

JAN 18 2008

A BILL FOR AN ACT

RELATING TO AQUATIC RESOURCES.

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

- 1 SECTION 1. The legislature finds and declares that:
- 2 (1) Hawaii is an island state and its watershed, coastal,
- 3 and ocean resources are critical to the preservation
- 4 of its diverse cultures and economic security.
- 5 Aquatic resource benefits include commercial and
- 6 recreational fishing, diving, snorkeling, surfing, and
- 7 other recreational activities; clean and abundant
- 8 freshwater supplies; unique species and ecosystems;
- 9 and a host of others;
- 10 (2) In the past, using the wisdom passed down by kupuna
- 11 for generations, traditional Hawaiian stewardship
- 12 practices managed watershed and nearshore resources
- 13 and sustained their productivity by imposing wise
- 14 restrictions on use; however many factors are causing
- 15 increasing pressure on Hawaii's aquatic resources and
- 16 a decline in their productivity and quality;



- 1 (3) Hawaii has long sought to protect coastal and ocean
2 resources through fisheries management, pollution
3 control, coastal land use zoning, ocean management
4 plans, and other mechanisms. However these tasks have
5 been undertaken by at least five different
6 departments, agency efforts have been generally
7 uncoordinated, and aquatic resource-related budgetary
8 allocations have been inadequate;
- 9 (4) The United States Commission on Ocean Policy reviewed
10 Hawaii along with other coastal states and concluded
11 that "major changes are urgently needed. Ocean
12 management responsibilities are dispersed among a
13 confusing array of agencies at the federal, state, and
14 local levels. While new scientific understanding has
15 taught us that natural systems are complex and
16 interconnected, our decision-making and management
17 systems have not been updated...."; and
- 18 (5) Hawaii's aquatic resources, from the top of the
19 watershed to the seaward limits of the State's
20 jurisdiction, are part of the State's public trust
21 resources and must be managed to restore abundance and



1 to maintain long-term productivity. Use of these
2 resources by the public is a privilege, not a right.

3 SECTION 2. The Hawaii Revised Statutes is amended by
4 adding a new chapter to be appropriately designated and to read
5 as follows:

6 "CHAPTER

7 HAWAII AQUATIC STEWARDSHIP ACT

8 § -1 Purposes. It is established as state policy that:

- 9 (1) The coastal and oceanic waters under the jurisdiction
10 of the State of Hawaii shall be managed primarily to
11 protect water quality and the productivity, health,
12 and diversity of aquatic life;
- 13 (2) It shall be public policy to develop and incorporate
14 ecosystem perspectives into the management of
15 watershed, coastal, and ocean resources using the best
16 scientific information available, with a priority of
17 protecting and restoring watershed, coastal, and ocean
18 ecosystems;
- 19 (3) Management decisions should incorporate traditional
20 knowledge as appropriate for the best management
21 decision-making. Respect for the aina and the kai and
22 giving back to the resources are critical and



1 necessary components of resource utilization that
2 should be adopted by all of Hawaii's citizens;

3 (4) Public access to Hawaii's coastal and ocean resources
4 for fishing, recreational, educational, scientific,
5 cultural, and aesthetic purposes shall be allowed so
6 long as these activities are consistent with long-term
7 conservation and preservation of Hawaii's aquatic
8 resources, which shall have priority;

9 (5) Watershed, coastal, and ocean ecosystems are linked
10 and all relevant agencies shall consider the impact of
11 public and private activities that may adversely
12 affect the health of these inter-related systems and
13 shall take the necessary regulatory steps so that the
14 impacts are avoided or minimized;

15 (6) A goal of all applicable state actions shall be to:
16 improve monitoring and data gathering and advance
17 scientific understanding to continually improve
18 efforts to conserve, protect, and restore aquatic
19 resources; coordinate the management of watershed,
20 coastal, and ocean waters and ecosystems; and avoid or
21 minimize actions that would cause harm to watershed,



1 coastal, and ocean ecosystems or impair the
2 restoration of degraded systems;

3 (7) State and county agencies shall deploy, as necessary,
4 the full range of management measures, including but
5 not limited to restriction on the removal of living
6 and nonliving resources, the discharge of various
7 substances into waters, and the placement of temporary
8 or permanent structures in marine waters, as well as
9 the creation of the full range of marine management
10 area types and community-based aquatic resources
11 advisory organizations, in furthering the goal of
12 productive and healthy ecosystems;

13 (8) Hawaii's aquatic resources are public trust resources
14 and the use of these resources is a privilege, not a
15 right; and

16 (9) Proposals for conservation and management measures to
17 be deployed by the State and counties shall be carried
18 out to comply with existing laws and rules that
19 provide for public notice, comment, and participation.

20 **§ -2 Scientific advisory group.** (a) The chairperson of
21 the board of land and natural resources shall appoint a
22 scientific advisory group to advise the board of land and



1 natural resources on matters relevant to scientific management
2 decisions that the board of land and natural resources may be
3 required to make. The scientific advisory group shall consist
4 of nine scientists with a minimum of a master of science degree
5 in a biological science, as well as aquatic resources management
6 training and expertise.

7 (b) Upon request, the scientific advisory group shall
8 provide the board of land and natural resources with ongoing
9 scientific advice for aquatic management decisions, including
10 but not limited to recommendations for ecosystem management,
11 acceptable biological harvest and sampling methods and levels,
12 total allowable catches for all species harvested in state
13 waters, and scientific research plans. The scientific advisory
14 group's comments on department of land and natural resources
15 submittals to the board of land and natural resources shall be
16 incorporated into all final submittals.

17 § -3 Native Hawaiian advisory group. (a) The
18 chairperson of the board of land and natural resources shall
19 appoint a native Hawaiian advisory group to advise the board of
20 land and natural resources on traditional Hawaiian resource
21 management practices. The native Hawaiian advisory group shall
22 consist of nine native Hawaiians who are well known in the




1 native Hawaiian community as having a long-standing and thorough
2 knowledge of traditional native Hawaiian aquatic resources
3 management practices.

4 (b) Upon request, the native Hawaiian advisory group shall
5 provide the board of land and natural resources with ongoing
6 recommendations on traditional native Hawaiian resource
7 management and harvesting practices that are associated with
8 certain cultural thoughts, spiritualism, and values. The
9 scientific advisory group's comments on departmental of land and
10 natural resources submittals to the board of land and natural
11 resources shall be incorporated in all final submittals."

12 SECTION 3. This Act shall take effect upon its approval.

13

INTRODUCED BY: 



Report Title:

Hawaii Aquatic Stewardship Act; Establishment

Description:

Establishes the Hawaii aquatic stewardship Act; establishes a scientific advisory group and a native Hawaiian advisory group.

