

A Bill for an Act Relating to Environmental Impact Statements.

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

SECTION 1. The purposes of this Act are to:

- (1) Clarify the office of environmental quality control's role and authority to coordinate, at the earliest time possible, the requirements and responsibilities of a state or county agency to conduct an environmental review when two or more state or county agencies have jurisdiction over a proposed action; and
- (2) Clarify the rule-making authority of the environmental council.

SECTION 2. Section 343-5, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

~~"(d) Whenever an applicant [simultaneously] requests approval for a proposed action [from two or more agencies] and there is a question as to which [agency] of two or more state or county agencies with jurisdiction has the responsibility of preparing the environmental assessment, the office, after consultation with [the agencies involved,] and assistance from the affected state or county agencies, shall determine which agency shall prepare the assessment."~~

SECTION 3. Section 343-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

~~"(a) After consultation with the affected agencies, the council 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 preparation and contents of an environmental assessment;~~
- ~~(4) Prescribe procedures for the submission, distribution, review, acceptance or nonacceptance, and withdrawal of a statement;~~
- ~~(5) Prescribe procedures to appeal the nonacceptance of a statement to the environmental council;~~
- ~~(6) Establish criteria to determine whether a statement is acceptable or not;~~
- ~~(7) 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;~~
- ~~(8) 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 draft statements for review and comments, and for informing the public of the acceptance or nonacceptance of the final statement; and~~
- ~~(9) Prescribe the contents of an environmental assessment.]~~

~~(a) After consultation with the affected agencies, the council shall adopt, amend, or repeal necessary rules for the purposes of this chapter in accordance with chapter 91 including, but not limited to, rules that shall:~~

- ~~(1) Prescribe the procedures whereby a group of proposed actions may be treated by a single environmental assessment or statement;~~

- (2) 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 environmental assessment;
- (3) Prescribe procedures for the preparation of an environmental assessment;
- (4) Prescribe the contents of an environmental assessment;
- (5) 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 draft environmental impact statements for review and comments, and for informing the public of the acceptance or nonacceptance of the final environmental statement;
- (6) Prescribe the contents of an environmental impact statement;
- (7) Prescribe procedures for the submission, distribution, review, acceptance or nonacceptance, and withdrawal of an environmental impact statement;
- (8) Establish criteria to determine whether an environmental impact statement is acceptable or not; and
- (9) Prescribe procedures to appeal the nonacceptance of an environmental impact statement to the environmental council.”

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

SECTION 5. This Act shall take effect upon its approval.

(Approved May 27, 2008.)