



HB1657/SB2126

Notice to the Public in the Environmental Review Process

This bill encourages more meaningful public participation in Hawai‘i’s environmental review process, by requiring the posting of a “Notice of Preparation,” or a sign, at the physical site(s) that may be impacted by a proposed “action.”

Public participation is essential to fulfilling the goals of Hawaii’s environmental review law. Public input early on, by those who are more likely to have relevant information on the potential environmental and cultural impacts of a proposed project, may also help to minimize unnecessary adverse impacts of planned actions, avoid costly conflicts, and prevent the inadvertent degradation of our natural and cultural sites and resources.

However, current public notification requirements for environmental review are unclear, and generally rely on publication of notice in a little-known government publication—*The Environmental Notice*. In addition, published notice only occurs while the environmental review process is well underway, after the completion of a draft environmental assessment or environmental impact statement preparation notice. Unfortunately, the lack of more meaningful notice mechanisms may have resulted in past failures to adequately consider the full range and extent of the environmental and cultural impacts of particular actions, and may have led to costly project delays as well as a loss of trust by the public.

Accordingly, this bill encourages more meaningful public participation in the environmental review process, by requiring the posting of conspicuous signage at sites to be directly impacted by site-specific actions, before environmental review documents are first drafted.

WHY POST NOTICE AT THE PHYSICAL SITE(S) OF AN ACTION?

The community that surrounds or that regularly accesses the site of an “action” is more likely to have knowledge of its natural and cultural resources, as well as have an interest in maintaining such resources. Accordingly, their input may be most valuable in avoiding inadvertent or unnecessary adverse impacts, and minimizing conflicts or concerns that could otherwise arise. Signage at sites to be affected by an action would directly target these individuals, and facilitate their participation from an early stage in the environmental review process.

WILL THIS BILL AFFECT CURRENT ACTIONS UNDERGOING ENVIRONMENTAL REVIEW?

No. This bill will not affect actions already undergoing the environmental review process, and further provides for a three-year grace period that will allow the Environmental Council to develop guidance and/or promulgate administrative rules to implement the measure, should it so choose.

ARE THERE ANY FISCAL IMPLICATIONS OF THIS BILL?

There may be minimal costs of producing and placing notification signage, which would likely be far outweighed by the cost savings of having a fuller set of environmental and cultural information early in the planning process, when costly conflicts and inadvertent impacts of a proposed action can be most easily minimized or avoided.