
A BILL FOR AN ACT

RELATING TO OCEAN HEALTH CONSENSUS.

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

1 SECTION 1. The legislature finds that the health of our
2 oceans is declining rapidly due to pollution, unsustainable and
3 destructive fishing, climate change, habitat loss from
4 ill-planned development, and invasive species. Ninety per cent
5 of the world's large predatory fish have disappeared in the past
6 fifty years. Seventy-five per cent of fisheries are now fished
7 at or beyond their sustainable capacity. Overfishing, much of
8 it illegal, unreported, and unregulated, is mostly responsible
9 for ocean fisheries collapsing throughout the world. When
10 fisheries collapse, remaining fisheries feel increasing
11 pressure, so that local fishery decline quickly becomes global
12 fishery decline.

13 However, overfishing is not the only threat to ocean
14 health. The deterioration of coastal ecosystems, like coastal
15 wetlands and coral reefs, threatens the ninety per cent of ocean
16 fish that rely on these ecosystems for food or spawning. Excess
17 nutrient flows from fertilizers and untreated sewage cause huge



1 algal blooms and ocean dead zones. One third of the CO₂ released
2 from burning fossil fuels currently goes into the ocean, forming
3 carbonic acid that raises ocean acidity, threatening
4 hard-shelled organisms and coral reefs. Overall loss of ocean
5 biodiversity threatens food supplies, water quality, and ocean
6 ecosystem resilience. Furthermore, government subsidies for
7 many destructive practices continue in the billions of dollars.

8 The legislature further finds that Hawaii is no exception
9 to the decline of coastal fisheries worldwide. Fisheries in
10 Hawaii have declined dramatically in the past one hundred years
11 due to overfishing and loss of habitat. Surrounded by ocean,
12 Hawaii imports eighty-five per cent of its seafood. New or
13 expanding fisheries can now fish only at the expense of those
14 already harvesting Hawaii's marine resources. Furthermore,
15 Hawaii's ocean industries include both commercial and
16 recreational fishing, as well as diving and snorkeling,
17 aquaculture, maritime shipping, ocean research, boating,
18 kayaking, and surfing. Cultivation of these ocean industries,
19 especially those related to ecotourism, is critical to the
20 health of Hawaii's economy.

21 The legislature further finds that, though we do not
22 implement them effectively, we do know solutions to these



1 threats to ocean health. For example, we know that
2 policymakers, management agencies, and ocean scientists show
3 increasing interest in ecosystem-based or place-based management
4 that separates competing uses, reduces conflict, increases
5 certainty among users, protects sensitive marine resources, and
6 that considers the health of whole ecosystems, rather than
7 single species. We know that the U.S. Commission on Ocean
8 Policy (2004) and the Pew Oceans Commission (2003) both
9 recommend ecosystem-based management of the 4.4 million square
10 miles of ocean within the jurisdiction of the United States.

11 We also know that many traditional and local management
12 methods have survived the test of time and that local-community
13 involvement is critical to effective ecosystem management (for
14 example, land/sea ecosystem-management initiatives now taking
15 place on Maui, Oahu, and Kauai). We know that the precautionary
16 principle works, so that we take care not to destroy what we do
17 not yet understand. We know that marine reserves and no-take
18 zones serve as natural hatcheries that repopulate surrounding
19 areas. We know that catch and fishing-effort limits, time and
20 area closures, and various fishing method restrictions work when
21 they are adhered to. We know that Hawaii's public trust
22 doctrine provides principled guidelines to leaders concerned



1 about tensions between development and preservation and about
2 rights of native Hawaiians and non-indigenous peoples.

3 Finally, the legislature finds that lack of consensus among
4 Hawaii's numerous economic, scientific, and local-community
5 ocean health stakeholders is the primary reason that known
6 solutions do not effectively address known threats to ocean
7 health. The key to consensus and to adherence or enforcement is
8 building long-term commitments among all stakeholders to
9 identify knowledge gaps, communicate findings, resolve
10 conflicts, ensure fairness, and enlist local and indigenous-
11 community expertise.

12 The purpose of this Act is to fund an ocean health
13 consensus project to build community-based consensus in Hawaii
14 for managing ocean ecosystem resources for the benefit of all of
15 our Hawaiian islands, for all of our marine and coastal
16 communities, and for the health of ocean ecosystems themselves.

17 SECTION 2. (a) The center for conservation research and
18 training of the University of Hawaii shall develop an ocean
19 health consensus project to build community-based consensus in
20 Hawaii for managing ocean ecosystem resources. Two key
21 principles will be critical to this project. First, any
22 consensus must be based on equity, fairness, need, and best



1 available scientific knowledge. All resource users must be
2 responsible for their actions, with decision making and
3 accountability shared cooperatively by all stakeholders and
4 government officials. Second, given the inherent uncertainties
5 regarding ecosystem-based management, we must err on the side of
6 caution and take a precautionary approach.

7 The ocean health consensus project shall consist of at
8 least the following five broad steps:

- 9 (1) Convening-getting key stakeholder representatives to
10 the table and the right ideas on the table, in ways
11 that invite productive problem solving. Key
12 stakeholder groups will include commercial and
13 recreational fishing, resource-management agencies,
14 policymakers, scientists, environmentalists, tourism,
15 ocean tourism, local communities and kupuna, and the
16 general public and consumers;
- 17 (2) Assigning roles and responsibilities-clarifying who
18 will be in charge, specifying the ground rules,
19 defining the role of facilitators;
- 20 (3) Facilitating group problem solving-generating mutually
21 advantageous proposals and confronting disagreements
22 in a peaceful way, effective problem solving that



- 1 draws on good information and considers a range of
2 possible solutions;
- 3 (4) Reaching agreement-coming as close as possible to
4 meeting the most important interests of all concerned;
5 and
- 6 (5) Holding individuals to their commitments.

7 (b) The center for conservation research and training
8 shall coordinate the implementation of the ocean health
9 consensus project to build community-based consensus in Hawaii
10 for managing ocean ecosystem resources. A consensus-building
11 approach usually requires more time at the beginning of the
12 process than in the later stages, but in the long run a
13 consensus approach takes no longer and costs less than top-down
14 approaches. Consensus builds broad solidarity and agreement,
15 getting stakeholders to buy into shared solutions that combine
16 expertise with responsibility. An educated and participating
17 public, in particular, has tremendous potential to influence
18 future policies toward sustainable ocean health.

19 SECTION 3. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$800,000 or so much
21 thereof as may be necessary for fiscal year 2007-2008, for the
22 center for conservation research and training to develop,



1 implement, and coordinate an ocean health consensus project to
2 build community-based consensus in Hawaii for managing ocean
3 ecosystem resources.

4 The sum appropriated shall be expended by the University of
5 Hawaii for the purposes of this Act.

6 SECTION 4. This Act shall take effect on July 1, 2007.



Report Title:

Ocean Health Consensus Project; Appropriation

Description:

Appropriates funds for the center for conservation research and training at the University of Hawaii to develop and implement an ocean health consensus project to build community based consensus in Hawaii for managing ocean ecosystem resources.

(SD1)

