

JAN 25 2006

A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL ASSESSMENT.

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

1 SECTION 1. The legislature finds that while environmental
2 assessments are an important tool to assure the appropriate
3 land, there are some incidental or minimal uses of land for
4 which an environmental assessment is not appropriate.
5 Specifically, not every infrastructure improvement that
6 incidentally crosses state or county land uses the land to such
7 an extent that an environmental assessment should be required.
8 Requiring an environmental assessment for these minimal uses of
9 land, such as tunneling under a state highway to connect a
10 project to a wastewater utility plant, wastes state resources
11 and discourages healthy development.

12 The purpose of this Act is to exclude incidental uses of
13 land from requiring an environmental assessment.

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

16 "(a) Except as otherwise provided, an environmental
17 assessment shall be required for actions that:



- 1 (1) Propose the use of state or county lands or the use of
2 state or county funds, other than funds to be used for
3 feasibility or planning studies for possible future
4 programs or projects that the agency has not approved,
5 adopted, or funded, or funds to be used for the
6 acquisition of unimproved real property; provided that
7 the agency shall consider environmental factors and
8 available alternatives in its feasibility or planning
9 studies;
- 10 (2) Propose any use within any land classified as a
11 conservation district by the state land use commission
12 under chapter 205;
- 13 (3) Propose any use within a shoreline area as defined in
14 section 205A-41;
- 15 (4) Propose any use within any historic site as designated
16 in the National Register or Hawaii Register, as
17 provided for in the Historic Preservation Act of 1966,
18 Public Law 89-665, or chapter 6E;
- 19 (5) Propose any use within the Waikiki area of Oahu, the
20 boundaries of which are delineated in the land use
21 ordinance as amended, establishing the "Waikiki
22 Special District";



- 1 (6) Propose any amendments to existing county general
2 plans where the amendment would result in designations
3 other than agriculture, conservation, or preservation,
4 except actions proposing any new county general plan
5 or amendments to any existing county general plan
6 initiated by a county;
- 7 (7) Propose any reclassification of any land classified as
8 a conservation district by the state land use
9 commission under chapter 205;
- 10 (8) Propose the construction of new or the expansion or
11 modification of existing helicopter facilities within
12 the State, that by way of their activities, may
13 affect:
- 14 (A) Any land classified as a conservation district by
15 the state land use commission under chapter 205;
- 16 (B) A shoreline area as defined in section 205A-41;
17 or
- 18 (C) Any historic site as designated in the National
19 Register or Hawaii Register, as provided for in
20 the Historic Preservation Act of 1966, Public Law
21 89-665, or chapter 6E; or until the statewide
22 historic places inventory is completed, any

1 historic site that is found by a field
2 reconnaissance of the area affected by the
3 helicopter facility and is under consideration
4 for placement on the National Register or the
5 Hawaii Register of Historic Places; and

6 (9) Propose any:

7 (A) Wastewater treatment unit, except an individual
8 wastewater system or a wastewater treatment unit
9 serving fewer than fifty single-family dwellings
10 or the equivalent;

11 (B) Waste-to-energy facility;

12 (C) Landfill;

13 (D) Oil refinery; or

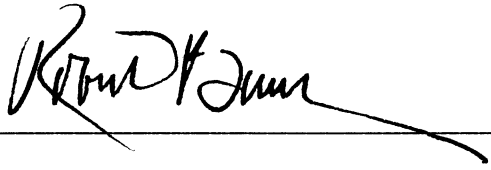
14 (E) Power-generating facility.

15 No environmental assessment shall be required for an incidental
16 use of state or county land, in which an infrastructure
17 improvement merely crosses or otherwise minimally impacts the
18 land. The department shall adopt rules pursuant to chapter 91
19 to set standards for a determination of an incidental use."



1 SECTION 3. New statutory material is underscored.

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

3
INTRODUCED BY: 



Report Title:

Environmental Assessment, Incidental Uses of Land

Description:

Provides that environmental assessments are not necessary for incidental uses of state or county land.

