

JAN 21 2011

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# A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL ASSESSMENTS.

**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 agency shall consider environmental factors and  
12 available alternatives in its feasibility or planning  
13 studies; provided further that an environmental  
14 assessment for proposed uses under section 205-  
15 2(d)(11) or 205-4.5(a)(13) shall only be required  
16 pursuant to section 205-5(b);



- 1           (2) Propose any use within any land classified as a  
2           conservation district by the state land use commission  
3           under chapter 205;
- 4           (3) Propose any use within a shoreline area as defined in  
5           section 205A-41;
- 6           (4) Propose any use within any historic site as designated  
7           in the National Register or Hawaii Register, as  
8           provided for in the Historic Preservation Act of 1966,  
9           Public Law 89-665, or chapter 6E;
- 10          (5) Propose any use within the Waikiki area of Oahu, the  
11          boundaries of which are delineated in the land use  
12          ordinance as amended, establishing the "Waikiki  
13          Special District";
- 14          (6) Propose any amendments to existing county general  
15          plans where the amendment would result in designations  
16          other than agriculture, conservation, or preservation,  
17          except actions proposing any new county general plan  
18          or amendments to any existing county general plan  
19          initiated by a county;
- 20          (7) Propose any reclassification of any land classified as  
21          a conservation district by the state land use  
22          commission under chapter 205;



1 (8) Propose the construction of new or the expansion or  
2 modification of existing helicopter facilities within  
3 the State, that by way of their activities, may  
4 affect:

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

7 (B) A shoreline area as defined in section 205A-41;  
8 or

9 (C) Any historic site as designated in the National  
10 Register or Hawaii Register, as provided for in  
11 the Historic Preservation Act of 1966, Public Law  
12 89-665, or chapter 6E; or until the statewide  
13 historic places inventory is completed, any  
14 historic site that is found by a field  
15 reconnaissance of the area affected by the  
16 helicopter facility and is under consideration  
17 for placement on the National Register or the  
18 Hawaii Register of Historic Places; and

19 (9) Propose any:

20 (A) Wastewater treatment unit, except an individual  
21 wastewater system or a wastewater treatment unit



- 1 serving fewer than fifty single-family dwellings
- 2 or the equivalent;
- 3 (B) Waste-to-energy facility;
- 4 (C) Landfill;
- 5 (D) Oil refinery; or
- 6 (E) Power-generating facility.

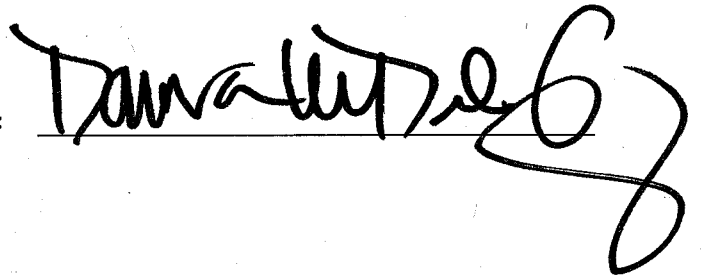
7 No environmental assessment shall be required where the proposed  
8 action involves the construction of or changes or modifications  
9 to affordable housing, as defined in section 201H-57(b), located  
10 within areas zoned for residential or commercial use, pursuant  
11 to sections 246-10(d)(1)(A), 246-10(d)(1)(B), or 246-10(d)(1)(C)  
12 and the activity does not require a rezoning designation or a  
13 variance pursuant to section 205A-46."

14 SECTION 2. New statutory material is underscored.

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

16

INTRODUCED BY:



**Report Title:**

Environmental Assessments; Affordable Housing; Exemption

**Description:**

Exempts actions involving the construction of or changes or modifications to affordable housing located within areas zoned for residential or commercial use where the activity does not require a rezoning designation or a variance from environmental assessment requirements.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

