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## A BILL FOR AN ACT

RELATING TO AQUATIC RESOURCES.

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

1           SECTION 1. The legislature finds and declares that:

2           (1) Hawaii is an island State and its watershed, coastal,  
3           and ocean resources are critical to the preservation  
4           of its diverse cultures and economic security.

5           Aquatic resource benefits include commercial and  
6           recreational fishing, diving, snorkeling, surfing, and  
7           other recreational activities; clean and abundant  
8           freshwater supplies; unique species and ecosystems;  
9           and a host of others;

10          (2) In the past, using the wisdom passed down by kupuna  
11          for generations, traditional Hawaiian stewardship  
12          practices managed watershed and nearshore resources  
13          and sustained their productivity by imposing wise  
14          restrictions on use; however many factors are causing  
15          increasing pressure on Hawaii's aquatic resources and  
16          a decline in their productivity and quality;

17          (3) Hawaii has long sought to protect coastal and ocean  
18          resources through fisheries management, pollution



1 control, coastal land use zoning, ocean management  
2 plans, and other mechanisms. However these tasks have  
3 been undertaken by at least five different  
4 departments, agency efforts have been generally  
5 uncoordinated, and aquatic resource-related budgetary  
6 allocations have been inadequate;

7 (4) The United States Commission on Ocean Policy reviewed  
8 Hawaii along with other coastal states and concluded  
9 that "major changes are urgently needed. Ocean  
10 management responsibilities are dispersed among a  
11 confusing array of agencies at the federal, state, and  
12 local levels. While new scientific understanding has  
13 taught us that natural systems are complex and  
14 interconnected, our decision-making and management  
15 systems have not been updated...."; and

16 (5) Hawaii's aquatic resources, from the top of the  
17 watershed to the seaward limits of the State's  
18 jurisdiction, are part of the State's public trust  
19 resources and must be managed to restore abundance and  
20 to maintain long-term productivity. Use of these  
21 resources by the public is a privilege, not a right.



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 HAWAII AQUATIC STEWARDSHIP ACT

6 § -1 Purposes. It is established as state policy that:

7 (1) The coastal and oceanic waters under the jurisdiction  
8 of the State of Hawaii shall be managed primarily to  
9 protect water quality and the productivity, health,  
10 and diversity of aquatic life;

11 (2) It shall be public policy to develop and incorporate  
12 ecosystem perspectives into the management of  
13 watershed, coastal, and ocean resources using the best  
14 scientific information available, with a priority of  
15 protecting and restoring watershed, coastal, and ocean  
16 ecosystems;

17 (3) Management decisions should incorporate traditional  
18 knowledge as appropriate for the best management  
19 decision-making. Respect for the aina and the kai and  
20 giving back to the resources are critical and  
21 necessary components of resource utilization that  
22 should be adopted by all of Hawaii's citizens;



- 1           (4) Public access to Hawaii's coastal and ocean resources  
2           for fishing, recreational, educational, scientific,  
3           cultural, and aesthetic purposes shall be allowed so  
4           long as these activities are consistent with long-term  
5           conservation and preservation of Hawaii's aquatic  
6           resources, which shall have priority;
- 7           (5) Watershed, coastal, and ocean ecosystems are linked  
8           and all relevant agencies shall consider the impact of  
9           public and private activities that may adversely  
10          affect the health of these inter-related systems and  
11          shall take the necessary regulatory steps so that the  
12          impacts are avoided or minimized;
- 13          (6) A goal of all applicable state actions shall be to:  
14          improve monitoring and data gathering and advance  
15          scientific understanding to continually improve  
16          efforts to conserve, protect, and restore aquatic  
17          resources; coordinate the management of watershed,  
18          coastal, and ocean waters and ecosystems; and avoid or  
19          minimize actions that would cause harm to watershed,  
20          coastal, and ocean ecosystems or impair the  
21          restoration of degraded systems;



1           (7) State and county agencies shall deploy, as necessary,  
2           the full range of management measures, including but  
3           not limited to restriction on the removal of living  
4           and nonliving resources, the discharge of various  
5           substances into waters, and the placement of temporary  
6           or permanent structures in marine waters, as well as  
7           the creation of the full range of marine management  
8           area types and community-based aquatic resources  
9           advisory organizations, in furthering the goal of  
10          productive and healthy ecosystems;

11          (8) Hawaii's aquatic resources are public trust resources  
12          and the use of these resources is a privilege, not a  
13          right; and

14          (9) Proposals for conservation and management measures to  
15          be deployed by the State and counties shall be carried  
16          out to comply with existing laws and rules that  
17          provide for public notice, comment, and participation.

18          §   -2   **Scientific advisory group.**   (a) The chairperson of  
19          the board of land and natural resources shall appoint a  
20          scientific advisory group to advise the board of land and  
21          natural resources on matters relevant to scientific management  
22          decisions that the board of land and natural resources may be

1 required to make. The scientific advisory group shall consist  
2 of nine scientists with a minimum of a master of science degree  
3 in a biological science, as well as aquatic resources management  
4 training and expertise.

5 (b) Upon request, the scientific advisory group shall  
6 provide the board of land and natural resources with ongoing  
7 scientific advice for aquatic management decisions, including  
8 but not limited to recommendations for ecosystem management,  
9 acceptable biological harvest and sampling methods and levels,  
10 total allowable catches for all species harvested in state  
11 waters, and scientific research plans. The scientific advisory  
12 group's comments on department of land and natural resources  
13 submittals to the board of land and natural resources shall be  
14 incorporated into all final submittals.

15 § -3 **Native Hawaiian advisory group.** (a) The  
16 chairperson of the board of land and natural resources shall  
17 appoint a native Hawaiian advisory group to advise the board of  
18 land and natural resources on traditional Hawaiian resource  
19 management practices. The native Hawaiian advisory group shall  
20 consist of nine native Hawaiians who are well known in the  
21 native Hawaiian community as having a long-standing and thorough



1 knowledge of traditional native Hawaiian aquatic resources  
2 management practices.

3 (b) Upon request, the native Hawaiian advisory group shall  
4 provide the board of land and natural resources with ongoing  
5 recommendations on traditional native Hawaiian resource  
6 management and harvesting practices that are associated with  
7 certain cultural thoughts, spiritualism, and values. The  
8 scientific advisory group's comments on departmental of land and  
9 natural resources submittals to the board of land and natural  
10 resources shall be incorporated in all final submittals."

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

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**Report Title:**

Hawaii Aquatic Stewardship Act

**Description:**

Establishes the Hawaii Aquatic Stewardship Act.

