

FEB 28 2008

SENATE CONCURRENT RESOLUTION

REQUESTING THE ENVIRONMENTAL COUNCIL TO CREATE AN EXEMPTION IN
THE ENVIRONMENTAL ASSESSMENT PROCESS FOR STATE AND COUNTY
ACTIONS RELATING TO EASEMENTS AND RIGHT-OF-WAYS.

1 WHEREAS, a recent Hawaii Supreme Court decision and
2 developing case law may have the unintended consequence of
3 requiring all state and county actions regarding easements and
4 right-of-ways to be subject to an environmental assessment; and
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6 WHEREAS, the Environmental Council has, under section
7 343-6(a), Hawaii Revised Statutes, the authority to adopt,
8 amend, or repeal necessary rules pursuant to the environmental
9 assessment process; and
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11 WHEREAS, the Environmental Council has, under section
12 343-6(a)(7), Hawaii Revised Statutes, the authority to establish
13 procedures whereby specific types of actions which have minimal
14 or no significant effect on the environment are declared exempt
15 from the environmental assessment process; now, therefore,
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17 BE IT RESOLVED by the Senate of the Twenty-fourth
18 Legislature of the State of Hawaii, Regular Session of 2008, the
19 House of Representatives concurring, that the Environmental
20 Council is requested to establish by rule, an environmental
21 assessment preparation requirement exemption for state and
22 county actions regarding easements and right-of-ways of five
23 acres of land or less; and
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25 BE IT FURTHER RESOLVED that the Environmental Council, with
26 the assistance of the Office of Environmental Quality Control,
27 submit a report to the Legislature not later than twenty days
28 prior to the convening of the 2009 Regular Session at the
29 actions taken to draft, adopt, and effectuate the exemption by
30 rule requested under this measure; and
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1 BE IT FURTHER RESOLVED that certified copies of this
 2 Concurrent Resolution be transmitted to the Director of the
 3 Environmental Council, the Director of Environmental Quality
 4 Control, the Director of Health, and the Governor.

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OFFERED BY:

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