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# A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 343-5, Hawaii Revised Statutes, is  
2 amended by amending subsection (d) to read as follows:

3           "(d) Whenever an applicant [~~simultaneously~~] requests  
4 approval for a proposed action [~~from two or more agencies~~] and  
5 there is a question as to which [~~agency~~] of two or more state or  
6 county agencies with jurisdiction has the responsibility of  
7 preparing the environmental assessment, the office, after  
8 consultation with [~~the agencies involved,~~] and assistance from  
9 the affected state or county agencies, shall determine which  
10 agency shall prepare the assessment."

11           SECTION 2. Section 343-6, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13           "~~[(a) After consultation with the affected agencies, the~~  
14 ~~council shall adopt, amend, or repeal necessary rules for the~~  
15 ~~purposes of this chapter in accordance with chapter 91~~  
16 ~~including, but not limited to, rules which shall:~~



PROPOSED  
S.B. NO.

2808  
S.D. 2  
H.D. 1  
PROPOSED

- 1       ~~(1) Prescribe the contents of an environmental impact~~
- 2           ~~statement;~~
- 3       ~~(2) Prescribe the procedures whereby a group of proposed~~
- 4           ~~actions may be treated by a single statement;~~
- 5       ~~(3) Prescribe procedures for the preparation and contents~~
- 6           ~~of an environmental assessment;~~
- 7       ~~(4) Prescribe procedures for the submission, distribution,~~
- 8           ~~review, acceptance or nonacceptance, and withdrawal of~~
- 9           ~~a statement;~~
- 10       ~~(5) Prescribe procedures to appeal the nonacceptance of a~~
- 11           ~~statement to the environmental council;~~
- 12       ~~(6) Establish criteria to determine whether a statement is~~
- 13           ~~acceptable or not;~~
- 14       ~~(7) Establish procedures whereby specific types of~~
- 15           ~~actions, because they will probably have minimal or no~~
- 16           ~~significant effects on the environment, are declared~~
- 17           ~~exempt from the preparation of an assessment;~~
- 18       ~~(8) Prescribe procedures for informing the public of~~
- 19           ~~determinations that a statement is either required or~~
- 20           ~~not required, for informing the public of the~~
- 21           ~~availability of draft statements for review and~~
- 22           ~~comments, and for informing the public of the~~



1           ~~acceptance or nonacceptance of the final statement,~~  
2           ~~and~~

3           ~~(9) Prescribe the contents of an environmental~~  
4           ~~assessment.]~~

5           (a) After consultation with the affected agencies, the  
6           council shall adopt, amend, or repeal necessary rules for the  
7           purposes of this chapter in accordance with chapter 91  
8           including, but not limited to, rules that shall:

9           (1) Prescribe the procedures whereby a group of proposed  
10           actions may be treated by a single environmental  
11           assessment or statement;

12           (2) Establish procedures whereby specific types of  
13           actions, because they will probably have minimal or no  
14           significant effects on the environment, are declared  
15           exempt from the preparation of an environmental  
16           assessment;

17           (3) Prescribe procedures for the preparation of an  
18           environmental assessment;

19           (4) Prescribe the contents of an environmental assessment;

20           (5) Prescribe procedures for informing the public of  
21           determinations that a statement is either required or  
22           not required, for informing the public of the



- 1           availability of draft environmental statements for  
2           review and comments, and for informing the public of  
3           the acceptance or nonacceptance of the final  
4           environmental statement;
- 5       (6) Prescribe the contents of an environmental impact  
6           statement;
- 7       (7) Prescribe procedures for the submission, distribution,  
8           review, acceptance or nonacceptance, and withdrawal of  
9           an environmental statement;
- 10       (8) Establish criteria to determine whether an  
11           environmental statement is acceptable or not; and
- 12       (9) Prescribe procedures to appeal the nonacceptance of an  
13           environmental statement to the environmental council."

14           SECTION 3. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16           SECTION 4. This Act shall take effect upon its approval.



PROPOSED

S.B. NO. 2808  
S.D. 2  
H.D. 1  
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**Report Title:**

Environmental Assessments; Exemptions

**Description:**

Clarifies that when 2 or more agencies have jurisdiction, the office of environmental quality control shall determine which agency has the responsibility of preparing an environmental assessment after consultation with and assistance from the affected state or county agencies. Makes clarifications to the rulemaking powers of the environmental council. (PROPOSED HD1)

