

JAN 19 2007

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# A BILL FOR AN ACT

RELATING TO OCEAN HEALTH CONSENSUS.

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

1           SECTION 1. The Legislature finds that the Health of our  
2 Oceans is declining rapidly due to pollution, unsustainable and  
3 destructive fishing, climate change, habitat loss from  
4 ill-planned development, and invasive species. 90% of the  
5 world's large predatory fish have disappeared in the past 50  
6 years. 75% of fisheries are now fished at or beyond their  
7 sustainable capacity. Overfishing, much of it illegal,  
8 unreported, and unregulated, is mostly responsible for ocean  
9 fisheries collapsing throughout the world. When fisheries  
10 collapse, remaining fisheries feel increasing pressure, so that  
11 local fishery decline quickly becomes global fishery decline.

12           However, overfishing is not the only threat to Ocean  
13 Health. The deterioration of coastal ecosystems, like coastal  
14 wetlands and coral reefs, threatens the 90% of ocean fish that  
15 rely on these ecosystems for food or spawning. Excess nutrient  
16 flows from fertilizers and untreated sewage cause huge algal  
17 blooms and ocean dead zones. One third of the CO<sub>2</sub> released from



1 burning fossil fuels currently goes into the ocean, forming  
2 carbonic acid that raises ocean acidity, threatening  
3 hard-shelled organisms and coral reefs. Overall loss of ocean  
4 biodiversity threatens food supplies, water quality, and ocean  
5 ecosystem resilience. Furthermore, government subsidies for  
6 many destructive practices continue in the billions of dollars.

7 The Legislature further finds that Hawaii is *no exception*  
8 to the decline of coastal fisheries worldwide. Fisheries in  
9 Hawaii have declined dramatically in the past 100 years due to  
10 overfishing and loss of habitat. Surrounded by ocean, Hawaii  
11 imports 85% of its seafood. New or expanding fisheries can now  
12 fish only at the expense of those already harvesting Hawaii's  
13 marine resources. Furthermore, Hawaii's ocean industries  
14 include both commercial and recreational fishing, as well as  
15 diving and snorkeling, aquaculture, maritime shipping, ocean  
16 research, boating, kayaking, and surfing. Cultivation of these  
17 ocean industries, especially those related to ecotourism, is  
18 critical to the health of Hawaii's economy.

19 The Legislature further finds that, though we do not  
20 implement them effectively, we do know solutions to these  
21 threats to Ocean Health. For example, we know that  
22 policymakers, management agencies, and ocean scientists show



1 increasing interest in ecosystem-based or place-based management  
2 that separates competing uses, reduces conflict, increases  
3 certainty among users, protects sensitive marine resources, and  
4 that considers the Health of whole ecosystems, rather than  
5 single species. We know that the U.S. Commission on Ocean  
6 Policy (2004) and the Pew Oceans Commission (2003) both  
7 recommend ecosystem-based management of the 4.4 million square  
8 miles of ocean within the jurisdiction of the United States.

9 We also know that many traditional and local management  
10 methods have survived the test of time and that local-community  
11 involvement is critical to effective ecosystem management (for  
12 example, land/sea ecosystem-management initiatives now taking  
13 place on Maui, Oahu, and Kauai). We know that the Precautionary  
14 Principle works, so that we take care not to destroy what we do  
15 not yet understand. We know that marine reserves and no-take  
16 zones serve as natural hatcheries that repopulate surrounding  
17 areas. We know that catch and fishing-effort limits, time and  
18 area closures, and various fishing method restrictions work when  
19 they are adhered to. We know that Hawaii's Public Trust  
20 Doctrine provides principled guidelines to leaders concerned  
21 about tensions between development and preservation and about  
22 rights of Native Hawaiians and non-indigenous peoples.



1 accountability shared cooperatively by all stakeholders and  
2 government officials. Second, given the inherent uncertainties  
3 regarding ecosystem-based management, we must err on the side of  
4 caution and take a precautionary approach.

5 This Ocean Health Consensus Project shall consist of at  
6 least the following five broad steps:

7 (1) Convening-getting key stakeholder representatives to  
8 the table and the right ideas on the table, in ways that invite  
9 productive problem solving. Key stakeholder groups will include  
10 commercial and recreational fishing, resource-management  
11 agencies, policymakers, scientists, environmentalists, tourism,  
12 local communities and *kupuna*, and the general public and  
13 consumers.

14 (2) Assigning roles and responsibilities-clarifying who  
15 will be in charge, specifying the ground rules, defining the  
16 role of facilitators.

17 (3) Facilitating group problem solving-generating mutually  
18 advantageous proposals and confronting disagreements in a  
19 peaceful way, effective problem solving that draws on good  
20 information and considers a range of possible solutions.

21 (4) Reaching agreement-coming as close as possible to  
22 meeting the most important interests of all concerned.



1           Finally, the Legislature finds that lack of Consensus among  
2 Hawaii's numerous economic, scientific, and local-community  
3 Ocean Health stakeholders is the primary reason that known  
4 solutions do not effectively address known threats to Ocean  
5 Health. The key to Consensus and to adherence or enforcement is  
6 building long-term commitments among all stakeholders to  
7 identify knowledge gaps, communicate findings, resolve  
8 conflicts, ensure fairness, and enlist local and indigenous-  
9 community expertise.

10           THEREFORE, the Purpose of this Act is to fund an Ocean  
11 Health Consensus Project to build community-based Consensus in  
12 Hawaii for managing Ocean Ecosystem resources for the benefit of  
13 all of our Hawaiian Islands, for all of our marine and coastal  
14 communities, and for the Health of Ocean Ecosystems themselves.

15           SECTION 2. (a) The Center for Conservation Research &  
16 Training (CCRT) of the University of Hawaii shall develop an  
17 Ocean Health Consensus Project to build community-based  
18 consensus in Hawaii for managing Ocean Ecosystem resources. Two  
19 key principles will be critical to this Project. First, any  
20 Consensus must be based on equity, fairness, need, and best  
21 available scientific knowledge. All resource users must be  
22 responsible for their actions, with decision making and



1 (5) Holding people to their commitments.

2 (b) The Center for Conservation Research & Training shall  
3 coordinate the implementation of the Ocean Health Consensus  
4 Project to build community-based consensus in Hawaii for  
5 managing Ocean Ecosystem resources. A Consensus-building  
6 approach usually requires more time at the beginning of the  
7 process than in the later stages, but in the long run a  
8 Consensus approach takes no longer and costs less than top-down  
9 approaches. Consensus builds broad solidarity and agreement,  
10 getting stakeholders to buy into shared solutions that combine  
11 expertise with responsibility. An educated and participating  
12 public, in particular, has tremendous potential to influence  
13 future policies toward sustainable Ocean Health.

14 SECTION 3. There is appropriated out of the general  
15 revenues of the State of Hawaii the sum of \$800,000 or so much  
16 thereof as may be necessary for fiscal year 2007-2008 for the  
17 Center for Conservation Research & Training to develop,  
18 implement, and coordinate an Ocean Health Consensus Project to  
19 build community-based Consensus in Hawaii for managing ocean  
20 ecosystem resources.



1           The sum appropriated shall be expended by the Center for  
2 Conservation Research & Training (CCRT) of the University of  
3 Hawaii for the purposes of this Act.

4           SECTION 4. This Act shall take effect on July 1, 2007.

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INTRODUCED BY:

          *Lesley H. Baker*            
          *Norman Sakuma*          



**Report Title:**

Ocean Health Consensus Project; Appropriation

**Description:**

Appropriates funds for the center for conservation research and training at the University of Hawaii to develop and implement an ocean health consensus project to build community based consensus in Hawaii for managing ocean ecosystem resources.

