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THE ENVIRONMENTAL IMPACT LAW Statement in Response to HR 156, HD1 (1975)

House Resolution 156, HD1, 1975, requested that the University of Hawaii Environmental Center evaluate the effectiveness of Revised Laws of Hawaii Chapter 343 and the rules and regulations of the Environmental Quality Commission relating to the present State Environmental Impact system.

The Environmental Center presented a statement on the "State Environmental Impact Statement Act and the Regulations of the Environmental Quality Commission to the Senate Committee on Ecology, Environment, and Recreation on 21 October 1975. With two additions this statement, which is appended hereto, reflects the present views of the Center on the EIS law, and the rules, and regulations of the EQC.

1. The statement called attention to several inadequacies relating to classes of action exempt from EIS requirements by the EQC (pp 9-10), and types of actions exempt by agencies (pp 11-12). The Center's experience since October not only reinforces the opinions expressed as to these inadequacies but indicates that several agencies are seeking to avoid the preparation of environmental impact statements by issuing negative declarations even for actions that will have significant environmental impacts and even substantial negative impacts.

2. It appears that the deficiencies associated with inappropriately exempt classes of action and inappropriate negative declarations result substantially from inadequacies in the strength of the staffs of the Environmental Quality Commission and/or the Office of Environmental Quality Control. The Center cannot judge precisely how many additional positions should be made available in the staffs of the Commission and the Office respectively to implement the EIS system effectively, nor exactly what competence the additional staff should have. The additional staff needed could be added to the staff of the Office if the Commission were to look to the Office for technical staff support. The Environmental Center itself contributes to the technical support of the Commission and the Office, but cannot increase the level of its contribution given its own present limitations.

Doak C. Cox
Director

attachment: Statement for Senate EER Committee by D.C. Cox, J. Miller, and
R. Tabata 21 Oct 75