
A BILL FOR AN ACT

RELATING TO THE HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE
SANCTUARY.

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

1 SECTION 1. The legislature finds that the Hawaiian Islands
2 humpback whale national marine sanctuary provides an essential
3 habitat for breeding, calving, and nursing activities of the
4 endangered North Pacific humpback whale. Since 1998, the
5 sanctuary has been co-managed by Hawaii and the National Oceanic
6 and Atmospheric Administration of the United States Department
7 of Commerce. The State and the National Oceanic and Atmospheric
8 Administration entered into a compact for co-management of the
9 sanctuary to improve interagency coordination and to enhance
10 management of Hawaii's humpback whales and other marine
11 resources. However, the State's role in co-managing the
12 sanctuary has yet to be codified under state law.

13 The purpose of this Act is to establish the Hawaiian
14 Islands humpback whale national marine sanctuary program to
15 coordinate and fulfill the State's duties in co-managing the
16 Hawaiian Islands humpback whale national marine sanctuary.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY

6 § -1 Definitions. For purposes of this chapter:

7 "Board" means the board of land and natural resources.

8 "Compact agreement" means the compact agreement for the
9 coordinated management of the sanctuary, as entered into by the
10 State and the National Oceanic and Atmospheric Administration of
11 the United States Department of Commerce for the coordinated
12 management of the sanctuary.

13 "Department" means the department of land and natural
14 resources.

15 "Sanctuary" means the Hawaiian Islands humpback whale
16 national marine sanctuary, as designated by the United States
17 Congress in the 1992 Hawaiian Islands National Marine Sanctuary
18 Act (Subtitle C of Public Law 102-587, as amended by Public Law
19 104-283) and as may be amended or renamed in accordance with the
20 five-year sanctuary management plan review process established
21 by section 304(e) of the Marine Protection, Research, and



1 Sanctuaries Act of 1972, as amended (16 U.S.C. 1434), title III
2 of which is known as the National Marine Sanctuaries Act (16
3 U.S.C. 1431-1445c).

4 "Sanctuary program" means the state program to co-manage
5 the sanctuary.

6 § -2 **Lead agency.** The department shall be the lead
7 agency in co-managing the sanctuary in accordance with the
8 Hawaiian Islands National Marine Sanctuary Act and the compact
9 agreement. The department shall exercise responsible
10 stewardship in managing, administering, and exercising control
11 over lands, waters, and natural resources relating to the
12 sanctuary.

13 § -3 **Sanctuary program.** There is established the
14 sanctuary program within the department to coordinate and
15 fulfill the State's management duties relating to the sanctuary,
16 including:

- 17 (1) Issuing applicable permits;
- 18 (2) Providing advice to and seeking input from the
19 governor, department, and other state agencies on
20 matters relating to management of the sanctuary, and



1 any review of the sanctuary's management plan,
2 environmental impact statement, or regulations; and
3 (3) Soliciting and accepting grants, donations, and
4 contributions to support management of the sanctuary.

5 § -4 **Sanctuary co-manager.** There is established a
6 sanctuary co-manager position within the sanctuary program to
7 represent the State in management of the sanctuary, including
8 but not limited to all programs, policies, and operations
9 relating to the sanctuary.

10 § -5 **Penalties.** (a) Any person who violates any rule
11 adopted pursuant to the sanctuary program or any term or
12 condition of a permit issued under the sanctuary program shall
13 be guilty of a petty misdemeanor and, in addition to any other
14 penalties provided by law, shall be fined not less than:

- 15 (1) \$250 for a first offense;
- 16 (2) \$500 for a second offense; and
- 17 (3) \$1,000 for a third or subsequent offense.

18 (b) Fines assessed pursuant to subsection (a) shall not be
19 suspended or waived.

20 (c) Any criminal or administrative action taken pursuant
21 to this chapter shall not preclude the State from pursuing any



1 other criminal action, forfeiture proceeding, or other
2 administrative action otherwise provided by law.

3 (d) Except as otherwise provided by law, the board or its
4 duly authorized representative may impose general administrative
5 penalties as provided in section 187A-12.5.

6 § -6 Rules. The board shall adopt rules pursuant to
7 chapter 91 to implement this chapter."

8 SECTION 3. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so
10 much thereof as may be necessary for fiscal year 2015-2016 and
11 the same sum or so much thereof as may be necessary for fiscal
12 year 2016-2017 to establish one full-time sanctuary co-manager
13 position and for costs relating to the State's co-management of
14 the sanctuary, as defined in section 2 of this Act.

15 The sums appropriated shall be expended by the department
16 of land and natural resources for the purposes of this Act.

17 SECTION 4. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Hawaiian Islands Humpback Whale National Marine Sanctuary
Program; Appropriation

Description:

Establishes the state program to co-manage the federally established Hawaiian Islands humpback whale national marine sanctuary. Establishes a sanctuary co-manager position. Appropriates funds. Effective 7/1/2050. (SD2)

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