
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 also finds that
4 the department of transportation may have abused its discretion
5 in determining that the expenditure of the substantial public
6 funds 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 mitigative
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 mitigative 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 is directed to
15 prepare an environmental impact statement for the expenditure of
16 public funds for the improvements to commercial harbors
17 throughout the State to accommodate the Hawaii superferry and
18 the secondary and tertiary environmental effects of the Hawaii
19 superferry operations on the State's environment, all in
20 compliance with chapter 343, Hawaii Revised Statutes, without
21 regard to the:



- 1 (1) Date of commencement of construction of improvements
2 by the department of transportation;
- 3 (2) Date or amount of expenditure of public moneys for the
4 capital improvement project; and
- 5 (3) Date of implementation of the proposed action by
6 Hawaii superferry,
- 7 as a condition precedent to the implementation of the proposed
8 action as provided under section 343-5, Hawaii Revised Statutes.

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

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

21 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 department of transportation to assess Hawaii superferry for the costs of the environmental impact statement.

