

# H.B. NO. 2398

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## A BILL FOR AN ACT

RELATING TO THE HAWAII OCEAN AND COASTAL COUNCIL.

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

1           SECTION 1. The legislature finds that just about any  
2 activity in Hawaii could be described as having an impact on  
3 ocean and coastal resources. Hawaii's historical, cultural,  
4 environmental, social, recreational and economic foundations are  
5 centered on our State's near-shore waters and coastline. There  
6 is a need to establish a permanent mechanism to coordinate the  
7 concerns and interests of the multitude of public and private  
8 organizations to maximize collaboration and cooperation among  
9 groups to eliminate duplication of efforts.

10           Last year, the governor, pursuant to section 26-41, Hawaii  
11 Revised Statutes, and by Executive Order No. 2005-01,  
12 established the Hawaii ocean and coastal council to gather  
13 information and provide advice and recommendations on direction  
14 and planning for addressing Hawaii's ocean and coastal concerns.  
15 The Hawaii ocean and coastal council has since initiated the  
16 development of coordinated policies.

17           The purposes of this Act are to:

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- 1 (1) Statutorily establish a permanent Hawaii ocean and  
2 coastal council to continue its special purpose to  
3 gather information and provide advice and  
4 recommendations on direction and planning for  
5 addressing Hawaii's ocean and coastal concerns; and  
6 (2) Affirm the objective of the State to protect Hawaii's  
7 resources.

8 This Act does not create any new function of government or  
9 require additional funding.

10 SECTION 2. The Hawaii Revised Statutes is amended by  
11 adding a new chapter to be appropriately designated and to read  
12 as follows:

13 "CHAPTER

14 HAWAII OCEAN AND COASTAL COUNCIL

15 § -1 **Definition.** As used in this chapter, unless the  
16 context requires otherwise:

17 "Council" means the Hawaii ocean and coastal council.

18 § -2 **Establishment of the Hawaii ocean and coastal**  
19 **council.** (a) The Hawaii ocean and coastal council shall  
20 provide advice and recommendations on how to:

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- 1 (1) Address the social, cultural, environmental, economic,  
2 and security issues of the State of Hawaii as they  
3 relate to ocean and coastal matters;
- 4 (2) Identify and understand ocean and coastal concerns  
5 from all perspectives;
- 6 (3) Organize and streamline the process for addressing  
7 ocean and coastal issues;
- 8 (4) Explore, pursue, and develop additional sources of  
9 funding to address ocean and coastal measures, as  
10 appropriate; and
- 11 (5) Perform any other function necessary to effectuate the  
12 purposes of this chapter.

13 Notwithstanding any other law to the contrary, the council  
14 shall consist of thirty members who shall be appointed by the  
15 governor not later than January 1, 2007. The council shall be  
16 administratively attached to the department of land and natural  
17 resources and shall be composed of:

- 18 (1) The chairperson of the board of land and natural  
19 resources, ex officio, or designee;
- 20 (2) The director, ex officio or designee, of each of the  
21 following departments:
  - 22 (A) Business, economic development, and tourism;

- 1 (B) Health;
- 2 (C) Defense; and
- 3 (D) Transportation;
- 4 (3) The chairperson of the board of agriculture, ex
- 5 officio, or designee;
- 6 (4) The director of the office of planning, ex officio, or
- 7 the director's designee;
- 8 (5) The tourism liaison of the office of the governor, ex
- 9 officio, or designee;
- 10 (6) The president of the university of Hawaii, ex officio,
- 11 or designee;
- 12 (7) The chairperson of the marine and coastal zone
- 13 advisory council, ex officio, or designee;
- 14 (8) The chairperson of the university of Hawaii sea grant
- 15 program, ex officio, or designee;
- 16 (9) A representative of the university of Hawaii - school
- 17 of ocean and earth science and technology;
- 18 (10) A representative of the office of Hawaiian affairs;
- 19 (11) A representative of the Polynesian Voyaging Society;
- 20 (12) A representative of the association of Hawaiian Civic
- 21 clubs;

- 1 (13) A representative of the Hawaii Institute for Marine  
2 Biology;
- 3 (14) A representative of the county of Hawaii;
- 4 (15) A representative of the county of Kauai;
- 5 (16) A representative of the county of Maui;
- 6 (17) A representative of the city and county of Honolulu;
- 7 (18) A representative of the National Oceanic and  
8 Atmospheric Administration, National Marine  
9 Sanctuaries;
- 10 (19) A representative of the National Oceanic and  
11 Atmospheric Administration, National Marine Fisheries  
12 Service;
- 13 (20) A representative of the National Oceanic and  
14 Atmospheric Administration, Pacific Services Center;
- 15 (21) A representative of the United States Fish and  
16 Wildlife Service;
- 17 (22) A representative of the United States Department of  
18 Agriculture, Natural Resources Conservation Service;
- 19 (23) A representative of the United States Army Corps of  
20 Engineers;
- 21 (24) A representative of the United State Coast Guard;
- 22 (25) A representative of the United States Navy;

1 (26) A representative of the United States Environmental  
2 Protection Agency; and

3 (27) A representative of the Western Pacific Fisheries  
4 management council.

5 (b) The council shall meet no less than twice annually to  
6 discuss and assess progress and recommend changes to the ocean  
7 and coastal programs.

8 (c) The council shall submit a report of its activities to  
9 the governor and legislature annually.

10 (d) The chairperson of the board of land and natural  
11 resources shall serve as the chairperson of the council and the  
12 department of land and natural resources shall be the lead  
13 agency. The lead agency shall:

14 (1) Coordinate all efforts between other departments and  
15 federal and private agencies to organize and identify  
16 ocean and coastal issues;

17 (2) Prepare and distribute an annual progress report forty  
18 days prior to the convening of each regular session of  
19 the legislature to the governor and the legislature  
20 that includes the status of each assigned function;  
21 and

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1 (3) Any other function of a lead agency necessary to  
2 effectuate the purposes of this chapter.

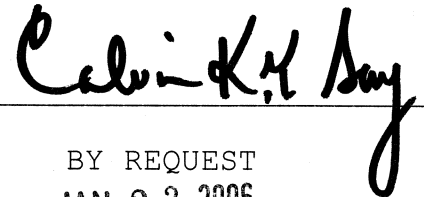
3 (e) All council members shall serve without compensation  
4 but shall be entitled to reimbursement for necessary expenses  
5 while attending meetings and while in the discharge of their  
6 duties and responsibilities of the council."

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

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INTRODUCED BY:



BY REQUEST  
JAN 23 2006

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## JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII OCEAN AND COASTAL COUNCIL.

PURPOSE: To provide statutory authority to continue the Hawaii Ocean and Coastal Council.

MEANS: Add a new chapter to the Hawaii Revised Statutes.

JUSTIFICATION: Directed leadership and coordinated actions among all government agencies are critical to address Hawaii's ocean and coastal concerns, including, but not limited to user conflicts, protection of our natural, cultural, and historical resources, and health and safety. The multitude of public and private organizations with an interest in ocean and coastal matters need a mechanism for cooperation, collaboration and coordination.

Last year, Governor Linda Lingle issued Executive Order (EO) No. 2005-01, establishing the Hawaii Ocean and Coastal Council (Council) in recognition of the need to protect Hawaii's near-shore waters and coastline, to gather information and provide advice and recommendations on direction and planning for addressing Hawaii's ocean and coastal matters throughout the State to foster coordinated approaches that support local initiatives on ocean and coastal concerns.

In spite of a condition of the EO, that the Council will be terminated no later than the last day of the Regular Session of 2006, there is still a need to continue the leadership actions provided by the Council, not only to eliminate unnecessary duplication of effort and provide maximum leveraging and coordination of existing



state funding from all concerned agencies, but to also help promote increased and targeted participation and funding from cooperating entities.

Impact on the public: None.

Impact on the Department and other agencies: Would continue to foster and organize coordinated approaches among various executive departments, federal and county agencies, and international and local initiatives in addressing Hawaii's ocean and coastal concerns.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: LNR 906.

OTHER AFFECTED AGENCIES: State departments/agencies: Defense; Business, Economic Development and Tourism; Health; Transportation; Agriculture; Office of Planning; Office of the Governor; and University of Hawaii

City and County/County agencies: Honolulu; Hawaii; Maui; and Kauai

Federal agencies: Coast Guard; Navy; Army Corps of Engineers; Environmental Protection Agency; Fish and Wildlife Service; National Oceanic and Atmospheric Administration; National Marine Sanctuaries and Department of Agriculture

Other agencies: Office of Hawaiian Affairs; Marine and Coastal Zone Advisory Council; Polynesian Voyaging Society; Hawaii Civic Club; and Western Pacific Fisheries Management Council

EFFECTIVE DATE: Upon approval.