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# 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 accepted 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;

10          (2) Substantial changes occur with respect to the  
11             circumstances under which the project is being  
12             undertaken; or

13          (3) New information becomes available that was not known  
14             and could not have been known at the time the  
15             environmental impact statement was accepted.

16          (b) Any legal challenge to an agency's decision that a  
17 supplemental environmental impact statement is not required,  
18 made pursuant to subsection (a), shall conform to the provisions



1 for challenges to an agency decision regarding preparation of an  
2 environmental impact statement pursuant to section 343-7.

3 (c) For purposes of this section, "substantial changes"  
4 means when a project or proposed action has changed  
5 substantially in size, scope, intensity, use, location, or  
6 timing, among other things."

7 SECTION 2. Section 343-5, Hawaii Revised Statutes, is  
8 amended by amending subsection (g) to read as follows:

9 "(g) [A] Except as provided in section 343- , a statement  
10 that is accepted with respect to a particular action shall  
11 satisfy the requirements of this chapter, and no other statement  
12 for the proposed action shall be required."

13 SECTION 3. Section 343-6, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "§343-6 Rules. (a) After consultation with the affected  
16 agencies, the council shall adopt, amend, or repeal necessary  
17 rules for the purposes of this chapter in accordance with  
18 chapter 91, including [7] but not limited to [7] rules ~~[which]~~  
19 that shall:

20 (1) Prescribe the contents of an environmental impact  
21 statement [7] and supplemental environmental impact  
22 statement;



- 1           (2) Prescribe the procedures whereby a group of proposed  
2           actions may be treated by a single statement;
- 3           (3) Prescribe procedures for the preparation and contents  
4           of an environmental assessment;
- 5           (4) Prescribe procedures for the submission, distribution,  
6           review, acceptance or nonacceptance, and withdrawal of  
7           a statement[+] or supplemental statement;
- 8           (5) Prescribe procedures to appeal the nonacceptance of a  
9           statement or supplemental statement to the  
10          environmental council;
- 11          (6) Establish criteria to determine whether a statement or  
12          supplemental statement is acceptable or not;
- 13          (7) Establish procedures whereby specific types of  
14          actions, because they will probably have minimal or no  
15          significant effects on the environment, are declared  
16          exempt from the preparation of an assessment;
- 17          (8) Prescribe procedures for informing the public of  
18          determinations that a statement or supplemental  
19          statement is either required or not required, for  
20          informing the public of the availability of draft  
21          statements or supplemental statements for review and  
22          comments, and for informing the public of the



1 acceptance or nonacceptance of the final statement[+]  
2 or the supplemental statement; and

3 (9) Prescribe the contents of an environmental assessment.

4 (b) At least one public hearing shall be held in each  
5 county prior to the final adoption, amendment, or repeal of any  
6 rule."

7 SECTION 4. This Act does not affect rights and duties that  
8 matured, penalties that were incurred, and proceedings that were  
9 begun, before its effective date.

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

12 SECTION 6. This Act shall take effect on July 1, 2050.



**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. (SD2)

