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

3           "(a) Except as otherwise provided, an environmental  
4 assessment shall be required for actions that:

5           (1) Propose the use of state or county lands or the use of  
6 state or county funds, other than funds to be used for  
7 feasibility or planning studies for possible future  
8 programs or projects that the agency has not approved,  
9 adopted, or funded, or funds to be used for the  
10 acquisition of unimproved real property; provided that  
11 [the]:

12           (A) The agency shall consider environmental factors  
13 and available alternatives in its feasibility or  
14 planning studies; ~~[provided further that an]~~

15           (B) An environmental assessment for proposed uses  
16 under section ~~[+]205-2(d)(10)[+]~~ or ~~[+]205-~~  
17 4.5(a)(13) ~~[+]~~ shall only be required pursuant to  
18 section 205-5(b); and



1           (C) The installation, improvement, renovation,  
2           construction, or development of any  
3           infrastructure, including but not limited to  
4           waterlines and water facilities, wastewater lines  
5           and wastewater facilities, drainage facilities,  
6           electrical, communication, or cable television  
7           utilities, and highway or roadway improvements,  
8           within any public right-of-way or highway shall  
9           not be deemed to be the use of state or county  
10           lands for the purposes of this section;

11           (2) Propose any use within any land classified as a  
12           conservation district by the state land use commission  
13           under chapter 205;

14           (3) Propose any use within a shoreline area as defined in  
15           section 205A-41;

16           (4) Propose any use within any historic site as designated  
17           in the National Register or Hawaii Register, as  
18           provided for in the Historic Preservation Act of 1966,  
19           Public Law 89-665, or chapter 6E;

20           (5) Propose any use within the Waikiki area of Oahu, the  
21           boundaries of which are delineated in the land use



1 ordinance as amended, establishing the "Waikiki  
2 Special District";

3 (6) Propose any amendments to existing county general  
4 plans where the amendment would result in designations  
5 other than agriculture, conservation, or preservation,  
6 except actions proposing any new county general plan  
7 or amendments to any existing county general plan  
8 initiated by a county;

9 (7) Propose any reclassification of any land classified as  
10 a conservation district by the state land use  
11 commission under chapter 205;

12 (8) Propose the construction of new or the expansion or  
13 modification of existing helicopter facilities within  
14 the State, that by way of their activities, may  
15 affect:

16 (A) Any land classified as a conservation district by  
17 the state land use commission under chapter 205;

18 (B) A shoreline area as defined in section 205A-41;  
19 or

20 (C) Any historic site as designated in the National  
21 Register or Hawaii Register, as provided for in  
22 the Historic Preservation Act of 1966, Public Law



1 89-665, or chapter 6E; or until the statewide  
 2 historic places inventory is completed, any  
 3 historic site that is found by a field  
 4 reconnaissance of the area affected by the  
 5 helicopter facility and is under consideration  
 6 for placement on the National Register or the  
 7 Hawaii Register of Historic Places; and

8 (9) Propose any:

- 9 (A) Wastewater treatment unit, except an individual
- 10 wastewater system or a wastewater treatment unit
- 11 serving fewer than fifty single-family dwellings
- 12 or the equivalent;
- 13 (B) Waste-to-energy facility;
- 14 (C) Landfill;
- 15 (D) Oil refinery; or
- 16 (E) Power-generating facility."

17 SECTION 2. Statutory material to be repealed is bracketed  
 18 and stricken. New statutory material is underscored.

19 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: *Amirul J. Mayron*  
*[Handwritten signatures: Josephine, [unclear], [unclear], [unclear], [unclear]]*

H.B. NO. 640

Shane D.  
DC. Kahay

JAN 23 2009



**Report Title:**

Environmental Assessments; State and County Lands

**Description:**

Excludes the installation and development of infrastructure and utilities within a public right-of-way or highway as the use of state or county lands for purposes of requiring an environmental assessment.

