

[CHAPTER 344]
STATE ENVIRONMENTAL POLICY

Section

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Note

Department of transportation's bridge rehabilitation and replacement program; temporary exemption from certain construction requirements of this chapter through June 30, 2017 or until completion. L 2012, c 218.

Cross References

Development of environmental goals and objectives by department of health, see §321-1.1.

Law Journals and Reviews

A Suggested Framework for Judicial Review of Challenges to the Adequacy of an Environmental Impact Statement Prepared under the Hawaii Environmental Policy Act. 18 UH L. Rev. 719.

Determining the Expiration Date of an Environmental Impact Statement: When to Supplement a State EIS in Hawai'i. 35 UH L. Rev. 249 (2013).

" **[§344-1] Purpose.** The purpose of this chapter is to establish a state policy which will encourage productive and enjoyable harmony between people and their environment, promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of humanity, and enrich the understanding of the ecological systems and natural resources important to the people of Hawaii. [L 1974, c 247, pt of §1; gen ch 1993]

" **[§344-2] Definitions.** As used in this chapter unless the context otherwise requires:

"Agency" means any department, office, board, or commission of the State or county government that is a part of the executive branch of that government.

"Environment" means the complex of physical and biological conditions that influence human well-being, including land, air, water, minerals, flora, fauna, energy, noise, and places of historic or aesthetic significance. [L 1974, c 247, pt of §1]

Revision Note

Numeric designations deleted.

" **[§344-3] Environmental policy.** It shall be the policy of the State, through its programs, authorities, and resources to:

- (1) Conserve the natural resources, so that land, water, mineral, visual, air and other natural resources are protected by controlling pollution, by preserving or augmenting natural resources, and by safeguarding the State's unique natural environmental characteristics in a manner which will foster and promote the general welfare, create and maintain conditions under which humanity and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of the people of Hawaii.
- (2) Enhance the quality of life by:
 - (A) Setting population limits so that the interaction between the natural and artificial environments and the population is mutually beneficial;
 - (B) Creating opportunities for the residents of Hawaii to improve their quality of life through diverse economic activities which are stable and in balance with the physical and social environments;
 - (C) Establishing communities which provide a sense of identity, wise use of land, efficient transportation, and aesthetic and social satisfaction in harmony with the natural environment which is uniquely Hawaiian; and
 - (D) Establishing a commitment on the part of each person to protect and enhance Hawaii's environment and reduce the drain on nonrenewable resources. [L 1974, c 247, pt of §1; gen ch 1993]

" **§344-4 Guidelines.** In pursuance of the state policy to conserve the natural resources and enhance the quality of life, all agencies, in the development of programs, shall, insofar as practicable, consider the following guidelines:

- (1) Population.
 - (A) Recognize population impact as a major factor in environmental degradation and adopt guidelines to alleviate this impact and minimize future degradation;
 - (B) Recognize optimum population levels for counties and districts within the State, keeping in mind that these will change with technology and circumstance, and adopt guidelines to limit population to the levels determined.
- (2) Land, water, mineral, visual, air, and other natural resources.
 - (A) Encourage management practices which conserve and fully utilize all natural resources;

- (B) Promote irrigation and waste water management practices which conserve and fully utilize vital water resources;
 - (C) Promote the recycling of waste water;
 - (D) Encourage management practices which conserve and protect watersheds and water sources, forest, and open space areas;
 - (E) Establish and maintain natural area preserves, wildlife preserves, forest reserves, marine preserves, and unique ecological preserves;
 - (F) Maintain an integrated system of state land use planning which coordinates the state and county general plans;
 - (G) Promote the optimal use of solid wastes through programs of waste prevention, energy resource recovery, and recycling so that all our wastes become utilized.
- (3) Flora and fauna.
- (A) Protect endangered species of indigenous plants and animals and introduce new plants or animals only upon assurance of negligible ecological hazard;
 - (B) Foster the planting of native as well as other trees, shrubs, and flowering plants compatible to the enhancement of our environment.
- (4) Parks, recreation, and open space.
- (A) Establish, preserve and maintain scenic, historic, cultural, park and recreation areas, including the shorelines, for public recreational, educational, and scientific uses;
 - (B) Protect the shorelines of the State from encroachment of artificial improvements, structures, and activities;
 - (C) Promote open space in view of its natural beauty not only as a natural resource but as an ennobling, living environment for its people.
- (5) Economic development.
- (A) Encourage industries in Hawaii which would be in harmony with our environment;
 - (B) Promote and foster the agricultural industry of the State; and preserve and conserve productive agricultural lands;
 - (C) Encourage federal activities in Hawaii to protect the environment;
 - (D) Encourage all industries including the fishing, aquaculture, oceanography, recreation, and forest products industries to protect the environment;

- (E) Establish visitor destination areas with planning controls which shall include but not be limited to the number of rooms;
 - (F) Promote and foster the aquaculture industry of the State; and preserve and conserve productive aquacultural lands.
- (6) Transportation.
- (A) Encourage transportation systems in harmony with the lifestyle of the people and environment of the State;
 - (B) Adopt guidelines to alleviate environmental degradation caused by motor vehicles;
 - (C) Encourage public and private vehicles and transportation systems to conserve energy, reduce pollution emission, including noise, and provide safe and convenient accommodations for their users.
- (7) Energy.
- (A) Encourage the efficient use of energy resources.
- (8) Community life and housing.
- (A) Foster lifestyles compatible with the environment; preserve the variety of lifestyles traditional to Hawaii through the design and maintenance of neighborhoods which reflect the culture and mores of the community;
 - (B) Develop communities which provide a sense of identity and social satisfaction in harmony with the environment and provide internal opportunities for shopping, employment, education, and recreation;
 - (C) Encourage the reduction of environmental pollution which may degrade a community;
 - (D) Foster safe, sanitary, and decent homes;
 - (E) Recognize community appearances as major economic and aesthetic assets of the counties and the State; encourage green belts, plantings, and landscape plans and designs in urban areas; and preserve and promote mountain-to-ocean vistas.
- (9) Education and culture.
- (A) Foster culture and the arts and promote their linkage to the enhancement of the environment;
 - (B) Encourage both formal and informal environmental education to all age groups.
- (10) Citizen participation.
- (A) Encourage all individuals in the State to adopt a moral ethic to respect the natural environment; to reduce waste and excessive consumption; and to

fulfill the responsibility as trustees of the environment for the present and succeeding generations; and

- (B) Provide for expanding citizen participation in the decision making process so it continually embraces more citizens and more issues. [L 1974, c 247, pt of §1; am L 1976, c 27, §2; am L 1985, c 76, §1; gen ch 1993]

Case Notes

No mandate to adopt guidelines prior to making decisions on programs. 63 H. 453, 629 P.2d 1134.