

JAN 23 2026

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# A BILL FOR AN ACT

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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  
3 department of land and natural resources, as authorized by  
4 chapter 190, Hawaii Revised Statutes, to conserve and  
5 replenish the State's marine resources by restricting human  
6 impacts. The first MLCD was established in the State at  
7 Hanauma bay in 1967, and there are currently eleven MLCDs in  
8 the State, with three on Oahu, three in Maui county, and five  
9 in Hawaii county.

10           The legislature further finds that the number of visitors  
11 to certain MLCDs, primarily non-residents, has increased  
12 substantially, causing a range of adverse impacts that  
13 challenge the original purpose of these protected areas and  
14 degrade residential use and enjoyment of them. A carrying  
15 capacity program established for the Pupukea MLCD by Act 31,  
16 Session Laws of Hawaii 2022, found significant adverse  
17 impacts to marine life in areas of the MLCD that were



1 especially popular with tourists and recommended seasonal,  
2 day, time, and area closures to mitigate their impact.  
3 According to carrying capacity studies conducted by the  
4 Hawaii institute of marine biology for the Hanauma bay MLCD  
5 since 2018, a twice-weekly closure, a reservation system,  
6 differential parking fees for residents and non-residents, a  
7 \$25 entry fee for non-residents more than thirteen years of  
8 age, and mandatory education for visitors, along with other  
9 restrictions, has resulted in a notable improvement in the  
10 bay's marine ecosystem.

11 The legislature further finds, however, that the  
12 restrictions for accessing the Hanauma bay MLCD were due to  
13 local government policy that restricted access through the  
14 beach park adjacent to the MLCD, and not due to the state  
15 authority to manage MLCDs. While the department of land and  
16 natural resources has the authority under chapter 190, Hawaii  
17 Revised Statutes, to establish and modify MLCDs, to adopt  
18 rules governing the taking of marine life, and to issue  
19 permits and regulate boating, the department does not have  
20 authority to partially or fully close MLCDs. The legislature  
21 believes that closure authority is urgently necessary to



1 prevent or mitigate adverse human impacts to the MLCDs;  
2 address other safety issues, like dangerous surf or hazardous  
3 areas within a MLCD; and reduce the reliance on restricted  
4 access to lands adjacent to MLCDs that may not be under state  
5 or even county jurisdiction.

6 Accordingly, the purpose of this Act is to reduce  
7 immediate and long-term adverse impacts of increased  
8 visitation to MLCDs by authorizing the department of land and  
9 natural resources to close all or portions of MLCDs and to  
10 adopt rules for the regulation of any commercial activity  
11 conducted within an MLCD.

12 SECTION 2. Section 190-2, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 **"§190-2 Establishment and modifications of conservation**

15 **~~[district.] districts; closure authority.~~** (a) The department  
16 of land and natural resources may establish and from time to  
17 time modify the limits of one or more conservation districts in  
18 each county and may, if it deems necessary, declare all waters  
19 within any county a conservation district.

20 (b) The department of land and natural resources or its  
21 authorized representative may close all or portions of a marine



life conservation district established pursuant to subsection  
(a). The closure may be a seasonal, day, or time-based closure.  
Any closure of a marine life conservation district shall be  
declared conspicuously to the public through the posting of  
appropriate signs that indicate the extent and scope of the  
closure."

SECTION 3. Section 190-4.5, Hawaii Revised Statutes, is  
amended by amending its title and subsection (a) to read as  
follows:

**"§190-4.5 Anchoring, boating, commercial activity, and  
mooring in marine life conservation districts; rules.** (a) The  
department shall, pursuant to chapter 91, adopt rules for the  
regulation of anchoring ~~[and]~~, mooring, and commercial activity  
in each marine life conservation district established under this  
chapter."

SECTION 4. Statutory material to be repealed is bracketed  
and stricken. New statutory material is underscored.

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

INTRODUCED BY:




# S.B. NO. 2975

**Report Title:**

DLNR; Marine Life Conservation Districts; Closure Authority;  
Commercial Activity; Rules

**Description:**

Authorizes the Department of Land and Natural Resources to close all or portions of any marine life conservation district for various periods of time and to adopt rules for the regulation of commercial activity within a marine life conservation district.

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

