
A BILL FOR AN ACT

RELATING TO AQUATIC RESOURCES.

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

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



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

4 Over the past several years, many local communities have
5 expressed interest in helping to manage and restore Hawaii's
6 near shore reefs and marine habitats. Coastal communities from
7 Miloli'i in south Kona, to Ha'ena on Kaua'i, to Maunalua and
8 Pupukea on O'ahu have initiated discussions and practices
9 regarding management, enforcement, and monitoring of the marine
10 resources surrounding their communities. The Miloli'i community-
11 based effort has been designated as the maka'i o ke kai
12 ("stewards of the sea") program, which has been adopted for
13 these 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 managers
18 and regulators. The maka'i o ke kai program enables communities
19 to assist the department resource managers and regulators
20 responsible for the public's marine resources. The program
21 serves as a vehicle for helping people make a difference by



1 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 involved in their management and rulemaking processes with
7 regard to these resources.

8 The purpose of this Act is to:

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

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

20 "PART . MAKA'I O KE KAI PROGRAM

21 §188-A Jurisdiction; rulemaking. This part does not
22 establish any new rules, unless expressly adopted by the



1 department, or transfer any rights or responsibilities for the
2 management of Hawaii's natural resources to any individual or
3 group of individuals. The department of land and natural
4 resources shall maintain responsibility for the management of
5 Hawaii's near shore resources, except for the duties designated
6 to the maka'i o ke kai program under section 188-C. Rules
7 proposed by a community or the department under the program
8 shall be subject to the rulemaking process established under
9 chapter 91.

10 **§188-B Definitions.** As used in this part, unless the
11 context requires otherwise:

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

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

16 "Department" means the department of land and natural
17 resources.

18 "Nonprofit " means an organization that meets the
19 requirements of section 501(c)(3) of the Internal Revenue Code
20 of 1986, as amended (26 U.S.C. §501(c)(3)).



1 "Stakeholders" means those individuals, companies, or
2 organizations working in or having an identified interest in the
3 geographic area proposed for management.

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

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

21 (1) Restore and protect near shore reef fish populations;



- 1 (2) Restore and protect coral reef and other near shore
- 2 marine habitats;
- 3 (3) Sustainably manage near shore fisheries;
- 4 (4) Monitor the health of coral reef and other near shore
- 5 marine ecosystems; and
- 6 (5) Provide assistance and support for enforcement of
- 7 marine resource and fisheries rules.

8 (b) The department shall adopt rules, pursuant to chapter
 9 91, that may be necessary to establish the program, identify and
 10 designate maka'i o ke kai communities, and administer the grant
 11 program established under this part.

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



1 **§188-E Preliminary proposal; management plan.** Communities
2 may submit a preliminary proposal to establish a maka'i o ke kai
3 program to the department, which outlines broad program
4 objectives and describe:

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

18 (b) Upon approval by the department of a preliminary
19 proposal, the applicant shall submit a management plan that more
20 specifically identifies the objectives included in the
21 preliminary proposal and includes specific management actions
22 and outcomes over a period of five years. All management plans



1 shall include a baseline biological assessment for the first
2 year and annual monitoring requirements for expected changes in
3 the ecosystem health over time. The department may provide up
4 to \$5,000 of grant moneys to the applicant for the development
5 of the management plan.

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

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

15 The advisory committee shall consist of:

- 16 (1) One member from each approved maka'i o ke kai program
17 community;
- 18 (2) One member from a nonprofit organization working with
19 an approved maka'i o ke kai program community;
- 20 (3) One native Hawaiian fishing practitioner from each
21 island;



1 (4) One member from the recreational fishing community
2 from each island;

3 (5) One member from the National Oceanic and Atmospheric
4 Administration;

5 (6) One marine scientist working in Hawaii; and

6 (7) One member from the Ocean Tourism Coalition.

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

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

17 The advisory committee may request assistance from the
18 department, the department of the attorney general, the
19 department of agriculture, the department of health, and other
20 appropriate administrative agencies in fulfilling the purposes
21 of the advisory committee. The advisory committee may also



1 request assistance from federal fishery agencies and
2 organizations, the public, and other states.

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

6 The advisory committee shall:

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

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

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

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

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



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

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

7 SECTION 6. This Act shall take effect on July 1, 2050.



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 marine 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. (SB2871 SD2)

