

ACT 186

H.B. NO. 2168-86

A Bill for an Act Relating to Environmental Impact Statements.

Be It Enacted by the Legislature of the State of Hawaii:

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

“§343-2 Definitions. As used in this chapter unless the context otherwise requires:

[(1)] “Acceptance” means a formal determination that the document required to be filed pursuant to section 343-5 fulfills the definition of an environmental impact statement, adequately describes identifiable environmental impacts, and satisfactorily responds to comments received during the review of the statement.

[(2)] “Action” means any program or project to be initiated by any agency or applicant.

[(3)] “Agency” means any department, office, board, or commission of the state or county government which is a part of the executive branch of that government.

[(4)] “Applicant” means any person who, pursuant to statute, ordinance, or rule, officially requests approval for a proposed action.

[(5)] “Approval” means a discretionary consent required from an agency prior to actual implementation of an action.

[(6)] “Council” means the environmental council.

[(7)] “Discretionary consent” means a consent, sanction, or recommendation from an agency for which judgment and free will may be exercised by the issuing agency, as distinguished from a ministerial consent.

[(8)] “Environmental assessment” means a written evaluation to determine whether an action may have a significant effect.

[(9)] “Environmental impact statement” or “statement” means an informational document prepared in compliance with the rules adopted under section 343-6 and which discloses the environmental effects of a proposed action, effects of a proposed action on the economic and social welfare of the community and State, effects of the economic activities arising out of the proposed action, measures proposed to minimize adverse effects, and alternatives to the action and their environmental effects.

“Negative declaration” 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.

[(10)] “Office” means the office of environmental quality control.

[(11)] “Person” includes any individual, partnership, firm, association, trust, estate, private corporation, or other legal entity other than an agency.

[(12)] “Significant effect” means the sum of effects on the quality of the environment, including actions that irrevocably commit a natural resource, curtail the range of beneficial uses of the environment, are contrary to the State’s environmental policies or long-term environmental goals as established by law, or adversely affect the economic or social welfare.”

SECTION 2. Section 343-6, Hawaii Revised Statutes, is amended to read as follows:

“§343-6 Rules. (a) After consultation with the affected agencies, the council shall [make, amend, and repeal rules to implement this chapter. The adoption, amendment, and repeal of all rules shall be subject to chapter 91. At least one public hearing shall be held in each county prior to the final adoption, amendment, or repeal of such rules. The rules shall:] adopt, amend, or repeal necessary rules for the purposes of this chapter in accordance with chapter 91 including, but not limited to, rules which shall:

- (1) Prescribe the contents of an environmental impact statement;
- (2) Prescribe the procedures whereby a group of proposed actions may be treated by a single statement;
- (3) Prescribe procedures for the submission, distribution, review, and acceptance or nonacceptance of a statement;
- (4) Prescribe procedures for the applicant to appeal the nonacceptance of a statement to the environmental council;
- (5) Establish criteria to determine whether a statement is acceptable or not;
- (6) Establish procedures whereby specific types of actions, because they will probably have minimal or no significant effects on the environment, are declared exempt from the preparation of an assessment;
- (7) Prescribe procedures for informing the public of determinations that a statement is either required or not required, for informing the public of the availability of statements for review and comments, and for informing the public of the acceptance or nonacceptance of the statement[.]; and
- (8) Prescribe the contents of an environmental assessment.

(b) At least one public hearing shall be held in each county prior to the final adoption, amendment, or repeal of any rule.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved May 17, 1986.)