

SENATE FLOOR AMENDMENT

FLOOR AMENDMENT NO. 7 Date MAR 06 2007

TO: Senate Bill No. 1276, S.D. 2

SECTION 1. Senate Bill No. 1276, S.D. 2, is amended by amending Section 1 to read as follows:

"SECTION 1. The legislature finds that the request for new commercial activity transporting passengers and their vehicles to utilize already crowded harbors has caused concern about the impact of such activity on other harbor users and the surrounding community. Increased traffic congestion, spread of invasive species, and threats to migrating humpback whales are indicative of concerns raised. The legislature further finds that there is confusion and ambiguity regarding the requirements for an environmental impact statement under chapter 343, Hawaii Revised Statutes. The legislature also finds that all major state commercial harbor improvements should comply with the environmental review process. The legislature further finds that the department of transportation may have abused its discretion in determining that the expenditure of substantial public funds for improvements to commercial harbors throughout the State to accommodate the operation of vessels that carry passengers and their vehicles between Hawaii's islands did not require an environmental review pursuant to chapter 343, Hawaii Revised Statutes.

The legislature is concerned that any mitigating measures that may be contained in an environmental impact statement may not be implemented in the operation of vessels that carry passengers and their vehicles between Hawaii's islands that require commercial harbor improvements.

The purpose of this Act is to:

- (1) Confirm the intent of the requirements imposed under chapter 343, Hawaii Revised Statutes, regarding when the need for an environmental impact statement is to be triggered with respect to major commercial harbor improvements undertaken to accommodate the operation of vessels that carry passengers and their vehicles between Hawaii's islands;
- (2) Require the preparation of an environmental impact statement pursuant to chapter 343, Hawaii Revised Statutes, for major improvements being made to commercial harbors in the State that require the expenditure of public funds to accommodate the



- operation of vessels that carry passengers and their vehicles between Hawaii's islands; and
- (3) Require that the department of transportation implement any mitigating measures that may be recommended in the environmental impact statement and, to the extent necessary, amend its agreement with any business or entity operating or proposing to operate vessels that carry passengers and their vehicles between Hawaii's islands and for which the operation thereof requires major commercial harbor improvements to require that the business or entity implement any recommended mitigative measure in its operations."

SECTION 2. Senate Bill No. 1276, S.D. 2, is amended by deleting Sections 4 and 5.

SECTION 3. Senate Bill No. 1276, S.D. 2, is amended by adding a new section to read as follows:

"SECTION 4. The department of transportation shall pay for an environmental impact statement under section 2 of this Act out of its existing funds."

SECTION 4. Senate Bill No. 1276, S.D. 2, is amended by renumbering Section 6 as Section 5 and amending it to read as follows:

"SECTION 5. This Act shall take effect on July 1, 2007."

Offered by: David Ige () Carried
() Failed to Carry
() Withdrawn