SB 1805 would amend HRS 343-5(a), the subsection of the Environmental Impact Statement (EIS) law that indicates what kinds of actions are subject to EIS-system requirements. This statement on the bill does not reflect an institutional position of the University of Hawaii.

The bill would add a seventh paragraph to the present six paragraphs identifying the kinds of action that require at least assessment in the EIS system. The actions to which EIS-system requirements would be subject are private applications for rezoning of lands that have, by amendment of the development plans of the City and County of Honolulu, been redesignated for some use other than agriculture, conservation, or preservation.

Two of the present paragraphs relate the EIS system to the complex process of land use control, planning, and zoning.

By paragraph 2, the EIS-system applies to proposed uses of lands in the Conservation Land Use District of the State, but the courts have held that this paragraph by implication applies also to changes in the conservation district boundaries that would result in non-conservation designation of land originally in the district.

By paragraph 6, the EIS-system applies to amendments of county general plans if the amendments result in designations other than agriculture, conservation, or preservation, but it exempts such an amendment from the requirements of the EIS system if the amendment is initiated by a county. The effect of paragraph 6 is questionable because any amendments may be considered "initiated by the county" even if the initiation is prompted by a proposal by a private party for development of a kind requiring the amendment.

The proposed paragraph 7 would relate to amendments to the development plans of the City and County of Honolulu rather than to amendments of county general plans, and the environmental assessment requirement in it would apply to rezoning subsequent to such an amendment rather than the amendment itself. In so far as the proposed paragraph relates to county development plan amendments affecting lands originally in preservation or conservation, its provisions parallel at the county level those of paragraph 2 at the State level. However, insofar as the proposed new paragraph relates to development plan amendments affecting lands originally in agriculture, it would provide greater EIS-system coverage at the county level than at the State level. It would have no effect except in the City and County of Honolulu.