
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 climate change poses
2 a serious threat to the economic well-being, public health,
3 natural resources, and the environment of Hawaii. The potential
4 adverse impacts of climate change and global warming include a
5 rise in sea levels resulting in the displacement of businesses
6 and residences, damage to marine ecosystems and the natural
7 environment, and the development of violent weather patterns
8 worldwide. The legislature further finds that the leading
9 contributor to global warming and climate change is the release
10 of carbon emissions and other greenhouse gases into the
11 atmosphere. Recent increases in fossil fuel demand and
12 industrialization worldwide have served to increase carbon
13 emissions and hasten adverse climate change.

14 Hawaii's existence as an island state makes Hawaii
15 particularly vulnerable to the effects of climate change. We
16 are particularly susceptible to harmful weather patterns and
17 rising ocean levels that are predicted to take place if climate
18 change continues unabated. These will impact the health and



1 safety of Hawaii's residents. In addition, the effects of
2 global warming will ripple through the State's economy as some
3 of Hawaii's largest industries, including tourism, agriculture,
4 recreational and commercial fishing, and forestry, are affected.

5 Chapter 343, Hawaii Revised Statutes, requires the
6 preparation of an environmental impact statement for various
7 projects within the State that are predicted to have a
8 significant effect on environmental quality. This chapter,
9 modeled after the National Environmental Policy Act, was
10 implemented to meet the challenges of protecting Hawaii's
11 natural environment. Recently, the United States Court of
12 Appeals for the Ninth Circuit held for the first time that
13 federal agencies must assess carbon dioxide emissions and other
14 climate change impacts in environmental review documents
15 prepared under the National Environmental Policy Act. In *Center*
16 *for Biological Diversity v. National Highway Traffic Safety*
17 *Administration*, 2007 U.S. App. LEXIS 26555 (9th Cir., Nov. 15,
18 2007), the Court stated, "[t]he impact of greenhouse gas
19 emissions on climate change analysis is precisely the kind of
20 cumulative impact analysis that NEPA requires agencies to
21 conduct." Applying this logic to Hawaii's environmental impact
22 review process, the legislature finds that state agencies should



1 consider the impact of activities on climate change here as
2 well.

3 The purpose of this Act is to prevent the adverse effects
4 of global warming and climate change in Hawaii by requiring
5 environmental assessments and environmental impact statements to
6 address the effects of proposed actions on climate change.

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

9 1. By amending the definition of "environmental impact
10 statement" or "statement" to read as follows"

11 ""Environmental impact statement" or "statement" means an
12 informational document prepared in compliance with the rules
13 adopted under section 343-6 and ~~[which]~~ that discloses the
14 environmental effects of a proposed action, effects of a
15 proposed action as a contributor to climate change, effects of a
16 proposed action on the economic welfare, social welfare, and
17 cultural practices of the community and State, effects of the
18 economic activities arising out of the proposed action, measures
19 proposed to minimize adverse effects, and alternatives to the
20 action and their environmental effects.

21 The initial statement filed for public review shall be
22 referred to as the draft statement and shall be distinguished



1 from the final statement which is the document that has
2 incorporated the public's comments and the responses to those
3 comments. The final statement is the document that shall be
4 evaluated for acceptability by the respective accepting
5 authority."

6 2. By amending the definition of "significant effect" to
7 read as follows:

8 ""Significant effect" means the sum of effects on the
9 quality of the environment, including actions that irrevocably
10 commit a natural resource, curtail the range of beneficial uses
11 of the environment, impact climate change, are contrary to the
12 State's environmental policies or long-term environmental goals
13 as established by law, or adversely affect the economic welfare,
14 social welfare, or cultural practices of the community and
15 State."

16 SECTION 3. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun, before its effective date.

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



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

2

INTRODUCED BY:

Karl Hoover
Debra C. Bellatti
JTH
Tony W

Wanda Dvoite
Cynthia Thelen
Karen Curran
Carly
John
John
Paul
Mel Carroll
Jylea B. Berg

JAN 14 2008



Report Title:

Environmental Impact Statement; Climate Change

Description:

Requires environmental impact statements to address climate change.

