

UNIVERSITY OF HAWAI‘I SYSTEM ANNUAL REPORT



REPORT TO THE 2008 LEGISLATURE

Annual Report from the Hawai'i Environmental Center on the
Comprehensive Review of the State's existing
Environmental Impact Statement Process for 2008

ACT 294
Session Laws of Hawai'i 2006

February 2008

**ACT 294 STATE LEGISLATURE 2006 REGULAR SESSION
REPORT TO LEGISLATURE**

**Submitted by
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Background

Pursuant to Governor's Message No. 825 to the Senate on July 10, 2006, Act 294 was signed into law. Among other things, this Act required the State Office of Environmental Quality Control (OEQC) "to contract with the UH Environmental Center to perform a comprehensive review of the EIS process." The Act arose from SB 2145, in which the Legislature found,

that there is a need to conduct a comprehensive and scholarly review of the state environmental impact statement process to evaluate its continued efficiency, the effectiveness of amendments made by Act 50, Session Laws of Hawaii 2000, and the possible need to revise chapter 343, Hawaii Revised Statutes.

Funding for the proposed study was appropriated in the amount of \$108,675 pursuant to the State of Hawaii Appropriation Warrant No. 148, transmitted by Comptroller Russell Saito and date stamped August 17, 2006. The lapse date specified in the warrant was June 30, 2007.

Statement of Activities

Prior to the release of funding, the Environmental Center had worked closely with the Legislature to assure that the University understood the legislative intent regarding the EIS study. In July 2006, we took a careful look at the legislative request, translated it into components that were appropriate for specific areas of academic inquiry, and assembled a project team to define and pursue appropriate questions. Upon confirmation of the appropriation in August, the team commenced a series of scoping meetings, and over the fall semester we narrowed our focus to arrive at a manageable proposal. The proposal was drafted in November, and it then went through several revisions, as well as review by the UH Committee on Human Studies before final submission to OEQC in January, 2007. The proposal included a scheduled start date in February, and it envisioned submission of a final report to the Legislature in time for the Regular Session of 2008.

Unfortunately, contract preparation and approval by the State took longer than anticipated, and although a draft of the contract was received on February 13th, the official Notice To Proceed (NTP) was dated April 20, 2007 and transmitted on April 26th. Upon receipt of the NTP, the Environmental Center worked with the UH Office of

Research Services (ORS) to establish a project account and expenditure authority, and research activities officially started.

Initial efforts built upon earlier organizational meetings of the project team, which in addition to the Principal Investigator included Dr. Kem Lowry, Department of Urban and Regional Planning, Dr. Brian Szuster, Department of Geography, Mr. Peter Rappa of the Environmental Center, and Mr. Dennis Hwang of a prominent Honolulu Law firm. Individual team members assumed responsibility for compiling work plans to accomplish goals as identified in our meetings, and members of the team wrote individual discussion papers on their respective areas of expertise. These working papers served to further clarify issues and areas of needed study, and they provided a basis for developing a series of survey questions for use in the stakeholder survey segment of the project.

The budget submitted with the proposal included funding for two graduate student assistants to provide specific scholarly support for the review of the EIS system. Candidates for these research positions were interviewed, and one student was hired to conduct research on cumulative impact analysis. The team also identified a need for detailed review of existing case law related to the EIS system, and the project hired a recent graduate of the Richardson School of Law to conduct this case law review.

Survey questions developed during the initial project phase were refined, and a general scoping survey meeting was held at OEQC, with invited participants representing government, academic, business and developer interests. This meeting served to further refine the questions and issues to be pursued in subsequent stakeholder surveys, following the model used in previous EIS review studies conducted by the Environmental Center.

The University was unable to prepare the comprehensive report because its contract was terminated due to the unavailability of the appropriated funds. Prior to suspension of expenditure authority, the project dispersed payments totalling \$14,245.73, according to Environmental Center records. The majority of these funds went to salary and fringe for project team and student employees, with a small amount going to indirect costs.

Although members of the project team invested many hours, products of the work necessarily remain preliminary, and progress towards reportable conclusions has not reached a level where results would be academically acceptable. We look forward to resuming the work at such time as funding again is available.