

---

---

# A BILL FOR AN ACT

RELATING TO AQUATIC PROTECTION.

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

1           SECTION 1. The legislature finds that coral reefs are a  
2 critical component of the State's ecosystem and provide  
3 extremely valuable goods and services for the State and its  
4 residents, including coastal protection from erosion due to  
5 increasing sea levels and larger ocean swells as the ocean  
6 warms; sand production that replenishes beaches; a unique home  
7 for native species; and fisheries, recreation, tourism, and  
8 spiritual connection. Many reefs around the island of Oahu are  
9 widely known to be among the most degraded in the State. This  
10 situation is due to increasing impact from human activity,  
11 including heavy extraction and fishing pressure, poor  
12 agricultural and development land use practices, unchecked  
13 ungulate populations that lead to erosion and sedimentation, and  
14 run-off of excess nutrients from sewage and fertilizers.  
15 Furthermore, increasing ocean warming is now causing more  
16 frequent and severe coral bleaching events that kill corals and  
17 are predicted to be annual events by about 2040. Ocean



1 acidification and other pollutants also adversely affect corals.  
2 All of these factors contribute to degraded reefs and lower  
3 numbers of herbivorous fishes to keep coral-reef degradation in  
4 check.

5 The legislature further finds that immediate and sustained  
6 action is needed to protect and restore coral reefs around the  
7 State and especially around the most critically impacted island  
8 of Oahu.

9 Therefore, the purpose of this Act is to require the  
10 division of aquatic resources of the department of land and  
11 natural resources to:

12 (1) Manage the aquatic life and aquatic resources of the  
13 State, giving the highest priority to protecting,  
14 restoring, and maintaining ecosystem integrity and  
15 using the best peer-reviewed scientific data  
16 available;

17 (2) Maintain reefs and each native species within them at  
18 levels no less than the best peer-reviewed science  
19 suggests is able to comfortably withstand the worst  
20 coral bleaching events and other likely threats to



1 reef ecosystem health in the subsequent five decades;  
2 and

3 (3) Set goals, make plans, and take action to  
4 substantially improve coral-reef resilience with  
5 annual reports to the legislature.

6 SECTION 2. Section 187A-2, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "**§187A-2 Powers and duties of department.** The department  
9 shall:

10 (1) Manage and administer the aquatic life and aquatic  
11 resources of the State[+], giving the highest priority  
12 to protecting, restoring, and maintaining ecosystem  
13 integrity, and maintaining reefs and each native  
14 species within them at levels no less than the best  
15 peer-reviewed science suggests is able to comfortably  
16 withstand the worst coral bleaching events and other  
17 likely threats to reef ecosystem health in the  
18 subsequent five decades, including but not limited to  
19 collaboration with other relevant agencies to restore  
20 and maintain good condition of the water that  
21 encompasses these ecosystems;



- 1 (2) Establish and maintain aquatic life propagating  
2 station or stations;
- 3 (3) Establish, manage, and regulate public fishing areas,  
4 artificial reefs, fish aggregating devices, marine  
5 life conservation districts, shoreline fishery  
6 management areas, refuges, and other areas pursuant to  
7 title 12;
- 8 (4) Subject to this title, import aquatic life for the  
9 purpose of propagating and disseminating [~~the same~~]  
10 aquatic life in the State and the waters subject to  
11 its jurisdiction;
- 12 (5) Distribute, free of charge, as the department deems to  
13 be in the public interest, aquatic life, for the  
14 purpose of increasing the food supply of the State;  
15 provided that when, in the discretion of the  
16 department, the public interest shall not be  
17 materially interfered with by so doing, the department  
18 may propagate and furnish aquatic life to private  
19 parties, upon [~~such~~] reasonable terms, conditions, and  
20 prices determined by the department;



1           (6) ~~[Gather]~~ Use the best available peer-reviewed science  
2           to gather and compile information and statistics  
3           concerning the habitat and character of, and increase  
4           and decrease in, aquatic resources in the State,  
5           including the care and propagation of aquatic  
6           resources for protective, productive, and aesthetic  
7           purposes, and other useful information~~[, which]~~ the  
8           department deems proper;

9           (7) Enforce all laws relating to the protecting, taking,  
10          killing, propagating, or increasing of aquatic life  
11          within the State and the waters subject to its  
12          jurisdiction; and

13          (8) Formulate and from time to time recommend to the  
14          governor and legislature ~~[such]~~ additional legislation  
15          necessary or desirable to implement the objectives of  
16          title 12."

17          SECTION 3. (a) No later than July 1, 2027, for the island  
18          of Oahu, and no later than July 1, 2029, for the other islands,  
19          the division of aquatic resources of the department of land and  
20          natural resources shall:



- 1 (1) Develop and publish goals to significantly increase  
2 coral-reef resilience to maintain reefs and each  
3 native species within them at levels no less than the  
4 best peer-reviewed science suggests is able to  
5 comfortably withstand the worst coral bleach events  
6 and other likely threats to reef ecosystem health in  
7 the subsequent five decades; and
- 8 (2) Create a framework for meeting these goals and the  
9 qualitative measurement of progress each year by using  
10 the best available peer-reviewed science. The  
11 framework shall include but not be limited to the  
12 following criteria:
- 13 (A) Water quality and quantity;
  - 14 (B) Herbivore biomass;
  - 15 (C) Fisheries management;
  - 16 (D) Enforcement;
  - 17 (E) Coral restoration; and
  - 18 (F) Recreational-use impacts.
- 19 (b) Before adopting the framework required by subsection  
20 (a)(2), the division of aquatic resources of the department of  
21 land and natural resources shall coordinate with other relevant



1 management agencies in the State and hold at least one public  
2 hearing on the respective island for which the framework is  
3 being developed regarding the framework.

4 (c) The division of aquatic resources of the department of  
5 land and natural resources may adopt temporary administrative  
6 rules or take immediate action related to any part of the  
7 framework required by subsection (a)(2), or in preparation for  
8 or responding to an emergency or critical situation, such as a  
9 bleaching event or other adverse impact on a coral reef or  
10 species, with the approval of the board of land and natural  
11 resources and without regard to chapter 91 and chapter 201M,  
12 Hawaii Revised Statutes; provided that the temporary  
13 administrative rules shall be repealed no later than five years  
14 after their adoption, or upon the adoption of rules by the  
15 division of aquatic resources of the department of land and  
16 natural resources pursuant to chapter 91, Hawaii Revised  
17 Statutes, whichever is sooner.

18 (d) No later than December 1, 2026, and December 1 of each  
19 year thereafter, the division of aquatic resources of the  
20 department of land and natural resources shall submit to the



1 legislature a report regarding the implementation, progress, and  
2 results of this section.

3 Each annual report shall include any findings and  
4 recommendations, including proposed legislation.

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

7 SECTION 5. This Act shall take effect upon approval.



**Report Title:**

DLNR; DAR; Aquatic Life; Herbivores; Coral-Reef Resilience;  
Reports

**Description:**

Requires the Division of Aquatic Resources of the Department of Land and Natural Resources to: manage the aquatic life and aquatic resources of the State, giving the highest priority to protecting, restoring, and maintaining ecosystem integrity and using the best peer-reviewed scientific data available; maintain reefs and each native species within them at levels no less than the best peer-reviewed science suggests is able to comfortably withstand the worst coral bleaching events and other likely threats to reef ecosystem health in the subsequent five decades; and set goals, make plans, and take action to substantially increase coral-reef resilience with annual reports to the Legislature. (SD1)

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

