
A BILL FOR AN ACT

RELATING TO OCEAN MANAGEMENT.

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 Papahānaumokuākea 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 legislature further finds that to improve the
16 resilience of corals and ensure their continued benefit to the
17 State, local stressors that are within our control, including
18 sediment and nutrient runoff from land, invasive species, and
19 illegal and unsustainable fishing, need to be effectively
20 managed. The State's commitment to effectively manage thirty
21 per cent of Hawaii's nearshore waters by 2030 should be echoed



1 throughout all state and county agencies that manage coastal
2 zones.

3 The purpose of this Act is to:

- 4 (1) Establish the Papahanaumokuakea Marine National
- 5 Monument program to coordinate and fulfill the State's
- 6 role and responsibilities in co-managing the
- 7 Papahanaumokuakea Marine National Monument; and
- 8 (2) Statutorily establish a goal to effectively manage
- 9 thirty per cent of nearshore waters by 2030.

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

13 "CHAPTER

14 PAPAHANAU MOKUAKEA MARINE NATIONAL MONUMENT PROGRAM

15 § -1 Purpose. The purpose of this chapter is to
16 establish the Papahanaumokuakea Marine National Monument program
17 to coordinate and fulfill the State's role and responsibilities
18 in co-managing the Papahanaumokuakea Marine National Monument.

19 § -2 Definitions. As used in this chapter:

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



1 "Department" means the department of land and natural
2 resources.

3 "Monument" means the Papahānaumokuākea Marine National
4 Monument as established by Proclamation 8031 of June 15, 2006
5 (71 Fed. Reg. 36443), as amended by Proclamation 8112 of
6 February 28, 2007 (72 Fed. Reg. 10029), and as expanded by
7 Proclamation 9478 of August 26, 2016 (81 Fed. Reg. 60225), under
8 the authority of the Antiquities Act (title 16 U.S.C. 431).

9 "Program" means the Papahānaumokuākea Marine National
10 Monument program.

11 § -3 **Lead agency.** The department is designated as the
12 lead agency of the State to co-manage the monument in accordance
13 with Proclamation 8031 of June 15, 2006 (71 Fed. Reg. 36443),
14 and expanded by Proclamation 9478 of August 26, 2016 (81 Fed.
15 Reg. 60225), and the December 8, 2006, memorandum of agreement
16 between the department; United States Department of the
17 Interior, United States Fish and Wildlife Service; and the
18 United States Department of Commerce, National Oceanic and
19 Atmospheric Administration. In this role, the department shall
20 exercise its stewardship responsibility for managing,
21 administering, and exercising control over lands, waters, and



1 natural resources within the State's jurisdiction. As the lead
 2 agency for the State, the department shall also collaborate with
 3 the office of Hawaiian affairs in the perpetuation of Hawaiian
 4 cultural resources within the monument, including the customary
 5 and traditional rights and practices of native Hawaiians
 6 exercised for subsistence, cultural, and religious purposes
 7 under section 7 of article XII of the state constitution.

8 **§ -4 Papahanaumokuakea Marine National Monument program.**

9 (a) There is established the Papahanaumokuakea Marine National
 10 Monument program to be placed within the department's division
 11 of aquatic resources to coordinate and fulfill the State's
 12 management responsibilities for the monument.

13 (b) The program may:

14 (1) Issue permits as part of the co-trustee monument
 15 permit process consistent with applicable state laws,
 16 the Proclamation 8031 of June 15, 2006 (71 Fed. Reg.
 17 36443), as expanded by Proclamation 9478 of August 26,
 18 2016 (81 Fed. Reg. 60225) and title 50 C.F.R. part
 19 404;

20 (2) Provide advice and recommendations to the governor,
 21 the department, and other state departments and



1 agencies on any matter relating to the management of
2 the monument;

3 (3) Solicit and accept grants, donations, and
4 contributions to support the purposes of this chapter;
5 and

6 (4) Adopt rules pursuant to chapter 91 to effectuate this
7 chapter.

8 (c) The department may charge fees that are proportional
9 to the nature and complexity of the projects or services
10 performed by the program, such as the issuance of permits;
11 provided that:

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

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

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

20 (4) The setting of fees shall not be subject to chapter
21 91.



1 (d) Except as otherwise provided by law, the board or its
 2 duly authorized representative may impose general administrative
 3 penalties for any person violating any provision of any rule
 4 adopted under this chapter, including any term or condition of
 5 any permit issued under this chapter, as provided by section
 6 187A-12.5."

7 SECTION 3. Section 205A-63, Hawaii Revised Statutes, is
 8 amended to read as follows:

9 "[+]§205A-63[+] Agency duties to coordinate related
 10 programs. All agencies managing marine and coastal resources,
 11 shall:

12 (1) Actively work toward the goals, objectives, and
 13 policies established by this chapter[+], including the
 14 effective management of thirty per cent of nearshore
 15 waters by 2030; and

16 (2) Coordinate the development of the state or county
 17 agency's programs with the plan.

18 For the purposes of this section, "effective management" means
 19 adaptive management approaches balancing sustainable use,
 20 restoration, and conservation measures."



1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 5. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Ocean Management; Papahanaumokuakea Marine National Monument Program; Coastal Zone Management

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. Requires the effective management of thirty per cent of nearshore waters by 2030 under coastal zone management. (HB121 HD1)

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