



# University of Hawaii at Manoa

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**SB 976**  
**RELATING TO ENVIRONMENTAL IMPACT STATEMENTS**

Statement for  
Senate Committee on  
Planning and Environment  
Public Hearing - March 2, 1987

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SB 976 would exempt from the Environmental Impact Statement Laws, HRS Chapter 343, any drug plant eradication actions undertaken by the Department of Land and Natural Resources if such actions are subsequent to or a continuation of drug plant eradication actions which received initial environmental impact statement approval after January 1, 1985 provided that: (1) such eradication takes place on state owned and managed conservation land; (2) it is similar to approved actions and has no greater environmental impact; and (3) each eradication action exempted under this section shall be subject to approval by the Board of Land and Natural Resources. The statement on this bill does not represent and institutional position of the University of Hawaii.

As presently drafted the bill refers to eradication actions which received initial environmental impact statement approval (emphasis added) after January 1, 1985: What is probably intended is the term "environmental impact statement acceptance after January 1, 1985" since EIS's are not approved, but rather "accepted" (projects are "approved").

An action for which an environmental impact statement has already been approved (accepted) is already exempt from any further environmental assessment under Chapter 343-5(g) and its implementing regulations, unless the action is significantly modified to the extent that new environmental impacts are likely to occur. In that case, a supplemental statement may be required. However, according to paragraph 2 of the bill, (page 1, lines 15-16; page 2, lines 1-2) actions with greater impact than the initially approved action would not be exempt under this proposed amendment; in other words, they too would require a supplemental assessment. Therefore, the proposed amendment appears to duplicate provisions already covered in HRS 343.

Paragraph 2 provides that eradication would be "similar to the initially approved action in terms of equipment, procedures, and chemicals, and has no greater environmental impact than the initially approved action". The exemption, however, would not be limited to actions involving the particular area for which environmental assessment or an EIS was prepared, but would permit drug plant eradication efforts without consideration of the differences in habitats between those originally subject to environmental review and the new "similar" action. When considering the application of chemicals for the control of drug plants it maybe highly inappropriate to extrapolate the environmental effects from one site to another. Major significant differences in the environmental effects of chemical eradication techniques can occur depending on the proximity of water supplies, streams, endangered species, wind directions, climate conditions, runoff, drainage, or the proximity of housing, just to name a few.

In the development of Chapter 343, the legislature (very wisely in our opinion) focused its efforts on providing laws directed toward assessing the full range of environmental effects, based on a geographic perspective, for whatever action might be proposed, not specific laws for the multitude of types of specific actions. Furthermore, we believe that specific, piecemeal exemptions from Chapter 343 such as are proposed by SB 976 will set a precedent that may result in any number of legislative requests for exemptions for special interests. Chapter 343 has sufficient provisions already to exempt certain types of actions from any environmental review if those actions are of a nature that can be shown to have no significant impacts. The environmental assessment procedure allows for an assessment process for those projects that may have a significant impact. EIS's are reserved for those actions clearly shown by early assessment to have a high potential for significant environmental effects. There is no need for the additional project-specific exemption proposed by SB 976.