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# A BILL FOR AN ACT

RELATING TO THE PAPA HANAUMOKUAKEA MARINE NATIONAL MONUMENT.

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

1 SECTION 1. 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 PAPA HANAUMOKUAKEA MARINE NATIONAL MONUMENT PROGRAM

6 § -1 Purpose. The purpose of this chapter is to  
7 establish the Papahanaumokuakea Marine National Monument program  
8 to coordinate and fulfill the State's role and responsibilities  
9 in co-managing the Papahanaumokuakea Marine National Monument.

10 § -2 Definitions. As used in this chapter:

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

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

14 "Monument" means the Papahanaumokuakea Marine National  
15 Monument as established by Presidential Proclamation 8031 on  
16 June 15, 2006 (71 Fed. Reg. 36443), under the authority of the  
17 Antiquities Act (16 U.S.C. 431).



1 "Program" means the Papahanaumokuakea Marine National  
2 Monument program.

3 § -3 Lead agency. The department is designated as the  
4 lead agency of the State to co-manage the monument in accordance  
5 with Presidential Proclamation 8031 on June 15, 2006 (71 Fed.  
6 Reg. 36443) and the December 8, 2006, memorandum of agreement  
7 between the department; United States Department of the  
8 Interior, United States Fish and Wildlife Service; and the  
9 United States Department of Commerce, National Oceanic and  
10 Atmospheric Administration. In this role, the department  
11 exercises stewardship responsibility for managing,  
12 administering, and exercising control over lands, waters, and  
13 natural resources within the State's jurisdiction. As the lead  
14 agency for the State, the department will also collaborate with  
15 the office of Hawaiian affairs in the perpetuation of Hawaiian  
16 cultural resources within the monument, including the customary  
17 and traditional rights and practices of native Hawaiians  
18 exercised for subsistence, cultural, and religious purposes  
19 under section 7 of article XII of the Hawaii State Constitution.

20 § -4 Papahanaumokuakea Marine National Monument program.  
21 There is established the Papahanaumokuakea Marine National



1 Monument program to be placed within the department's division  
2 of aquatic resources to coordinate and fulfill the State's  
3 management responsibilities of the monument. The program may:

- 4 (1) Issue permits as part of the co-trustee monument  
5 permit process consistent with applicable state laws,  
6 the Presidential Proclamation 8031 on June 15, 2006  
7 (71 Fed. Reg. 36443), and 50 C.F.R. part 404;
- 8 (2) Provide advice and recommendations to the governor,  
9 the department, and other state departments and  
10 agencies on any matter relating to the management of  
11 the monument;
- 12 (3) Solicit and accept grants, donations, and  
13 contributions to support the purposes of this chapter;  
14 and
- 15 (4) Adopt rules pursuant to chapter 91 to effectuate this  
16 chapter.

17 § -5 Fees. The department may charge fees that are  
18 proportional to the nature and complexity of the projects or  
19 services performed by the program, such as the issuance of  
20 permits; provided that:



- 1           (1) Fees shall be charged in accordance with a schedule
- 2                   approved by the board;
- 3           (2) The proposed fee schedule shall be posted on the
- 4                   department's website at least forty-five days prior to
- 5                   the board meeting at which adoption will be
- 6                   considered;
- 7           (3) The board shall consider and adopt the fee schedule at
- 8                   a regular meeting after taking public testimony; and
- 9           (4) The setting of fees shall not be subject to chapter
- 10                   91.

11           § -6 Penalties. (a) Any person violating any provision

12 of any rule adopted hereunder, including any term or condition

13 of any permit issued under this chapter, shall be guilty of a

14 petty misdemeanor and, in addition to any other penalties, shall

15 be fined not less than:

- 16           (1) \$250 for a first offense;
- 17           (2) \$500 for a second offense; and
- 18           (3) \$1,000 for a third or subsequent offense.

19           (b) The fines specified in this section shall not be

20 suspended or waived.



1 (c) Any criminal or administrative action taken under this  
2 chapter shall not preclude the State from pursuing any other  
3 criminal action or forfeiture proceeding otherwise provided by  
4 law.

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

8 SECTION 2. This Act does not affect rights and duties that  
9 matured, penalties that were incurred, and proceedings that were  
10 begun before its effective date.

11 SECTION 3. This Act shall take effect upon its approval.



**Report Title:**

Papahanaumokuakea Marine National Monument

**Description:**

Establishes the Papahanaumokuakea Marine National Monument Program within the Division of Aquatic Resources of the Department of Land and Natural Resources (DLNR). Establishes criminal and administrative penalties. Allows DLNR to establish a fee schedule for services provided by the Monument Program. Provides for advice to the Governor and other state agencies regarding the Monument. Allows the Monument Program to solicit and accept grants and donations. (HB629 HD1)

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

