

JAN 25 2012

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# A BILL FOR AN ACT

RELATING TO STATE MARINE WATERS.

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

1           SECTION 1. The legislature finds that the use of Hawaii's  
2 marine environment must be balanced with the protection and  
3 preservation of this sensitive and valuable resource. Under  
4 existing law, the State may lease state marine waters and  
5 submerged ceded lands for up to sixty-five years on the basis of  
6 an environmental assessment. The legislature finds that  
7 requiring environmental impact statements for commercial leases  
8 in public trust waters will better facilitate judicious use of  
9 valuable public trust resources.

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

12           "(a) Any person desiring to lease state marine waters  
13 shall submit to the board an application for specific activities  
14 in any specific area or areas. Applications made pursuant to  
15 this chapter shall contain:

16           (1) ~~[A]~~ For non-commercial leases, including leases  
17           primarily for purposes of a traditional and customary  
18           practice, an environmental assessment or, for



1           commercial leases or if otherwise required, an  
2           environmental impact statement which shall be prepared  
3           and accepted in compliance with the rules adopted  
4           under chapter 343;

5           (2) A description of the location and boundaries of the  
6           state marine waters to be used and a description of  
7           the nature of the use desired;

8           (3) A statement of the reasons for selecting the proposed  
9           location;

10          (4) A description of the activities to be conducted,  
11          including a specification as to whether such  
12          activities are commercial or noncommercial, a  
13          timetable for construction, deployment, and operation  
14          of facilities, and planned levels of production;

15          (5) Where the application is for mariculture, a  
16          description of the species to be cultivated and  
17          produced;

18          (6) A statement on the extent to which the proposed  
19          activities will interfere with the use of the state  
20          marine waters for the purposes of navigation, fishing,  
21          and public recreation;



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

11           SECTION 3. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

*Michelle Joan*  
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*By Request -*



# S.B. NO. 3044

**Report Title:**

State Marine Waters; Conservation Districts; Submerged Lands;  
Leases

**Description:**

Requires an applicant for a lease of state marine waters to submit an application containing an environmental impact statement for commercial leases or an environmental assessment for non-commercial leases.

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

