
A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL ASSESSMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that SpaceX is seeking
2 approval from the Federal Aviation Administration to land
3 experimental rockets over and in waters surrounding Hawaii. No
4 environmental impact statement has been conducted for these
5 specific types of rockets, called Starships, nor has the impact
6 on Hawaiian marine life, wildlife, fishing, and cultural
7 resources been assessed. The aircraft may break into pieces of
8 debris upon reentry into the atmosphere or may explode in the
9 ocean.

10 In 2014, an environmental impact statement was conducted by
11 the Federal Aviation Administration, which was related to the
12 operation of a spaceport in Boca Chica, Texas, to launch a
13 Falcon 9 rocket. Numerous unforeseen SpaceX malfunctions and
14 accidents in Boca Chica have had a negative impact on the
15 surrounding natural and human environment. As a consequence,
16 environmental organizations are suing the Federal Aviation
17 Administration over considering only best-case scenarios in the



1 environmental impact assessment, rather than a realistic range
2 of scenarios.

3 In 2022, a less comprehensive, preliminary environmental
4 assessment was conducted that assessed launches and landings of
5 Starships sixty-two nautical miles north of Kauai and west of
6 the Papahānaumokuākea national marine monument, with a debris
7 field if it broke up upon reentry southwest of Kauai. The
8 biological opinion conducted by the National Oceanic and
9 Atmospheric Administration and the United States Fish and
10 Wildlife Service as part of the preliminary environmental
11 assessment did not include local consultation as would be
12 required by a full environmental impact statement and only
13 considered best-case scenarios.

14 In 2024, SpaceX sought approval for a landing zone over
15 twenty times larger than its initial request in 2022 and planned
16 to increase the number of Starship launches and landings from
17 five to twenty-five per year. Given the lack of previous
18 stakeholder participation, a change in spacecraft type, and the
19 dramatically expanded area, which is further affected by ocean
20 currents, it is unclear what the impact will be on Hawaii.



1 Accordingly, the purpose of this Act is to require an
2 environmental impact statement and consultation with the office
3 of Hawaiian affairs for actions that propose any launch of a
4 spacecraft from or reentry of a spacecraft into state waters or
5 the Papahānaumokuākea marine national monument.

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

8 "(a) Except as otherwise provided, an environmental
9 assessment shall be required for actions that:

10 (1) Propose the use of state or county lands or the use of
11 state or county funds, other than funds to be used for
12 feasibility or planning studies for possible future
13 programs or projects that the agency has not approved,
14 adopted, or funded, or funds to be used for the
15 acquisition of unimproved real property; provided that
16 the agency shall consider environmental factors and
17 available alternatives in its feasibility or planning
18 studies; provided further that an environmental
19 assessment for proposed uses under section 205-
20 2(d)(11) or 205-4.5(a)(13) shall only be required
21 pursuant to section 205-5(b);



H.B. NO. 1476

- 1 (2) Propose any use within any land classified as a
2 conservation district by the state land use commission
3 under chapter 205;
- 4 (3) Propose any use within a shoreline area as defined in
5 section 205A-41;
- 6 (4) Propose any use within any historic site as designated
7 in the National Register or Hawaii Register, as
8 provided for in the Historic Preservation Act of 1966,
9 Public Law 89-665, or chapter 6E;
- 10 (5) Propose any use within the Waikiki area of Oahu, the
11 boundaries of which are delineated in the land use
12 ordinance as amended, establishing the "Waikiki
13 Special District";
- 14 (6) Propose any amendments to existing county general
15 plans where the amendment would result in designations
16 other than agriculture, conservation, or preservation,
17 except actions proposing any new county general plan
18 or amendments to any existing county general plan
19 initiated by a county;



1 (7) Propose any reclassification of any land classified as
2 a conservation district by the state land use
3 commission under chapter 205;

4 (8) Propose the construction of new or the expansion or
5 modification of existing helicopter facilities within
6 the State, that by way of their activities, may
7 affect:

8 (A) Any land classified as a conservation district by
9 the state land use commission under chapter 205;

10 (B) A shoreline area as defined in section 205A-41;
11 or

12 (C) Any historic site as designated in the National
13 Register or Hawaii Register, as provided for in
14 the Historic Preservation Act of 1966, Public Law
15 89-665, or chapter 6E; or until the statewide
16 historic places inventory is completed, any
17 historic site that is found by a field
18 reconnaissance of the area affected by the
19 helicopter facility and is under consideration
20 for placement on the National Register or the
21 Hawaii Register of Historic Places; ~~and~~



1 (9) Propose any:

2 (A) Wastewater treatment unit, except an individual
3 wastewater system or a wastewater treatment unit
4 serving fewer than fifty single-family dwellings
5 or the equivalent;

6 (B) Waste-to-energy facility;

7 (C) Landfill;

8 (D) Oil refinery; or

9 (E) Power-generating facility[-]; and

10 (10) Propose any launch of a spacecraft from or reentry of
11 a spacecraft into state waters or the
12 Papahānaumokuākea Marine National Monument; provided
13 that:

14 (A) Such a proposed action shall be presumed to have
15 a significant effect on the environment and shall
16 proceed directly to preparation of a draft
17 environmental impact statement; and

18 (B) The applicant for such a proposed action shall
19 consult the office of Hawaiian affairs during the
20 preparation of a draft environmental impact
21 statement."



H.B. NO. 1476

1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

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H.B. NO. 1476

Report Title:

Environmental Impact Statement; Spacecraft; State Waters;
Papahānaumokuākea Marine National Monument; Office of Hawaiian
Affairs

Description:

Requires an environmental impact statement and consultation with
the Office of Hawaiian Affairs for actions that propose any
launch of a spacecraft from or reentry into state waters or the
Papahānaumokuākea Marine National Monument.

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