S.B. NO. 2483

JAN 1 8 2008

A BILL FOR AN ACT

RELATING TO AQUATIC RESOURCES.

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

- 1 The legislature finds and declares that: SECTION 1. Hawaii is an island state and its watershed, coastal, 2 (1) and ocean resources are critical to the preservation 3 of its diverse cultures and economic security. Aquatic resource benefits include commercial and 5 recreational fishing, diving, snorkeling, surfing, and 6 other recreational activities; clean and abundant 7 freshwater supplies; unique species and ecosystems; 9 and a host of others: In the past, using the wisdom passed down by kupuna 10 (2) for generations, traditional Hawaiian stewardship 11 12 practices managed watershed and nearshore resources
 - for generations, traditional Hawaiian stewardship practices managed watershed and nearshore resources and sustained their productivity by imposing wise restrictions on use; however many factors are causing increasing pressure on Hawaii's aquatic resources and a decline in their productivity and quality;

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(3)	Hawaii has long sought to protect coastal and ocean				
	resources through fisheries management, pollution				
	control, coastal land use zoning, ocean management				
	plans, and other mechanisms. However these tasks have				
	been undertaken by at least five different				
	departments, agency efforts have been generally				
	uncoordinated, and aquatic resource-related budgetary				
	allocations have been inadequate;				

- Hawaii along with other coastal states and concluded that "major changes are urgently needed. Ocean management responsibilities are dispersed among a confusing array of agencies at the federal, state, and local levels. While new scientific understanding has taught us that natural systems are complex and interconnected, our decision-making and management systems have not been updated...."; and
- (5) Hawaii's aquatic resources, from the top of the watershed to the seaward limits of the State's jurisdiction, are part of the State's public trust resources and must be managed to restore abundance and

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1	to maintain long-term productivity. Use of these
2	resources by the public is a privilege, not a right.
3	SECTION 2. The Hawaii Revised Statutes is amended by
4	adding a new chapter to be appropriately designated and to read
5	as follows:
6	"CHAPTER
7	HAWAII AQUATIC STEWARDSHIP ACT
8	§ -1 Purposes. It is established as state policy that:
9	(1) The coastal and oceanic waters under the jurisdiction
10	of the State of Hawaii shall be managed primarily to
11	protect water quality and the productivity, health,
12	and diversity of aquatic life;
13	(2) It shall be public policy to develop and incorporate
14	ecosystem perspectives into the management of
15	watershed, coastal, and ocean resources using the best
16	scientific information available, with a priority of
17	protecting and restoring watershed, coastal, and ocean
18	ecosystems;
19	(3) Management decisions should incorporate traditional
20	knowledge as appropriate for the best management
21	decision-making. Respect for the aina and the kai and
22	giving back to the resources are critical and

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1	necessary	components	of	resource	utilization	that
2	should be	adopted by	al:	l of Hawa	ii's citizens	5;

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

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1 coastal, and ocean ecosystems or impair the
2 restoration of degraded systems;
3 (7) State and county agencies shall deploy, as a

- State and county agencies shall deploy, as necessary, (7) the full range of management measures, including but not limited to restriction on the removal of living 5 and nonliving resources, the discharge of various 6 substances into waters, and the placement of temporary or permanent structures in marine waters, as well as 8 the creation of the full range of marine management 9 area types and community-based aquatic resources 10 advisory organizations, in furthering the goal of 11 productive and healthy ecosystems; 12
 - (8) Hawaii's aquatic resources are public trust resources and the use of these resources is a privilege, not a right; and
 - (9) Proposals for conservation and management measures to be deployed by the State and counties shall be carried out to comply with existing laws and rules that provide for public notice, comment, and participation.
- 20 § -2 Scientific advisory group. (a) The chairperson of
 21 the board of land and natural resources shall appoint a
 22 scientific advisory group to advise the board of land and

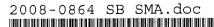
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- 1 natural resources on matters relevant to scientific management
- 2 decisions that the board of land and natural resources may be
- 3 required to make. The scientific advisory group shall consist
- 4 of nine scientists with a minimum of a master of science degree
- 5 in a biological science, as well as aquatic resources management
- 6 training and expertise.
- 7 (b) Upon request, the scientific advisory group shall
- 8 provide the board of land and natural resources with ongoing
- 9 scientific advice for aquatic management decisions, including
- 10 but not limited to recommendations for ecosystem management,
- 11 acceptable biological harvest and sampling methods and levels,
- 12 total allowable catches for all species harvested in state
- 13 waters, and scientific research plans. The scientific advisory
- 14 group's comments on department of land and natural resources
- 15 submittals to the board of land and natural resources shall be
- 16 incorporated into all final submittals.
- 17 § -3 Native Hawaiian advisory group. (a) The
- 18 chairperson of the board of land and natural resources shall
- 19 appoint a native Hawaiian advisory group to advise the board of
- 20 land and natural resources on traditional Hawaiian resource
- 21 management practices. The native Hawaiian advisory group shall
- 22 consist of nine native Hawaiians who are well known in the



- 1 native Hawaiian community as having a long-standing and thorough
- 2 knowledge of traditional native Hawaiian aquatic resources
- 3 management practices.
- 4 (b) Upon request, the native Hawaiian advisory group shall
- 5 provide the board of land and natural resources with ongoing
- 6 recommendations on traditional native Hawaiian resource
- 7 management and harvesting practices that are associated with
- 8 certain cultural thoughts, spiritualism, and values. The
- 9 scientific advisory group's comments on departmental of land and
- 10 natural resources submittals to the board of land and natural
- 11 resources shall be incorporated in all final submittals."
- 12 SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: While



Report Title:

Hawaii Aquatic Stewardship Act; Establishment

Description:

Establishes the Hawaii aquatic stewardship Act; establishes a scientific advisory group and a native Hawaiian advisory group.

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