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DEPARTMENT OF LAND AND NATURAL RESOURCES
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Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson

Before the Senate Committee on
WATER, LAND, CULTURE AND THE ARTS

Wednesday, February 18, 2026
1:01 PM
State Capitol, Conference Room 224

In consideration of
SENATE BILL 2084
RELATING TO MARINE LIFE CONSERVATION DISTRICTS

Senate Bill 2084 proposes to: 1) require the Department of Land and Natural Resources (Department) to establish and conduct a Marine Life Conservation District (MLCD) Carrying Capacity Program; 2) require the Department to submit a report to the Legislature and adopt administrative rules; and 3) appropriate funds. **The Department supports this bill, provided that its passage does not replace or adversely impact priorities indicated in the Executive Supplemental Budget Request.**

The Department's Division of Aquatic Resources is coordinating the community-driven Holomua Marine Initiative (Holomua) to improve marine management practices across the state to ensure healthy ecosystems and abundant resources that allow the people of Hawai'i to enjoy coastal waters, support local livelihoods, and feed our families. One of the four pillars of Holomua is monitoring to measure current conditions, track progress following implementation of new management approaches, and to use data to identify areas where management actions need to be further adapted.

Events such as the extreme flooding in 2018 at Hā'ena, Kaua'i and the COVID-19 pandemic have provided unique glimpses into how nearshore marine resources and ecosystems respond to reduced human use. It is becoming increasingly evident that activities long considered "non-extractive" can still have significant impacts on nearshore ecosystems. It is critical that we better understand these impacts and human-use thresholds so we can prevent precious and unique areas like the state's MLCDs from being "loved to death."

There are currently ten designated MLCDs statewide:

- Hanauma Bay MLCD, O‘ahu
- Pūpūkea MLCD, O‘ahu
- Waikīkī MLCD, O‘ahu
- Kealakekua Bay MLCD, Hawai‘i
- Lapakahi MLCD, Hawai‘i
- Old Kona Airport MLCD, Hawai‘i
- Waialea Bay MLCD, Hawai‘i
- Honolua – Mokulē‘ia MCLD, Maui
- Molokini Shoal MLCD, Maui
- Mānele – Hulopo‘e MLCD, Lāna‘i

Carrying capacity studies have recently been conducted for Hanauma Bay and Pūpūkea. For the remaining eight MLCDs, the Department estimates that a well-designed carrying capacity study program would cost around \$300,000 per MLCD. The Department would not be able to effectively conduct carrying capacity studies at all eight MLCDs simultaneously due to limited staff and contractor capacity. Establishing such a program requires a long-term commitment of resources. The best course of action is to build a team, form a plan, set priorities, and conduct one carrying capacity study per year on a continuous cycle. These studies have a maximum shelf life of 10 years as conditions change, so updates need to be conducted regularly.

The Department agrees that carrying capacity studies should be conducted in consultation with affected stakeholders and subject matter experts, including the counties, University of Hawai‘i researchers, and community groups. The Department also intends to engage with commercial operators such as SCUBA and snorkel charters and surf schools to ensure that all affected stakeholders are included in the process.

Mahalo for the opportunity to comment on this measure.

**Testimony of The Nature Conservancy
Supporting SB2084, Relating to Marine Life Conservation Districts
Committee on Water, Land, Culture and the Arts
February 18, 2026 at 1:01 pm
Conference Room 224 and via Videoconference**

Dear Chair Lee, Vice Chair Inouye, and Members of the Committee:

Mahalo for the opportunity to testify today. The Nature Conservancy (TNC) Hawai'i and Palmyra supports SB2084, which requires the Department of Land and Natural Resources to establish and conduct a Marine Life Conservation District (MLCD) Carrying Capacity Program. Requires the Department of Land and Natural Resources to submit a report to the Legislature and adopt administrative rules.

Hawai'i's nearshore fisheries and coral reef ecosystems are among the State's most significant natural resources, supporting food security, cultural practices, recreation, and local livelihoods. Hawai'i's growing population and increasing visitor use place significant pressure on these resources. MLCDs were created to conserve and replenish marine life by providing safe areas for fish and other species to grow, reproduce, and thrive.

Over the course of the past 25 years, TNC has worked closely with the DLNR Division of Aquatic Resources, communities, scientists, and other partners to facilitate the creation of Conservation Action Plans and Community Action Plans (CAPs) for several MLCD sites including Honolua-Mokulēi'a, Molokini Shoal, Mānele-Hulopo'e, and Kealakekua Bay. For the Honolua-Mokulēi'a MLCD, CAP findings highlight the urgent need to understand and manage visitor impacts to protect coral reefs, fish populations, and the cultural experience of place. The Honolua CAP specifically recommends conducting a carrying capacity study to determine sustainable levels of human use, reduce crowding, and safeguard ecological and cultural resources (Honolua CAP, Objective 5; Strategies 5.1 and 5.2). Holomua is among the sites where visitor pressure, commercial activity, and ecological sensitivity intersect, making this type of study both timely and essential.

Research from MLCDs shows that restricting visitor use can improve marine health and support the conservation goals these districts were established to achieve. Granting DLNR clear authority and resources to assess these needs statewide will support consistent, data-driven management that reflects each MLCD's unique ecological and cultural context.

Mahalo for the opportunity to testify in support of SB2084.

Guided by science, TNC is a non-profit organization dedicated to the preservation of the lands and waters upon which all life depends. The Conservancy has helped protect more than 200,000 acres of natural lands in Hawai'i and Palmyra Atoll. We manage 84,000 acres in 13 nature preserves and 18 managed areas and have supported over 50 coastal communities to help protect and restore the nearshore reefs and fisheries of the main Hawaiian Islands.

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Senator Chris Lee, Chair

Senator Lorraine R. Inouye, Vice Chair

February 18, 2026

Supports SB2084 (with caution)

Aloha Chair Lee, Vice Chair Inouye, and Committee Members,

My name is Antoinette Davis, and I have had the honor of serving as Executive Director of the Activities and Attractions Association of Hawai'i (A3H), a 501(c)(6) not-for-profit trade organization, since 1997. A3H **supports** this measure which would require DLNR to establish and conduct a **Marine Life Conservation District (MLCD) carrying capacity program** to assess carrying capacity, evaluate commercial use impacts, and propose long-term management options to protect these fragile resources.

Commercial ocean operators do what they do because they **love Hawai'i's ocean**, depend on it, and do not want to see these extraordinary places **damaged by overuse**. They are often the first to witness stress on reefs and marine life and fully take on a shared responsibility to ensure these areas remain healthy for residents, future generations, and respectful visitors. Unlike SB2975, SB2084 takes a data-driven approach by requiring DLNR to assess carrying capacity across MLCDs. Tools such as closures, activity restrictions, access limits, and fees must be vetted by the **ENTIRE community** with grandfather clauses for well-established long running commercial operators.

Importantly, SB2084 also requires DLNR to **consult with counties, UH (including HIMB), and existing permit-holding commercial operators** as it develops this program. That collaboration matters. When commercial operators are included, solutions are more practical, enforceable, and balanced. All want the same impact of protecting the resource while supporting responsible, sustainable operations that educate guests and foster stewardship.

Mahalo for the opportunity to testify.

Toni

Toni Marie Davis

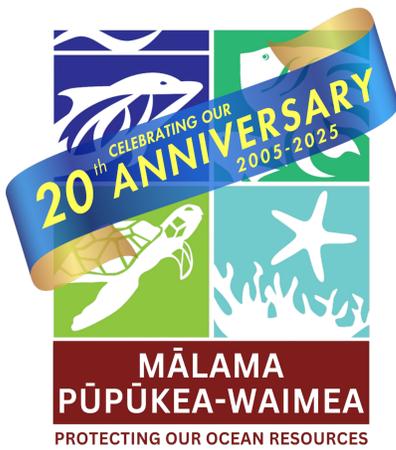
Executive Director

Activities & Attractions Association of Hawaii, Inc.

Statewide 501 (c) (6) not-for-profit Trade Association

PO Box 598, Makawao, Hawaii 96768

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February 18, 2026

WLA Hearing, 1:01 pm

SB2084 MLCD Carrying Capacity – in Support

Aloha WLA Chair Lee, Vice Chair Inouye, and Members,

Mālama Pūpūkea-Waimea (MPW) is a Hawai'i non-profit organization founded on the North Shore of O'ahu in 2005. Our mission is "working to replenish and sustain the natural and cultural resources of the Pūpūkea and Waimea ahupua'a for present and future generations through active community stewardship, education, and partnerships."

For twenty-one years, we have focused our collaborative stewardship and education efforts on the Pūpūkea Marine Life Conservation District (MLCD), one of only three MLCDs on O'ahu.

The Act 31 Carrying Capacity Program for the Pūpūkea MLCD is mentioned in SB2084 as a model. MPW was fortunate to have been selected through an open RFP process by the Department of Land and Natural Resources (DLNR) Division of Aquatic Resources (DAR) to be the lead entity implementing Act 31 (2002). The focus of the Act 31 program, as directed by the Legislature, was on the sensitive shallow water areas of the MLCD, which is the Kapo'o (Sharks Cove) tidepools and cove, about a 5-acre marine area, which is very heavily impacted by visitors, primarily out-of-state tourists.

The funding for this three-year project from the Legislature was \$300,000 (reduced after the governor's 10% restriction to \$270,000) or \$90,000 per year. MPW completed a three-year program of in-water surveys and on-land projects ended in November 2025, and a [final report](#) was submitted by DLNR-DAR to the Legislature on January 5, 2026.

The final report documented the substantial negative impacts of increasing human visitation in the Kapo'o area that caused dramatic declines in fish abundance and diversity as well as other types of damage (e.g., coral). The report makes a series of recommendations to the State and City and County of Honolulu, including closures, continued monitoring, and increased management of visitor numbers.

Given MPW's experience for the past three years of working very hard on this program with a broad range of consultants and advisors, MPW agrees with the bill's purpose clause that this "carrying capacity" approach, which focused on biological impacts (not the "visitor experience") "is an excellent first step at addressing the capacity limits of the State's most valuable marine

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Federal Nonprofit Organization
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resources and should serve as a model for all MLCDs in the State.” We note that Act 31 and our program work with DAR stands on the shoulders of the many years of robust carrying capacity studies done by HIMB and others at Hanauma Bay, the other major MLCD on O’ahu.

We do, however, have several **cautionary comments** to offer for a proposed statewide expansion of similar carrying capacity studies for all MLCDs.

1. **Budget.** To cover all the state MLCDs, in our view, the Legislature would have to allocate roughly \$10 million per year, on a sustainable basis, to ensure adequate scientific and management work that can lead to tangible findings. Even with the generous funding for Act 31, MPW was able only to focus its work on a small sensitive area, about 5% of the entire MLCD. To cover all of the Pūpūkea MLCD in the future (about 180 acres), which we would strongly recommend, would require about \$1 million per year. Scientific and human use monitoring, even with wonderful staff and contributing partners, is costly and time intensive. If a sustainable generous budget can be committed, then good research, and comparative work, can be done in and across all Hawai’i MLCDs. This area and all MLCDs deserve that support!
2. **DAR Capacity.** Adding this statewide carrying capacity program for MLCDs to DAR would require additional staff and funding as well, just for bandwidth, oversight, and management within the agency. DAR does not currently have a program for dedicated staff to oversee the MLCD program or on the ground at any of the MLCDs, to our knowledge, and is doing great work in support of the MLCDs but is stretched. The Legislature might consider investing in DAR staff to oversee the MLCDs and dedicated staff at each specific MLCD, like a park ranger/ambassador/researcher, to complement the carrying capacity approach. This physical presence of staff would be hugely beneficial, particularly given the large and increasing number of non-resident visitors to these spectacular areas.
3. **Precautionary Principle.** MPW supports the precautionary principle – we should avoid risking our precious natural resources with human uses that may affect them unless those human uses are proven to not have an impact. In other words, the benefit of the doubt should always be given to the MLCD marine life, not to the human uses. This is not presently the case, with many human (and even extractive) uses allowed at Pūpūkea and in many MLCDs, but it worth keeping in mind as this bill moves forward given the very purpose of MLCDs is to allow Hawai’i’s native marine life to thrive and spillover to nearby coastal areas where human uses are allowed. That goal cannot be accomplished without rigorous protection, sound management, and strong enforcement.

As an organization that has deeply immersed in carrying capacity studies of the Pūpūkea MLCD, thanks to the Legislature, we are happy to share our mana’o with anyone interested in the “in the water” and “on the ground” challenges and successes of a biological carrying capacity program. Mahalo for the opportunity to provide testimony,



Denise Antolini

President, MPW

SB-2084

Submitted on: 2/17/2026 12:59:31 PM

Testimony for WLA on 2/18/2026 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Kekoa Alip	Testifying for Hui Aloha Kiholo	Support	Remotely Via Zoom

Comments:

I strongly support this bill.

LATE

SB-2084

Submitted on: 2/17/2026 1:45:46 PM

Testimony for WLA on 2/18/2026 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Zachary LaPrade	Testifying for Calypso Charters	Comments	Remotely Via Zoom

Comments:

Aloha,

We respectfully request that commercial operators be directly involved in this process. As businesses operating on the water every day, we bring practical, real-world experience that can help ensure any policies, rules, or procedures are workable, effective, and safe.

Commercial operators are not only stakeholders but active participants whose livelihoods, employees, and customers are directly affected by these decisions. Our involvement will help identify unintended consequences, improve implementation, and ensure the process reflects operational realities.

We welcome the opportunity to participate, provide input, and collaborate constructively as these measures are developed.

Mahalo.

Zachary LaPrade

HAWAI'I OCEAN LEGISLATIVE TASK FORCE



February 18, 2026

Hawai'i State Legislature
Senate Committee on Water, Land, Culture & the Arts

Re: Testimony in **STRONG SUPPORT** for SB 2084, Relating to Marine Life Conservation Districts

Aloha Chair Lee, Vice Chair Inouye, and esteemed members of the committee,

The Ocean Legislative Task Force—a coalition of more than 150 individuals across over 20 organizations statewide—**strongly supports** SB 2084, relating to marine life conservation districts. This measure requires the Department of Land and Natural Resources to establish a Marine Life Conservation District Carrying Capacity Program, adopt administrative rules, report findings to the Legislature, and provide funding to support sustainable management of these protected marine areas.

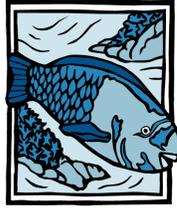
Protecting Hawai'i's coral reefs and marine life conservation districts is one of our core priorities this legislative session. These areas are designated to conserve marine biodiversity, support ecosystem health, and ensure that future generations can continue to benefit from Hawai'i's nearshore resources. However, many of these districts are experiencing increasing pressure from climate change, visitor use, and other cumulative stressors. SB 2084 provides the Department of Land and Natural Resources with the framework to better understand and manage the carrying capacity of these important areas, ensuring that use levels remain sustainable and aligned with conservation goals.

By establishing a Marine Life Conservation District Carrying Capacity Program, requiring reporting to the Legislature, and supporting the adoption of administrative rules, this measure strengthens Hawai'i's ability to make informed, science-based management decisions. Understanding carrying capacity is essential to preventing overuse, reducing ecological stress, and ensuring that these conservation districts continue to function as intended.

Proactive planning and thoughtful management are critical to maintaining healthy reef ecosystems, protecting biodiversity, and preserving the cultural, environmental, and economic benefits these marine areas provide. SB 2084 represents an important step toward ensuring the long-term resilience and stewardship of Hawai'i's marine resources.

Mahalo for the opportunity to testify in strong support of this important measure.

The Hawai'i Ocean Legislative Task Force advocates for measures that advance cesspool conversion and wastewater management, protect Hawai'i's coral reefs and reef fish, ensure transparent and sustainable implementation of the Green Fee program and long-term environmental staffing, and support other measures that strengthen Hawai'i's coastal and marine ecosystems.



FRIENDS of HANAUMA BAY

CONSERVE • PROTECT • RESTORE

*Dedicated to the conservation of coastal and marine environments,
emphasizing stewardship of the natural resources of Hanauma Bay*

Committee on Water, Land, Culture and the Arts

February 18, 2026

Hearing: 1:01 PM

RE: STRONG SUPPORT FOR SB2084: MARINE LIFE CONSERVATION DISTRICTS
(CARRYING CAPACITY STUDY PROGRAM)

Aloha Chair Lee, Vice Chair Inouye, and Committee members,

Mahalo for hearing this important bill!

Friends of Hanauma Bay strongly supports SB2084 as the critical foundational program to inform the development of the best stewardship programs specifically tailored for each of the ten precious and unique marine life conservation districts in our state.

This will be some of the best money ever spent on natural resource conservation and we urge you to pass this bill without hesitation. Every year that passes without visitor impact data gathered at our MLCD's is data we can never recover.

Please pass SB2084 to help ensure we can design and implement the best conservation program for all of our MLCD's!

With Aloha,
Lisa Bishop
Friends of Hanauma Bay | President



To: The Honorable Senator Chris Lee Chair, the Honorable Lorraine Inouye, Vice Chair, and Members of the Water, Land, and Cultural and the Arts Committee.

From: Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

Re: **Hearing SB2084 RELATING TO MARINE LIFE CONSERVATION DISTRICTS**

Hearing: Wednesday, February 18, 2026 1:01 p.m. CR224

Aloha Chair Lee, Vice Chair Inouye, and Members of the Water, Land, and Cultural and the Arts Committee!

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean.

The Hawai'i Reef and Ocean Coalition **STRONGLY SUPPORTS SB2084!**

Marine life conservation districts (MLCDs) are protected ocean areas designated to conserve, replenish, and restore the State's marine resources by restricting human impacts. MLCDs are established by the department of land and natural resources (DLNR), as authorized by chapter 190, Hawaii Revised Statutes.

Because MLCDs permit non—consumptive uses, such as swimming, snorkeling, and diving, these areas are highly frequented by locals, visitors, and ocean recreation businesses. Appropriate carrying capacity restrictions, such as 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, can improve an area's marine ecosystem and ensure that ocean resources and user experiences do not deteriorate.

This measure requires the Department of Land and Natural Resources to establish and conduct a Marine Life Conservation District Carrying Capacity Program.

A carrying capacity study is needed to effectively protect these precious marine resources.

Please pass this bill to protect these critical ocean conservation areas!

Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

SB-2084

Submitted on: 2/15/2026 10:40:11 AM

Testimony for WLA on 2/18/2026 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark Hixon	Individual	Support	Written Testimony Only

Comments:

Aloha. Our few and tiny Marine Life Conservation Districts are far too small to support so many people visiting them, let alone provide sufficient protection of our precious and severely depleted marine resources. This bill will help remedy this sad situation. Mahalo.

SB-2084

Submitted on: 2/15/2026 1:08:44 PM

Testimony for WLA on 2/18/2026 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
James E. Coon	Individual	Oppose	Written Testimony Only

Comments:

Speaking in OPPOSITION to SB 2084:

The Maui County MLCD's that allow vessel access already have a very limited number of moorings. This limit on moorings already restricts the number of vessels that can access a particular MLCD. To impose further restrictions is unnecessary. The users have learned to self limit their access to avoid user conflict since there are more permits than there are moorings. A further reduction on access or additional access fee would be very detrimental to their livelihoods.

Sincerely,

James Coon