
SENATE 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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- 28 (1) Support some of the nation's most endangered marine
29 species, including monk seals and sea turtles;
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- 1 (2) Support rich fisheries that provide an important
- 2 source of food for Hawaii's people; and
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- 4 (3) Provide a deep connection to the traditional culture
- 5 of native Hawaiians; and
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7 WHEREAS, article XI, section 1, of the Hawaii State
8 Constitution provides:

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

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

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22 WHEREAS, the state agency primarily responsible for
23 conservation and protection of Hawaii's natural resources is the
24 Department of Land and Natural Resources; and

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

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

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39 WHEREAS, the Department's jurisdiction encompasses nearly
40 1,300,000 acres of state lands, beaches, and coastal waters as
41 well as seven hundred fifty miles of coastline, including state
42 parks, historical sites, forests and forest reserves, aquatic
43 life and its sanctuaries, public fishing areas, boating, ocean
44 recreation, coastal programs, wildlife and its sanctuaries, game



1 management areas, public hunting areas, and natural area
2 reserves; and
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4 WHEREAS, the federal government has similar
5 responsibilities to protect the environment and natural
6 resources of the nation; and
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8 WHEREAS, the federal government fulfills its
9 responsibilities through regulatory schemes and actions for the
10 protection of natural resources that the states are obligated to
11 follow, such as the Clean Water Act, Endangered Species Act, and
12 the designation of critical habitats; and
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14 WHEREAS, the federal government also fulfills its
15 responsibilities by partnering with the states for the
16 protection of areas and resources within each state's
17 jurisdiction, such as the establishment of the Papahānaumokuākea
18 Marine National Monument and the Hawaiian Islands Humpback Whale
19 National Marine Sanctuary, both of which are under joint federal
20 and state management; and
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22 WHEREAS, the State has already enacted its own robust set
23 of laws for the protection of Hawaii's unique natural resources;
24 and
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26 WHEREAS, the State has established that it is capable of
27 protecting Hawaii's natural resources through enforcement of
28 laws and rules relating to illegal activity within the
29 conservation district and vessel groundings that resulted in
30 coral damage; and
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32 WHEREAS, law enforcement actions have resulted in millions
33 of dollars in assessed fines or collection of damages; and
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35 WHEREAS, the co-management relationship for jointly managed
36 resources is codified in federal law, and the State is bound to
37 act consistently with that federal law because federal law takes
38 precedence over state law; however, this body finds that the
39 State should be the lead in the conservation, management, and
40 protection of Hawaii's natural resources and, as much as
41 possible, Hawaii's laws should be the primary laws used for the
42 conservation, management, and protection of Hawaii's natural
43 resources; now, therefore,
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1 BE IT RESOLVED by the Senate of the Twenty-seventh
2 Legislature of the State of Hawaii, Regular Session of 2014,
3 that the Department of Land and Natural Resources is requested
4 to:

- 5
- 6 (1) Affirm its commitment to make the State the lead in
7 the conservation, management, and protection of
8 Hawaii's natural resources; and
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 - 10 (2) Resist efforts by the federal government to expand
11 federal jurisdiction over Hawaii's natural resources
12 in the designation of critical habitats, expansion of
13 current co-manager relationships, or the creation of
14 new co-manager relationships; and
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16 BE IT FURTHER RESOLVED that certified copies of this
17 Resolution be transmitted to the Governor, Chairperson of the
18 Board of Land and Natural Resources, and Administrator of the
19 National Oceanic and Atmospheric Administration.

