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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 is designed to assess new projects  
3 with potential environmental impacts. However, recent court  
4 decisions have broadened the definition of "action", which  
5 includes long-permitted commercial activities that the State did  
6 not originally intend to be subject to environmental review. As  
7 a result, long-standing commercial operations may be forced to  
8 cease operation despite their decades-long compliance with  
9 regulatory requirements.

10       Accordingly, the purpose of this Act is to allow:

- 11       (1) An activity or operation that is permitted or  
12           authorized under chapter 200, Hawaii Revised Statutes,  
13           and renewed within twelve months preceding the  
14           initiation of proceedings to determine whether the  
15           activity or operation is subject to environmental  
16           review to continue operation for one year while the



1 appropriate agency makes the determination and  
2 conducts any necessary environmental review; and

3 (2) A person with oversight of the activity or operation  
4 to renew the appropriate permits while under the  
5 environmental review process

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

9 "§343- Temporary continuation of authorized or  
10 permitted activities; challenge; exemption. (a)

11 Notwithstanding any law to the contrary, when an activity or  
12 operation that is permitted or authorized under chapter 200 and  
13 renewed within twelve months preceding the initiation of  
14 proceedings under this section is challenged as being subject to  
15 the requirements of this chapter, the activity or operation may  
16 continue for up to one year pending:

17 (1) A determination by the appropriate agency as to  
18 whether the activity or operation is subject to or  
19 exempt from the requirements of this chapter; and



1       (2) The preparation and submission of an environmental  
2       assessment or environmental impact statement, if  
3       required;  
4       provided that the activity or operation shall comply with all  
5       applicable regulatory requirements and shall not include  
6       construction, grading, dredging, or other structural  
7       modifications to land, waterways, or marine environments;  
8       provided further that the court may extend the continuation  
9       period at its discretion.

10       (b) If an agency determines that an activity or operation  
11       that is permitted or authorized under chapter 200 and renewed  
12       within twelve months preceding the initiation of proceedings  
13       under this section is subject to this chapter, a person with  
14       oversight of the activity or operation may renew the permit  
15       while undergoing environmental review; provided that the  
16       activity or operation continues to comply with regulatory  
17       requirements.

18       (c) For purposes of this section, "permitted or  
19       authorized" means having a valid permit or authorization issued  
20       under chapter 200 that has been renewed within twelve months  
21       preceding the initiation of proceedings under this section."



1 SECTION 3. New statutory material is underscored.

2 SECTION 4. This Act shall take effect on July 1, 3000, and

3 shall be repealed on June 30, 2027.



**Report Title:**

Environmental Assessment; Commercial Activities; Temporary  
Exemption; Challenge; Permits

**Description:**

Allows an activity or operation that is permitted or authorized under chapter 200, Hawaii Revised Statutes, and renewed within twelve months preceding the initiation of proceedings to determine whether the activity or operation is subject to environmental review to continue operation for one year while the appropriate agency makes the determination and conducts any necessary environmental review. Allows a person with oversight of the activity or operation to renew the appropriate permits while under the environmental review process. Sunsets 6/30/2027. Effective 7/1/3000. (HD1)

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

