

JAN 22 2008

A BILL FOR AN ACT

RELATING TO AQUATIC RESOURCES.

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

1 SECTION 1. (a) The legislature finds and declares that
2 fishing in Hawaii is a tradition woven into its island
3 communities and local cultures that have been passed down for
4 generations. Hawaii's near shore reef fisheries have declined
5 by seventy-five per cent over the past century. The decline is
6 due to a variety of threats, including over use, run off,
7 sedimentation, and invasive species. Scientists estimate that
8 populations of commercially important reef fish species, such as
9 o'io, weke, and kumu have also declined by more than seventy-five
10 per cent in the past one hundred years.

11 Under article XI, section 1 of the state constitution, the
12 State is required to ". . . conserve and protect Hawaii's
13 natural beauty and all natural resources, including land, water,
14 air, minerals and energy resources, and shall promote the
15 development and utilization of these resources in a manner
16 consistent with their conservation and in furtherance of the
17 State." The State, through the department of land and natural



1 resources, has sole jurisdiction over management of the ocean
2 and all of its resources from the shoreline to a distance of
3 three miles off shore.

4 Over the past several years, many local communities have
5 expressed interest to help manage and restore Hawaii's near
6 shore reefs and marine habitat. Coastal communities from
7 Miloli'i in south Kona to Ha'ena on Kaua'i to Maunaloa and Pupukea
8 on O'ahu have initiated discussions and practices regarding
9 management, enforcement, and monitoring of the marine resources
10 surrounding their communities. The Miloli'i community-based
11 effort has been designated as the maka'i o ke kai (stewards of
12 the sea) program, which has been adopted for these legislative
13 purposes.

14 The maka'i o ke kai program is a partnership in marine
15 resource enforcement, education, outreach, monitoring, and
16 surveillance between local community members and the department
17 of land and natural resources, as well as other resource
18 managers and regulators. The maka'i o ke kai program enables
19 communities to assist the department resource managers and
20 regulators responsible for the public's marine resources. The
21 program serves as a vehicle for helping people make a difference



1 by directly managing the marine resources surrounding their
2 communities.

3 Fishery resources need to be adequately monitored and
4 managed based on best available science and local knowledge.
5 Communities that rely on Hawaii's ocean resources should be
6 engaged in their management and rulemaking processes.

7 The purpose of this Act is to:

- 8 (1) Engage local communities more fully in the management
9 of Hawaii's near shore fishery resources;
- 10 (2) Establish a community task force to advise the
11 department of land and natural resources in its
12 fisheries rulemaking process; and
- 13 (3) Make an appropriation to establish the maka'i o ke kai
14 community grant program to assist communities in near
15 shore resource management and monitoring.

16 SECTION 2. Chapter 188, Hawaii Revised Statutes, is
17 amended by adding a new part to be appropriately designated and
18 to read as follows:

19 "PART . MAKAI O KE KAI PROGRAM

20 §188-A Jurisdiction; rulemaking. This part does not
21 establish any new rules, unless expressly adopted by the
22 department, or transfer any rights or responsibilities for the



1 management of Hawaii's natural resources to any individuals or
2 group of individuals. Responsibility for the management of
3 Hawaii's near shore resources rests with the department of land
4 and natural resources, except for the duties designated to the
5 maka'i o ke kai program under section 188-C. Any new rules
6 proposed by a community or the department shall be adopted
7 through the rulemaking process established under chapter 91.

8 **§188-B Definitions.** As used in this part, unless the
9 context requires otherwise:

10 "Board" means board of land and natural resources.

11 "Community" means a group of people living in a
12 geographically designated area, which may include modern or
13 traditional land area designations, such as an ahupua'a or moku.

14 "Department" means the department of land and natural
15 resources.

16 "Not-for-profit" means an organization that meets the
17 requirements of section 501(c)(3) of the Internal Revenue Code
18 of 1986, as amended (26 U.S.C. §501(c)(3)).

19 "Stakeholders" means those individuals, companies, or
20 organizations working in or having an identified interest in the
21 geographic area proposed for management.



1 "Sustainably manage" means to manage resources in a way
2 that ensures that populations of fishes or other native natural
3 resources are thriving and will be maintained over time.
4 Management may include both modern methods and traditional
5 Hawaiian resource management practices using ahupua'a and moku
6 concepts and other appropriate techniques for sustaining
7 resources.

8 §188-C Maka'i o ke kai program; established; grants;
9 community-based initiatives. (a) The community-based marine
10 management program is established within the division of aquatic
11 resources of the department. Through the maka'i o ke kai
12 program, the department may provide matching grants of up to
13 \$50,000 annually to any maka'i o ke kai project. The department
14 may provide up to \$2 in state funds for every \$1 in non-state
15 funding to local community organizations to implement community-
16 based marine management initiatives designed to:

- 17 (1) Restore and protect near shore reef fish populations;
- 18 (2) Restore and protect coral reef and other near shore
19 marine habitat;
- 20 (3) Sustainably manage near shore fisheries;
- 21 (4) Apply traditional Hawaiian resource management
22 practices using ahupua'a and moku concepts and other



1 appropriate techniques for sustainable resource
2 management;

3 (5) Monitor the health of coral reef and other near shore
4 marine ecosystems; and

5 (6) Provide assistance and support for enforcement of
6 marine resource and fisheries rules.

7 (b) The department shall adopt any rules that may be
8 necessary to establish the program, identify and designate maka'i
9 o ke kai communities, and administer the grant program
10 established under this part.

11 **§188-D Partnership; training; enforcement.** Through the
12 maka'i o ke kai program, the department, through its divisions of
13 aquatic resources and conservation and resource enforcement,
14 shall partner with local communities to train volunteers in near
15 shore resource management, monitoring, resource enforcement, and
16 outreach to ocean users. To ensure that resource protection
17 laws are being followed, the division of conservation and
18 resource enforcement shall assign at least one division of
19 conservation and resource enforcement officer to support each
20 approved maka'i o ke kai program community.

21 **§188-E Preliminary proposal.** Communities that are
22 interested in establishing a maka'i o ke kai project, may submit



1 a preliminary proposal to the department that outlines broad
2 program objectives and describe:

- 3 (1) The composition of the community group;
- 4 (2) A description of the location and boundaries of the
5 project area, including marine waters, submerged
6 lands, and terrestrial areas;
- 7 (3) The partners with whom the community will be working;
- 8 (4) The stakeholders to be consulted in the project;
- 9 (5) The proposed action, including the resources to be
10 protected, restored, or sustainably managed, threats
11 to be abated, and strategies to be employed;
- 12 (6) A monitoring plan;
- 13 (7) The measures of success;
- 14 (8) A two-year budget; and
- 15 (9) Any matching funds that have been secured.

16 **§188-F Management plan.** If the preliminary proposal is
17 approved by the department, the applicant shall submit a
18 management plan that more specifically identifies the objectives
19 included in the preliminary proposal and includes specific
20 management actions and outcomes over a five-year timeline. All
21 management plans shall include a baseline biological assessment
22 in the first year and an annual monitoring component to ensure



1 that the department and the community understand the changes in
2 the ecosystem health that will be taking place over time. The
3 department may provide up to \$5,000 of grant moneys to the
4 applicant for the development of the management plan.

5 Plans approved by the department shall be submitted to the
6 board for final approval. The board, at its sole discretion,
7 may approve, reject, or request amendments to the plan or
8 budget.

9 **§188-G Community-based marine resource management advisory**
10 **board; established.** (a) There is established a community based
11 marine resource management advisory committee to advise the
12 department on matters related to community-based near shore
13 resource management and fisheries rules.

14 The advisory committee shall consist of:

- 15 (1) One member from each approved maka'i o ke kai program
16 community;
- 17 (2) One member from a not-for-profit organization working
18 with an approved maka'i o ke kai program community;
- 19 (3) One native Hawaiian fishing practitioner from each
20 island;
- 21 (4) One member from the recreational fishing community
22 from each island;



1 (5) One member from the National Oceanic and Atmospheric
2 Administration; and

3 (6) One marine scientist working in Hawaii.

4 The advisory committee members shall be appointed by the
5 governor in accordance with section 26-34.

6 (b) The advisory committee shall select a chairperson from
7 among its members. The number of members necessary to
8 constitute a quorum shall consist of a majority of all members
9 to which the advisory committee is entitled. When a quorum is
10 in attendance, the concurrence of a majority of the members in
11 attendance shall make any action of the task force valid;
12 provided that one member from each of the six groups listed in
13 subsection (a) shall be present to make any decisions.

14 The advisory committee may request assistance from the
15 department, the department of the attorney general, the
16 department of agriculture, the department of health, and other
17 appropriate state agencies in fulfilling the purpose of the
18 advisory committee. The advisory committee may also request
19 assistance from federal fishery agencies and organizations, the
20 public, and other states.



1 (c) The members shall not receive compensation for their
2 services but shall be reimbursed for expenses, including travel
3 expenses, incurred in the performance of their duties.

4 The advisory committee shall:

5 (1) Advise the department on all proposed marine resource
6 and fisheries rules and laws; and

7 (2) Propose new rules and laws as necessary to enhance
8 community-based and fisheries management."

9 SECTION 3. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so
11 much thereof as may be necessary for fiscal year 2008-2009 for
12 the community-based marine resource management advisory
13 committee to carry out its responsibilities, including
14 contracting for consultant services and studies.

15 The sum appropriated shall be expended by the department of
16 land and natural resources for the purposes of this Act.

17 SECTION 4. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of or so much
19 thereof as may be necessary for fiscal year 2008-2009 for the
20 maka'i o ke kai program.

21 The sum appropriated shall be expended by the department of
22 land and natural resources for the purposes of this Act.



1 SECTION 5. In codifying the new sections added by
2 section 2 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

5 SECTION 6. This Act shall take effect on July 1, 2008.

6

INTRODUCED BY: Brunell Kohlb
Jim
4.1.01.08



Report Title:

Aquatic Resources; Maka'i O Ke Kai Program; Established;
Appropriation

Description:

Encourages the department of land and natural resources to work with local communities to manage near shore reef resources through the maka'i o ke kai program; provides grants for community-based marines resource management; establishes the community-based marine resource management advisory committee to advise the department of land and natural resources on resource management and fisheries' rules; appropriates moneys.

