

---

---

# 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.

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 this subtitle or any rule adopted  
9           thereunder, other than:
- 10           (A) The portions of any fines distributed as  
11           informers' fees pursuant to section 187A-14;
- 12           (B) Fines or bail forfeitures for sport fishing  
13           violations of this chapter and chapters 188, 189,  
14           and 190, as authorized under section  
15           187A-9.5(b)(3); and
- 16           (C) Fines, bail forfeitures, or administrative fines  
17           for violations of chapter 189, as authorized  
18           under section 189-2.4(b)(3);
- 19           (4) Moneys collected for the purposes of compensatory  
20           mitigation from federal or state permitted impacts to  
21           the marine environment;



1 (5) Grants, awards, donations, gifts, transfers, or moneys  
2 derived from private or public services for the  
3 purposes of this subtitle, 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 this subtitle or any rule adopted  
8 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 accordance  
17 with conditions established by the agency or private entity from  
18 whom the moneys are received; provided further that twenty per  
19 cent of all funds collected under subsection (b)(1) and (2) be  
20 payable to the office of Hawaiian affairs as ceded lands  
21 revenues. Any balance remaining in the fund at the end of any



1 fiscal year shall be carried forward in the fund for the next  
2 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 this subtitle or any rule  
10 adopted thereunder, concerning management and conservation of  
11 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 on July 1, 2050.



**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. Effective 7/1/2050. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

