THE SENATE
THIRTY-THIRD LEGISLATURE, 2025
STATE OF HAWAII

S.B. NO. 841

JAN 17 2025

A BILL FOR AN ACT

RELATING TO MARINE LIFE CONSERVATION DISTRICTS.

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

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

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

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

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

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

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

Accordingly, the purpose of this Act is to require the department of land and natural resources to establish and conduct a marine life conservation district carrying capacity program to establish best practices for appropriate use of the State's marine life conservation districts.

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

(1) Assess the carrying capacity of state-designated marine life conservation districts;

(2) Assess the impact of commercial use on state-designated marine life conservation districts, with a focus on how many commercial use permits should be issued;

(3) Monitor, document, and assess the effectiveness of:

(A) Mandatory or voluntary kapu, or closures, of ecologically or culturally sensitive areas in state-designated marine life conservation districts;

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

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

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

(b) In establishing and conducting the marine life conservation district carrying capacity program, the department of land and natural resources shall consult with the counties; the university of Hawai'i, including the Hawai'i institute of marine biology; and nonprofit community organizations in the State.

(c) The department of land and natural resources shall amend its administrative rules, as appropriate and in accordance with chapter 91, Hawaii Revised Statutes, to effectuate the results of the marine life conservation district carrying capacity program.

(d) The department of land and natural resources shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular sessions of 2026 and 2027.

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

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

SECTION 4. This Act shall take effect on July 1, 2025.

INTRODUCED BY: _____

S.B. NO. 841

Report Title:
DLNR; Marine Life Conservation Districts; Carrying Capacity Program; Administrative Rules; Report; Appropriations

Description:
Requires the Department of Land and Natural Resources to establish and conduct the 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.

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