
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 temporarily
11 allow:

12 (1) An activity or operation that is permitted or
13 authorized under the ocean recreation and coastal area
14 programs chapter, and renewed within twelve months
15 preceding the initiation of proceedings to determine
16 whether the activity or operation is subject to
17 environmental review, to continue operation for one



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

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

7 SECTION 2. (a) Notwithstanding any law to the contrary,
8 when an activity or operation, permitted or authorized under
9 chapter 200, Hawaii Revised Statutes, and renewed within twelve
10 months preceding the initiation of proceedings under this
11 section, is challenged as being subject to the requirements of
12 chapter 343, Hawaii Revised Statutes, the activity or operation
13 may continue for up to one year pending:

14 (1) A determination by the appropriate agency as to
15 whether the activity or operation is subject to or
16 exempt from the requirements of chapter 343, Hawaii
17 Revised Statutes; and

18 (2) The preparation and submission of an environmental
19 assessment or environmental impact statement, if
20 required;



1 provided that the activity or operation shall comply with all
2 applicable regulatory requirements and shall not include
3 construction, grading, dredging, or other structural
4 modifications to land, waterways, or marine environments;
5 provided further that the court may extend the continuation
6 period at its discretion.

7 (b) If an agency determines that an activity or operation,
8 permitted or authorized under chapter 200, Hawaii Revised
9 Statutes, and renewed within twelve months preceding the
10 initiation of proceedings under this section, is subject to
11 chapter 343, Hawaii Revised Statutes, a person with oversight of
12 the activity or operation may renew the permit while undergoing
13 environmental review; provided that the activity or operation
14 continues to comply with regulatory requirements.

15 SECTION 3. This Act shall take effect on July 1, 3000, and
16 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 the ocean recreation and coastal areas program chapter 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. (HD2)

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