

JAN 20 2023

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:

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 state constitution;

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

13 (3) Hawaii marine waters are home to rich, diverse, and
14 globally significant ecosystems, including the deep
15 water column and seafloor. These environments host
16 thousands of species, a biodiversity that may be
17 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 has provided compounds to help treat
5 disease, from cancer to inflammation to nerve damage,
6 as well as compounds used for analyzing 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 and reproduction of other marine life,



1 including plankton and fishes 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 reaches
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, other citizens, scientists, and companies in
15 technology and car manufacturing that require hard
16 minerals. In June 2021, the European Parliament
17 adopted a resolution in support of a moratorium on
18 seabed mining. In September 2021, eighty-one
19 governments and governmental agencies attending the
20 International Union for Conservation of Nature World
21 Conservation Congress voted in favor of a moratorium;



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

- 6 (A) Mining for polymetallic nodules present in likely
7 low densities in small areas; and
8 (B) Mining for cobalt-rich ferromanganese crusts,
9 which are relatively thin; and

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

16 Accordingly, the purpose of this Act is to prohibit seabed
17 mining in the State.

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



S.B. NO. 376

1 "§190D- Seabed mining; permits; prohibited. (a)

2 Notwithstanding any law to the contrary, the mining, extraction,
3 and removal of minerals from the seabed shall be prohibited in
4 state marine waters.

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

9 (c) Notwithstanding subsections (a) and (b), collection of
10 sand from state marine waters to replenish beaches in the State
11 is permitted; provided that prior approval from the board of
12 land and natural resources is obtained.

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

17 (e) As used in this section, "minerals" means natural
18 deposits of valuable minerals, including metals and placer
19 deposits of metals, nonmetallic minerals, gemstones, ores, gold,
20 silver, copper, lead, iron, manganese, silica, chrome, platinum,



1 tungsten, zirconium, titanium, garnet, phosphorous, polymetallic
2 nodules, and cobalt-rich ferromanganese crusts."

3 SECTION 4. New statutory material is underscored.

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

5

INTRODUCED BY:





S.B. NO. 376

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. 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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