

2011 Legislative Update: Chapters 341 and 343

APA Luncheon

April 6, 2011

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SB 2818 (2010)

- Based on UH Study Omnibus Bill
- Focused on Chapter 341
- Passed 7 committees, stopped at FIN
- Was not re-introduced in 2011 session

341/343 HRS Bills

- HB 396 (SB 981) - OHA training EC
- HB 402 (SB 987) - OHA approve CIA, require CIA for all EAs and EISs
- HB 424 - Extend Act 87 to 2013
- HB 792 (SB 685) - Creates supplemental process in statute
- HB 856 - Supplementals, key "problem areas"
- HB 1315 - Make Act 87 permanent
- HB 1342 - Exempts certain telecommunication infrastructure from state and county permits, including 343
- HB 1402 - Amends definition of EIS to include federal environmental justice policy
- HB 1409 (SB 614) - Supplementals, various other amendments
- HB 1503 - Exempt 5-year district boundary reviews initiated by county or OP & consistent with GPs/CPs
- SB 614 (HB 1409) – Supplementals, various other amendments
- SB 626 - CDUA requires EIS
- SB 685 (HB 792) - Supplemental EA or EIS
- SB 688 - Affordable housing exemption
- SB 699 - OEQC filing fees
- SB 723 - Extend Act 87 to 2015
- SB 729 - OEQC & EC duties
- SB 773 - Renewable energy facilitator accepting authority
- SB 981 (HB 396) - OHA training EC
- SB 987 (HB 402) - OHA approve CIA, require all CIA
- SB 1161 - Exempts certain telecommunication infrastructure from state and county permits, including 343

“Simplified”

- HB 396 (SB 981) - OHA training EC
- HB 402 (SB 987) - OHA approve CIA, require CIA for all EAs and EISs
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- SB 729 - OEQC & EC duties
- SB 773 - Renewable energy facilitator accepting authority

Themes

- Governance (Chapter 341)
- Exemptions/Triggers
- Supplementals
- Cultural Impact Assessments
- Miscellaneous Tweaks

Governance (Ch. 341)

SB 729 - OEQC & EC duties

- Exempt hiring from Ch. 76 and 89
- 14 members + director
- director tie-breaker vote only
- more specific about rules
- revise annual report

Governance (Ch. 341)

SB 699 - OEQC Filing Fees

- Waiver for smaller proponents
- Office/EC make rules for fees
- Interim Fees:

\$1500 for a DEA

\$1000 for a FEA

\$500 for an EISPN

\$4,000 for a DEIS

\$3,000 for a FEIS

\$500 for other significant addendum to an FEA

\$500 for an FEA/Supp. EISPN;

\$2000 for a Supp. DEIS

\$1000 for any Supp. FEIS

Exemptions

Act 87 - rights-of-way, utilities, “ministerial” actions

- HB 424 - Extend Act 87 to 2013
- HB 1315 - Make Act 87 permanent
- SB 723 - Extend Act 87 to 2015

Exemptions/Triggers

- HB 1342 (SB 1161) - Exempts certain telecommunication infrastructure from state and county permits, including 343
- HB 1503 - Exempt 5-year district boundary reviews initiated by county or OP & consistent with GPs/CPs
- SB 626 - CDUA requires EIS
- SB 688 - Affordable housing exemption

Supplementals

- HB 792 (SB 685) - Creates supplemental process in statute
- HB 856 – Supplementals, key "problem areas"
- HB 1409 (SB 614) - Supplementals, various other amendments

Cult. Imp. Assessments

- HB 396 (SB 981) - OHA training EC
- HB 402 (SB 987) - OHA approve CIA, require CIA for all EAs and EISs

Miscellaneous

- HB 1402 - Amends definition of EIS to include federal environmental justice policy
- SB 773 - Renewable energy facilitator accepting authority

DOA

- HB 792 (SB 685) - Creates supplemental process in statute
- HB 856 - Amend 343 for key "problem areas", supplementals
- HB 1315 - Make Act 87 permanent
- HB 1402 - Amends definition of EIS to include federal environmental justice policy
- HB 1409 (SB 614) - Comprehensive reform of 343, supplementals
- HB 1503 - Exempt 5-year district boundary reviews initiated by county or OP & consistent with GPs/CPs
- SB 626 - CDUA requires EIS
- SB 688 - Affordable housing exemption
- SB 773 - Renewable energy facilitator accepting authority

Ran Out of Gas

- HB 396 - OHA training EC
- HB 402 (SB 987) - OHA approve CIA, require all CIA
- SB 729 - OEQC & EC duties

Almost There

- HB 424 - Extend Act 87 to 2013
- SB 723 - Extend Act 87 to 2015
- SB 699 - OEQC filing fees
- SB 981 - OHA training EC
- HB 1342 - Exempts certain telecommunication infrastructure from state and county permits, including 343

The Big Picture?

- Many bills based on issues raised in UH EIS report
- SB 699 - OEQC filing fees – direct result of Working Group consensus
- Act 87 extension a given
- Other bills advance sector-based interests
- Who's looking out for the big picture?

Testifiers

APA Subcommittee

- Formed EIS Subcommittee in 2008
- Chapter President Ralph Portmore appointed Lee Sichter as chair
- Met 5 times to review UH EIS Final Report
- APA Ex. Comm. approved subcommittee report by majority vote

Ch. 341 Highlights

- Strengthen role of Director over EC
- Reduce EC membership
- Support increased OEQC capacity, funding
- Restore Env. Ctr. as research institute

Ch. 343 Highlights

- Support discretionary approval process to replace “triggers”
- Continue Act 87
- Public notice commensurate with project size/impact
- Oppose RODs
- Oppose numerical shelf life
- Phased development valid so long as discretionary approval in force
- Oppose three “triggers” for supplementals - change in project, surrounding environment, or relevant information; should only be a change in project
- Supplemental studies may substitute for supplemental EAs or EISs