
SENATE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO AFFIRM ITS COMMITMENT TO MAKE THE STATE THE LEAD IN THE CONSERVATION, MANAGEMENT, AND PROTECTION OF HAWAII'S NATURAL RESOURCES AND TO RESIST EFFORTS BY THE FEDERAL GOVERNMENT TO EXPAND FEDERAL JURISDICTION OVER HAWAII'S NATURAL RESOURCES IN THE DESIGNATION OF CRITICAL HABITATS, EXPANSION OF CURRENT CO-MANAGER RELATIONSHIPS, OR THE CREATION OF NEW CO-MANAGER RELATIONSHIPS.

1 WHEREAS, the natural beauty of Hawaii and its unique
2 ecology are some of the State's main resources; and
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4 WHEREAS, the natural resources of our islands are the
5 physical features of our unique mid-oceanic environment, such as
6 the land and soils, geologic features, lava and geothermal
7 steam, clean water, wind and air, sunshine and tropical climate,
8 flora and fauna, deep ocean waters, and the shoreline; and
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10 WHEREAS, Hawaii is the endangered species capital of the
11 world, with more endangered species per square mile than any
12 other place on the planet; and
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14 WHEREAS, among the most significant of Hawaii's natural
15 resources are the upland rainforests, which are the watersheds
16 that feed underground water systems that are tapped via wells to
17 provide the freshwater essential for all life and the streams,
18 forests, brush, and grasslands that support valuable and
19 irreplaceable natural ecosystems of endemic plants, fish, and
20 wildlife found nowhere else on Earth; and
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22 WHEREAS, the oceans and submerged lands surrounding the
23 Hawaiian islands are home to more than 7,000 marine life forms,
24 a quarter of which are found nowhere else on Earth; and
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26 WHEREAS, the near shore marine ecosystems:
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- 1 (1) Support some of the nation's most endangered marine
- 2 species, including monk seals and sea turtles;
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- 4 (2) Support rich fisheries that provide an important
- 5 source of food for Hawaii's people; and
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- 7 (3) Provide a deep connection to the traditional culture
- 8 of native Hawaiians; and
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10 WHEREAS, article XI, section 1, of the Hawaii State
 11 Constitution provides:

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 13 "For the benefit of present and future generations,
 14 the State and its political subdivisions shall
 15 conserve and protect Hawaii's natural beauty and all
 16 natural resources, including land, water, air,
 17 minerals and energy sources, and shall promote the
 18 development and utilization of these resources in a
 19 manner consistent with their conservation and in
 20 furtherance of the self-sufficiency of the State.

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 22 All public natural resources are held in trust by the
 23 State for the benefit of the people."; and

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 25 WHEREAS, the state agency primarily responsible for
 26 conservation and protection of Hawaii's natural resources is the
 27 Department of Land and Natural Resources; and

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 29 WHEREAS, the mission of the Department of Land and Natural
 30 Resources is to enhance, protect, conserve, and manage Hawaii's
 31 unique and limited natural, cultural, and historic resources
 32 held in public trust for current and future generations of the
 33 people of Hawaii and its visitors, in partnership with others
 34 from the public and private sectors; and

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 36 WHEREAS, the Department of Land and Natural Resources is
 37 responsible for managing, administering, and exercising control
 38 over public lands, water resources, certain ocean waters,
 39 navigable streams, coastal areas (except commercial harbors),
 40 minerals, and all interests therein; and

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 42 WHEREAS, the Department's jurisdiction encompasses nearly
 43 1,300,000 acres of state lands, beaches, and coastal waters as
 44 well as seven hundred fifty miles of coastline, including state



1 parks, historical sites, forests and forest reserves, aquatic
2 life and its sanctuaries, public fishing areas, boating, ocean
3 recreation, coastal programs, wildlife and its sanctuaries, game
4 management areas, public hunting areas, and natural area
5 reserves; and

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7 WHEREAS, the federal government has similar
8 responsibilities to protect the environment and natural
9 resources of the nation; and

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11 WHEREAS, the federal government fulfills its
12 responsibilities through regulatory schemes and actions for the
13 protection of natural resources that the states are obligated to
14 follow, such as the Clean Water Act, Endangered Species Act, and
15 the designation of critical habitats; and

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17 WHEREAS, the federal government also fulfills its
18 responsibilities by partnering with the states for the
19 protection of areas and resources within each state's
20 jurisdiction, such as the establishment of the Papahānaumokuākea
21 Marine National Monument and the Hawaiian Islands Humpback Whale
22 National Marine Sanctuary, both of which are under joint federal
23 and state management; and

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25 WHEREAS, the State has already enacted its own robust set
26 of laws for the protection of Hawaii's unique natural resources;
27 and

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29 WHEREAS, the State has established that it is capable of
30 protecting Hawaii's natural resources through enforcement of
31 laws and rules relating to illegal activity within the
32 conservation district and vessel groundings that resulted in
33 coral damage; and

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35 WHEREAS, law enforcement actions have resulted in millions
36 of dollars in assessed fines or collection of damages; and

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38 WHEREAS, the co-management relationship for jointly managed
39 resources is codified in federal law, and the State is bound to
40 act consistently with that federal law because federal law takes
41 precedence over state law; however, this body finds that the
42 State should be the lead in the conservation, management, and
43 protection of Hawaii's natural resources and, as much as
44 possible, Hawaii's laws should be the primary laws used for the



1 conservation, management, and protection of Hawaii's natural
2 resources; now, therefore,

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4 BE IT RESOLVED by the Senate of the Twenty-seventh
5 Legislature of the State of Hawaii, Regular Session of 2014, the
6 House of Representatives concurring, that the Department of Land
7 and Natural Resources is requested to:

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9 (1) Affirm its commitment to make the State the lead in
10 the conservation, management, and protection of
11 Hawaii's natural resources; and

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13 (2) Resist efforts by the federal government to expand
14 federal jurisdiction over Hawaii's natural resources
15 in the designation of critical habitats, expansion of
16 current co-manager relationships, or the creation of
17 new co-manager relationships; and

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19 BE IT FURTHER RESOLVED that certified copies of this
20 Concurrent Resolution be transmitted to the Governor,
21 Chairperson of the Board of Land and Natural Resources, and
22 Administrator of the National Oceanic and Atmospheric
23 Administration.

