

Honolulu, Hawaii

FEB 15 2008

RE: S.B. No. 2871
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Water and Land, to which was referred S.B. No. 2871 entitled:

"A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES,"

begs leave to report as follows:

The purpose of this measure is to ensure that laws and rules relating to aquatic resources incorporate community input and cultural and traditional practices.

Specifically, this measure:

- (1) Adds a new part to chapter 188, Hawaii Revised Statutes, that establishes a Maka'i O Ke Kai program under the Department of Land and Natural Resources, Division of Aquatic Resources, which:
 - (A) Allows the Department to provide matching grants to any Maka'i O Ke Kai program to implement community-based marine management initiatives designed to restore, protect, sustainably manage, and apply traditional Hawaiian resource management to near shore reefs and marine habitats;
 - (B) Allows the Department and a Maka'i O Ke Kai program to partner with local communities to train volunteers on marine resource management, education, and enforcement;



- (C) Provides guidelines and criteria for communities interested in establishing a Maka'i O Ke Kai project; and
 - (D) Establishes a Community-Based Marine Resource Management Advisory Board to advise the Department of Land and Natural Resources on matters relating to community-based near shore resource management and fisheries rules with members representing Maka'i O Ke Kai projects, Native Hawaiian fishing practitioners, recreational fishers, the National Oceanic and Atmospheric Administration, and a marine scientist;
- (2) Appropriates a blank amount for the Community-Based Marine Resource Management Advisory Board to carry out its responsibilities; and
 - (3) Appropriates a blank amount for the Maka'i O Ke Kai program.

Testimony in support of this measure was submitted by the Nature Conservancy of Hawai'i, the Hanalei Watershed Hui, the Conservation Council for Hawai'i, the Hawai'i Audubon Society, Mālama Hawai'i, Hui Mālama O Pūpūkea-Waimea, the Ocean Tourism Coalition, and the Community Conservation Network.

A number of communities that rely on Hawaii's aquatic resources are disenfranchised with the current administrative rulemaking process used to develop marine management policies. These impacted communities and user groups of public fishing areas indicate that there are limited opportunities for community input and engagement during the rulemaking process. Thus, your Committee finds that community engagement is an essential element when enacting rules that have an effect on community lifestyle, livelihood, culture, and tradition.

Over the past several years, many local communities have expressed interest in assisting in managing and restoring Hawaii's near shore reefs and marine habitats, and have initiated discussions regarding management, enforcement, and monitoring of the marine resources surrounding their communities. The Miloli'i community-based effort established the Maka'i O Ke Kai program, which is a partnership in marine resource enforcement, education,



outreach, monitoring, and surveillance between local community members and the Department of Land and Natural Resources. Furthermore, your Committee has received input from and recognizes the efforts of the marine resources management programs at Ho'okena and Honaunau.

Your Committee finds that community-based programs, like the Maka'i O Ke Kai program, serve as vehicles for engaging local communities in the management of marine resources, and is an appropriate approach to addressing community concerns regarding rules affecting fishing in public fishing areas.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050 to encourage further discussion on this matter by the Committee on Ways and Means; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and style.

Your Committee believes that this measure, as amended, fulfills its intent, which is to ensure that laws and rules relating to marine resources incorporate community input and cultural practices.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2871, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2871, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Water and Land,



CLAYTON HEE, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 2871	Committee Referral: WTL, WAM	Date: 2/11/08
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	/			
KOKUBUN, Russell S. (VC)	/			
FUKUNAGA, Carol				/
TOKUDA, Jill N.	/			
WHALEN, Paul				/
TOTAL	3			2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:
Russell S. Kohl

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*Only one measure per Record of Votes