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## A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL ASSESSMENTS.

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

1       SECTION 1. The legislature finds that SpaceX is seeking  
2 approval from the Federal Aviation Administration to land  
3 experimental rockets over and in waters surrounding Hawaii. No  
4 environmental impact statement has been conducted for these  
5 specific types of rockets, called Starships, nor has the impact  
6 on Hawaiian marine life, wildlife, fishing, and cultural  
7 resources been assessed. The aircraft may break into pieces of  
8 debris upon reentry into the atmosphere or may explode in the  
9 ocean.

10       In 2014, an environmental impact statement was conducted by  
11 the Federal Aviation Administration, which was related to the  
12 operation of a spaceport in Boca Chica, Texas, to launch a  
13 Falcon 9 rocket. Numerous unforeseen SpaceX malfunctions and  
14 accidents in Boca Chica have had a negative impact on the  
15 surrounding natural and human environment. As a consequence,  
16 environmental organizations are suing the Federal Aviation  
17 Administration over considering only best-case scenarios in the



1 environmental impact assessment, rather than a realistic range  
2 of scenarios.

3 In 2022, a less comprehensive, preliminary environmental  
4 assessment was conducted that assessed launches and landings of  
5 Starships sixty-two nautical miles north of Kauai and west of  
6 the Papahānaumokuākea national marine monument, with a debris  
7 field if it broke up upon reentry southwest of Kauai. The  
8 biological opinion conducted by the National Oceanic and  
9 Atmospheric Administration and the United States Fish and  
10 Wildlife Service as part of the preliminary environmental  
11 assessment did not include local consultation as would be  
12 required by a full environmental impact statement and only  
13 considered best-case scenarios.

14 In 2024, SpaceX sought approval for a landing zone over  
15 twenty times larger than its initial request in 2022 and planned  
16 to increase the number of Starship launches and landings from  
17 five to twenty-five per year. Given the lack of previous  
18 stakeholder participation, a change in spacecraft type, and the  
19 dramatically expanded area, which is further affected by ocean  
20 currents, it is unclear what the impact will be on Hawaii.



1       Accordingly, the purpose of this Act is to require an  
2       environmental impact statement and consultation with the office  
3       of Hawaiian affairs for actions that propose any launch of a  
4       spacecraft from or reentry of a spacecraft into state waters or  
5       the Papahānaumokuākea marine national monument.

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

8       "(a) Except as otherwise provided, an environmental  
9       assessment shall be required for actions that:

- 10       (1) Propose the use of state or county lands or the use of  
11       state or county funds, other than funds to be used for  
12       feasibility or planning studies for possible future  
13       programs or projects that the agency has not approved,  
14       adopted, or funded, or funds to be used for the  
15       acquisition of unimproved real property; provided that  
16       the agency shall consider environmental factors and  
17       available alternatives in its feasibility or planning  
18       studies; provided further that an environmental  
19       assessment for proposed uses under section 205-  
20       2(d)(11) or 205-4.5(a)(13) shall only be required  
21       pursuant to section 205-5(b);



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- 1       (2)   Propose any use within any land classified as a  
2           conservation district by the state land use commission  
3           under chapter 205;
- 4       (3)   Propose any use within a shoreline area as defined in  
5           section 205A-41;
- 6       (4)   Propose any use within any historic site as designated  
7           in the National Register or Hawaii Register, as  
8           provided for in the Historic Preservation Act of 1966,  
9           Public Law 89-665, or chapter 6E;
- 10      (5)   Propose any use within the Waikiki area of Oahu, the  
11          boundaries of which are delineated in the land use  
12          ordinance as amended, establishing the "Waikiki  
13          Special District";
- 14      (6)   Propose any amendments to existing county general  
15          plans where the amendment would result in designations  
16          other than agriculture, conservation, or preservation,  
17          except actions proposing any new county general plan  
18          or amendments to any existing county general plan  
19          initiated by a county;



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- 1           (7) Propose any reclassification of any land classified as  
2           a conservation district by the state land use  
3           commission under chapter 205;
- 4           (8) Propose the construction of new or the expansion or  
5           modification of existing helicopter facilities within  
6           the State, that by way of their activities, may  
7           affect:
- 8           (A) Any land classified as a conservation district by  
9           the state land use commission under chapter 205;
- 10          (B) A shoreline area as defined in section 205A-41;  
11          or
- 12          (C) Any historic site as designated in the National  
13          Register or Hawaii Register, as provided for in  
14          the Historic Preservation Act of 1966, Public Law  
15          89-665, or chapter 6E; or until the statewide  
16          historic places inventory is completed, any  
17          historic site that is found by a field  
18          reconnaissance of the area affected by the  
19          helicopter facility and is under consideration  
20          for placement on the National Register or the  
21          Hawaii Register of Historic Places; ~~and~~



1           (9) Propose any:

2                   (A) Wastewater treatment unit, except an individual  
3                   wastewater system or a wastewater treatment unit  
4                   serving fewer than fifty single-family dwellings  
5                   or the equivalent;

6                   (B) Waste-to-energy facility;

7                   (C) Landfill;

8                   (D) Oil refinery; or

9                   (E) Power-generating facility[-]; and

10          (10) Propose any launch of a spacecraft from or reentry of  
11          a spacecraft into state waters or the  
12          Papahānaumokuākea Marine National Monument; provided  
13          that:

14                (A) Such a proposed action shall be presumed to have  
15                a significant effect on the environment and shall  
16                proceed directly to preparation of a draft  
17                environmental impact statement; and

18                (B) The applicant for such a proposed action shall  
19                consult the office of Hawaiian affairs during the  
20                preparation of a draft environmental impact  
21                statement."



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1       SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:



JAN 23 2025



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**Report Title:**

Environmental Impact Statement; Spacecraft; State Waters;  
Papahānaumokuākea Marine National Monument; Office of Hawaiian  
Affairs

**Description:**

Requires an environmental impact statement and consultation with  
the Office of Hawaiian Affairs for actions that propose any  
launch of a spacecraft from or reentry into state waters or the  
Papahānaumokuākea Marine National Monument.

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