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# 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 (16 U.S.C. 791 et seq.), the  
10 federal Energy Regulatory Commission (Commission) regulates the  
11 development of hydroelectric projects that affect bodies of  
12 water under the jurisdiction of Congress. Under 16 U.S.C.  
13 797(f), the Commission is required to provide notice of any  
14 preliminary permit applications for hydroelectric projects to  
15 any state or municipality likely to be affected by the  
16 application, and to publish notice once each week for four weeks  
17 in a daily or weekly newspaper published in any county the



1 project is likely to affect. A preliminary permit is for the  
2 sole purpose of maintaining priority of application for a  
3 license and can last for up to three years (16 U.S.C. 798).

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

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

19 The legislature further finds that the State has an  
20 interest in ensuring that fifty year licenses for hydroelectric  
21 projects will be granted to companies that will conduct their  
22 business in a manner that is consistent with public interests



1 and address any public concerns. There is a need for a widely  
2 accessible and centralized information source, such as an  
3 Internet website, that lists all applications for preliminary  
4 permits and licenses for hydroelectric projects in and around  
5 Hawaii waters. Under section 196-3, Hawaii Revised Statutes,  
6 the director of business, economic development, and tourism  
7 serves as the energy resources coordinator for the State.

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

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

16 "§196- Ocean energy and hydroelectric projects; notice.  
17 The coordinator shall post on the department of business,  
18 economic development, and tourism website for public inspection  
19 a periodically updated list of project developers' applications  
20 for preliminary permits or licenses pursuant to title 16 United  
21 State Code section 791 et seq. for ocean energy or other  
22 hydroelectric projects in and around Hawaii waters. Other



1 federal, state, or local government agencies shall assist and  
2 cooperate with the coordinator in the collection of the  
3 necessary information to keep an updated list of potential ocean  
4 energy or other hydroelectric projects planned in the State."

5 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY:

Ray L. Hoan



**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.

