

1 "Program" means the Papahanaumokuakea Marine National
2 Monument program.

3 **§ -3 Lead agency.** The department is designated as the
4 lead agency of the State to co-manage the monument in accordance
5 with Presidential Proclamation 8031 on June 15, 2006 (71 Fed.
6 Reg. 36443) and the December 8, 2006, memorandum of agreement
7 between the department, United States Department of the
8 Interior, United States Fish and Wildlife Service, and National
9 Oceanic and Atmospheric Administration of the United States
10 Department of Commerce. In this role, the department exercises
11 stewardship responsibility for managing, administering, and
12 exercising control over lands, waters, and natural resources
13 within the State's jurisdiction. As the lead agency for the
14 State, the department will also collaborate with the office of
15 Hawaiian affairs in the perpetuation of Hawaiian cultural
16 resources within the monument, including the customary and
17 traditional rights and practices of native Hawaiians exercised
18 for subsistence, cultural, and religious purposes under section
19 7 of article XII of the Hawaii State Constitution.

20 **§ -4 Papahanaumokuakea Marine National Monument program.**
21 There is established the Papahanaumokuakea Marine National



1 Monument program to be placed within the office of the
2 chairperson of the board to coordinate and fulfill the State's
3 management responsibilities of the monument. The program may:

4 (1) Issue permits as part of the co-trustee monument
5 permit process consistent with applicable state laws,
6 the Presidential Proclamation 8031 on June 15, 2006
7 (71 Fed. Reg. 36443), and 50 C.F.R. part 404;

8 (2) Provide advice and recommendations to the governor,
9 the department, and other state departments and
10 agencies on any matter relating to the management of
11 the monument;

12 (3) Adopt rules pursuant to chapter 91 to effectuate this
13 chapter; and

14 (4) Solicit and accept grants, donations, and
15 contributions to support the purposes of this chapter.

16 **§ -5 Fees.** The department may charge fees that are
17 proportional to the nature and complexity of the projects or
18 services performed by the program, such as the issuance of
19 permits, provided that:

20 (1) Fees shall be charged in accordance with a schedule
21 approved by the board;



1 (2) The proposed fee schedule shall be posted on the
2 department's website at least forty-five days prior to
3 the board meeting at which adoption will be
4 considered;

5 (3) The board shall consider and adopt the fee schedule at
6 a regular meeting after taking public testimony; and

7 (4) The setting of fees shall not be subject to chapter
8 91.

9 § -6 **Penalties.** (a) Any person violating any provision
10 of any rule adopted hereunder, including any term or condition
11 of any permit issued under this chapter, shall be guilty of a
12 petty misdemeanor and, in addition to any other penalties, shall
13 be fined not less than:

14 (1) \$250 for a first offense;

15 (2) \$500 for a second offense; and

16 (3) \$1,000 for a third or subsequent offense.

17 (b) The fines specified in this section shall not be
18 suspended or waived.

19 (c) Any criminal or administrative action taken under this
20 chapter shall not preclude the State from pursuing any other



1 criminal action or forfeiture proceeding otherwise provided by
2 law.

3 (d) Except as otherwise provided by law, the board or its
4 duly authorized representative by delegation may impose general
5 administrative penalties as provided by section 187A-12.5."

6 SECTION 2. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

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

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H.B. NO. 629

Report Title:

Papahanaumokuakea Marine National Monument

Description:

Establishes the Papahanaumokuakea Marine National Monument Program in HRS. Establishes criminal and administrative penalties. Allows DLNR to establish a fee schedule for services provided by the Monument Program. Provides for advice to the Governor and other state agencies regarding the Monument. Allows the Monument Program to solicit and accept grants and donations.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

