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

10           In 2005, 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) There is established the Hawaii ocean and coastal  
20 council, which shall be placed, for administrative purposes  
21 only, within the department of land and natural resources and  
22 which shall provide advice and recommendations on how to:

- 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;
- 11          (5) Implement the 2006 Hawaii ocean resources management  
12          plan; and
- 13          (6) Perform any other function necessary to effectuate the  
14          purposes of this chapter.

15           The council shall consist of thirty members, including  
16          nineteen members who shall be appointed without regard to  
17          section 26-34 by the governor not later than January 1, 2008.

18          The council shall be composed of the following members or, when  
19          necessary, appropriate substitutions selected by the governor:

- 20           (1) The chairperson of the board of land and natural  
21           resources, ex officio, or designee;

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

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

1 (24) A representative of the United State Coast Guard;

2 (25) A representative of the United States Navy;

3 (26) A representative of the United States Environmental  
4 Protection Agency; and

5 (27) A representative of the Western Pacific Fisheries  
6 management council.

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

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

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

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

19 (2) Prepare and distribute an annual progress report forty  
20 days prior to the convening of each regular session of  
21 the legislature to the governor and the legislature

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1 that includes the status of each assigned function;  
2 and  
3 (3) Engage in any other function of a lead agency  
4 necessary to effectuate the purposes of this chapter.

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

9 SECTION 3. This Act shall take effect upon its approval and  
10 shall be repealed on July 1, 2012.

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12 INTRODUCED BY: \_\_\_\_\_

13 BY REQUEST  
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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.

In 2005, 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 the Council having been terminated as a result of a condition of the EO, 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: Directed leadership and coordination would eliminate duplicative actions and pool resources in addressing 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.

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;

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Polynesian Voyaging Society; Hawaii Civic  
Clubs; and Western Pacific Fisheries  
Management Council

EFFECTIVE DATE: Upon its approval and shall be repealed on  
July 1, 2012.