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# A BILL FOR AN ACT

RELATING TO CONSERVATION.

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

1           SECTION 1. The legislature finds that the State's beaches  
2 are essential habitats for native marine wildlife, including  
3 Hawaiian green sea turtles and Hawaiian monk seals, which  
4 routinely bask, rest, recover, and give birth on the State's  
5 shores. The former lay their eggs in, and the latter give birth  
6 and nurse their pups on, the sandy beaches. The legislature  
7 believes that responsible wildlife viewing practices must  
8 protect these animals, support public safety, and remain  
9 consistent with the cultural and environmental values of the  
10 State.

11           However, the legislature recognizes that, despite clear  
12 viewing guidance that has been made available to the public,  
13 incidents continue to occur in which individuals approach,  
14 crowd, touch, or otherwise disturb resting wildlife. This  
15 disruptive behavior has been amplified by social media and has,  
16 at times, drawn large crowds to popular viewing areas. The  
17 legislature is aware that these incidents can create conflicts



1 between members of the public who are attempting to protect  
2 wildlife and others who insist on interacting with the wildlife  
3 for photographs and online content, including sensationalized  
4 conduct for pecuniary gain.

5       The legislature is also aware that federal protections and  
6 federal viewing guidance exist for certain marine species.  
7 However, effective deterrence depends on a timely, on-scene  
8 response and reliable reporting. Investigations and enforcement  
9 may be hindered when incidents are not directly witnessed or  
10 promptly reported and instead surface only after the recordings  
11 are posted online. The legislature therefore finds that  
12 implementing clear and enforceable state rules that compliment  
13 federal protections will improve compliance, provide  
14 accountability, raise public awareness, and reduce conflicts  
15 among members of the public.

16       The legislature concludes that it is essential for the  
17 State to enable state and county enforcement personnel to take  
18 appropriate actions and to provide greater protections for the  
19 State's native marine wildlife.



1 Accordingly, the purpose of this Act is to:

2 (1) Require the board of land and natural resources to  
3 adopt rules implementing wildlife viewing guidelines  
4 that substantially conform to the wildlife viewing  
5 guidelines issued by the National Oceanic and  
6 Atmospheric Administration; and

7 (2) Specify that violations of the rules will be subject  
8 to the penalties imposed under section 195D-9, Hawaii  
9 Revised Statutes.

10 SECTION 2. Chapter 195D, Hawaii Revised Statutes, is  
11 amended by adding a new section to be appropriately designated  
12 and to read as follows:

13 "§195D- Viewing guidelines; wildlife; rules. (a) The  
14 board shall adopt rules, pursuant to chapter 91, to implement  
15 wildlife viewing guidelines that substantially conform to the  
16 wildlife viewing guidelines issued by the National Oceanic and  
17 Atmospheric Administration.

18 (b) Any violations of rules adopted by the board pursuant  
19 to this section shall be subject to the penalties imposed by  
20 section 195D-9."



1           SECTION 3. The board of land and natural resources shall  
2 submit annual reports to the legislature, no later than twenty  
3 days prior to each regular session, beginning with the regular  
4 session of 2027, on the status of the adoption of the rules  
5 required by section 2 of this Act, until the rules are adopted.  
6 The final annual report shall include an accurate copy of the  
7 adopted rules.

8           SECTION 4. This Act does not affect rights and duties that  
9 matured, penalties that were incurred, and proceedings that were  
10 begun before its effective date.

11           SECTION 5. New statutory material is underscored.

12           SECTION 6. This Act shall take effect on July 1, 2050.



**Report Title:**

BLNR; Conservation; Environment; Wildlife; Viewing; Rules;  
Legislature; Reports

**Description:**

Requires the Board of Land and Natural Resources to adopt rules that implement wildlife viewing guidelines that substantially conform to the wildlife viewing guidelines issued by the National Oceanic and Atmospheric Administration. Requires annual reports to the Legislature until rules are adopted. Effective 7/1/2050. (SD1)

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

