
A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1 SECTION 1. The legislature finds that chapter 341, Hawaii
2 Revised Statutes, which creates the office of environmental
3 quality control, the state environmental council, and the
4 University of Hawaii environmental center, chapter 343, Hawaii
5 Revised Statutes, the State's environmental impact review law,
6 and chapter 344, Hawaii Revised Statutes, the State's
7 environmental policy act, are three related laws that have
8 formed a strong foundation for protecting Hawaii's environment
9 for over thirty years. The environmental review process and the
10 institutions created have served the State well.

11 However, in recent years, concerns have arisen about the
12 ability of this system to adapt to the modern demands for
13 achieving sustainability in Hawaii in a way that appropriately
14 balances the state economy, environment, and social conditions
15 over the long-term. Many new challenges have arisen for
16 agencies, planners, businesses, and affected communities, as
17 well as for the courts, which are not well addressed by existing



1 laws. There is growing need to ensure that the State is
2 resilient to natural hazards and that development considers
3 factors such as climate change, sea level rise, and risks
4 associated with hurricanes, tsunamis, earthquakes, flooding,
5 wildfires, and other natural and technological hazards. In
6 addition, the best practices for environmental assessment
7 globally and nationally have changed dramatically since Hawaii's
8 laws were written, and Hawaii has not optimized the
9 opportunities to learn from these developments.

10 It is vital to ensure that Hawaii has an environmental
11 review system appropriate for the State in the 21st century,
12 fully integrated with the state and county permitting system,
13 that examines impacts early in the planning process, and that is
14 effective, efficient, and equitable.

15 Recent events, including the Hawaii supreme court's
16 August 31, 2007 decision in the Hawaii Superferry case related
17 to chapter 343, Hawaii Revised Statutes, the subsequent
18 proceedings of the second special session of the twenty-fourth
19 legislature of the State of Hawaii, and increasing public
20 attention to the importance of chapter 343, Hawaii Revised
21 Statutes, demonstrate that there is urgent need for an
22 independent study, in collaboration with representative



1 stakeholders, to inform the public, agencies, applicants, and
2 the legislature about how best to modernize Hawaii's
3 environmental review system.

4 SECTION 2. The 2006 legislature enacted Act 294, Session
5 Laws of Hawaii 2006, appropriating \$108,675 to the University of
6 Hawaii environmental center to perform a comprehensive review of
7 the State's current environmental impact statement process under
8 chapter 343, Hawaii Revised Statutes. Due to an internal error
9 by the department of health, appropriated funds prematurely
10 lapsed, requiring an abrupt termination of the already commenced
11 study. Therefore, the intent of this Act is to revive this
12 study, provide it stronger support, and to focus it more
13 specifically on developing a strategy for modernizing Hawaii's
14 environmental review system.

15 SECTION 3. The Legislative Reference Bureau shall execute
16 a contract with the University of Hawaii to conduct a study on
17 the State's environmental review process. The study shall:

18 (1) Examine the effectiveness of the current environmental
19 review system created by chapters 341, 343, and 344,
20 Hawaii Revised Statutes;



- 1 (2) Assess the unique environmental, economic, social, and
- 2 cultural issues in Hawaii that should be incorporated
- 3 into an environmental review system;
- 4 (3) Address larger concerns and interests related to
- 5 sustainable development, global environmental change,
- 6 and disaster risk reduction; and
- 7 (4) Develop a strategy, including legislative
- 8 recommendations, for modernizing Hawaii's
- 9 environmental review system so that it meets
- 10 international and national best practices standards.

11 In recognition of the long-term process required to effect
12 legislative and statutory change, the study shall include a
13 process to obtain input on the recommendations from
14 representative stakeholders. The study shall also include a
15 review of the environmental laws and ordinances of other states
16 and municipalities to provide a greater context for the review
17 of Hawaii's environmental review system.

18 SECTION 4. To ensure that a comprehensive review is
19 conducted, the University of Hawaii, through the research
20 corporation of the University of Hawaii, shall establish an
21 interdisciplinary team of faculty, researchers, and students,
22 from the University of Hawaii department of urban and regional



1 planning, the environmental center, and the environmental law
2 program at the William S. Richardson school of law, among other
3 technical experts in the field of environmental management and
4 planning.

5 SECTION 5. The University of Hawaii shall submit the
6 comprehensive review to the legislature no later than twenty
7 days prior to the convening of the regular session of 2010. The
8 University of Hawaii shall also submit progress reports with
9 interim recommendations to the legislature every three months.

10 SECTION 6. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$300,000 or so much
12 thereof as may be necessary for fiscal year 2008-2009 for the
13 Legislative Reference Bureau to contract with the department of
14 urban and regional planning, University of Hawaii, through the
15 research corporation of the University of Hawaii to perform a
16 study of the State's environmental review process.

17 The sum appropriated shall be expended by the Legislative
18 Reference Bureau for the purposes of this Act.

19 SECTION 7. This Act shall take effect on July 1, 2008.



Report Title:

EIS System; Study; Appropriation

Description:

Provides appropriation to the legislative reference bureau to contract with the UH for a study to modernize Hawaii's EIS process. (SD1)

