

JAN 27 2021

A BILL FOR AN ACT

RELATING TO OCEAN STEWARDSHIP.

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

1 SECTION 1. Hawaii's ocean waters and the marine resources
2 contained within are some of the State's most ecologically,
3 economically, and culturally valuable environmental assets.

4 Furthermore, the increasing popularity of marine ecotourism
5 requires greater measures to ensure the continued health of our
6 marine ecosystems. The broad range of recently documented
7 anthropogenic impacts on coral reef health, including coral
8 bleaching, vessel groundings, anchoring and mooring, diving
9 activities, poaching, land-based and water-based pollutant
10 discharges, and other direct and indirect uses of the State's
11 coral reefs, indicate that the department of land and natural
12 resources may need a more consistent and reliable source of
13 funding to manage, protect, and restore marine resources
14 throughout the State. A sustainable funding source is
15 especially critical for successful implementation of the State's
16 30x30 marine management process, which aims to create a cohesive
17 network of nearshore marine managed areas that benefits
18 fisheries and ecosystem resilience.

S.B. NO. 1173

1 used for or dedicated to the management, research,
2 restoration, and enhancement of aquatic resources;

3 (3) Moneys collected as fines, bail forfeitures,
4 attorney's fees, and administrative costs for
5 violations of subtitle 5 of title 12 or any rule
6 adopted thereunder, other than:

7 (A) Informers' fees authorized under section 187A-14;

8 (B) Fines or bail forfeitures for sport fishing
9 violations of this chapter and chapters 188, 189,
10 and 190, as authorized under section 187A-
11 9.5(b)(3); and

12 (C) Fines, bail forfeitures, or administrative fines
13 for violations of chapter 189, as authorized
14 under section 189-2.4(b)(3);

15 (4) Moneys collected for the purposes of compensatory
16 mitigation from federal or state permitted impacts to
17 the marine environment;

18 (5) Grants, awards, donations, gifts, transfers, or moneys
19 derived from private or public services for the
20 purposes of subtitle 5 of title 12, other than:

21 (A) Monetary contributions or moneys collected from
22 the sale of non-monetary gifts to benefit sport

S.B. NO. 1173

- 1 fish or sport fishing, as authorized under
2 section 187A-9.5(b) (5); and
- 3 (B) Monetary contributions or moneys collected from
4 the sale of non-monetary gifts to benefit aquatic
5 life used for commercial purposes or fishing for
6 commercial purposes, as authorized under section
7 189-2.4(b) (5); and
- 8 (6) Moneys derived from interest, dividend, or other
9 income from the above sources.
- 10 (c) Subject to subsection (d), the ocean stewardship
11 special fund shall be used to:
- 12 (1) Develop and carry out marine resource conservation,
13 restoration, enhancement, research, regulatory
14 measures, enforcement actions, educational activities,
15 or any other management measure intended to conserve,
16 restore, and enhance marine resources under the
17 jurisdiction of the State;
- 18 (2) Develop and carry out restoration and compensatory
19 mitigation measures for impacts to the marine
20 environment, including impacts to the marine
21 environment from federal or state permitted actions,

S.B. NO. 1173

1 or violations of subtitle 5 of title 12 or any rule
2 adopted thereunder; and

3 (3) Install, maintain, and replace day use mooring buoys
4 and other infrastructure to reduce impacts to the
5 marine ecosystem.

6 (d) The fund shall be held separate and apart from all
7 other moneys, funds, and accounts in the department of land and
8 natural resources, provided that any moneys received from the
9 federal government, through federal programs, or from private
10 contributions, shall be deposited and accounted for in
11 accordance with conditions established by the agency or private
12 entity from whom the moneys are received, and provided further
13 that twenty per cent of all funds collected under subsection
14 (b) (1) and (2) be payable to the office of Hawaiian affairs as
15 ceded lands revenues. Any balance remaining in the fund at the
16 end of any fiscal year shall be carried forward in the fund for
17 the next fiscal year.

18 (e) The proceeds of the ocean stewardship special fund
19 shall not be used as security for, or pledged to the payment of
20 principal or interest on, any bonds or instruments of
21 indebtedness.

S.B. NO. 1173

1 (f) Nothing in this section shall be construed to prohibit
2 the use of general funds or the funds of other programs and
3 activities to implement or enforce title 12, subtitle 5, or any
4 rule adopted thereunder, concerning management and conservation
5 of the State's ocean waters and the resources therein.

6 **§187A- Ocean stewardship fees.** The department of land
7 and natural resources may adopt rules pursuant to chapter 91 to
8 establish non-resident user fees for the use and enjoyment of
9 the State's ocean resources. Fees collected under this section
10 or any rule adopted thereunder, shall be deposited in the ocean
11 stewardship special fund."

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

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INTRODUCED BY: 

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BY REQUEST

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S.B. NO. 1173

Report Title:

Ocean Stewardship Special Fund; Non-resident User Fees

Description:

Establishes the Ocean Stewardship Special Fund for the collection and use of moneys for the conservation, restoration, and enhancement of the State's marine resources, and authorizes the Department of Land and Natural Resources to collect non-resident user fees for the use and enjoyment of the State's ocean resources.

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

SB. NO. 1173

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO OCEAN STEWARDSHIP.

PURPOSE: To establish the Ocean Stewardship Special Fund for the collection and use of moneys for the conservation, restoration, and enhancement of the State's marine resources; and to authorize the Department to collect non-resident fees for the use and enjoyment of the State's ocean resources.

MEANS: Add a new part to chapter 187A, Hawaii Revised Statutes.

JUSTIFICATION: Hawaii's ocean waters and the marine resources contained within are some of the State's most ecologically, economically, and culturally valuable environmental assets. The increasing popularity of marine ecotourism requires greater measures to ensure the continued health of our marine ecosystems. The broad range of recently documented anthropogenic impacts on coral reef health, including coral bleaching, vessel groundings, anchoring and mooring, diving activities, poaching, land-based and water-based pollutant discharges, and other direct and indirect uses of the State's coral reefs, indicate that the Department may need a more consistent and reliable source of funding to manage, protect, and restore marine resources throughout the State.

A sustainable funding source is especially critical for successful implementation of the State's 30x30 marine management process, which aims to create a cohesive network of nearshore marine managed areas that benefits fisheries and ecosystem resilience.

SB. NO. 1173

Non-resident ocean users will be required to pay a small ocean stewardship fee on top of the regular ticket price of any ecotourism experience in or on the ocean. In exchange, they will have the satisfaction that their experience is contributing to marine resource management and restoration.

Impact on the public: The general public would benefit from improvements to the management of marine resources. Commercial ocean tour operators would be able to offer more enjoyable experiences to their customers.

Impact on the department and other agencies: The Department would have the authority to collect non-resident fees for the use and enjoyment of the State's ocean resources. The Department would have a sustainable source of funding for marine resources management, research, restoration, and enhancement.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: LNR 401.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.