
A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.

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

1 SECTION 1. The legislature finds that the temperature of
2 Earth's surface has increased over the past century, and 2009
3 tied with several other recent years as the second warmest year
4 on record. In Hawaii, warming has contributed to increased air
5 temperature, decreased rainfall and streamflow, increased
6 rainfall intensity, acidification of the oceans, increased ocean
7 temperature, and sea level rise. Scientists predict that, as
8 the climate continues to change, Hawaii will experience more of
9 the consequences of altered weather patterns and higher sea
10 levels. This will impact Hawaii's land ecosystems, marine
11 ecology, and coastal communities.

12 The legislature also finds that the sea level has risen in
13 Hawaii at a rate of approximately .06 inches per decade over the
14 past century. Worldwide, the rate of sea level rise has doubled
15 since 1990. Long term sea level rise has contributed to, and
16 will continue to contribute to, ongoing coastal erosion, coastal
17 flooding, and drainage problems. The legislature further finds
18 that waves, currents, and human activities are the principal



1 cause of erosion, but sea level rise accelerates and expands
2 erosion, impacting beaches that were once stable and affecting
3 developed communities that rely on their beaches as a protective
4 buffer from the sea.

5 The legislature acknowledges research that finds that
6 Hawaii may experience a sea level rise of approximately one foot
7 above the current level by 2050 and approximately three feet by
8 the end of this century. The legislature believes that it is
9 critical for the State and counties to recognize this growing
10 threat to the State's communities and begin to incorporate an
11 imminent rise in sea level into plans for future development.
12 Thirteen other states, including California and Washington, have
13 passed legislation to require planners to take sea level rise
14 into account when planning for future development. In addition,
15 the Center for Island Climate Adaption and Policy (Center) at
16 the University of Hawaii has strongly recommended that Hawaii
17 follow the Center's example by benchmarking future development
18 to predicted sea level rise.

19 The purpose of this Act is to require the expected rise in
20 sea level and other climate changes to be considered when
21 drafting an environmental impact statement.



1 SECTION 2. Section 343-6, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) After consultation with the affected agencies, the
4 council shall adopt, amend, or repeal necessary rules for the
5 purposes of this chapter in accordance with chapter 91
6 including, but not limited to, rules that shall:

- 7 (1) Prescribe the procedures whereby a group of proposed
8 actions may be treated by a single environmental
9 assessment or statement;
- 10 (2) Establish procedures whereby specific types of
11 actions, because they will probably have minimal or no
12 significant effects on the environment, are declared
13 exempt from the preparation of an environmental
14 assessment;
- 15 (3) Prescribe procedures for the preparation of an
16 environmental assessment;
- 17 (4) Prescribe the contents of an environmental assessment;
- 18 (5) Prescribe procedures for informing the public of
19 determinations that a statement is either required or
20 not required, for informing the public of the
21 availability of draft environmental impact statements
22 for review and comments, and for informing the public



- 1 of the acceptance or nonacceptance of the final
- 2 environmental statement;
- 3 (6) Prescribe the contents of an environmental impact
- 4 statement;
- 5 (7) Prescribe procedures for the submission, distribution,
- 6 review, acceptance or nonacceptance, and withdrawal of
- 7 an environmental impact statement;
- 8 (8) Establish criteria to determine whether an
- 9 environmental impact statement is acceptable or not;
- 10 [and]
- 11 (9) Prescribe procedures to appeal the nonacceptance of an
- 12 environmental impact statement to the environmental
- 13 council [-]; and
- 14 (10) Prescribe procedures for considering the impact of
- 15 future sea level rise and other climate changes on any
- 16 publicly-funded proposed action or development."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

1 SECTION 4. This Act shall take effect upon its approval.

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H.B. NO. 1941

Report Title:

Environmental Impact Statements; Climate Change; Sea Level Rise

Description:

Requires the environmental council to adopt rules requiring environmental impact statements to consider sea level rise and other climate changes on any publicly-funded proposed action or development.

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