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# A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1           SECTION 1. The legislature finds that all major state  
2 commercial harbor improvements should comply with the  
3 environmental review process. The legislature finds that the  
4 department of transportation may have abused its discretion in  
5 determining that the expenditure of the substantial public funds  
6 it was expending for improvements to commercial harbors  
7 throughout the State to accommodate the Hawaii superferry  
8 operations did not require an environmental review pursuant to  
9 chapter 343, Hawaii Revised Statutes.

10           The legislature is further concerned that any mitigating  
11 measures that may be contained in an environmental impact  
12 statement may not be implemented in the operations of the Hawaii  
13 superferry.

14           The purpose of this Act is to:

15           (1) Require the preparation of an environmental impact  
16 statement pursuant to chapter 343, Hawaii Revised  
17 Statutes, for the expenditure of public funds for



1 improvements being made to commercial harbors in the  
2 State to accommodate the operations of the Hawaii  
3 superferry;

4 (2) Require that the department of transportation  
5 implement any mitigating measures that may be  
6 recommended in the environmental impact statement and,  
7 to the extent necessary, amend its agreement with the  
8 Hawaii superferry to require that the Hawaii  
9 superferry implement any recommended mitigative  
10 measure in its operations; and

11 (3) Allow the department of transportation to assess the  
12 Hawaii superferry for all reasonable costs for the  
13 preparation of the environmental impact statement.

14 SECTION 2. The department of transportation shall prepare  
15 an environmental impact statement for the expenditure of public  
16 funds for the improvements to commercial harbors throughout the  
17 State to accommodate the Hawaii superferry and the secondary and  
18 tertiary environmental effects of the Hawaii superferry  
19 operations on the State's environment, all in compliance with  
20 chapter 343, Hawaii Revised Statutes, without regard to the:

21 (1) Date of commencement of construction of improvements  
22 by the department of transportation;

1 (2) Date or amount of expenditure of public moneys for the  
2 capital improvement project; and

3 (3) Date of implementation of the proposed action by  
4 Hawaii superferry,

5 as a condition precedent to the implementation of the proposed  
6 action as provided under section 343-5, Hawaii Revised Statutes.

7 SECTION 3. In no event shall the Hawaii superferry  
8 commence operations until any recommended mitigative measures  
9 contained in the environmental impact statement are implemented  
10 by the department of transportation, including but not limited  
11 to any necessary amendments to the operating agreement between  
12 the department of transportation and the Hawaii superferry  
13 requiring the Hawaii superferry to implement any recommended  
14 mitigative measures.

15 SECTION 4. The department of transportation shall assess  
16 the Hawaii superferry for all reasonable costs incurred in the  
17 preparation of the environmental impact statement pursuant to  
18 section 2 of this Act.

19 SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Department of Transportation; Environmental Impact Statement

**Description:**

Requires the preparation of an environmental impact statement for harbor improvements for the Hawaii superferry. Requires the department of transportation to implement all mitigative measures contained in the environmental impact statement, including amending the operating agreement with Hawaii superferry. Directs the department of transportation to assess the Hawaii superferry for the costs of the environmental impact statement. (SD1)

