

JAN 19 2007

A BILL FOR AN ACT

RELATING TO SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENTS.

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

1 SECTION 1. Chapter 343, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§343- Supplemental environmental impact statement;
5 conditions. (a) When a final statement has been prepared for a
6 project pursuant to this chapter, no subsequent or supplemental
7 statement shall be required by the agency unless one or more of
8 the following events occurs:

- 9 (1) Substantial changes are proposed in the project that
10 will require major revisions of the environmental
11 impact statement;
- 12 (2) Substantial changes occur with respect to the
13 circumstances under which the project is being
14 undertaken that will require major revisions in the
15 environmental impact report; or
- 16 (3) New information becomes available that was not known
17 and could not have been known at the time the
18 environmental impact report was certified as complete.



1 (b) Any legal challenge to an agency's decision that a
2 supplemental environmental impact statement is not required,
3 made pursuant to subsection (a), shall conform to the provisions
4 for challenges to an agency decision regarding preparation of an
5 environmental impact statement pursuant to section 343-7."

6 SECTION 2. Section 343-6, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§343-6 Rules.** (a) After consultation with the affected
9 agencies, the council shall adopt, amend, or repeal necessary
10 rules for the purposes of this chapter in accordance with
11 chapter 91 including, but not limited to, rules [~~which~~] that
12 shall:

- 13 (1) Prescribe the contents of an environmental impact
14 statement[+] and supplemental environmental impact
15 statement;
- 16 (2) Prescribe the procedures whereby a group of proposed
17 actions may be treated by a single statement;
- 18 (3) Prescribe procedures for the preparation and contents
19 of an environmental assessment;
- 20 (4) Prescribe procedures for the submission, distribution,
21 review, acceptance or nonacceptance, and withdrawal of
22 a statement[+] or supplemental statement;

- 1 (5) Prescribe procedures to appeal the nonacceptance of a
2 statement or supplemental statement to the
3 environmental council;
- 4 (6) Establish criteria to determine whether a statement or
5 supplemental statement is acceptable or not;
- 6 (7) Establish procedures whereby specific types of
7 actions, because they will probably have minimal or no
8 significant effects on the environment, are declared
9 exempt from the preparation of an assessment;
- 10 (8) Prescribe procedures for informing the public of
11 determinations that a statement or supplemental
12 statement is either required or not required, for
13 informing the public of the availability of draft
14 statements or supplemental statements for review and
15 comments, and for informing the public of the
16 acceptance or nonacceptance of the final statement[+]
17 or the supplemental statement; and
- 18 (9) Prescribe the contents of an environmental assessment.
- 19 (b) At least one public hearing shall be held in each
20 county prior to the final adoption, amendment, or repeal of any
21 rule."



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

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.

7

INTRODUCED BY: Ray L. Bauer



Report Title:

Supplemental Environmental Impact Statements

Description:

Requires the preparation of a supplemental environmental impact statement where appropriate and directs the council to develop rules for supplemental statements.

