
A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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- Exemption; protection of native species, habitat,
5 and ecosystems. (a) Notwithstanding section 343-5(a), an
6 environmental assessment shall not be required for any action
7 approved by the department of land and natural resources that
8 protects, preserves, or enhances native species, native habitat,
9 or native ecosystem function, including but not limited to:

- 10 (1) Invasive species control using approved methods in
11 accordance with state and federal law;
12 (2) The installation of barriers to control non-native
13 animals; and
14 (3) The installation of dip tanks for fire control or
15 other related helicopter landing zones and field
16 camps.



1 The determination to exempt any action under this section shall
2 be made by the department of land and natural resources, through
3 the relevant division, on a case-by-case basis considering any
4 potential impacts on land and aquatic resources, cultural
5 effects, and human health and safety.

6 (b) Each party or agency proposing to qualify for an
7 exemption provided for in this section shall submit a request to
8 the department of land and natural resources, detailing the
9 proposed action and describing any potential impacts. The
10 department of land and natural resources shall publish the
11 request in the bulletin, pursuant to section 343-3; provided
12 that the request shall be published in the next available
13 bulletin and shall be available for inspection by the public and
14 for review and comments for a minimum of thirty days. Any
15 comments submitted pursuant to this subsection shall be
16 submitted to the department of land and natural resources.

17 (c) Not less than thirty days and not more than sixty days
18 after publication of the request pursuant to subsection (b), the
19 department of land and natural resources, after consideration of
20 all submitted comments, shall determine whether the proposed
21 action qualifies for the exemption provided under this section.
22 The department of land and natural resources shall provide



1 specific findings and reasons in writing for the determination.
2 The findings and reasons for any exemption approved under this
3 section shall be available for inspection by the public upon
4 request."

5 SECTION 2. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 3. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on July 1, 2050.

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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 7/1/50. (SD1)

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