
A BILL FOR AN ACT

RELATING TO MARINE LIFE CONSERVATION DISTRICTS.

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

1 SECTION 1. The legislature finds that marine life
2 conservation districts (MLCDs) are established by the department
3 of land and natural resources, as authorized by chapter 190,
4 Hawaii Revised Statutes, to conserve and replenish the State's
5 marine resources. All MLCD designations are subject to public
6 hearings and final approval from the board of land and natural
7 resources and the governor.

8 The legislature further finds that there are currently
9 eleven existing MLCDs in the State, with three on Oahu, three in
10 Maui county, and five on Hawaii island. The first MLCD was
11 established in the State at Hanauma Bay in 1967, which resulted
12 in the adoption of a number of measures to restrict human access
13 in an attempt to protect marine life. According to carrying
14 capacity studies conducted by the Hawaii Institute of Marine
15 Biology in 2018 and 2019, a twice-weekly closure requirement,
16 reservation system, differential parking fees for residents and
17 non-residents, \$25 entry fee for non-residents more than



1 thirteen years of age, and mandatory education for visitors,
2 along with other restrictions, has resulted in a notable
3 improvement in the area's marine ecosystem.

4 The legislature further finds that MLCDs allow non-
5 consumptive uses of the area, such as swimming, snorkeling, and
6 diving. Many local businesses, such as surf schools and scuba
7 operators, capitalize on the State's ocean resources, including
8 within MLCDs. However, as the State progresses from the
9 shutdowns associated with the COVID-19 pandemic into pre-
10 pandemic tourism levels, appropriate restrictions are necessary
11 to reduce impacts for the long term.

12 The legislature further finds that Act 31, Session Laws of
13 Hawaii 2022, was passed to require the department of land and
14 natural resources to establish and conduct the Pupukea marine
15 life conservation district carrying capacity pilot program to
16 identify long-term management options to reduce the impact of
17 humans on the health and abundance of marine life in the
18 sensitive areas of the Pupukea MLCD. The legislature believes
19 that Act 31, Session Laws of Hawaii 2022, is an excellent first
20 step at addressing the capacity limits of the State's most



1 valuable marine resources and should serve as a model for all
2 MLCDs in the State.

3 Accordingly, the purpose of this Act is to require the
4 department of land and natural resources to establish and
5 conduct a marine life conservation district carrying capacity
6 program to assess the carrying capacity of the districts and
7 propose long-term management options to protect the State's
8 marine life conservation districts.

9 SECTION 2. (a) The department of land and natural
10 resources shall establish and conduct a marine life conservation
11 district carrying capacity program to:

- 12 (1) Assess the carrying capacity of state-designated
13 marine life conservation districts;
- 14 (2) Assess the impact of commercial use on state-
15 designated marine life conservation districts, with a
16 focus on how many commercial use permits should be
17 issued;
- 18 (3) Monitor, document, and assess the effectiveness of:
19 (A) Mandatory or voluntary kapu, or closures, of
20 ecologically or culturally sensitive areas in



1 state-designated marine life conservation
2 districts;

3 (B) Mandatory or voluntary restrictions on certain
4 activities in state-designated marine life
5 conservation districts; and

6 (C) Other restrictions on access to areas in state-
7 designated marine life conservation districts,
8 including the imposition of fees; and

9 (4) Propose long-term management options to reduce the
10 impact of humans on the health and abundance of marine
11 life in the sensitive areas of state-designated marine
12 life conservation districts.

13 (b) In establishing and conducting the marine life
14 conservation district carrying capacity program, the department
15 of land and natural resources shall consult with the counties;
16 the university of Hawaii, including the Hawaii institute of
17 marine biology; and existing permit-holding commercial operators
18 in the State.

19 (c) The department of land and natural resources shall
20 amend its administrative rules, as appropriate and in accordance
21 with chapter 91, Hawaii Revised Statutes, to effectuate the



1 results of the marine life conservation district carrying
2 capacity program.

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 twenty days prior to the convening of the regular sessions of
7 2026 and 2027.

8 SECTION 3. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so
10 much thereof as may be necessary for fiscal year 2025-2026 and
11 the same sum or so much thereof as may be necessary for fiscal
12 year 2026-2027 for the department of land and natural resources
13 to establish and conduct a marine life conservation district
14 carrying capacity program pursuant to this Act.

15 The sums appropriated shall be expended by the department
16 of land and natural resources for the purposes of this Act.

17 SECTION 4. This Act shall take effect on July 1, 3000.



S.B. NO. 841 S.D. 1 H.D. 1

Report Title:

DLNR; Marine Life Conservation Districts; Carrying Capacity Program; Administrative Rules; Report; Appropriation

Description:

Requires the Department of Land and Natural Resources to establish and conduct a Marine Life Conservation District Carrying Capacity Program. Requires the Department of Land and Natural Resources to submit a report to the Legislature and adopt administrative rules. Appropriates funds. Effective 7/1/3000. (HD1)

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