
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 the request for new
2 commercial activity transporting passengers and their vehicles
3 to utilize already crowded harbors has caused concern about the
4 impact of such activity on other harbor users and the
5 surrounding community. Increased traffic congestion, spread of
6 invasive species, and threats to migrating humpback whales are
7 indicative of concerns raised. The legislature further finds
8 that there is confusion and ambiguity regarding the requirements
9 for an environmental impact statement under chapter 343, Hawaii
10 Revised Statutes. The legislature also finds that all major
11 state commercial harbor improvements should comply with the
12 environmental review process. The legislature further finds
13 that the department of transportation may have abused its
14 discretion in determining that the expenditure of the
15 substantial public funds for improvements to commercial harbors
16 throughout the State to accommodate the operation of vessels
17 that carry passengers and their vehicles between Hawaii's



1 islands did not require an environmental review pursuant to
2 chapter 343, Hawaii Revised Statutes.

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

8 The purpose of this Act is to:

9 (1) Confirm the intent of the requirements imposed under
10 chapter 343, Hawaii Revised Statutes, regarding when
11 the need for an environmental impact statement is to
12 be triggered with respect to major commercial harbor
13 improvements undertaken to accommodate the operation
14 of vessels that carry passengers and their vehicles
15 between Hawaii's islands;

16 (2) Require the preparation of an environmental impact
17 statement pursuant to chapter 343, Hawaii Revised
18 Statutes, for major improvements being made to
19 commercial harbors in the State that require the
20 expenditure of public funds to accommodate the
21 operation of vessels that carry passengers and their
22 vehicles between Hawaii's islands;



- 1 (3) Require that the department of transportation
2 implement any mitigating measures that may be
3 recommended in the environmental impact statement and,
4 to the extent necessary, amend its agreement with any
5 business or entity operating or proposing to operate
6 vessels that carry passengers and their vehicles
7 between Hawaii's islands and for which the operation
8 thereof requires major commercial harbor improvements
9 to require that the business or entity implement any
10 recommended mitigative measure in its operations; and
- 11 (4) Allow the department of transportation to assess any
12 business or entity operating or proposing to operate
13 vessels that carry passengers and their vehicles
14 between Hawaii's islands and for which the operation
15 thereof requires major commercial harbor improvements
16 for all reasonable costs for the preparation of the
17 environmental impact statement.

18 SECTION 2. The department of transportation shall prepare
19 an environmental impact statement for the improvements made to
20 commercial harbors throughout the State that require the
21 expenditure of public funds to accommodate any vessels that
22 carry passengers and their vehicles between Hawaii's islands and



1 for which the operation thereof requires major commercial harbor
2 improvements and the secondary and tertiary environmental
3 effects of those operations on the State's environment, all in
4 compliance with chapter 343, Hawaii Revised Statutes, without
5 regard to the:

- 6 (1) Date of commencement of construction of improvements
7 by the department of transportation;
- 8 (2) Date or amount of expenditure of public moneys for the
9 capital improvement projects; and
- 10 (3) Date of implementation of the proposed action by the
11 business or entity operating or proposing to operate
12 vessels that carry passengers and their vehicles
13 between Hawaii's islands and for which the operation
14 thereof requires major commercial harbor improvements,
15 as a condition precedent to the implementation of the proposed
16 action as provided under section 343-5, Hawaii Revised Statutes.

17 For the purposes of this Act, "major commercial harbor
18 improvements" means any commercial harbor capital improvement
19 project that requires the expenditure of over \$1,000,000 per
20 commercial harbor of public funds.



1 SECTION 3. The departments of transportation and health
2 may consider expediting the environmental impact statement
3 process required under this Act.

4 SECTION 4. In no event shall the business or entity
5 operating or proposing to operate vessels that carry passengers
6 and their vehicles between Hawaii's islands and for which the
7 operation thereof requires major commercial harbor improvements,
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 business or entity
13 operating or proposing to operate vessels that carry passengers
14 and their vehicles between Hawaii's islands and for which the
15 operation thereof requires major commercial harbor improvements,
16 requiring the business or entity to implement any recommended
17 mitigative measures.

18 SECTION 5. The department of transportation shall assess
19 the business or entity operating or proposing to operate vessels
20 that carry passengers and their vehicles between Hawaii's
21 islands and for which the operation thereof requires major
22 commercial harbor improvements, for all reasonable costs



1 incurred in the preparation of the environmental impact
2 statement pursuant to section 2 of this Act.

3 SECTION 6. This Act shall take effect on July 1, 2015.



Report Title:

Department of Transportation; Environmental Impact Statement

Description:

Requires the preparation of an environmental impact statement for major harbor improvements for any vessel that carries passengers and vehicles between Hawaii's islands that require such improvements. Requires the department of transportation to implement all mitigative measures contained in the environmental impact statement, including amending any operating agreements. Directs the department of transportation to assess businesses or entities operating or proposing to operate such vessels for the costs of the environmental impact statement. (SD2)

