

JAN 24 2019

A BILL FOR AN ACT

RELATING TO MARINE LIFE CONSERVATION.

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

1 SECTION 1. The legislature finds that the marine life
2 conservation program embodied in chapter 190, Hawaii Revised
3 Statutes, has provided the State with some of its most
4 ecologically, economically, and scientifically valuable
5 environmental assets. The comprehensive habitat protections
6 authorized for marine life conservation districts have resulted
7 in the unparalleled preservation of several nearshore reef
8 ecosystems, presenting visitors, residents, and researchers
9 alike with unique opportunities to appreciate these relatively
10 pristine marine areas. In addition, the abundant marine life
11 found in conservation districts provides additional ecological
12 and fishery services by the movement of fish and marine life to
13 adjacent areas, the recruitment of marine life offspring
14 throughout the State, and the ready availability of food stock
15 for transitory predators and game fish.

16 The legislature further finds that the increasing
17 popularity of these extremely valuable sites may require greater
18 measures to ensure the continued health of the ecosystems they

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1 contain and represent. The broad range of recently documented
2 anthropogenic impacts on coral reef health, including coral
3 bleaching, vessel groundings, anchoring and mooring, diving
4 activities, poaching, land-based and water-based pollutant
5 discharges, and other direct and indirect uses of the State's
6 coral reefs, indicate that the department of land and natural
7 resources may need a more consistent and reliable source of
8 funding to maintain these unique areas and to conserve and
9 protect coral reef resources throughout the State. A
10 sustainable funding source is especially critical for successful
11 implementation of the State's 30x30 marine management process,
12 which aims to create a cohesive network of nearshore marine
13 managed areas that benefits fisheries and ecosystem resilience.

14 The purpose of this Act is to establish a special fund
15 allowing for the collection and use of moneys for the
16 conservation, supplementation, and enhancement of the State's
17 marine resources, and to authorize the collection of user fees
18 for marine life conservation districts as determined appropriate
19 by the department of land and natural resources.

20 SECTION 2. Chapter 190, Hawaii Revised Statutes, is
21 amended by adding a new section to be appropriately designated
22 and to read as follows:

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1 "§190- Marine life conservation special fund. (a)

2 There is hereby established in the treasury of the State a
3 special fund known as the marine life conservation special fund,
4 which shall be administered by the department of land and
5 natural resources.

6 (b) The following shall be deposited into the marine life
7 conservation special fund:

8 (1) Moneys collected as nonresident user fees or fees for
9 permits issued under section 190-4;

10 (2) Moneys collected as fines, attorney's fees, and
11 administrative costs for violations of chapter 190 or
12 any rule adopted thereunder;

13 (3) Moneys collected for the purposes of compensatory
14 mitigation from federal or state permitted impacts to
15 the marine environment; or

16 (4) Grants, awards, donations, gifts, transfers, or moneys
17 derived from private or public services for the
18 purposes of chapter 190;

19 (c) Subject to subsection (d), the marine life
20 conservation special fund shall be used for expenditures to:

21 (1) Fulfill the purposes of chapter 190, including but not
22 limited to marine life conservation district

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1 monitoring, research, regulatory measures, enforcement
2 actions, educational activities, or any other measure
3 intended to conserve, supplement, and enhance the
4 resources within any marine life conservation district
5 established under chapter 190 or rules adopted
6 thereunder;

7 (2) Provide management, monitoring, and support for public
8 fishing areas, community-based subsistence fishing
9 areas, fisheries management areas, and other areas of
10 localized management;

11 (3) Develop and carry out any compensatory mitigation
12 measures for impacts to the marine environment,
13 including impacts to the marine environment from
14 federal or state permitted actions, or violations of
15 chapter 190 or any rule adopted thereunder; or

16 (4) Develop and carry out research projects, educational
17 programs, management initiatives, and any other
18 activity intended to conserve, supplement, and enhance
19 the marine environment throughout the State.

20 (d) The fund shall be held separate and apart from all
21 other moneys, funds, and accounts in the department of land and
22 natural resources, provided further that any moneys received

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1 from the federal government, through federal programs, or from
2 private contributions, shall be deposited and accounted for in
3 accordance with conditions established by the agency or private
4 entity from whom the moneys are received, and provided that
5 twenty per cent of all funds collected under subsection (b) (1)
6 be payable to the office of Hawaiian affairs as ceded lands
7 revenues. Any balance remaining in the fund at the end of any
8 fiscal year shall be carried forward in the fund for the next
9 fiscal year."

10 SECTION 3. Section 190-4, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§190-4 Permits [~~-~~] and user fees. (a) The department of
13 land and natural resources may, in any conservation district,
14 prohibit the taking of marine life or the engaging in activities
15 prohibited by this chapter and rules adopted thereunder, except
16 by permit issued by it for scientific, education, or other
17 public purposes on such terms and conditions deemed necessary to
18 minimize any adverse effect within the conservation district;
19 provided that the department shall provide written notice of any
20 change in permit conditions ninety calendar days prior to the
21 effective date of the change, except, as determined by the
22 department, when an immediate change in permit conditions is


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1 necessary to protect or preserve the conservation district. The
2 department may revoke any permit for any infraction of the terms
3 and conditions of the permit. Any person whose permit has been
4 revoked shall not be eligible to apply for another permit until
5 the expiration of one year from the date of revocation.

6 (b) The department of land and natural resources may adopt
7 rules pursuant to chapter 91 to establish nonresident user fees
8 or require permits for entry into the boundaries of any marine
9 life conservation district established under this chapter. Fees
10 collected under this section or any rule adopted thereunder
11 shall be deposited in the marine life conservation special
12 fund."

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect upon its approval.

16
17 INTRODUCED BY: 

18 BY REQUEST

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Report Title:

Marine Life Conservation Special Fund; User Fees

Description:

Establishes the Marine Life Conservation Special Fund.
Authorizes the Department of Land and Natural Resources to collect nonresident user fees and require permits for entry into the boundaries of any marine life conservation district.

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

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO MARINE LIFE CONSERVATION.

PURPOSE: To establish the Marine Life Conservation Special Fund; and to authorize the Department to collect nonresident user fees and require permits for entry into the boundaries of any marine life conservation district.

MEANS: Add a new section to chapter 190 and amend section 190-4, Hawaii Revised Statutes (HRS).

JUSTIFICATION: The Marine Life Conservation Program embodied in chapter 190, HRS, has provided the State with some of its most ecologically, economically, and scientifically valuable environmental assets. The comprehensive habitat protections authorized for marine life conservation districts have resulted in the unparalleled preservation of several nearshore reef ecosystems, presenting visitors, residents, and researchers alike with unique opportunities to appreciate these relatively pristine marine areas. In addition, the abundant marine life found in conservation districts provides additional ecological and fishery services by the movement of fish and marine life to adjacent areas, the recruitment of marine life offspring throughout the State, and the ready availability of food stock for transitory predators and game fish.

The increasing popularity of these extremely valuable sites requires greater measures to ensure the continued health of the ecosystems they contain and represent. At the same time, ever increasing threats and impacts to coral reef health, including coral bleaching, vessel groundings, anchoring and mooring, diving activities,

poaching, land- and water-based pollutant discharges, and other direct and indirect uses of the State's coral reefs, necessitates a more consistent and reliable source of funding to maintain these unique areas and to conserve and protect coral reef resources throughout the State. A sustainable funding source is especially critical for successful implementation of the State's 30x30 marine management process, which aims to create a cohesive network of nearshore marine managed areas that benefits fisheries and ecosystem resilience.

The bill proposes to establish the Marine Life Conservation Special Fund allowing for the collection and use of monies for the conservation, supplementation, and enhancement of the State's marine resources.

Impact on the public: The public may be subject to permit requirements for entry into marine life conservation districts, and nonresidents may be subject to user fees. The bill would result in long-term ecological, economic, and recreational benefits to the public by providing sustainable funding for management of the State's marine life conservation districts and other areas.

Impact on the department and other agencies: The bill would provide the Department with a much needed sustainable funding source for the conservation, supplementation, and enhancement of the State's marine resources.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: LNR 401.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.