

JAN 17 2025

A BILL FOR AN ACT

RELATING TO THE ENVIRONMENTAL REVIEW PROCESS.

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

SECTION 1. Section 343-2, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read:

""Finding of completion of environmental disclosure process" means a determination based on the accepting agency's assessment that a final environmental assessment meets the technical standards for completeness pursuant to section 343-5 and rules adopted by the office under chapter 91, and therefore, the subject action shall not require the preparation of an environmental impact statement."

2. By repealing the definition of "finding of no significant impact".

~~[""Finding of no significant impact" means a determination based on an environmental assessment that the subject action will not have a significant effect and, therefore, will not require the preparation of an environmental impact statement."]~~



SECTION 2. Section 343-5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (c) to read:

"(c) For environmental assessments for which a finding of ~~[no significant impact]~~ completion of environmental disclosure process is anticipated:

- (1) A draft environmental assessment shall be made available for public review and comment for a period of thirty days;
- (2) The office shall inform the public of the availability of the draft environmental assessment for public review and comment pursuant to section 343-3;
- (3) The agency shall respond in writing to comments received during the review and prepare a final environmental assessment to determine whether an environmental impact statement shall be required;
- (4) A statement shall be required if the agency finds that the proposed action may have a significant effect on the environment; and
- (5) The agency shall file notice of the determination with the office. When a conflict of interest may exist



1 because the proposing agency and the agency making the
2 determination are the same, the office may review the
3 agency's determination, consult the agency, and advise
4 the agency of potential conflicts, to comply with this
5 section. The office shall publish the final
6 determination for the public's information pursuant to
7 section 343-3.

8 The draft and final statements, if required, shall be
9 prepared by the agency and submitted to the office. The draft
10 statement shall be made available for public review and comment
11 through the office for a period of forty-five days. The office
12 shall inform the public of the availability of the draft
13 statement for public review and comment pursuant to section
14 343-3. The agency shall respond in writing to comments received
15 during the review and prepare a final statement.

16 The office, when requested by the agency, may make a
17 recommendation as to the acceptability of the final statement."

18 2. By amending subsection (e) to read:

19 "(e) Whenever an applicant proposes an action specified by
20 subsection (a) that requires approval of an agency and that is
21 not a specific type of action declared exempt under



1 section 343-6, the agency initially receiving and agreeing to
2 process the request for approval shall require the applicant to
3 prepare an environmental assessment of the proposed action at
4 the earliest practicable time to determine whether an
5 environmental impact statement shall be required; provided that
6 if the agency determines, through its judgment and experience,
7 that an environmental impact statement is likely to be required,
8 the agency may authorize the applicant to choose not to prepare
9 an environmental assessment and instead prepare an environmental
10 impact statement that begins with the preparation of an
11 environmental impact statement preparation notice as provided by
12 rules. The final approving agency for the request for approval
13 is not required to be the accepting authority.

14 For environmental assessments for which a finding of ~~no~~
15 ~~significant impact~~ completion of environmental disclosure
16 process is anticipated:

- 17 (1) A draft environmental assessment shall be made
18 available for public review and comment for a period
19 of thirty days;



1 (2) The office shall inform the public of the availability
2 of the draft environmental assessment for public
3 review and comment pursuant to section 343-3; and

4 (3) The applicant shall respond in writing to comments
5 received during the review and the applicant shall
6 prepare a final environmental assessment to determine
7 whether an environmental impact statement shall be
8 required. A statement shall be required if the agency
9 finds that the proposed action may have a significant
10 effect on the environment. The agency shall file
11 notice of the agency's determination with the office,
12 which, in turn, shall publish the agency's
13 determination for the public's information pursuant to
14 section 343-3.

15 The draft and final statements, if required, shall be
16 prepared by the applicant, who shall file these statements with
17 the office.

18 The draft statement shall be made available for public
19 review and comment through the office for a period of forty-five
20 days. The office shall inform the public of the availability of



1 the draft statement for public review and comment pursuant to
2 section 343-3.

3 The applicant shall respond in writing to comments received
4 during the review and prepare a final statement. The office,
5 when requested by the applicant or agency, may make a
6 recommendation as to the acceptability of the final statement.

7 The authority to accept a final statement shall rest with
8 the agency initially receiving and agreeing to process the
9 request for approval. The final decision-making body or
10 approving agency for the request for approval is not required to
11 be the accepting authority. The planning department for the
12 county in which the proposed action will occur shall be a
13 permissible accepting authority for the final statement.

14 Acceptance of a required final statement shall be a
15 condition precedent to approval of the request and commencement
16 of the proposed action. Upon acceptance or nonacceptance of the
17 final statement, the agency shall file notice of the
18 determination with the office. The office, in turn, shall
19 publish the determination of acceptance or nonacceptance of the
20 final statement pursuant to section 343-3.



1 The agency receiving the request, within thirty days of
2 receipt of the final statement, shall notify the applicant and
3 the office of the acceptance or nonacceptance of the final
4 statement. The final statement shall be deemed to be accepted
5 if the agency fails to accept or not accept the final statement
6 within thirty days after receipt of the final statement;
7 provided that the thirty-day period may be extended at the
8 request of the applicant for a period not to exceed fifteen
9 days.

10 In any acceptance or nonacceptance, the agency shall
11 provide the applicant with the specific findings and reasons for
12 its determination."

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.
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INTRODUCED BY:

Carol Freeman



S.B. NO. 1109

Report Title:

Environmental Review Process; Environmental Assessment;
Environmental Impact Statement

Description:

Repeals the definition of "finding of no significant impact".
Defines "finding of completion of environmental disclosure
process". Makes conforming amendments.

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

