
A BILL FOR AN ACT

RELATING TO OCEAN STEWARDSHIP.

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

1 SECTION 1. The legislature finds that Hawaii's ocean
2 waters and the marine resources contained within are some of the
3 State's most ecologically, economically, and culturally valuable
4 environmental assets. The increasing popularity of marine
5 ecotourism in Hawaii requires greater measures to ensure the
6 continued health of the State's marine ecosystems. The broad
7 range of recently documented anthropogenic impacts on coral reef
8 health, including coral bleaching, vessel groundings, anchoring
9 and mooring, diving activities, poaching, land-based and water-
10 based pollutant discharges, and other direct and indirect uses
11 of the State's coral reefs, indicate that the department of land
12 and natural resources may need a more consistent and reliable
13 source of funding to manage, protect, and restore marine
14 resources throughout the State. A sustainable funding source is
15 especially critical for successful implementation of the State's
16 30x30 marine management process, which aims to create a cohesive



1 network of nearshore marine managed areas that benefits
2 fisheries and ecosystem resilience.

3 The purpose of this Act is to establish the ocean
4 stewardship special fund for the collection and use of moneys
5 for the conservation, restoration, and enhancement of the
6 State's marine resources, and to authorize the department of
7 land and natural resources to collect non-resident fees for the
8 use and enjoyment of the State's ocean resources.

9 SECTION 2. Chapter 187A, Hawaii Revised Statutes, is
10 amended by adding a new part to be appropriately designated and
11 to read as follows:

12 "PART . OCEAN STEWARDSHIP

13 §187A- Ocean stewardship special fund. (a) There is
14 hereby established in the treasury of the State a special fund
15 known as the ocean stewardship special fund, which shall be
16 administered by the department of land and natural resources.

17 (b) The following shall be deposited into the ocean
18 stewardship special fund:

19 (1) Moneys collected as non-resident user fees pursuant to
20 section 187A- ;



- 1 (2) Revenues due to the State derived from leases of any
2 lands, facilities, equipment, and other property owned
3 by the department of land and natural resources and
4 used for or dedicated to the management, research,
5 restoration, and enhancement of aquatic resources;
- 6 (3) Moneys collected as fines, bail forfeitures,
7 attorney's fees, and administrative costs for
8 violations of subtitle 5 of title 12 or any rule
9 adopted thereunder, other than:
- 10 (A) Informers' fees authorized under section 187A-14;
- 11 (B) Fines or bail forfeitures for sport fishing
12 violations of this chapter and chapters 188, 189,
13 and 190, as authorized under section 187A-
14 9.5(b)(3); and
- 15 (C) Fines, bail forfeitures, or administrative fines
16 for violations of chapter 189, as authorized
17 under section 189-2.4(b)(3);
- 18 (4) Moneys collected for the purposes of compensatory
19 mitigation from federal or state permitted impacts to
20 the marine environment;



1 (5) Grants, awards, donations, gifts, transfers, or moneys
2 derived from private or public services for the
3 purposes of subtitle 5 of title 12, other than:

4 (A) Monetary contributions or moneys collected from
5 the sale of non-monetary gifts to benefit sport
6 fish or sport fishing, as authorized under
7 section 187A-9.5(b) (5); and

8 (B) Monetary contributions or moneys collected from
9 the sale of non-monetary gifts to benefit aquatic
10 life used for commercial purposes or fishing for
11 commercial purposes, as authorized under section
12 189-2.4(b) (5); and

13 (6) Moneys derived from interest, dividend, or other
14 income from the above sources.

15 (c) Subject to subsection (d), the ocean stewardship
16 special fund shall be used to:

17 (1) Develop and carry out marine resource conservation,
18 restoration, enhancement, research, regulatory
19 measures, enforcement actions, educational activities,
20 or any other management measure intended to conserve,



1 restore, and enhance marine resources under the
2 jurisdiction of the State;

3 (2) Develop and carry out restoration and compensatory
4 mitigation measures for impacts to the marine
5 environment, including impacts to the marine
6 environment from federal or state permitted actions,
7 or violations of subtitle 5 of title 12 or any rule
8 adopted thereunder; and

9 (3) Install, maintain, and replace day use mooring buoys
10 and other infrastructure to reduce impacts to the
11 marine ecosystem.

12 (d) The fund shall be held separate and apart from all
13 other moneys, funds, and accounts in the department of land and
14 natural resources, provided that any moneys received from the
15 federal government, through federal programs, or from private
16 contributions, shall be deposited and accounted for in
17 accordance with conditions established by the agency or private
18 entity from whom the moneys are received, and provided further
19 that twenty per cent of all funds collected under subsection
20 (b) (1) and (2) be payable to the office of Hawaiian affairs as
21 ceded lands revenues. Any balance remaining in the fund at the



1 end of any fiscal year shall be carried forward in the fund for
2 the next fiscal year.

3 (e) The proceeds of the ocean stewardship special fund
4 shall not be used as security for, or pledged to the payment of
5 principal or interest on, any bonds or instruments of
6 indebtedness.

7 (f) Nothing in this section shall be construed to prohibit
8 the use of general funds or the funds of other programs and
9 activities to implement or enforce title 12, subtitle 5, or any
10 rule adopted thereunder, concerning management and conservation
11 of the State's ocean waters and the resources therein.

12 **§187A- Ocean stewardship fees.** The department of land
13 and natural resources may adopt rules pursuant to chapter 91 to
14 establish non-resident user fees for the use and enjoyment of
15 the State's ocean resources. Fees collected under this section
16 or any rule adopted thereunder shall be deposited in the ocean
17 stewardship special fund."

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



Report Title:

Ocean Stewardship Special Fund; Non-resident User Fees

Description:

Establishes the Ocean Stewardship Special Fund for the collection and use of moneys for the conservation, restoration, and enhancement of the State's marine resources. Authorizes the Department of Land and Natural Resources to collect non-resident user fees for the use and enjoyment of the State's ocean resources. (SD1)

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