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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 legislature finds that the State's  
2 environmental review process was incorporated into the planning  
3 processes of the State and counties to balance environmental  
4 concerns with technical considerations and economic goals. The  
5 legislature further finds that the State, stakeholders, and the  
6 public all benefit from public participation and transparency in  
7 the environmental review process.

8           However, the legislature recognizes that the public is  
9 often unaware of a pending project until a determination is made  
10 regarding an environmental assessment or environmental impact  
11 statement, at which point the opportunity for public comment has  
12 passed. Supporting public participation in projects prior to  
13 acceptance of an environmental assessment or environmental  
14 impact statement will foster greater awareness of and  
15 participation in the environmental review process.

16           The legislature also finds that although the office of  
17 planning and sustainable development currently has a website



1 that provides information to the public, the information  
2 provided on the site is not user-friendly. Information is  
3 difficult to locate and the site does not highlight pending  
4 environmental assessments or environmental impact statements  
5 that are currently open for public comments.

6 Accordingly, the purpose of this Act is to require the  
7 office of planning and sustainable development to establish,  
8 implement, and maintain an interactive website that is  
9 accessible by the public at no cost and provides notification of  
10 and opportunity for participation in actions taken pursuant to  
11 the State's environmental review process.

12 SECTION 2. Section 343-3, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "**§343-3 Public records and notice[-]; office website.** (a)

15 All statements, environmental assessments, and other documents  
16 prepared under this chapter shall be made available for  
17 inspection by the public during established office hours.

18 (b) The office shall inform the public of notices filed by  
19 agencies of the availability of environmental assessments for  
20 review and comments, of determinations that statements are  
21 required or not required, of the availability of statements for



1 review and comments, and of the acceptance or nonacceptance of  
2 statements.

3 (c) The office shall inform the public of:

4 (1) A public comment process or public hearing if a  
5 federal agency provides for the public comment process  
6 or public hearing to process a habitat conservation  
7 plan, safe harbor agreement, or incidental take  
8 license pursuant to the federal Endangered Species  
9 Act;

10 (2) A proposed habitat conservation plan or proposed safe  
11 harbor agreement, and availability for inspection of  
12 the proposed agreement, plan, and application to enter  
13 into a planning process for the preparation and  
14 implementation of the habitat conservation plan for  
15 public review and comment;

16 (3) A proposed incidental take license as part of a  
17 habitat conservation plan or safe harbor agreement;  
18 and

19 (4) An application for the registration of land by  
20 accretion pursuant to section 501-33 or 669-1(e) for  
21 any land accreted along the ocean.



1 (d) The office shall inform the public by the publication  
2 of a periodic bulletin to be available to persons requesting  
3 this information. The bulletin shall be available through the  
4 office [~~and~~], public libraries[~~-~~], and on the office's website.

5 (e) The office shall establish, implement, and maintain an  
6 interactive website that shall be accessible by the public at no  
7 cost. The website shall:

8 (1) Allow the public to register for notifications  
9 regarding any action initiated pursuant to this  
10 chapter, including notification of:

11 (A) The receipt of any documents or filings relating  
12 to any action initiated pursuant to this chapter;

13 (B) Any upcoming hearing, including information  
14 regarding the hearing date, time, and location;

15 (C) The opportunity to submit public comments  
16 regarding any draft statement submitted to the  
17 office by an applicant; provided that this  
18 notification shall include a link to provide  
19 comments online;

20 (D) The submission of a final statement to the office  
21 by an applicant; provided that this notification



- 1           shall include a hyperlink to the text of any  
2           final statement submitted;
- 3           (E) Acceptance or nonacceptance by an agency of a  
4           final statement made pursuant to section 343-5;
- 5           (F) Any appeal of nonacceptance filed by an  
6           applicant;
- 7           (G) Any determination of an appeal of nonacceptance  
8           made by the council;
- 9           (H) Any updates to the relevant statutes, rules, or  
10          policies relating to the environmental review  
11          process; and
- 12          (I) Any other aspect of any action or the  
13          environmental review process as deemed  
14          appropriate by the office and stakeholders;
- 15          (2) Make available and searchable any document or filing  
16          received pursuant to this chapter, including reports  
17          and testimony;
- 18          (3) Allow the public to comment on any draft statement  
19          during the comment period required by section 343-5;



- 1       (4) Compile and make available all state and county
- 2           environmental impact statements and environmental
- 3           assessments; and
- 4       (5) Include any additional feature as determined by the
- 5           office in consultation with its stakeholders."

6           SECTION 3. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$                    or so  
8 much thereof as may be necessary for fiscal year 2022-2023 for  
9 the purpose of establishing, implementing, and maintaining an  
10 interactive website pursuant to this Act.

11           The sum appropriated shall be expended by the office of  
12 planning and sustainable development for the purposes of this  
13 Act; provided that no funds shall be released until after the  
14 office of planning and sustainable development consults its  
15 stakeholders regarding the establishment of an interactive  
16 website pursuant to this Act.

17           SECTION 4. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19           SECTION 5. This Act shall take effect on July 1, 2100.

20

**Report Title:**

Office of Planning and Sustainable Development; Public Records;  
Environmental Assessments; Environmental Impact Statements;  
Appropriation

**Description:**

Requires the Office of Planning and Sustainable Development to establish, implement, and maintain an interactive website that is accessible by the public at no cost and provides notification of and opportunity for participation in actions taken pursuant to the State's environmental review process. Appropriates funds. Effective 7/1/2100. (HD1)

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

