



GOV. MSG. NO. 752

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 27, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 27, 2008, the following bill was signed into law:

SB2808 SD2 HD1

A BILL FOR AN ACT RELATING TO
ENVIRONMENTAL IMPACT STATEMENTS.
(ACT 110)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

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 purposes of this Act are to:
- 2 (1) Clarify the office of environmental quality control's
- 3 role and authority to coordinate, at the earliest time
- 4 possible, the requirements and responsibilities of a
- 5 state or county agency to conduct an environmental
- 6 review when two or more state or county agencies have
- 7 jurisdiction over a proposed action; and
- 8 (2) Clarify the rule-making authority of the environmental
- 9 council.
- 10 SECTION 2. Section 343-5, Hawaii Revised Statutes, is
- 11 amended by amending subsection (d) to read as follows:
- 12 "(d) Whenever an applicant [~~simultaneously~~] requests
- 13 approval for a proposed action [~~from two or more agencies~~] and
- 14 there is a question as to which [~~agency~~] of two or more state or
- 15 county agencies with jurisdiction has the responsibility of
- 16 preparing the environmental assessment, the office, after
- 17 consultation with [~~the agencies involved,~~] and assistance from



1 the affected state or county agencies, shall determine which
2 agency shall prepare the assessment."

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

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

- 9 (1) ~~Prescribe the contents of an environmental impact~~
10 ~~statement;~~
- 11 (2) ~~Prescribe the procedures whereby a group of proposed~~
12 ~~actions may be treated by a single statement;~~
- 13 (3) ~~Prescribe procedures for the preparation and contents~~
14 ~~of an environmental assessment;~~
- 15 (4) ~~Prescribe procedures for the submission, distribution,~~
16 ~~review, acceptance or nonacceptance, and withdrawal of~~
17 ~~a statement;~~
- 18 (5) ~~Prescribe procedures to appeal the nonacceptance of a~~
19 ~~statement to the environmental council;~~
- 20 (6) ~~Establish criteria to determine whether a statement is~~
21 ~~acceptable or not;~~



- 1 ~~(7) Establish procedures whereby specific types of~~
- 2 ~~actions, because they will probably have minimal or no~~
- 3 ~~significant effects on the environment, are declared~~
- 4 ~~exempt from the preparation of an assessment;~~
- 5 ~~(8) Prescribe procedures for informing the public of~~
- 6 ~~determinations that a statement is either required or~~
- 7 ~~not required, for informing the public of the~~
- 8 ~~availability of draft statements for review and~~
- 9 ~~comments, and for informing the public of the~~
- 10 ~~acceptance or nonacceptance of the final statement;~~
- 11 ~~and~~
- 12 ~~(9) Prescribe the contents of an environmental~~
- 13 ~~assessment.]~~

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

- 18 (1) Prescribe the procedures whereby a group of proposed
- 19 actions may be treated by a single environmental
- 20 assessment or statement;
- 21 (2) Establish procedures whereby specific types of
- 22 actions, because they will probably have minimal or no



1 significant effects on the environment, are declared
2 exempt from the preparation of an environmental
3 assessment;

4 (3) Prescribe procedures for the preparation of an
5 environmental assessment;

6 (4) Prescribe the contents of an environmental assessment;

7 (5) Prescribe procedures for informing the public of
8 determinations that a statement is either required or
9 not required, for informing the public of the
10 availability of draft environmental impact statements
11 for review and comments, and for informing the public
12 of the acceptance or nonacceptance of the final
13 environmental statement;

14 (6) Prescribe the contents of an environmental impact
15 statement;

16 (7) Prescribe procedures for the submission, distribution,
17 review, acceptance or nonacceptance, and withdrawal of
18 an environmental impact statement;

19 (8) Establish criteria to determine whether an
20 environmental impact statement is acceptable or not;
21 and



1 (9) Prescribe procedures to appeal the nonacceptance of an
2 environmental impact statement to the environmental
3 council."

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

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

APPROVED this 27 day of MAY, 2008



GOVERNOR OF THE STATE OF HAWAII



