

S.B. NO. 1181

JAN 27 2021

A BILL FOR AN ACT

RELATING TO MARINE LIFE CONSERVATION DISTRICTS.

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

1 SECTION 1. The marine life conservation program embodied
2 in chapter 190, Hawaii Revised Statutes, has provided the State
3 with some of its most ecologically, economically, and culturally
4 valuable environmental assets. The comprehensive habitat
5 protections authorized for marine life conservation districts
6 have resulted in the unparalleled preservation of its nearshore
7 reef ecosystems, presenting visitors, residents, and researchers
8 alike with a unique opportunity to appreciate this relatively
9 pristine marine area. In addition, the abundant marine life
10 found within marine life conservation districts provides
11 additional ecological and fishery services by the movement of
12 fish and marine life to adjacent areas, the recruitment of
13 marine life offspring throughout the State, and the ready
14 availability of food stock for transitory predators and game
15 fish.

16 Furthermore, the increasing popularity of marine ecotourism
17 requires greater measures to ensure the continued health of the
18 State's marine ecosystems. The broad range of recently

1 documented anthropogenic impacts to the health of marine life
2 conservation districts' ecosystems, including coral bleaching,
3 vessel groundings, anchoring and mooring, diving activities,
4 poaching, land-based and water-based pollutant discharges, and
5 other direct and indirect uses of the State's resources,
6 indicate that the department of land and natural resources may
7 need a more consistent and reliable source of funding to manage,
8 protect, and restore marine resources throughout the State. A
9 sustainable funding source is especially critical during these
10 current times of economic difficulty due to the impacts of the
11 COVID-19 pandemic.

12 The purposes of this Act are to establish the marine life
13 conservation district special fund allowing for the collection
14 and use of moneys for the management, protection, restoration,
15 and enhancement of the State's marine life conservation
16 districts and the resources contained within, and to authorize
17 the department of land and natural resources to collect fees for
18 the use of marine life conservation districts and the resources
19 contained within.

20 SECTION 2. Chapter 190, Hawaii Revised Statutes, is
21 amended by adding a section to be appropriately designated and
22 to read as follows:

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1 "§190- Marine life conservation district special fund.

2 (a) There is hereby established in the treasury of the State
3 the marine life conservation district special fund, which shall
4 be administered by the department of land and natural resources.

5 (b) The following shall be deposited into the marine life
6 conservation district special fund:

7 (1) Moneys collected as user fees or fees for permits
8 pursuant issued under section 190-4;

9 (2) Revenues due to the State derived from leases of any
10 lands, facilities, equipment, and other property owned
11 by the department of land and natural resources and
12 used for or dedicated to the management, research,
13 restoration, and enhancement of aquatic resources;

14 (3) Moneys collected as fines, bail forfeitures,
15 attorney's fees, and administrative costs for
16 violations of subtitle 5 of title 12 or any rule
17 adopted thereunder, other than:

18 (A) Informer's fees authorized under section 187A-14;

19 (B) Fines or bail forfeitures for sport fishing
20 violations of this chapter and chapters 188 and
21 189, as authorized under section 187A-9.5(b)(3);

22 and

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- 1 (C) Fines, bail forfeitures, or administrative fines
- 2 for violations of chapter 189, as authorized
- 3 under section 189-2.4(b) (3);
- 4 (4) Moneys collected for the purposes of compensatory
- 5 mitigation from federal or state permitted impacts to
- 6 the environment or resources contained within the
- 7 marine life conservation districts;
- 8 (5) Grants, awards, donations, gifts, transfers, or moneys
- 9 derived from private or public services for the
- 10 purposes of subtitle 5 of title 12, other than:
- 11 (A) Monetary contributions or moneys collected from
- 12 the sale of non-monetary gifts to benefit sport
- 13 fish or sport fishing, as authorized under
- 14 section 187A-9.5(b) (5); and
- 15 (B) Monetary contributions or moneys collected from
- 16 the sale of non-monetary gifts to benefit aquatic
- 17 life used for commercial purposes or fishing for
- 18 commercial purposes, as authorized under section
- 19 189-2.4(b) (5); and
- 20 (6) Moneys derived from interest, dividend, or other
- 21 income from the above sources.

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1 (c) Subject to subsection (d), the marine life
2 conservation district special fund shall be used to:

3 (1) Fulfill the purposes of this chapter, including but
4 not limited to marine life conservation district
5 monitoring, research, regulatory measures, enforcement
6 actions, educational activities, or any other measure
7 intended to conserve, supplement, and enhance the
8 resources within any marine life conservation district
9 established under this chapter or rules adopted
10 thereunder;

11 (2) Provide management, monitoring, and support for public
12 fishing areas, community-based subsistence fishing
13 areas, fisheries management areas, and other areas of
14 localized management;

15 (3) Develop and carry out any compensatory mitigation
16 measures for impacts to the marine environment,
17 including impacts to the marine environment from
18 federal or state permitted actions, or violations of
19 this chapter or any rule adopted thereunder; or

20 (4) Develop and carry out research projects, educational
21 programs, management initiatives, and any other

1 activity intended to conserve, supplement, and enhance
2 the marine environment throughout the State.

3 (d) The fund shall be held separate and apart from all
4 other moneys, funds, and accounts in the department of land and
5 natural resources, provided further that any moneys received
6 from the federal government, through federal programs, or from
7 private contributions, shall be deposited and accounted for in
8 accordance with conditions established by the agency or private
9 entity from whom the moneys are received, and provided that
10 twenty per cent of all funds collected under subsection (b)(1)
11 be payable to the office of Hawaiian affairs as ceded lands
12 revenues. Any balance remaining in the fund at the end of any
13 fiscal year shall be carried forward in the fund for the next
14 fiscal year.

15 (e) The proceeds of the marine life conservation district
16 special fund shall not be used as security for, or pledged to
17 the payment of principal or interest on, any bonds or
18 instruments of indebtedness.

19 (f) Nothing in this section shall be construed to prohibit
20 the use of general funds or the funds of other programs and
21 activities to implement or enforce title 12, subtitle 5, or any

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1 rule adopted thereunder, concerning management and protection of
2 marine life conservation districts and the resources therein."

3 SECTION 3. Section 190-4, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§190-4 Permits**[-] **and user fees.** (a) The department of
6 land and natural resources may, in any conservation district,
7 prohibit the taking of marine life or the engaging in activities
8 prohibited by this chapter and rules adopted thereunder, except
9 by permit issued by it for scientific, education, or other
10 public purposes on such terms and conditions deemed necessary to
11 minimize any adverse effect within the conservation district;
12 provided that the department shall provide written notice of any
13 change in permit conditions ninety calendar days prior to the
14 effective date of the change, except, as determined by the
15 department, when an immediate change in permit conditions is
16 necessary to protect or preserve the conservation district. The
17 department may revoke any permit for any infraction of the terms
18 and conditions of the permit. Any person whose permit has been
19 revoked shall not be eligible to apply for another permit until
20 the expiration of one year from the date of revocation.

21 (b) The department of land and natural resources may adopt
22 rules pursuant to chapter 91 to establish fees or require

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1 permits for entry into the boundaries of any marine life
2 conservation district established under this chapter. Fees
3 collected under this section or any rule adopted thereunder,
4 shall be deposited in the marine life conservation district
5 special fund."

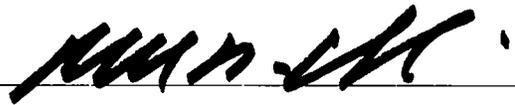
6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:



11

BY REQUEST

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Report Title:

Marine Life Conservation District Special Fund; Fees

Description:

Establishes the Marine Life Conservation District Special Fund for the collection and use of moneys for the management, protection, restoration, and enhancement of the State's marine life conservation districts and the resources contained within, and authorizes the Department of Land and Natural Resources to collect fees for the use of marine life conservation districts and the resources contained within.

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

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JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO MARINE LIFE CONSERVATION DISTRICTS.

PURPOSE: To establish the Marine Life Conservation District Special Fund for the collection and use of moneys for the management, protection, restoration, and enhancement of the State's marine life conservation districts and the resources contained within; and to authorize the Department to collect fees for the use of marine life conservation districts and the resources contained within.

MEANS: Add a new section to chapter 190, Hawaii Revised Statutes (HRS), and amend section 190-4, HRS.

JUSTIFICATION: The marine life conservation program embodied in chapter 190, HRS, has provided the State with some of its most ecologically, economically, and culturally valuable environmental assets. The comprehensive habitat protections authorized for marine life conservation districts have resulted in the unparalleled preservation of its nearshore reef ecosystems, presenting visitors, residents, and researchers alike with a unique opportunity to appreciate this relatively pristine marine area. In addition, the abundant marine life found within marine life conservation districts provides additional ecological and fishery services by the movement of fish and marine life to adjacent areas, the recruitment of marine life offspring throughout the State, and the ready availability of food stock for transitory predators and game fish.

The increasing popularity of marine ecotourism requires greater measures to ensure the continued health of the State's

marine ecosystems. The broad range of recently documented anthropogenic impacts to the health of marine life conservation districts' ecosystems, including coral bleaching, vessel groundings, anchoring and mooring, diving activities, poaching, land-based and water-based pollutant discharges, and other direct and indirect uses of the State's resources, indicate that the Department may need a more consistent and reliable source of funding to manage, protect, and restore marine resources throughout the State. A sustainable funding source is especially critical during these current times of economic difficulty due to the impacts of the COVID-19 pandemic.

This bill would establish the Marine Life Conservation District Special Fund allowing for the collection and use of moneys for the management, protection, restoration, and enhancement of the State's marine life conservation districts and the resources contained within, and to authorize the department to collect fees for the use of marine life conservation districts and the resources contained within.

Impact on the public: The general public would benefit from improvements to the management, protection, restoration, and enhancement of marine life conservation districts, presenting visitors, residents, and researchers alike with a unique opportunity to appreciate this relatively pristine marine area.

Impact on the Department and other agencies: The Department would have a sustainable source of funding for the management, protection, restoration, and enhancement of marine life conservation districts and the resources contained within.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: LNR 401.

OTHER AFFECTED

AGENCIES: None.

EFFECTIVE DATE: Upon approval.