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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. The purpose of this Act is to amend the  
2 environmental impact statement law to exempt secondary actions  
3 that are limited to infrastructure improvements ancillary to the  
4 primary action from the need to comply with the environmental  
5 impact assessment requirements of chapter 343, Hawaii Revised  
6 Statutes.

7           SECTION 2. Section 343-5.5, Hawaii Revised Statutes, is  
8 amended as follows:

9           "~~[†]~~§343-5.5~~[‡]~~ **Exception to applicability of chapter.** (a)  
10 Notwithstanding any other law to the contrary, for any primary  
11 action that requires a permit or approval ~~[that is not subject~~  
12 ~~to a discretionary consent and]~~ that involves a secondary action  
13 that is ancillary and limited to the installation, improvement,  
14 renovation, construction, or development of infrastructure  
15 within an existing public right-of-way or highway, that  
16 secondary action shall be exempt from this chapter~~[, provided~~  
17 ~~that the applicant for the primary action shall submit~~

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1 ~~documentation from the appropriate agency confirming that no~~  
2 ~~further discretionary approvals are required.~~

3 (b) As used in this section:

4 ~~"Discretionary consent" means:~~

5 ~~(1) An action as defined in section 343-2; or~~

6 ~~(2) An approval from a decision-making authority in an~~  
7 ~~agency, which approval is subject to a public~~  
8 ~~hearing.]~~

9 "Infrastructure" includes waterlines and water facilities,  
10 wastewater lines and wastewater facilities, gas lines and gas  
11 facilities, drainage facilities, electrical, communications,  
12 telephone, and cable television utilities, and highway, roadway,  
13 and driveway improvements.

14 "Primary action" means an action outside of the highway or  
15 public right-of-way that is on private property.

16 "Secondary action" means an action involving infrastructure  
17 within the highway or public right-of-way.

18 SECTION 3. Statutory material to be repealed is bracketed  
19 and stricken.

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

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INTRODUCED BY: 

4

BY REQUEST

JAN 25 2021

H .B. NO. 901

**Report Title:**

Environmental Impact Statements

**Description:**

Amends the environmental impact statement law to delete reference to discretionary permits in allowing infrastructure improvements within a highway or public right-of-way to be exempt from environmental assessment requirements.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

H.B. No. 101

DEPARTMENT: Business, Economic Development, and Tourism

TITLE: A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.

PURPOSE: Streamline the development approval process by exempting projects involving discretionary consents if the only Environmental Impact Statement trigger is secondary infrastructure improvements to a highway or public right-of-way.

MEANS: Amend section 343-5.5, Hawaii Revised Statutes.

JUSTIFICATION: Infrastructure improvements such as connecting a water or sewer line to a highway, or making a roadway connection to a public right-of-way, should not be the sole basis for triggering an environmental assessment, regardless of whether a discretionary consent is involved.

Impact on the public: Beneficial impact to major developments if they are required to prepare and process an environmental impact statement (EIS) only because of an infrastructure connection to a public roadway. Will save time and the costs of preparing an EIS.

Impact on the department and other agencies: Reduces the need to review projects as part of the environmental impact assessment process.

GENERAL FUND: None.

OTHER FUNDS: None.

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PPBS PROGRAM  
DESIGNATION:

BED-144 PL.

OTHER AFFECTED  
AGENCIES:

Departments of Health, Transportation and  
City and County of Honolulu, County of  
Hawaii, County of Kauai, and County of Maui.

EFFECTIVE DATE:

Upon approval.