



University of Hawaii at Manoa

Environmental Center
A Unit of Water Resources Research Center
Crawford 317 • 2550 Campus Road
Honolulu, Hawaii 96822
Telephone (808) 956-7361

RL:0972

HB 1548
RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Statement for
House Committee on
Judiciary
Public Hearing - March 1, 1991

By
Jacquelin Miller, Environmental Center
John Harrison, Environmental Center
Peter Rappa, Sea Grant

HB 1548 would increase the opportunity for public awareness of actions being assessed under HRS 343 by requiring that Environmental Assessments (EA) be made available for public review and comment through the Office of environmental Quality Control (OEQC). A 30 day period for review of the EA would begin on the date the availability of the EA is published in the OEQC Bulletin. The agency would accept written comments on the EA during the 30-day review period. An Environmental Impact Statement (EIS) would be required if the agency finds, based on the review and comments received, that the proposed action may have a significant effect on the environment. The bill would also amend HRS 343-6 (3) and 343-7 to add to the rule making directions to the council, language required to implement the proposed changes and modifications to the time limits for judicial appeal of negative determinations.

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

We concur with the intent of HB 1548 and would add that the problem of inappropriate issuance of negative determinations that this bill attempts to resolve is the single most frequently cited problem with the EIS system raised in the course of our ongoing review of HRS 343. However, passage of HB 1548 at this time may be premature.

As you may know, the Environmental Center of the University of Hawaii, with funds provided by the Legislature and under contract with OEQC, is preparing a complete review and evaluation of HRS 343, the EIS law. This study has included interviews with 42 agencies and organizations composed of 81 individuals that work directly with the EIS system. While the substance of HB 1548 is in general agreement with some of the recommendations being developed from these interviews, it is but one of several alternatives that have been suggested during the interviews as a means for addressing the widely recognized problem of inappropriate negative determinations. The purpose for our review of HRS 343, in accordance with directions from the legislature, was to review the entire EIS system and to provide recommendations to the Legislature for improvements. This process is ongoing. The topic of HB 1548 is being addressed in our review. We will be submitting the results of our interviews and evaluation of HRS 343 soon; and we urge that changes to HRS 343 be deferred until the legislature, participating agencies, and organizations have had the opportunity to digest the overall findings and recommendations of our report relevant to HRS 343.