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# 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 CO<sub>2</sub> 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 4,400,000 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. A consensus-building approach usually  
12 requires more time at the beginning of the process than in the  
13 later stages, but in the long term, a consensus approach takes  
14 no longer and costs less than top-down approaches. Consensus  
15 builds broad solidarity and agreement, getting stakeholders to  
16 accept shared solutions that combine expertise with  
17 responsibility. An educated and participating public, in  
18 particular, has tremendous potential to influence future  
19 policies toward sustainable ocean health.

20 The purpose of this Act is to fund an ocean health  
21 consensus project to build community-based consensus in Hawaii  
22 for managing ocean ecosystem resources for the benefit of all of



1 our Hawaiian islands, for all of our marine and coastal  
2 communities, and for the health of ocean ecosystems themselves.

3 SECTION 2. (a) The center for conservation research and  
4 training of the University of Hawaii shall develop an ocean  
5 health consensus project to build community-based consensus in  
6 Hawaii for managing ocean ecosystem resources. Two key  
7 principles will be critical to this project. First, any  
8 consensus must be based on equity, fairness, need, and best  
9 available scientific knowledge. All resource users must be  
10 responsible for their actions, with decision making and  
11 accountability shared cooperatively by all stakeholders and  
12 government officials. Second, given the inherent uncertainties  
13 regarding ecosystem-based management the project must err on the  
14 side of caution and take a precautionary approach.

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

17 (1) Convening key stakeholder representatives to exchange  
18 ideas in ways that invite productive problem solving.  
19 Key stakeholder groups shall include commercial and  
20 recreational fishing, resource-management agencies,  
21 policymakers, scientists, environmentalists, tourism,



1 ocean tourism, local communities and kupuna, and the  
2 general public and consumers;

3 (2) Assigning roles and responsibilities-clarifying who  
4 will be in charge, specifying the ground rules,  
5 defining the role of facilitators;

6 (3) Facilitating group problem solving by generating  
7 mutually advantageous proposals, confronting  
8 disagreements in a productive way, utilizing  
9 scientifically sound information, and considering a  
10 range of possible solutions;

11 (4) Reaching agreement on the most important interests of  
12 all concerned; and

13 (5) Holding participants to their commitments.

14 (b) The center for conservation research and training  
15 shall coordinate the implementation of the ocean health  
16 consensus project to build community-based consensus in Hawaii  
17 for managing ocean ecosystem resources.

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



1 build community-based consensus in Hawaii for managing ocean  
2 ecosystem resources.

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

5 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.

(SD2)

