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# 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  
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 certain MLCs;  
2 address other safety issues, like dangerous surf or hazardous  
3 areas within a MLC; and reduce the reliance on restricted  
4 access to lands adjacent to MLCs 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 MLCs located on or adjacent to the shores of  
9 Oahu by authorizing the department of land and natural  
10 resources to close all or portions of these MLCs and to  
11 adopt rules for the regulation of any commercial activity  
12 conducted within these MLCs.

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

15 "**§190-2 Establishment and modifications of conservation**  
16 **[~~district.~~] districts; closure authority.** (a) The department  
17 of land and natural resources may establish and from time to  
18 time modify the limits of one or more conservation districts in  
19 each county and may, if it deems necessary, declare all waters  
20 within any county a conservation district.



1        (b) The department of land and natural resources or its  
 2 authorized representative may close all or portions of a marine  
 3 life conservation district established pursuant to subsection  
 4 (a); provided that the marine life conservation district is  
 5 located on or adjacent to the shores of Oahu. The closure may  
 6 be a seasonal, day, or time-based closure. Any closure of a  
 7 marine life conservation district shall be declared  
 8 conspicuously to the public through the posting of appropriate  
 9 signs that indicate the extent and scope of the closure."

10        SECTION 3. Section 190-4.5, Hawaii Revised Statutes, is  
 11 amended to read as follows:

12        "**§190-4.5 Anchoring, boating, commercial activity, and**  
 13 **mooring in marine life conservation districts; rules.** (a) The  
 14 department shall [~~pursuant to chapter 91,~~] adopt rules pursuant  
 15 to chapter 91 for the regulation of anchoring and mooring in  
 16 each marine life conservation district established under this  
 17 chapter.

18        (b) Within its jurisdiction over ocean recreational  
 19 boating and coastal activities, the department shall adopt rules  
 20 pursuant to chapter 91 for the regulation of boating in each



1 marine life conservation district established under this  
2 chapter.

3 (c) The department shall adopt rules pursuant to chapter  
4 91 for the regulation of commercial activity in a marine life  
5 conservation district established under this chapter; provided  
6 that the marine life conservation district is located on or  
7 adjacent to the shores of Oahu."

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

10 SECTION 5. This Act shall take effect on July 1, 2050.



**S.B. NO.** 2975  
S.D. 1

**Report Title:**

DLNR; Marine Life Conservation Districts; Oahu; 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; provided that the marine life conservation district is located on or adjacent to the shores of Oahu. 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.*

