
A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1 SECTION 1. The legislature finds that chapter 341, Hawaii
2 Revised Statutes, which creates the office of environmental
3 quality control, the state environmental council, and the
4 University of Hawaii environmental center; chapter 343, Hawaii
5 Revised Statutes, the State's environmental impact review law;
6 and chapter 344, Hawaii Revised Statutes, the State's
7 environmental policy act, are three related laws that have
8 formed a strong foundation for protecting Hawaii's environment
9 for over 30 years. The environmental review process and the
10 institutions created have served the state well.

11 However, in recent years, concerns have arisen about the
12 ability of this system to adapt to the modern demands for
13 achieving sustainability in Hawaii in a way that appropriately
14 balances the state economy, environment, and social conditions
15 over the long term. Many new challenges that are not addressed
16 by existing laws have arisen for agencies, planners, businesses,
17 and affected communities, as well as the courts. There is a



1 growing need to ensure that the state is resilient to natural
2 hazards and that development considers factors such as climate
3 change, sea level rise, and risks associated with hurricanes,
4 tsunamis, earthquakes, flooding, wildfires, and other natural
5 and technological hazards. In addition, the best practices for
6 environmental assessment globally and nationally have changed
7 dramatically since Hawaii's laws were written, and Hawaii has
8 not optimized the opportunities to learn from these
9 developments.

10 It is vital to ensure that Hawaii has an environmental
11 review system appropriate for the state in the 21st century,
12 which is fully integrated with the state and county permitting
13 system; which examines impacts early in the planning process;
14 and which is effective, efficient, and equitable.

15 Recent events, including the Hawaii supreme court's
16 August 31, 2007, decision in *Sierra Club, et al. v. Department*
17 *of Transportation of the State of Hawaii, et al.* related to
18 chapter 343, Hawaii Revised Statutes, the subsequent proceedings
19 of the second special session of the twenty-fourth legislature
20 of the State of Hawaii, and increasing public attention to the
21 importance of chapter 343, Hawaii Revised Statutes, demonstrate
22 that there is urgent need for an independent study, in



1 collaboration with representative stakeholders, to inform the
2 public, agencies, applicants, and the legislature about how best
3 to modernize Hawaii's environmental review system.

4 SECTION 2. The 2006 legislature passed Act 294, Session
5 Laws of Hawaii 2006, appropriating \$108,675 for the University
6 of Hawaii environmental center to perform a comprehensive review
7 of the State's current environmental impact statement process
8 under chapter 343, Hawaii Revised Statutes. Due to an internal
9 error by the department of health, the appropriated funds
10 prematurely lapsed, requiring an abrupt termination of the
11 already commenced study. Therefore, the intent of this Act is
12 to revive this study, provide it with stronger support, and
13 focus it more specifically on developing a strategy for
14 modernizing Hawaii's environmental review system.

15 SECTION 3. The legislative reference bureau shall execute
16 a contract with the University of Hawaii to conduct a study on
17 the State's environmental review process. The study shall:

18 (1) Examine the effectiveness of the current environmental
19 review system created by chapters 341, 343, and 344,
20 Hawaii Revised Statutes;



- 1 (2) Assess the unique environmental, economic, social, and
2 cultural issues in Hawaii that should be incorporated
3 into an environmental review system;
- 4 (3) Address larger concerns and interests related to
5 sustainable development, global environmental change,
6 and disaster risk reduction; and
- 7 (4) Develop a strategy, including recommendations for
8 proposed legislation, for modernizing Hawaii's
9 environmental review system so that it meets
10 international and national best practices standards.

11 In recognition of the long-term process required to effect
12 legislative and statutory change, the study shall include a
13 process to obtain input on the recommendations from
14 representative stakeholders.

15 SECTION 4. To ensure that a comprehensive review is
16 conducted, the University of Hawaii, through the research
17 corporation of the University of Hawaii, shall establish an
18 interdisciplinary team of faculty, researchers, and students,
19 from the University of Hawaii department of urban and regional
20 planning, the environmental center, and the environmental law
21 program at the William S. Richardson school of law, among other



1 technical experts in the field of environmental management and
2 planning.

3 SECTION 5. The University of Hawaii shall submit an
4 interim report to the legislature no later than twenty days
5 prior to the convening of the regular session of 2009, and a
6 final report to the legislature no later than twenty days prior
7 to the convening of the regular session of 2010.

8 SECTION 6. This Act shall take effect on July 1, 2020.



Report Title:

EIS System; Study

Description:

Requires the Legislative Reference Bureau to contract with the UH for a study to modernize Hawaii's EIS process. (HB2510 HD2)

