



# University of Hawaii at Manoa

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

Office of the Director

RL:0219

SB 734

RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Statement to  
Senate Committee on Ecology, Environment, and Recreation  
Public Hearing 3 March 1977

by

Doak C. Cox, Environmental Center

SB 734 would make an amendment to the State Environmental Impact Statement (EIS) Law (Chapter 343, Hawaii Revised Statutes). This statement on the bill repeats comments on the equivalent measure introduced in the House (HB 586) prepared by D.C. Cox, J.M. Miller, and R. Tabata and reviewed by the Environmental Center's Legislative Subcommittee (RL:0195, 16 February 1977). The statement does not, however, reflect an institutional position of the University.

This bill would delete all of the prescriptions in the present EIS Act as to the kinds of private actions for which EIS's are required, and replace them by a provision that each county may determine what actions in that county may require EIS's, so long as the actions will probably have significant environmental effects.

It should be noted that this would permit the counties to determine which private actions proposed in certain areas will require EIS's, even if it is the need for State approval of the projects that now result in the EIS requirement. No EIS would be required for a proposed private action within the conservation district, unless a county required it, even though a Department of Land and Natural Resources permit is required for such use, and the Department relies on the information in the EIS as to the environmental effects in determining the appropriateness of the action. This would include an action proposed for an area seaward of the shoreline.

The proposed deletion would be most serious in the case of actions proposed in areas seaward of the shoreline. These are within the conservation district, but the counties could not require EIS's in such areas because they are not within county jurisdictions.

With the deletion, no EIS would be required for private uses of a historic site listed either in the National Register or the State Register, unless a county required it.

The proposed amendment would, thus seriously restrict the access of State, as well as county agencies, to information on the environmental effects of actions subject to their approvals unless the counties chose to require the provision of such information through EIS's, and the requirement could not make the requirement for actions seaward of the shoreline.

The City and County of Honolulu has, it should be noted, mandated the preparation and review of EIS's for projects proposed in the Special Management Area established under the interim Shoreline Protection Act, even though these EIS's are not required under the State EIS law. It would, thus, be possible for the counties not only to adopt the same requirements as to EIS's as in the present State law, but to extend them even without special legislation provision. There is no assurance that the counties will do so, however, and there will inevitably be a delay before they could adopt the ordinances required. In the meantime, except as provided within the Special Management Area of Oahu, decisions with respect to private actions would have to be made without adequate information as to their environmental implications, as was the case prior to the passage of the EIS law.

It would be possible, of course, to extend explicitly to the counties the power to require EIS's more extensively than is provided in the present State law without weakening the present State law.