

JAN 19 2024

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# A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1 SECTION 1. This Act shall be known and may be cited as the  
2 Hawaii Seabed Mining Prevention Act.

3 SECTION 2. The legislature finds and declares that:

4 (1) Seabed mineral mining is not consistent with the  
5 public interest, including the right that each person  
6 has to a clean and healthy environment as enshrined in  
7 article XI, section 9, of the Hawaii State  
8 Constitution;

9 (2) Seabed mining poses an unacceptably high risk of  
10 damage and disruption to the marine environment of the  
11 State. It is in the best interest of the people of  
12 Hawaii that leasing for hard mineral mining on the  
13 seafloor be prohibited;

14 (3) Hawaii marine waters are home to rich, diverse, and  
15 globally significant ecosystems, including the deep-  
16 water column and seafloor. These environments host  
17 thousands of species, a biodiversity that may be



1 comparable with tropical rainforests. The extent of  
2 this diversity is still largely unknown, which makes  
3 its disruption by industrial-scale mining a perilous  
4 choice;

5 (4) The seafloor has provided compounds to help treat  
6 disease, from cancer to inflammation to help nerve  
7 damage, as well as compounds used for analyzing  
8 illness;

9 (5) Hawaii's deep water column and seafloor are critically  
10 important to its people, who maintain strong  
11 spiritual, cultural, and economic connections to the  
12 deep ocean;

13 (6) Seabed mining could erode the sovereignty and harm the  
14 ancestral lands and waters of Native Hawaiians;

15 (7) Seabed mining poses risks to the State's existing  
16 ocean-dependent industries, including commercial  
17 fishing, recreational fishing, and tourism;

18 (8) Damage from seabed mining could take several forms.  
19 Large machinery could remove or destroy entire  
20 communities of sponges, corals, and other marine life.  
21 Sediment clouds, some capable of traveling long



1 distances, could smother or negatively impact the  
2 feeding or reproduction of other marine life,  
3 including plankton and fish like tuna, billfish, and  
4 other pelagic species. These sediment plumes and  
5 associated noise may negatively impact whales,  
6 dolphins, and other marine mammals throughout the  
7 region. Also at risk are the breathtaking beaches,  
8 shallow coral reefs, seagrass beds, and rocky beaches  
9 that help support a multibillion-dollar tourism  
10 industry;

11 (9) The legislatures of Oregon, Washington, and California  
12 have passed analogous legislation to prohibit seabed  
13 mining in their state waters, in 1991, 2021, and 2022,  
14 respectively. The call for global moratorium on  
15 seabed mining has grown, arising from indigenous  
16 peoples, other citizens, scientists, and companies in  
17 technology and car manufacturing that require hard  
18 materials. In June 2021, the European Parliament  
19 adopted a resolution in support of a moratorium on  
20 seabed mining. In September 2021, eighty-one  
21 governments and governmental agencies attending the



1 International Union for Conservation of Nature World  
2 Conservation Congress voted in favor of a moratorium;

3 (10) Hawaii state waters are unlikely to represent a  
4 marketable source for battery metals, the merging  
5 global justification for extraction at the seafloor.  
6 The most likely interest would occur from two  
7 different types of extraction:

8 (A) Mining for polymetallic nodules present in likely  
9 low densities in small areas; and

10 (B) Mining for cobalt-rich ferromanganese crusts,  
11 which are relatively thin; and

12 (11) An estimated 0.01 per cent of the deep seafloor has  
13 been explored worldwide. History is fraught with hard  
14 lessons learned about destroying what we do not know  
15 or understand. The potential harms of seabed mining  
16 underscore the need to take a precautionary approach,  
17 both in the State and as a global community.

18 Accordingly, the purpose of this Act is to prohibit seabed  
19 mining in the State.



1 SECTION 3. Chapter 190D, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§190D- Seabed mining; permits; prohibited. (a)

5 Notwithstanding any law to the contrary, the mining, extraction,  
6 and removal of minerals from the seabed shall be prohibited in  
7 state marine waters.

8 (b) No permit shall be issued for or in connection with  
9 the development or operation of any facility or infrastructure  
10 associated with the mining, extraction, or removal of minerals  
11 from the seabed within state marine waters.

12 (c) Notwithstanding subsections (a) and (b), collection of  
13 sand from state marine waters to replenish beaches in the State  
14 is permitted; provided that prior approval from the board is  
15 obtained.

16 (d) This section shall not be construed to prohibit  
17 scientific research or collections conducted by, or on behalf  
18 of, an educational, scientific, or research institution or a  
19 governmental agency.

20 (e) Nothing contained in this section shall diminish,  
21 alter, or amend any existing rights, privileges or practices of



1 the Native Hawaiian people; nor shall the obligations of the  
2 State to the Native Hawaiian people be absolved.

3 (f) As used in this section, "minerals" means natural  
4 deposits of valuable minerals, including metals and placer  
5 deposits of metals, nonmetallic minerals, gemstones, ores, gold,  
6 silver, copper, lead, iron, manganese, silica, chrome, platinum,  
7 tungsten, zirconium, titanium, garnet, phosphorous, polymetallic  
8 nodules, and cobalt-rich ferromanganese crusts."

9 SECTION 4. New statutory material is underscored.

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

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INTRODUCED BY:

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# S.B. NO. 2575

**Report Title:**

Environmental Protection; Seabed Mining; Permits; Prohibition

**Description:**

Prohibits the mining, extraction, and removal of minerals from the seabed in all state marine waters, under certain conditions. Prohibits the issuance of any permit for or in connection with the development or operation of any facility or infrastructure associated with the mining, extraction, or removal of minerals from the seabed within state marine waters.

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