

JAN 22 2021

A BILL FOR AN ACT

RELATING TO MARINE RESOURCES.

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

1 SECTION 1. The legislature finds that marine life
2 conservation districts are under the jurisdiction of the State
3 and home to irreplaceable marine species and native reef
4 habitats. The legislature further finds that one example of a
5 marine life conservation district, the Hanauma Bay nature
6 preserve, is one of the most popular marine life conservation
7 districts on the island of Oahu. Visitors pay both an entry and
8 parking fee to the city and county of Honolulu, which collects
9 fees on land, but Hanauma bay is a state marine life
10 conservation district.

11 The legislature further finds that the city and county of
12 Honolulu has not transferred any moneys to the State for any of
13 its preservation work on Hanauma Bay. On January 2021, the
14 Honolulu city council passed an ordinance that not only raised
15 the parking fees for nonresidents from one dollar to three
16 dollars, but also raised the admission fees for nonresidential
17 visitors aged thirteen and older from \$7.50 to \$12.



1 Accordingly, the purpose of this Act is to:

2 (1) Authorize the department of land and natural resources
3 to establish fees and permits for entry into a marine
4 line conservation district; and

5 (2) Establish a special fund allowing for the collection
6 and use of moneys for the conservation,
7 supplementation, and enhancement of the State's marine
8 resources.

9 SECTION 2. Chapter 190, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§190- Marine life conservation district special fund.

13 (a) There is established in the treasury of the State the
14 marine life conservation district special fund to be
15 administered by the department of land and natural resources.

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

18 (1) Moneys collected as user fees or fees for permits
19 issued under section 190-4;

20 (2) Revenues due to the State derived from leases of any
21 lands, facilities, equipment, and other property owned



1 by the department of land and natural resources and
2 used for or dedicated to the management, research,
3 restoration, and enhancement of aquatic resources;

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

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

9 (B) Fines or bail forfeitures for sport fishing
10 violations of this chapter and chapters 188 and
11 189, as authorized under section 187A-9.5(b)(3);

12 and

13 (C) Fines, bail forfeitures, or administrative fines
14 for violations of chapter 189, as authorized
15 under section 189-2.4(b)(3);

16 (4) Moneys collected for the purposes of compensatory
17 mitigation from federal or state permitted impacts to
18 the environment or resources contained within the
19 marine life conservation districts;



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- 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 marine life
16 conservation district special fund shall be used to:
- 17 (1) Fulfill the purposes of this chapter, including but
18 not limited to marine life conservation district
19 monitoring, research, regulatory measures, enforcement
20 actions, educational activities, or any other measure
21 intended to conserve, supplement, and enhance the



1 resources within any marine life conservation
2 district;
3 (2) Provide management, monitoring, and support for public
4 fishing areas, community-based subsistence fishing
5 areas, fishery management areas, and other areas of
6 localized management;
7 (3) Develop and carry out any compensatory mitigation
8 measures for impacts to the marine environment,
9 including impacts to the marine environment from
10 federal or state permitted actions, or violations of
11 this chapter or any rule adopted thereunder; and
12 (4) Develop and carry out research projects, educational
13 programs, management initiatives, and any other
14 activity intended to conserve, supplement, and enhance
15 the marine environment throughout the State.
16 (d) The fund shall be held separate and apart from all
17 other moneys, funds, and accounts in the department of land and
18 natural resources, provided further that any moneys received
19 from the federal government, through federal programs, or from
20 private contributions, shall be deposited and accounted for in
21 accordance with conditions established by the agency or private



1 entity from whom the moneys are received, and provided that
 2 twenty per cent of all funds collected under subsection (b) (1)
 3 be payable to the Office of Hawaiian Affairs as ceded lands
 4 revenues. Any balance remaining in the fund at the end of any
 5 fiscal year shall be carried forward in the fund for the next
 6 fiscal year.

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

11 (f) Nothing in this section shall be construed to prohibit
 12 the use of general funds or the funds of other programs and
 13 activities to implement or enforce title 12, subtitle 5, or any
 14 rule adopted thereunder, concerning management and protection of
 15 marine life conservation districts and the resources therein."

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

18 "**§190-4 Permits [↵] and user fees.** (a) The department of
 19 land and natural resources may, in any conservation district,
 20 prohibit the taking of marine life or the engaging in activities
 21 prohibited by this chapter and rules adopted thereunder, except



1 by permit issued by it for scientific, education, or other
2 public purposes on such terms and conditions deemed necessary to
3 minimize any adverse effect within the conservation district;
4 provided that the department shall provide written notice of any
5 change in permit conditions ninety calendar days prior to the
6 effective date of the change, except, as determined by the
7 department, when an immediate change in permit conditions is
8 necessary to protect or preserve the conservation district. The
9 department may revoke any permit for any infraction of the terms
10 and conditions of the permit. Any person whose permit has been
11 revoked shall not be eligible to apply for another permit until
12 the expiration of one year from the date of revocation.

13 (b) The department of land and natural resources may adopt
14 rules pursuant to chapter 91 to establish fees or require
15 permits for entry into the boundaries of any marine life
16 conservation district established under this chapter to which
17 public access is managed by a county and for which a fee is
18 charged for public access. Fees collected under this section or
19 any rule adopted thereunder, shall be deposited in the marine
20 life conservation district special fund established pursuant to
21 section 190- ."



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

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Report Title:

Marine Resources; Marine Life Conservation District Special Fund; Hanauma Bay; Fees

Description:

Authorizes the Department of Land and Natural Resources to establish fees and permits for entry into a marine life conservation district. Establishes the Marine Life Conservation District Special Fund.

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