
A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1 SECTION 1. The legislature finds that Hawaii's natural
2 environment, native species, and native ecosystems are facing
3 significant threats and degradation from such things as invasive
4 species, pollution, over-use, and the effects of climate change.
5 There are also many projects and programs specifically
6 established and carefully designed to address these threats for
7 the purpose of not only protecting but improving the resilience
8 and natural function of Hawaii's environment.

9 Hawaii's natural systems such as its forests, coastlines,
10 coral reefs, and wetlands, not only support a globally unique
11 mosaic of plants and animals, they also provide every person in
12 Hawaii with services that support our health, welfare, quality
13 of life, and economy. However, conservation work that is
14 specifically targeted at protecting and even enhancing Hawaii's
15 natural environment is often required to undertake the same
16 environmental assessments as development projects that, while
17 desirable for other economic or societal purposes, have nothing
18 to do with protecting the environment itself and are



1 appropriately subject to environmental review because of their
2 potential for collateral negative environmental impacts. In
3 addition, existing agency exemption classes and lists do not
4 cover the scope and scale of many conservation projects designed
5 specifically to benefit the environment. Due to many unresolved
6 issues faced by the Office of Environmental Quality Control,
7 using the existing process to create new additions to these
8 lists is not feasible at this time.

9 Under the present operation of the state's environmental
10 review system, assessments for environmentally beneficial
11 projects take months and sometimes years to complete, costing
12 tens and even hundreds of thousands of dollars. Rather than
13 being invested in the care of the environment itself, time and
14 scarce finances are spent in an ill-suited administrative
15 process that is designed to address the incidental environmental
16 effects of development and construction projects.

17 The legislature finds that there is a need to recognize and
18 distinguish between development projects that may have negative
19 environmental impacts that are incidental to the project itself
20 versus projects that have a fundamental and specific purpose to
21 protect and improve the natural environment. For the latter,



1 there is a need to streamline and ease the regulatory burden of
2 the state environmental review process.

3 Accordingly, the purpose of this Act is to provide for
4 exemptions from environmental review for certain projects
5 approved by the department of land and natural resources that
6 protect, preserve, or enhance Hawaii's natural environment, and
7 to provide examples of projects meant to qualify for the
8 exemption.

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

12 "§343- Exemption; protection of native species, habitat
13 and ecosystems. Notwithstanding section 343-5(a), actions
14 approved by the department of land and natural resources that:

15 (1) Protect, preserve, or enhance native species, native
16 habitats, or native ecosystem functions; and

17 (2) Will probably have minimal or no significant effects
18 on the environment;

19 are declared exempt from the preparation of an assessment. Such
20 actions include but are not limited to invasive species control
21 using approved methods in accordance with state and federal law,
22 installation of barriers to control non-native animals, dip



1 tanks for fire control, related helicopter landing zones and
2 field camps, and attendant equipment such as weather ports and
3 radio repeaters."

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

7 SECTION 4. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Environmental Assessments; Exemptions

Description:

Provides an exemption from environmental assessment requirements for actions that protect, preserve, or enhance native species, native habitat, or native ecosystem functions. Requires the department of land and natural resources to make a determination of whether the exemption should be applicable after a public notice is published for at least thirty days. Effective upon its approval. (SB2957 HD1)

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