### A BILL FOR AN ACT

RELATING TO AQUATIC RESOURCES.

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

1	SECT	ION 1. The legislature finds and declares that:
2	(1)	Hawaii is an island State and its watershed, coastal,
3		and ocean resources are critical to the preservation
4		of its diverse cultures and economic security.
5		Aquatic resource benefits include commercial and
6		recreational fishing, diving, snorkeling, surfing, and
7		other recreational activities; clean and abundant
8		freshwater supplies; unique species and ecosystems;
9		and a host of others;
10	(2)	In the past, using the wisdom passed down by kupuna
11		for generations, traditional Hawaiian stewardship
12		practices managed watershed and nearshore resources
13		and sustained their productivity by imposing wise
14		restrictions on use; however many factors are causing
15		increasing pressure on Hawaii's aquatic resources and
16		a decline in their productivity and quality;
17	(3)	Hawaii has long sought to protect coastal and ocean
18		resources through fisheries management, pollution

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1		control, coastal land use zoning, ocean management
2		plans, and other mechanisms. However these tasks have
3		been undertaken by at least five different
4		departments, agency efforts have been generally
5		uncoordinated, and aquatic resource-related budgetary
6		allocations have been inadequate;
7	(4)	The United States Commission on Ocean Policy reviewed
8		Hawaii along with other coastal states and concluded
9		that "major changes are urgently needed. Ocean
10		management responsibilities are dispersed among a
11		confusing array of agencies at the federal, state, and
12		local levels. While new scientific understanding has
13		taught us that natural systems are complex and
14		interconnected, our decision-making and management
15		systems have not been updated"; and
16	(5)	Hawaii's aquatic resources, from the top of the
17		watershed to the seaward limits of the State's
18		jurisdiction, are part of the State's public trust
19		resources and must be managed to restore abundance and
20		to maintain long-term productivity. Use of these
21		resources by the public is a privilege, not a right.

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1 SECTION 2. The Hawaii Revised Statutes is amended by 2 adding a new chapter to be appropriately designated and to read 3 as follows: 4 "CHAPTER HAWAII AQUATIC STEWARDSHIP ACT 5 6 S -1 Purposes. It is established as state policy that: 7 The coastal and oceanic waters under the jurisdiction (1)8 of the State of Hawaii shall be managed primarily to 9 protect water quality and the productivity, health, 10 and diversity of aquatic life; It shall be public policy to develop and incorporate 11 (2) ecosystem perspectives into the management of 12 watershed, coastal, and ocean resources using the best 13 14 scientific information available, with a priority of protecting and restoring watershed, coastal, and ocean 15 ecosystems; 16 Management decisions should incorporate traditional (3) 17 knowledge as appropriate for the best management 18 19 decision-making. Respect for the aina and the kai and giving back to the resources are critical and 20 necessary components of resource utilization that 21 22 should be adopted by all of Hawaii's citizens;



1 Public access to Hawaii's coastal and ocean resources (4) 2 for fishing, recreational, educational, scientific, 3 cultural, and aesthetic purposes shall be allowed so 4 long as these activities are consistent with long-term conservation and preservation of Hawaii's aquatic 5 6 resources, which shall have priority; 7 (5) Watershed, coastal, and ocean ecosystems are linked and all relevant agencies shall consider the impact of 8 9 public and private activities that may adversely 10 affect the health of these inter-related systems and shall take the necessary regulatory steps so that the 11 impacts are avoided or minimized; 12 A goal of all applicable state actions shall be to: 13 (6) improve monitoring and data gathering and advance 14 15 scientific understanding to continually improve efforts to conserve, protect, and restore aquatic 16 resources; coordinate the management of watershed, 17 coastal, and ocean waters and ecosystems; and avoid or 18 19 minimize actions that would cause harm to watershed, coastal, and ocean ecosystems or impair the 20 21 restoration of degraded systems;



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1	(7)	State and county agencies shall deploy, as necessary,
2		the full range of management measures, including but
3		not limited to restriction on the removal of living
4		and nonliving resources, the discharge of various
5		substances into waters, and the placement of temporary
6		or permanent structures in marine waters, as well as
7		the creation of the full range of marine management
8		area types and community-based aquatic resources
9		advisory organizations, in furthering the goal of
10		productive and healthy ecosystems;
11	(8)	Hawaii's aquatic resources are public trust resources
12		and the use of these resources is a privilege, not a
13		right; and
14	(9)	Proposals for conservation and management measures to
15		be deployed by the State and counties shall be carried
16		out to comply with existing laws and rules that
17		provide for public notice, comment, and participation.
18	S	-2 Scientific advisory group. (a) The chairperson of
19	the board	of land and natural resources shall appoint a
20	scientifi	c advisory group to advise the board of land and
21	natural r	esources on matters relevant to scientific management
22	decisions	that the board of land and natural resources may be
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required to make. The scientific advisory group shall consist
of nine scientists with a minimum of a master of science degree
in a biological science, as well as aquatic resources management
training and expertise.

5 Upon request, the scientific advisory group shall (b) provide the board of land and natural resources with ongoing 6 scientific advice for aquatic management decisions, including 7 8 but not limited to recommendations for ecosystem management, acceptable biological harvest and sampling methods and levels, 9 total allowable catches for all species harvested in state 10 11 waters, and scientific research plans. The scientific advisory group's comments on department of land and natural resources 12 13 submittals to the board of land and natural resources shall be incorporated into all final submittals. 14

15 S -3 Native Hawaiian advisory group. (a) The 16 chairperson of the board of land and natural resources shall appoint a native Hawaiian advisory group to advise the board of 17 18 land and natural resources on traditional Hawaiian resource management practices. The native Hawaiian advisory group shall 19 20 consist of nine native Hawaiians who are well known in the native Hawaiian community as having a long-standing and thorough 21



1 knowledge of traditional native Hawaiian aquatic resources 2 management practices.

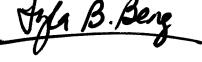
3 Upon request, the native Hawaiian advisory group shall (b) provide the board of land and natural resources with ongoing 4 recommendations on traditional native Hawaiian resource 5 6 management and harvesting practices that are associated with 7 certain cultural thoughts, spiritualism, and values. The scientific advisory group's comments on departmental of land and 8 natural resources submittals to the board of land and natural 9 resources shall be incorporated in all final submittals." 10 11 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

Hele Carroll

Nume Inorite Karen Awana







н.в. NO. **1788** 

### Report Title:

Hawaii Aquatic Stewardship Act

#### Description:

Establishes the Hawaii Aquatic Stewardship Act.

