
A BILL FOR AN ACT

RELATING TO THE PAPAHANAUOKUAKEA MARINE NATIONAL MONUMENT.

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

1 SECTION 1. The legislature finds that President Barack
2 Obama issued Presidential Proclamation 9478 on August 26, 2016,
3 expanding the Papahanaumokuakea Marine National Monument to
4 provide critical protections for more than seven thousand marine
5 species, including whales and sea turtles listed under the
6 Endangered Species Act and the longest-living marine species in
7 the world - black coral, which have been found to live longer
8 than four thousand five hundred years. Additionally, as ocean
9 acidification, warming, and other impacts of climate change
10 threaten marine ecosystems, expanding the monument will improve
11 ocean resilience, help the region's distinct physical and
12 biological resources adapt, and create a natural laboratory that
13 will allow scientists to monitor and explore the impacts of
14 climate change on these fragile ecosystems.

15 The expanded monument area also contains resources of great
16 historical and cultural significance. The expanded area,
17 including the archipelago and its adjacent waters, is considered



1 a sacred place for the Native Hawaiian community. It plays a
2 significant role in Native Hawaiian creation and settlement
3 stories, and is used to practice important activities like
4 traditional long-distance voyaging and wayfinding.
5 Additionally, within the monument expansion area, there are
6 shipwrecks and downed aircraft from the Battle of Midway during
7 World War II, a battle that marked a major shift in the progress
8 of the war in favor of the Allies.

9 The legislature further finds that Proclamation 9478
10 directs federal agencies to work together with the State to
11 create a joint management plan by August 26, 2019, and adopt
12 implementing regulations, as appropriate, that address any
13 further specific actions necessary for the proper care and
14 management of the monument.

15 The purpose of this Act is to establish the
16 Papahānaumokuākea Marine National Monument program to coordinate
17 and fulfill the State's role and responsibilities in co-managing
18 the Papahānaumokuākea Marine National Monument.

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



1 "CHAPTER

2 PAPAHA NAUMOKUAKEA MARINE NATIONAL MONUMENT PROGRAM

3 § -1 Purpose. The purpose of this chapter is to
4 establish the Papahanaumokuakea Marine National Monument program
5 to coordinate and fulfill the State's role and responsibilities
6 in co-managing the Papahanaumokuakea Marine National Monument.

7 § -2 Definitions. As used in this chapter:

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

9 "Department" means the department of land and natural
10 resources.

11 "Monument" means the Papahanaumokuakea Marine National
12 Monument as established by Proclamation 8031 of June 15, 2006
13 (71 Fed. Reg. 36443), as amended by Proclamation 8112 of
14 February 28, 2007 (72 Fed. Reg. 10029), and as expanded by
15 Proclamation 9478 of August 26, 2016 (81 Fed. Reg. 60225), under
16 the authority of the Antiquities Act (title 16 U.S.C. 431).

17 "Program" means the Papahanaumokuakea Marine National
18 Monument program.

19 § -3 Lead agency. The department is designated as the
20 lead agency of the State to co-manage the monument in accordance
21 with Proclamation 8031 of June 15, 2006 (71 Fed. Reg. 36443),



1 and expanded by Proclamation 9478 of August 26, 2016 (81 Fed.
2 Reg. 60225), and the December 8, 2006, memorandum of agreement
3 between the department; United States Department of the
4 Interior, United States Fish and Wildlife Service; and the
5 United States Department of Commerce, National Oceanic and
6 Atmospheric Administration. In this role, the department shall
7 exercise its stewardship responsibility for managing,
8 administering, and exercising control over lands, waters, and
9 natural resources within the State's jurisdiction. As the lead
10 agency for the State, the department shall also collaborate with
11 the office of Hawaiian affairs in the perpetuation of Hawaiian
12 cultural resources within the monument, including the customary
13 and traditional rights and practices of native Hawaiians
14 exercised for subsistence, cultural, and religious purposes
15 under section 7 of article XII of the state constitution.

16 § -4 Papahānaumokuākea Marine National Monument program.

17 (a) There is established the Papahānaumokuākea Marine National
18 Monument program to be placed within the department's division
19 of aquatic resources to coordinate and fulfill the State's
20 management responsibilities of the monument.

21 (b) The program may:



- 1 (1) Issue permits as part of the co-trustee monument
2 permit process consistent with applicable state laws,
3 the Proclamation 8031 of June 15, 2006 (71 Fed. Reg.
4 36443), as expanded by Proclamation 9478 of August 26,
5 2016 (81 Fed. Reg. 60225) and title 50 C.F.R. part
6 404;
- 7 (2) Provide advice and recommendations to the governor,
8 the department, and other state departments and
9 agencies on any matter relating to the management of
10 the monument;
- 11 (3) Solicit and accept grants, donations, and
12 contributions to support the purposes of this chapter;
13 and
- 14 (4) Adopt rules pursuant to chapter 91 to effectuate this
15 chapter.
- 16 (c) The department may charge fees that are proportional
17 to the nature and complexity of the projects or services
18 performed by the program, such as the issuance of permits;
19 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 (d) Except as otherwise provided by law, the board or its
10 duly authorized representative may impose general administrative
11 penalties for any person violating any provision of any rule
12 adopted under this chapter, including any term or condition of
13 any permit issued under this chapter, as provided by section
14 187A-12.5."

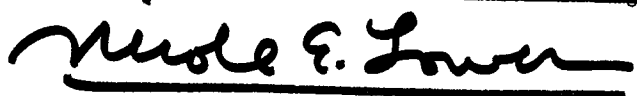
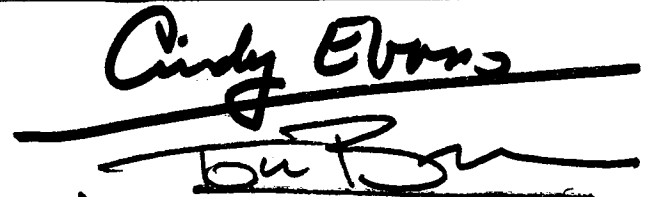
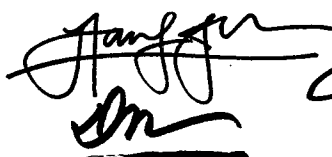
15 SECTION 3. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:



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JAN 21 2017



H.B. NO. 804

Report Title:

Papahanaumokuakea Marine National Monument

Description:

Establishes the Papahanaumokuakea Marine National Monument Program within DLNR-DAR to coordinate and fulfill the State's role and responsibilities in co-managing the Papahanaumokuakea Marine National Monument with federal authorities.

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

