

Honolulu, Hawaii

MAR 24 2017

RE: H.B. No. 121  
H.D. 3  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committees on Hawaiian Affairs and Water and Land, to which was referred H.B. No. 121, H.D. 3, entitled:

"A BILL FOR AN ACT RELATING TO OCEAN MANAGEMENT,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the Papahānaumokuākea Marine National Monument program to coordinate and fulfill the State's role and responsibilities in co-managing the Papahānaumokuākea Marine National Monument; and
- (2) Statutorily establish a goal to effectively manage thirty percent of nearshore waters by 2030.

Your Committees received testimony in support of this measure from the Conservation Council for Hawai'i and five individuals. Your Committees received testimony in opposition to this measure from three individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources and Office of Planning.

Your Committees find that President Barack Obama issued Presidential Proclamation 9478 on August 26, 2016, to expand the Papahānaumokuākea Marine National Monument to provide critical



protections for more than seven thousand marine species, including whales and sea turtles listed under the Endangered Species Act and the longest-living marine species in the world, black coral, which live longer than four thousand five hundred years. The expanded Papahānaumokuākea Marine National Monument will improve ocean resilience, help the region's distinct physical and biological resources adapt, and create a natural laboratory that will allow scientists to monitor and explore the impacts of climate change on these fragile ecosystems.

Your Committees find that the Department of Land and Natural Resources has served as the lead agency of the State to co-manage the Papahānaumokuākea Marine National Monument. In this role, the Department has exercised its stewardship responsibility for managing, administering, and exercising control over lands, waters, and natural resources within the State's jurisdiction. Your Committees further find that in January 2017, an updated Memorandum of Agreement for the Papahānaumokuākea Marine National Monument was executed and added the Office of Hawaiian Affairs as a second state co-trustee for the monument. In its capacity as a co-trustee of the monument, the Office of Hawaiian Affairs is better situated to incorporate native Hawaiian cultural resources management into management of the monument and protect the customary and traditional rights and practices of native Hawaiians exercised for subsistence, cultural, and religious purposes under section 7 of article XII of the state constitution.

Your Committees have amended this measure by:

- (1) Deleting language that required certain agencies to establish a goal of effectively managing thirty percent of the nearshore waters by 2030;
- (2) Inserting references to the designation of the Office of Hawaiian Affairs as a co-trustee of the monument, pursuant to an agreement with the State and two departments of the federal government;
- (3) Inserting language to allow the Department of Land and Natural Resources to take other actions as necessary to effectively manage natural and cultural resources of the monument;



- (4) Adding an appropriation to the Department of Land and Natural Resources for the purposes of this measure; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 121, H.D. 3, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 121, H.D. 3, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committees on Hawaiian Affairs  
and Water and Land,



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KARL RHOADS, Chair



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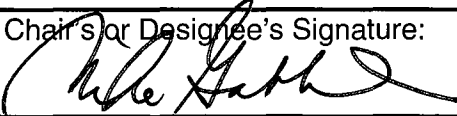
MAILE S.L. SHIMABUKURO, Chair





The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:* <i>H.B. 121, HD3</i>	Committee Referral: <i>HWN/WTL WAM</i>	Date: <i>03-16-2017</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
INOUE, Lorraine R.	✓			
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
<b>TOTAL</b>	<b>4</b>	<b>-</b>	<b>-</b>	<b>1</b> <i>MG</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes