
A BILL FOR AN ACT

RELATING TO THE HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE
SANCTUARY.

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

1 SECTION 1. The legislature finds that the Hawaiian Islands
2 humpback whale national marine sanctuary provides an essential
3 habitat for breeding, calving, and nursing activities of the
4 endangered North Pacific humpback whale. Since 1998, the
5 sanctuary has been co-managed by Hawaii and the National Oceanic
6 and Atmospheric Administration of the United States Department
7 of Commerce. The State and the National Oceanic and Atmospheric
8 Administration entered into a compact for co-management of the
9 sanctuary to improve interagency coordination and to enhance
10 management of Hawaii's humpback whales and other marine
11 resources. However, the State's role in co-managing the
12 sanctuary has yet to be codified under state law.

13 The purpose of this Act is to establish the Hawaiian
14 Islands humpback whale national marine sanctuary program to
15 coordinate and fulfill the State's duties in co-managing the
16 Hawaiian Islands humpback whale national marine sanctuary.



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

4 "CHAPTER

5 HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY

6 § -1 Definitions. For purposes of this chapter:

7 "Board" means the board of land and natural resources.

8 "Compact agreement" means the Compact Agreement for the
9 Coordinated Management of the Hawaiian Islands Humpback Whale
10 National Marine Sanctuary, as entered into by the State and the
11 National Oceanic and Atmospheric Administration of the United
12 States Department of Commerce for the coordinated management of
13 the sanctuary.

14 "Department" means the department of land and natural
15 resources.

16 "Program" means the Hawaiian Islands humpback whale
17 national marine sanctuary program.

18 "Sanctuary" means the Hawaiian Islands humpback whale
19 national marine sanctuary, as designated by the United States
20 Congress in the Hawaiian Islands National Marine Sanctuary Act,
21 as amended.



1 **§ -2 Lead agency.** The department shall be the lead
 2 agency in co-managing the sanctuary in accordance with the
 3 Hawaiian Islands National Marine Sanctuary Act and the compact
 4 agreement. The department shall exercise responsible
 5 stewardship in managing, administering, and exercising control
 6 over lands, waters, and natural resources relating to the
 7 sanctuary.

8 **§ -3 Hawaiian Islands humpback whale national marine**
 9 **sanctuary program.** There is established the Hawaiian Islands
 10 humpback whale national marine sanctuary program within the
 11 department to coordinate and fulfill the State's management
 12 duties relating to the sanctuary, including:

- 13 (1) Issuing applicable permits;
- 14 (2) Providing advice and recommendations to the governor,
 15 department, and other state agencies on matters
 16 relating to management of the sanctuary; and
- 17 (3) Soliciting and accepting grants, donations, and
 18 contributions to support management of the sanctuary.

19 **§ -4 Sanctuary co-manager.** There is established a
 20 sanctuary co-manager position within the Hawaiian Islands
 21 humpback whale national marine sanctuary program to represent

1 the State in management of the sanctuary, including but not
2 limited to all programs, policies, and operations relating to
3 the sanctuary.

4 **§ -5 Penalties.** (a) Any person who violates any rule
5 adopted pursuant to the program or any term or condition of a
6 permit issued under the program shall be guilty of a petty
7 misdemeanor and, in addition to any other penalties provided by
8 law, shall be fined not less than:

9 (1) \$250 for a first offense;

10 (2) \$500 for a second offense; and

11 (3) \$1,000 for a third or subsequent offense.

12 (b) Fines assessed pursuant to subsection (a) shall not be
13 suspended or waived.

14 (c) Any criminal or administrative action taken pursuant
15 to this chapter shall not preclude the State from pursuing any
16 other criminal action, forfeiture proceeding, or other
17 administrative action otherwise provided by law.

18 (d) Except as otherwise provided by law, the board or duly
19 authorized representative may impose general administrative
20 penalties as provided in section 187A-12.5.



1 **§ -6 Rules.** The board shall adopt rules pursuant to
2 chapter 91 to implement this chapter."

3 SECTION 2. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so much
5 thereof as may be necessary for fiscal year 2015-2016 and the
6 same sum or so much thereof as may be necessary for fiscal year
7 2016-2017 to establish one full-time sanctuary co-manager
8 position and costs relating to the State's co-management of the
9 Hawaiian Islands humpback whale national marine sanctuary.

10 The sums appropriated shall be expended by the department
11 of land and natural resources for the purposes of this Act.

12 SECTION 3. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 4. This Act shall take effect on December 24,
16 2088.



Report Title:

Hawaiian Islands Humpback Whale National Marine Sanctuary
Program; Appropriation

Description:

Establishes the Hawaiian Islands humpback whale national marine
sanctuary program. Establishes a sanctuary co-manager position.
Appropriates funds. (HB1478 HD1)

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not legislation or evidence of legislative intent.*

