
A BILL FOR AN ACT

RELATING TO 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- Exception to applicability of chapter. (a)
5 Notwithstanding any other law to the contrary, any primary
6 action that requires a permit or approval from an approving
7 agency that is not subject to the discretionary consent of the
8 approving agency and that involves a secondary action limited to
9 the installation, improvement, renovation, construction, or
10 development of infrastructure within an existing public right-
11 of-way or highway shall be exempt from this chapter; provided
12 that, if the infrastructure:

13 (1) Is not within an existing public right-of-way or
14 highway; or
15 (2) May have a significant effect on the environment,
16 then this section shall not apply.

17 (b) As used in this section:

1 "Infrastructure" includes but is not limited to waterlines
2 and water facilities, wastewater lines and wastewater
3 facilities, gas lines and gas facilities, drainage facilities,
4 electrical, communications, telephone, and cable television
5 utilities, and highway, roadway, and driveway improvements.

6 "Primary action" refers to any action outside of the
7 highway or public right-of-way that is on private property.

8 "Secondary action" refers to any infrastructure within the
9 highway or public right-of-way."

10 SECTION 2. New statutory material is underscored.

11 SECTION 3. This Act shall take effect on July 1, 2009, and
12 shall be repealed on July 1, 2011.

Report Title:

Environmental Assessments; State and County Lands; Exemption

Description:

Exempts from the purview of chapter 343, HRS, the environmental review law, primary actions that require a ministerial permit, that involve secondary actions relating to infrastructure development within public right-of-ways that have no significant effect on the environment. (SD1)