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# A BILL FOR AN ACT

RELATING TO THE PUPUKEA MARINE LIFE CONSERVATION DISTRICT.

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

1       SECTION 1. The legislature finds that prior to the  
2 coronavirus disease 2019 (COVID-19) pandemic, tourism levels in  
3 Hawaii had increased to more than ten million visitors per year,  
4 causing an unprecedented number of visitors to the Pupukea  
5 marine life conservation district on Oahu's North Shore. Recent  
6 projections indicate that post-pandemic visitor levels are  
7 likely to return to, or even exceed, these pre-pandemic levels.

8       The legislature also finds that Hawaii tourism authority  
9 surveys indicate that half of all visitors to Oahu visit the  
10 North Shore. Further, the protected beaches and bays of the  
11 Pupukea marine life conservation district are very popular  
12 recreational areas on the North Shore for snorkeling, swimming,  
13 and diving. Two of the most visited locations on the North  
14 Shore for snorkeling are Shark's Cove and the adjacent Kapoo  
15 Tidepools, a rich nursery for over fifty species of marine life  
16 that replenish the entire Pupukea marine life conservation  
17 district and adjacent areas. The legislature acknowledges that



1 unabated levels of human use in certain areas of the Pupukea  
2 marine life conservation district, including Shark's Cove and  
3 the Kapoo Tidepools, are threatening the health and abundance of  
4 the marine life in these sensitive areas, as well as limiting  
5 the use and enjoyment of the area by residents.

6 During the winter season, portions of the Pupukea marine  
7 life conservation district are protected by dangerous high surf  
8 conditions. However, the shallow Kapoo Tidepools are surrounded  
9 by a rock wall, almost always accessible from the shore, and  
10 attract numerous recreational users. During closures of other  
11 marine areas due to high surf or restrictions on access to these  
12 areas, the three-acre Kapoo Tidepools may attract thousands of  
13 visitors each day. At any given time throughout the day,  
14 regardless of the day of the week, up to one hundred visitors  
15 walk, swim, or snorkel in the Kapoo Tidepools without any rest  
16 or kapu period. The legislature notes that during the COVID-19  
17 pandemic, high levels of usage of the Kapoo Tidepools and  
18 Shark's Cove have continued virtually unabated and these  
19 locations continue to be crowded almost every day.

20 The legislature believes that allowing unlimited human  
21 access to sensitive marine areas like the Kapoo Tidepools and



1 Shark's Cove is contrary to Native Hawaiian cultural traditions  
2 of adaptive management, including kapu, or closures, to ensure  
3 abundance in perpetuity.

4 Established in 1983 and expanded in 2003, the Pupukea  
5 marine life conservation district is one of only three state-  
6 designated marine life conservation districts on the island of  
7 Oahu; the other two marine life conservation districts are  
8 Hanauma Bay and Waikiki. Like Hanauma Bay, Pupukea is a one  
9 hundred-acre marine reserve that is supposed to receive the  
10 highest level of protection for its marine and recreational  
11 resources.

12 Based on carrying capacity studies conducted by the Hawaii  
13 institute of marine biology in 2018-2019 and 2019-2020, a number  
14 of measures were adopted to restrict human access to Hanauma Bay  
15 to protect marine life. Hanauma Bay is now effectively managed  
16 by the city and county of Honolulu using a twice weekly closure  
17 requirement, a reservation system, differential parking fees for  
18 residents and non-residents, a \$25 entry fee for non-residents  
19 more than thirteen years of age, mandatory education for  
20 visitors, a ban on commercial operations, and closure of the bay  
21 after 4:00 pm.



1 According to the city and county of Honolulu, Hanauma Bay  
2 nature preserve, "one of the most spectacular natural resources  
3 in Hawaii, is reaping the benefits of over a decade of moves to  
4 re-establish its pristine marine ecosystem. Recognizing the  
5 damage done by years of neglect and abuse by allowing some three  
6 million visitors annually, the city and county of Honolulu in  
7 1990 laid out a plan to restore Hanauma Bay to a clean, healthy  
8 state by reducing the number of visitors, establishing an  
9 education program, and instituting supportive restrictions".

10 Unlike Hanauma Bay, there are no plans to restrict access  
11 to the Pupukea marine life conservation district and the  
12 associated Waimea and Pupukea beach parks or protect these areas  
13 from human access. The sensitive Kapoo Tidepools and Shark's  
14 Cove areas of the Pupukea marine life conservation district have  
15 unlimited public access from multiple locations along the  
16 shoreline and adjacent beach parks, every day of the week, all  
17 year long. Although there are rules restricting the taking of  
18 marine life from the Pupukea marine life conservation district,  
19 there are no rules restricting the number of visitors to the  
20 area other than nighttime closures of parking spaces and comfort  
21 stations in the adjacent beach parks.



1       The results of unlimited human access to the sensitive  
2   areas of the Pupukea marine life conservation district appear to  
3   include the trampling of marine life, damage to the marine  
4   habitat, damage to coral, the spooking of fish, interference  
5   with marine life cycles, increased harassment and touching of  
6   marine life, increased poaching, turbidity from stirred up  
7   sediment, pollution from sunscreen, water degradation from human  
8   waste, erosion from foot pathways, disrespect for natural  
9   geographic features, and disregard for cultural norms.

10       The legislature recognizes that various nonprofit  
11   organizations, in collaboration with the department of land and  
12   natural resources, have spent nearly two decades developing a  
13   range of educational, scientific, and cultural programs. The  
14   legislature also recognizes that a collaborative management plan  
15   process by the department of land and natural resources and the  
16   neighboring community is now underway. Nevertheless, the  
17   legislature notes that a study of carrying capacity of areas in  
18   the Pupukea marine life conservation district has never been  
19   conducted.

20       The legislature further believes that, as tourism has not  
21   yet reached pre-pandemic levels, now is the ideal time to



1 proactively study the vulnerability of certain areas of the  
2 Pupukea marine life conservation district to high levels of  
3 human use and determine appropriate measures to reduce those  
4 impacts for the long-term.

5 Accordingly, the purpose of this Act is to establish a  
6 three-year pilot program to assess the carrying capacity of  
7 certain areas in the Pupukea marine life conservation district  
8 in light of threats to marine life threatened from human use;  
9 monitor, document, and assess the effectiveness of mandatory and  
10 voluntary kapu, or closures, of high traffic areas in the  
11 Pupukea marine life conservation district and other restrictions  
12 on access to these areas, including the imposition of fees; and  
13 propose long-term management options to reduce the impact of  
14 humans on the health and abundance of marine life in the  
15 sensitive areas of the Pupukea marine life conservation  
16 district.

17 SECTION 2. (a) The department of land and natural  
18 resources shall establish and conduct the Pupukea marine life  
19 conservation district carrying capacity pilot program to:

- 20 (1) Assess the carrying capacity of certain areas in the  
21 Pupukea marine life conservation district;



1 (2) Monitor, document, and assess the effectiveness of:

2 (A) Mandatory kapu, or closures, of high traffic  
3 areas in the Pupukea marine life conservation  
4 district;

5 (B) Voluntary kapu, or closures, of high traffic  
6 areas in the Pupukea marine life conservation  
7 district; and

8 (C) Other restrictions on access to high traffic  
9 areas in the Pupukea marine life conservation  
10 district, including the imposition of fees; and

11 (3) Propose long-term management options to reduce the  
12 impact of humans on the health and abundance of marine  
13 life in the sensitive areas of the Pupukea marine life  
14 conservation district.

15 (b) In establishing and conducting the Pupukea marine life  
16 conservation district carrying capacity pilot program, the  
17 department of land and natural resources shall consult with the  
18 city and county of Honolulu; University of Hawaii, including the  
19 institute of marine biology; and nonprofit community  
20 organizations in the ahupuaa of Pupukea and Waimea.



1 (c) The Pupukea marine life conservation district carrying  
2 capacity pilot program shall cease to exist on July 1, 2025.

3 (d) The department of land and natural resources shall  
4 submit a report of its findings and recommendations, including  
5 any proposed legislation, to the legislature no later than  
6 January 1, 2026.

7 SECTION 3. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$ or so  
9 much thereof as may be necessary for fiscal year 2022-2023 for  
10 the department of land and natural resources to establish and  
11 conduct the Pupukea marine life conservation district carrying  
12 capacity pilot program pursuant to this Act.

13 The sum appropriated shall be expended by the department of  
14 land and natural resources for the purposes of this Act.

15 SECTION 4. This Act shall take effect on July 1, 2050.





**Report Title:**

Department of Land and Natural Resources; Pupukea Marine Life Conservation District; Pilot Program; Carrying Capacity; Appropriation

**Description:**

Requires the Department of Land and Natural Resources to establish and conduct the Pupukea Marine Life Conservation District carrying capacity pilot program. Appropriates moneys. Takes effect 7/1/2050. (SD1)

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

