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## 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, or any term or condition of a permit issued  
6 under, this chapter shall be guilty of a petty misdemeanor and,  
7 in addition to any other penalties provided by law, shall be  
8 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 under this  
15 chapter shall not preclude the State from pursuing any other  
16 criminal action or forfeiture proceeding otherwise provided by  
17 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 July 1, 2015.  
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INTRODUCED BY:

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# H.B. NO. 1478

**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 moneys.

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

