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# 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 recent court  
2 decisions have expanded the application of environmental  
3 assessments beyond legislative intent. The courts have found,  
4 among other things, that any use of state or county lands or  
5 funds requires an environmental assessment to make a  
6 determination of whether an environmental impact statement is  
7 required. The courts have stated that an agency making a  
8 determination must consider every phase and every expected  
9 consequence of the proposed action, requiring the agency to  
10 consider primary and secondary impacts of a project on the  
11 environment if any of the project abuts a public roadway. This  
12 means that any action involving the use of a right of way  
13 involving a state or county road triggers an environmental  
14 impact assessment and possibly an environmental impact  
15 statement.

16           Rights of way are necessary in the installment of  
17 easements, drainage, waterlines, and access improvements, which



1 commonly are tangential to an existing state or county road.  
2 Consideration of the cumulative impacts from a small portion of  
3 a project, such as a minor utility easement that abuts a state  
4 or county roadway, means that the entire project needs an  
5 environmental assessment. The legislature finds that this  
6 interpretation was never its intention in the enactment of the  
7 law on environmental impact statements.

8 The purpose of this Act is to clarify that environmental  
9 assessments do not apply to state or county lands that include  
10 the use of existing streets, roads, highways, or trails or  
11 bikeways for limited purposes.

12 SECTION 2. Chapter 343, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15 "§343- Environmental assessment not required; when. For  
16 purposes of section 343-5(a), an environmental assessment shall  
17 not be required for an action that proposes the use of state or  
18 county lands or the use of state or county funds, if the use of  
19 the state or county land or the expenditure of state or county  
20 funds is limited to an existing public street, road, or highway,  
21 as defined in section 291-1, for an easement, drainage,  
22 waterlines, access improvements, utility right of way, or the



1 like. This section shall not be interpreted as exempting the  
2 entirety of a development project from this chapter."

3 SECTION 3. New statutory material is underscored.

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

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**Report Title:**

Environmental Impact Statements

**Description:**

Exempts lands from environmental impact statement law, state or county lands for specified uses of existing public street, road, highway, trail, or bikeways.

