

JAN 19 2018

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 the case of *Unite*
2 *Here! Local 5 v. The City and County of Honolulu* examined
3 environmental impact statements and whether or not approved
4 environmental impact statements have expiration dates. The
5 Hawaii supreme court ruled against the assumptions that an
6 environmental impact statement is indefinitely valid once
7 completed and approved for a project, and that there is no time
8 sensitivity as to the actual start and end date of the proposed
9 project. The legislature further finds that many large scale
10 projects that require an environmental impact statement take
11 years longer than initially anticipated and go beyond the time
12 period of potential impacts examined in the environmental impact
13 statement. Although state law lacks an explicit time frame of
14 validity for an environmental impact statement, section 11-200-
15 26, Hawaii Administrative Rules, requires a supplemental
16 environmental impact statement when a project with an approved
17 environmental impact statement has changed substantively in



1 size, scope, intensity, use, location, or timing. The
2 legislature finds that while a supplemental environmental impact
3 statement may ensure consideration of an action that is
4 essentially different from the action proposed under the
5 original environmental impact statement, the drafting,
6 submission, and approval of a supplemental environmental impact
7 statement adds costs to projects that are often already
8 expensive. Therefore, the legislature concludes that
9 establishment of an explicit time frame of validity for an
10 environmental impact statement, in combination with mandatory
11 community involvement during periods of construction delay, will
12 ensure that an environmental impact statement does not go stale,
13 without need for triggering a costly supplemental environmental
14 impact statement in every situation.

15 The purpose of this Act is to require, for any proposed
16 action involving construction for which an environmental impact
17 statement has been accepted by an agency but for which
18 construction has not commenced within five years of acceptance
19 of the statement, the developer of the construction project to
20 exercise due diligence and hold community discussion and



1 feedback sessions to share relevant and new information
2 surrounding the project.

3 SECTION 2. Chapter 343, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§343- Delayed construction; community involvement. If
7 an environmental impact statement for a proposed action
8 involving construction has been accepted by an agency in
9 satisfaction of the requirements of this chapter but
10 construction has not commenced within five years of the date of
11 acceptance of the statement, the developer of the construction
12 project shall:

13 (1) Exercise due diligence with respect to any changes in
14 the community where the project is planned, including
15 but not limited to community population changes,
16 zoning changes, compatibility with land use plans, and
17 secondary effects on the community, such as changes in
18 traffic flow or visual blight; and

19 (2) Hold community discussion and feedback sessions in
20 which relevant and newly discovered information
21 surrounding the project, including social,



1 environmental, and economic concerns, shall be shared
2 with the community in which the project is being
3 constructed."

4 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: Randy H. Bab





Report Title:

Environmental Impact Statement; Delayed Construction; Community Discussion and Feedback Sessions

Description:

Requires, for any proposed action involving construction for which an environmental impact statement has been accepted by an agency but for which construction has not commenced within five years of acceptance of the statement, the developer of the construction project to exercise due diligence with respect to any changes in the community where the project is planned and requires developers to hold community discussion and feedback sessions to discuss relevant and new concerns regarding the project.

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