

ACT 165

H.B. NO. 1880

A Bill for an Act Relating to Harbors.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that maritime lands are a finite resource of the State. In particular, Honolulu Harbor Piers 1 and 2 contain vital and unique maritime cargo facilities that cannot be easily relocated. Any relocation of these facilities would be prohibitively expensive. Piers 1 and 2 and the contiguous backup fast lands and access roads, comprising approximately sixty-five acres, must be protected and preserved to accommodate the predicted growth of future cargo requirements and to permit for the safe and efficient berthing of major cargo vessels. Projections made by the department of transportation, harbors division, indicate that foreign cargo capacity will be exhausted within five years at the present rate of growth.

Piers 1 and 2 are currently used for cargo yard storage space. This area is expected to decrease by approximately five acres with the development of part of Pier 2 as a passenger cruise ship terminal.

The purpose of this Act is to change the boundaries of the Kakaako community development district to exclude Piers 1 and 2 and the contiguous backup fast lands from that district and give the department of transportation, harbors division, and the department of business, economic development, and tourism, foreign trade zone division, jurisdiction and administrative authority over the area.

SECTION 2. Chapter 212, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**§212- Foreign trade zone; jurisdiction.** Anything to the contrary notwithstanding, the department of business, economic development, and tourism shall have jurisdiction and administrative authority over the area in the vicinity of Piers 1 and 2 currently being used as a foreign trade zone. This area is defined as all of parcels 2 and 3-A of the Forrest Avenue subdivision, as shown on the map filed in the bureau of conveyances of the State of Hawaii, as file plan 2335, and lot A-1, as shown on map 2, filed in the office of the assistant registrar of the land court of the State of Hawaii with land court application 1328; provided that all existing easements affecting and appurtenant to the parcels to be deleted from the Kakaako community development district boundaries shall not be affected by this change.”

SECTION 3. Chapter 266, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**§266- Honolulu harbor Piers 1 and 2; jurisdiction.** Any law to the contrary notwithstanding, the department of transportation shall have jurisdiction and administrative authority over Honolulu harbor Piers 1 and 2 and the contiguous backup fast lands currently used for manifested cargo and passenger operations. This area is defined as all of lot 3 and parcels A and B of the Forrest Avenue subdivision, as shown on the map filed with the bureau of conveyances of the State of Hawaii, as file plan 2335, and lot A-2, as shown on map 2, filed in the office of the assistant registrar of the land court of the State of Hawaii with land court application 1328; provided that all existing easements affecting and appurtenant to the parcels to be deleted from the Kakaako community development district boundaries shall not be affected by this change.”

SECTION 4. Section 206E-32, Hawaii Revised Statutes, is amended to read as follows:

“§206E-32 District; established, boundaries. The Kakaako community development district is established. The district shall include that area bounded by King Street; Piikoi Street from its intersection with King Street to Ala Moana Boulevard; Ala Moana Boulevard, inclusive, from Piikoi Street to its intersection with the Ewa boundary of Ala Moana Park also identified as the Ewa boundary of tax map key 2-3-37:01; the Ewa boundary of tax map key 2-3-37:01 from its intersection with Ala Moana Boulevard to the shoreline; the shoreline from its intersection with the property line representing the Ewa boundary of property identified by tax map key 2-3-37:01 to the property line between Pier 2 and Pier 4; the property line between Pier 2 and Pier 4 from its intersection with the shoreline to Ala Moana Boulevard; Ala Moana Boulevard from its intersection with the property line between lands identified by Pier 2 and Pier 4 to Punchbowl Street; and Punchbowl Street to its intersection with King Street[-]; provided that the following parcels at Pier 1 and Pier 2 shall be deleted from the Kakaako community development district boundaries and conveyed to the department of land and natural resources to be set aside for the department of transportation and the foreign trade zone division of the department of business, economic development, and tourism, to ensure continued maritime and foreign commerce use: all of lot 3 and parcels 2, 3-A, A, and B of the Forrest Avenue subdivision, as shown on the map filed with the bureau of conveyances of the State of Hawaii as file plan 2335; and lots A-1 and A-2, as shown on map 2, filed in the office of the assistant registrar of the land court of the State of Hawaii with land court application 1328; and provided further that all existing easements affecting and appurtenant to the parcels to be deleted from the Kakaako community development district boundaries shall not be affected by this change.

The district shall also include that parcel of land identified by tax map key 2-1-14:16, situated mauka of Pier 6 and Pier 7 and makai of Nimitz Highway, being the site for the existing Hawaiian Electric power plant and related facilities.”

SECTION 5. (a) To implement this Act, the Hawaii community development authority is directed to deed over to the department of land and natural resources the following:

- (1) Lot 3 and parcels 2, 3-A, A, and B of the Forrest Avenue subdivision, as shown on the map filed with the bureau of conveyances of the State of Hawaii, as file plan 2335; and
- (2) Lots A-1 and A-2, as shown on map 2, filed in the office of the assistant registrar of the land court of the State of Hawaii with land court application 1328.

(b) To further implement this Act, the governor is directed to set aside the following lands:

- (1) Lot 3 and parcels A and B of the Forrest Avenue subdivision, as shown on the map filed in the bureau of conveyances of the State of Hawaii, as file plan 2335, and lot A-2, as shown on map 2, filed in the office of the assistant registrar of the land court of the State of Hawaii with land court application 1328 to the department of transportation; and
- (2) Parcels 2 and 3-A of the Forrest Avenue subdivision, as shown on the map filed in the bureau of conveyances of the State of Hawaii, as file plan 2335, and lot A-1, as shown on map 2, filed in the office of the assistant registrar of the land court of the State of Hawaii with land court application 1328, to the department of business, economic development, and tourism, foreign trade zone division.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 7. This Act shall take effect on July 1, 2006.

(Approved June 2, 2006.)

Note

1. Edited pursuant to HRS §23G-16.5.