
A BILL FOR AN ACT

RELATING TO ENERGY.

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

1 SECTION 1. The legislature finds that more support is
2 needed for ocean energy and other hydroelectric projects to
3 become as commercially and economically viable as solar and wind
4 energy projects in Hawaii. Wave power, ocean thermal energy
5 conversion, sea water air conditioning, and micro-hydro projects
6 all have the potential to play important roles in serving as
7 economically feasible alternative energy sources, which creates
8 a more sustainable future for the State.

9 Under the Federal Power Act (title 16, United States Code,
10 section 791 et seq.), the federal Energy Regulatory Commission
11 (Commission) regulates the development of hydroelectric projects
12 that affect bodies of water under the jurisdiction of Congress.
13 Under title 16, United States Code, section 797(f), the
14 Commission is required to provide notice of any preliminary
15 permit applications for hydroelectric projects to any state or
16 municipality likely to be affected by the application, and to
17 publish notice once each week for four weeks in a daily or



1 weekly newspaper published in any county the project is likely
2 to affect. A preliminary permit is for the sole purpose of
3 maintaining priority of application for a license and can last
4 for up to three years (title 16, United States Code, section
5 798).

6 Furthermore, under title 16, United States Code, section
7 802(b), hydroelectric project developers are required upon
8 applying for a license to notify by certified mail any affected
9 landowners and any federal, state, or local government agencies
10 likely to be interested or affected by the license application.
11 A license issued by the Commission can last up to fifty years
12 (title 16, United States Code, section 799).

13 These notification requirements are not adequate to provide
14 all interested citizens the opportunity to comment on
15 applications for hydroelectric projects that may affect the land
16 and water that they live and work on. Furthermore, there may be
17 local businesses who may be interested in competing with
18 national or international hydroelectric companies. The notice
19 requirements are insufficient to provide these companies with an
20 opportunity to comment on the applications or compete with these
21 license applicants.



1 The legislature further finds that the State has an
2 interest in ensuring that fifty year licenses for hydroelectric
3 projects will be granted to companies that will conduct their
4 business in a manner that is consistent with public interests
5 and address any public concerns. There is a need for a widely
6 accessible and centralized information source, such as an
7 Internet website, that lists all applications for preliminary
8 permits and licenses for hydroelectric projects in and around
9 Hawaii waters. Under section 196-3, Hawaii Revised Statutes,
10 the director of business, economic development, and tourism
11 serves as the energy resources coordinator for the State.

12 The purpose of this Act is to require the department of
13 business, economic development, and tourism to post on the
14 department's website a current list of applications for permits
15 and licenses for hydroelectric projects in and around Hawaii
16 waters.

17 SECTION 2. Chapter 196, Hawaii Revised Statutes, is
18 amended by adding a new section to be appropriately designated
19 and to read as follows:

20 "§196- Ocean energy and hydroelectric projects; notice.
21 The coordinator shall post on the department of business,
22 economic development, and tourism website for public inspection



1 a periodically updated list of project developers' applications
2 for preliminary permits or licenses pursuant to title 16, United
3 States Code, section 791 et seq. for ocean energy or other
4 hydroelectric projects in and around Hawaii waters. Other
5 federal, state, or local government agencies shall assist and
6 cooperate with the coordinator in the collection of the
7 necessary information to keep an updated list of potential ocean
8 energy or other hydroelectric projects planned in the State."

9 SECTION 3. New statutory material is underscored.

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



Report Title:

Ocean Energy Projects; Hydroelectric Projects; Notice

Description:

Requires the energy resources coordinator to make available on the department of business, economic development, and tourism website a list of applications for ocean energy or other hydroelectric projects in and around Hawaii waters. (SD1)

