

JAN 25 2012

A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1 SECTION 1. The legislature finds that it must balance the
2 preservation and use of Hawaii's marine environment. The
3 legislature also finds that leases of up to sixty-five years may
4 be offered for state marine waters on the basis of an
5 environmental assessment. However, with the complex and
6 delicate ecosystem at risk, and given the fact that many members
7 of the community depend on the ocean for their livelihoods,
8 sustenance, and recreation, and that water is essential to the
9 perpetuation of traditional and customary Native Hawaiian
10 fishing practices and rights, the legislature finds that the
11 more detailed, comprehensive nature of an environmental impact
12 statement is more appropriate for making judicious decisions on
13 commercial leases of state marine waters.

14 SECTION 2. Section 190D-11, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) Any person desiring to lease state marine waters
17 shall submit to the board an application for specific activities



1 in any specific area or areas. Applications made pursuant to
2 this chapter shall contain:

3 (1) An environmental assessment if for a lease sought for
4 the perpetuation of traditional and customary
5 practices or other noncommercial usage or, if for a
6 lease sought for commercial usage or if otherwise
7 required, an environmental impact statement which
8 shall be prepared and accepted in compliance with the
9 rules adopted under chapter 343;

10 (2) A description of the location and boundaries of the
11 state marine waters to be used and a description of
12 the nature of the use desired;

13 (3) A statement of the reasons for selecting the proposed
14 location;

15 (4) A description of the activities to be conducted,
16 including a specification as to whether such
17 activities are commercial or noncommercial, a
18 timetable for construction, deployment, and operation
19 of facilities, and planned levels of production;

20 (5) Where the application is for mariculture, a
21 description of the species to be cultivated and
22 produced;



S.B. NO. 2903

- 1 (6) A statement on the extent to which the proposed
- 2 activities will interfere with the use of the state
- 3 marine waters for the purposes of navigation, fishing,
- 4 and public recreation;
- 5 (7) A description of any enclosure, fences, stakes, buoys,
- 6 or monuments proposed to mark off the desired area;
- 7 (8) An initial description of current users (military,
- 8 governmental, commercial, recreational, and cultural)
- 9 and their uses of the state marine waters requested
- 10 for lease, including any practitioners of traditional
- 11 and customary Hawaiian rights; and
- 12 (9) Other information which the board determines to be
- 13 necessary or appropriate, including financial and
- 14 technical information."

15 SECTION 3. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.

17

INTRODUCED BY: J. L. M.
By request



S.B. NO. 2903

Report Title:

Submerged Lands; Leases; Environmental Assessment; Environmental Impact Statement

Description:

Requires that an environmental assessment be performed for leases obtained for the purposes of perpetuating traditional and customary practices and that an environmental impact statement be performed for commercial use leases or as otherwise required.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

