
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
18 comparable with tropical rainforests. The extent of



1 this diversity is still largely unknown, which makes
2 its disruption by industrial-scale mining a perilous
3 choice;

4 (4) The seafloor provides compounds to help treat disease,
5 from cancer to inflammation, treat nerve damage, and
6 analyze illness;

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

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

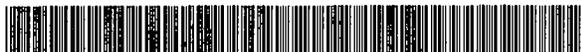
13 (7) Seabed mining poses risks to the State's existing
14 ocean-dependent industries, including commercial
15 fishing, recreational fishing, and tourism;

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



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

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



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

3 (10) Hawaii state waters are unlikely to represent a
4 marketable source for battery metals, the primary
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 likely present in
9 low densities and 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 is not known or
15 understood. 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), the
13 collection of sand from state marine waters to replenish beaches
14 in the State shall be permitted; provided that prior approval
15 from the board is obtained.

16 (d) This section shall not be construed to prohibit
17 scientific research or collections conducted by or on behalf of
18 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.



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, with certain exemptions. 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. (CD1)

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