automatically require an EA. It's not the action of drilling but the specific location that is significant.

We recognize that geothermal is a "hot" topic and has come to the attention of the legislature. We do not believe that singling out specific action for inclusion in the EIS system is an appropriate response. Heliport development has already been included as a condition requiring an EA, in addition to the proposed inclusion of golf course development and now geothermal drilling. We believe that eventually, any type of development that receives public attention will end up listed and scrutunized in Section 343-5(a) while less visible but potentially important projects may not be included. This could potentially make Subsection 343-5(a) very long, cumbersome, and ineffective.

We suggest that the appropriate time to require an EA is when a geothermal subzone is proposed. If the subzone is proposed in a conservation area, then an EA will be required. If it is proposed in an urban area, then it should be covered under the amendment to county general plans. If it is a prime agricultural area, then it should trigger an EA, as previously proposed in the EIS study. If it is on marginal agricultural lands, the impacts may be not be significant unless it is near an historic site, an endangered species habitat, or an area presently covered or recommend for coverage by the Environmental Center.

Finally, and most emphatically, we recommend that Subsection 205-5.2(a) be amended to delete the provision in the last line that exempts the designation of areas as geothermal resource subzones from preparing an EA under Chapter 343.