
A BILL FOR AN ACT

RELATING TO SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENTS.

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- Supplemental environmental impact statement;
5 conditions. (a) Proposing agencies or applicants shall
6 prepare, for public review, supplemental statements whenever the
7 proposed action for which a statement was accepted has been
8 modified to the extent that new or different environmental
9 impacts are anticipated and when one or more of the following
10 events occurs:

11 (1) The scope of an action has been substantially
12 increased;

13 (2) The intensity of environmental impacts will be
14 increased;

15 (3) The mitigating measures originally planned are not to
16 be implemented; or



1 (4) New information or evidence has brought to light
2 different or likely increased environmental impacts
3 not previously dealt with.

4 For the purposes of this section, new information means facts
5 and data received after the final environmental impact statement
6 acceptance date that would materially impact the analysis of
7 environmental, social, cultural, or economic issues relevant to
8 the proposed action.

9 (b) Any legal challenge to an agency's decision that a
10 supplemental environmental impact statement is not required,
11 made pursuant to subsection (a), shall conform to the provisions
12 for challenges to an agency decision regarding preparation of an
13 environmental impact statement pursuant to section 343-7.

14 (c) The contents of the supplemental statement shall be
15 the same as required by this chapter for the original
16 environmental impact statement and may incorporate by reference
17 unchanged material therefrom; however, in addition, it shall
18 fully document the proposed changes from the original
19 environmental impact statement, including changes in ambient
20 conditions or available information that have a bearing on a
21 proposed action or its impacts, and the positive and negative
22 aspects of these changes."



1 SECTION 2. Section 343-5, Hawaii Revised Statutes, is
2 amended by amending subsection (g) to read as follows:

3 "(g) [A] Except as provided in section 343- , a statement
4 that is accepted with respect to a particular action shall
5 satisfy the requirements of this chapter, and no other statement
6 for the proposed action shall be required."

7 SECTION 3. Section 343-6, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) After consultation with the affected agencies, the
10 council shall adopt, amend, or repeal necessary rules for the
11 purposes of this chapter in accordance with chapter 91,
12 including~~[7]~~ but not limited to~~[7]~~ rules ~~[which]~~ that shall:

- 13 (1) Prescribe the contents of an environmental impact
14 statement~~[7]~~ and supplemental environmental impact
15 statement;
- 16 (2) Prescribe the procedures whereby a group of proposed
17 actions may be treated by a single statement;
- 18 (3) Prescribe procedures for the preparation and contents
19 of an environmental assessment;
- 20 (4) Prescribe procedures for the submission, distribution,
21 review, acceptance or nonacceptance, and withdrawal of
22 a statement~~[7]~~ or supplemental statement;



- 1 (5) Prescribe procedures to appeal the nonacceptance of a
2 statement or supplemental statement to the
3 environmental council;
- 4 (6) Establish criteria to determine whether a statement or
5 supplemental statement is acceptable or not;
- 6 (7) Establish procedures whereby specific types of
7 actions, because they will probably have minimal or no
8 significant effects on the environment, are declared
9 exempt from the preparation of an assessment;
- 10 (8) Prescribe procedures for informing the public of
11 determinations that a statement or supplemental
12 statement is either required or not required, for
13 informing the public of the availability of draft
14 statements or supplemental statements for review and
15 comments, and for informing the public of the
16 acceptance or nonacceptance of the final statement[+] or
17 the supplemental statement; and
- 18 (9) Prescribe the contents of an environmental
19 assessment."

20 SECTION 4. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun, before its effective date.



1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

Supplemental Environmental Impact Statements

Description:

Requires the preparation of a supplemental environmental impact statement where appropriate and directs the council to develop rules for supplemental statements. (HD1)

