

REPORT TITLE:

Environmental Impact

DESCRIPTION:

Amends the environmental impact statement law by amending the definition of "environmental impact statement" or "statement" to include effects on the cultural practices of the community and State. Also amends the definition of "significant effect" to include adverse effects on cultural practices. (HB2895 HD1)

2895

HOUSE OF REPRESENTATIVES
TWENTIETH LEGISLATURE, 2000
STATE OF HAWAII

H.B. NO.

H.D. 1

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 there is a need to
2 clarify that the preparation of environmental assessments or
3 environmental impact statements should identify and address
4 effects on Hawaii's culture, and traditional and customary
5 rights.

6 The legislature also finds that native Hawaiian culture
7 plays a vital role in preserving and advancing the unique quality

8 of life and the "aloha spirit" in Hawaii. Articles IX and XII of
9 the state constitution, other state laws, and the courts of the
10 State impose on government agencies a duty to promote and protect
11 cultural beliefs, practices, and resources of native Hawaiians as
12 well as other ethnic groups.

13 Moreover, the past failure to require native Hawaiian
14 cultural impact assessments has resulted in the loss and
15 destruction of many important cultural resources and has
16 interfered with the exercise of native Hawaiian culture. The
17 legislature further finds that due consideration of the effects
18 of human activities on native Hawaiian culture and the exercise
19 thereof is necessary to ensure the continued existence,
20 development, and exercise of native Hawaiian culture.

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1 The purpose of this Act is to:

2 (1) Require that environmental impact statements include
3 the disclosure of the effects of a proposed action on

4 the cultural practices of the community and State; and

5 (2) Amend the definition of "significant effect" to include
6 adverse effects on cultural practices.

7 SECTION 2. Section 343-2, Hawaii Revised Statutes, is
8 amended by amending the definitions of "environmental impact
9 statement" or "statement" and "significant effect", to read as
10 follows:

11 "Environmental impact statement" or "statement" means an
12 informational document prepared in compliance with the rules
13 adopted under section 343-6 and which discloses the environmental
14 effects of a proposed action, effects of a proposed action on the
15 economic [and] welfare, social welfare, and cultural practices of
16 the community and State, effects of the economic activities
17 arising out of the proposed action, measures proposed to minimize
18 adverse effects, and alternatives to the action and their
19 environmental effects.

20 The initial statement filed for public review shall be
21 referred to as the draft statement and shall be distinguished
22 from the final statement which is the document that has
23 incorporated the public's comments and the responses to those

1 comments. The final statement is the document that shall be
2 evaluated for acceptability by the respective accepting
3 authority.

4 "Significant effect" means the sum of effects on the quality
5 of the environment, including actions that irrevocably commit a
6 natural resource, curtail the range of beneficial uses of the
7 environment, are contrary to the State's environmental policies
8 or long-term environmental goals as established by law, or
9 adversely affect the economic [or] welfare, social welfare[.], or
10 cultural practices of the community and State."

11 SECTION 3. Statutory material to be repealed is bracketed.

12 New statutory material is underscored.

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

