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# A BILL FOR AN ACT

RELATING TO OCEAN MANAGEMENT.

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

1           SECTION 1. The legislature finds that President Barack  
2 Obama issued Presidential Proclamation 9478 on August 26, 2016,  
3 expanding the Papahānaumokuākea Marine National Monument to  
4 provide critical protections for more than seven thousand marine  
5 species, including whales and sea turtles listed under the  
6 Endangered Species Act and the longest-living marine species in  
7 the world, black coral, which live longer than four thousand  
8 five hundred years. Additionally, as ocean acidification,  
9 warming, and other impacts of climate change threaten marine  
10 ecosystems, expanding the monument will improve ocean  
11 resilience, help the region's distinct physical and biological  
12 resources adapt, and create a natural laboratory that will allow  
13 scientists to monitor and explore the impacts of climate change  
14 on these fragile ecosystems.

15           The expanded monument area also contains resources of great  
16 historical and cultural significance. The expanded area,  
17 including the archipelago and its adjacent waters, is considered



1 a sacred place for the Native Hawaiian community. It plays a  
2 significant role in Native Hawaiian creation and settlement  
3 stories, and is used to practice important activities like  
4 traditional long-distance voyaging and wayfinding.  
5 Additionally, within the monument expansion area, there are  
6 shipwrecks and downed aircraft from the Battle of Midway during  
7 World War II, a battle that marked a major shift in the progress  
8 of the war in favor of the Allies.

9 The legislature further finds that Proclamation 9478  
10 directs federal agencies to work together with the State to  
11 create a joint management plan by August 26, 2019, and adopt  
12 implementing regulations, as appropriate, that address any  
13 further specific actions necessary for the proper care and  
14 management of the monument.

15 The purpose of this Act is to establish the  
16 Papahānaumokuākea Marine National Monument program to coordinate  
17 and fulfill the State's role and responsibilities in co-managing  
18 the Papahānaumokuākea Marine National Monument.

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



1 "CHAPTER

2 PAPAHAUUMOKUAKEA MARINE NATIONAL MONUMENT PROGRAM

3 § -1 Purpose. The purpose of this chapter is to  
4 establish the Papahanaumokuakea Marine National Monument program  
5 to coordinate and fulfill the State's role and responsibilities  
6 in co-managing the Papahanaumokuakea Marine National Monument.

7 § -2 Definitions. As used in this chapter:

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

9 "Department" means the department of land and natural  
10 resources.

11 "Monument" means the Papahanaumokuakea Marine National  
12 Monument as established by Proclamation 8031 of June 15, 2006  
13 (71 Fed. Reg. 36443), as amended by Proclamation 8112 of  
14 February 28, 2007 (72 Fed. Reg. 10029), and as expanded by  
15 Proclamation 9478 of August 26, 2016 (81 Fed. Reg. 60225), under  
16 the authority of title 54 United States Code Annotated section  
17 320301.

18 "Program" means the Papahanaumokuakea Marine National  
19 Monument program.

20 § -3 Lead agency. The department is designated as the  
21 lead agency of the State to co-manage the monument in accordance



1 with Proclamation 8031 of June 15, 2006 (71 Fed. Reg. 36443),  
2 and expanded by Proclamation 9478 of August 26, 2016 (81 Fed.  
3 Reg. 60225), and the December 8, 2006, memorandum of agreement  
4 between the department; United States Department of the  
5 Interior, United States Fish and Wildlife Service; and the  
6 United States Department of Commerce, National Oceanic and  
7 Atmospheric Administration. The State of Hawaii, office of  
8 Hawaiian affairs, United States Secretary of Commerce, and  
9 United States Secretary of the Interior formalized an agreement  
10 on January 12, 2017, which adds the office of Hawaiian affairs  
11 as a co-trustee of the monument.

12 As the designated lead agency, the department shall  
13 exercise its stewardship responsibility for managing,  
14 administering, and exercising control over lands, waters, and  
15 natural resources within the State's jurisdiction. As the lead  
16 agency for the State, the department shall also collaborate with  
17 the office of Hawaiian affairs in the perpetuation of Hawaiian  
18 cultural resources within the monument, including the customary  
19 and traditional rights and practices of native Hawaiians  
20 exercised for subsistence, cultural, and religious purposes  
21 under section 7 of article XII of the state constitution.



1           §   -4   Papahānaumokuākea Marine National Monument program.

2   (a)   There is established the Papahānaumokuākea Marine National  
3   Monument program to be placed within the department's division  
4   of aquatic resources to coordinate and fulfill the State's  
5   management responsibilities for the monument.

6           (b)   The department may:

7           (1)   Issue permits as part of the co-trustee monument  
8                 permit process consistent with applicable state laws,  
9                 the Proclamation 8031 of June 15, 2006 (71 Fed. Reg.  
10                36443), as expanded by Proclamation 9478 of August 26,  
11                2016 (81 Fed. Reg. 60225) and title 50 Code of Federal  
12                Regulations part 404;

13          (2)   Provide advice and recommendations to the governor,  
14                 the department, and other state departments and  
15                 agencies on any matter relating to the management of  
16                 the monument;

17          (3)   Solicit and accept grants, donations, and  
18                 contributions to support the purposes of this chapter;

19          (4)   Adopt rules pursuant to chapter 91 to effectuate this  
20                 chapter; and



1           (5) Take other actions as the department deems necessary  
2           to effectively manage the natural and cultural  
3           resources of the monument.

4           (c) The department may charge fees that are proportional  
5 to the nature and complexity of the projects or services  
6 performed by the program, such as the issuance of permits;  
7 provided that:

8           (1) Fees shall be charged in accordance with a schedule  
9           approved by the board;

10          (2) The proposed fee schedule shall be posted on the  
11          department's website at least forty-five days prior to  
12          the board meeting at which adoption will be  
13          considered;

14          (3) The board shall consider and adopt the fee schedule at  
15          a regular meeting after taking public testimony; and

16          (4) The setting of fees shall not be subject to chapter  
17          91.

18          (d) Except as otherwise provided by law, the board or its  
19          duly authorized representative may impose general administrative  
20          penalties for any person violating this chapter or any rule  
21          adopted under this chapter, including any term or condition of



1 any permit issued under this chapter, as provided by section  
2 187A-12.5."

3 SECTION 3. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$ or so  
5 much thereof as may be necessary for fiscal year 2017-2018 and  
6 the same sum or so much thereof as may be necessary for fiscal  
7 year 2018-2019 for the purposes of this Act.

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

10 SECTION 4. This Act does not affect rights and duties that  
11 matured, penalties that were incurred, and proceedings that were  
12 begun before its effective date.

13 SECTION 5. This Act shall take effect on July 1, 2030.

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**Report Title:**

Ocean Management; Papahanaumokuakea Marine National Monument Program; Appropriation

**Description:**

Establishes the Papahanaumokuakea Marine National Monument Program within the Department of Land and Natural Resources Division of Aquatic Resources to coordinate and fulfill the State's co-management role with OHA and federal authorities. Makes an appropriation. Effective 7/1/2030. (SD1)

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