
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 the management and
2 conservation of marine resources is vital to the economic,
3 cultural, environmental, health, and social well-being of the
4 State's residents, visitors, and future generations.
5 Conservation of the State's marine resources also plays an
6 important role in preserving global biodiversity. The
7 legislature further finds that the management and conservation
8 of the State's marine resources can be achieved through
9 implementation of a number of marine management tools, including
10 prevention of resource overcrowding and overuse from
11 recreational activity.

12 In 2005, the department of land and natural resources
13 published an article entitled "*What Stresses Hawaii's Marine*
14 *Ecosystems?*" that cited recreational overuse as one of the main
15 factors that damages habitats and interferes with wildlife
16 spawning, feeding, and nursery areas. These impacts often occur
17 as a result of overcrowded beaches, trampled reefs, anchor
18 damage, and recreational watercraft disturbances.



1 The article went on to explain that marine protected areas
2 attract visitors, which may cause overcrowding. Studies have
3 shown that overcrowding in shallow areas damage reefs, create
4 pollution, and may upset ecosystems.

5 The legislature further finds that, since it became a
6 marine life conservation district in 1967, Hanauma Bay has
7 received up to thirty-seven million visitors annually, making it
8 one of the most heavily visited marine protected areas in the
9 world for its size. While management improvements have helped
10 reduce the number of visitors to Hanauma Bay since 1990, the
11 department of land and natural resources expressed the need for
12 more studies to help understand ways to prevent damage to
13 protected marine areas from recreational overuse and keep these
14 areas from being "loved to death". In their effort to "prevent
15 rather than react" and "preserve rather than degrade", the
16 department of land and natural resources has imposed
17 prohibitions in some marine life conservation districts which
18 limit forms of commercial activity. In testimony presented to
19 the legislature in 2006, key commercial tour and dive groups
20 also expressed support for limiting commercial activity in these
21 areas.



1 The legislature acknowledges that commercial restrictions
2 alone will not solve all of the problems facing the State's
3 marine resources however, the legislature finds that they are an
4 important step toward better marine management practices.

5 The purpose of this Act is to provide additional protection
6 for the State's marine life conservation districts by
7 prohibiting all commercial activities in those areas.

8 SECTION 2. Section 190-3, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§190-3 Rules.** (a) The department of land and natural
11 resources pursuant to chapter 91, shall adopt rules governing
12 the taking or conservation of fish, crustacean, mollusk, live
13 coral, algae, or other marine life as it determines will further
14 the state policy of conserving, supplementing and increasing the
15 State's marine resources. The rules may prohibit activities
16 that may disturb, degrade, or alter the marine environment,
17 establish open and closed seasons, designate areas in which all
18 or any one or more of certain species of fish or marine life may
19 not be taken, prescribe and limit the methods of fishing,
20 including the type and mesh and other description of nets,
21 traps, and appliances, and otherwise regulate the fishing and
22 taking of marine life either generally throughout the State or



1 in specified districts or areas. The rules shall upon taking
2 effect supersede any state laws inconsistent therewith.

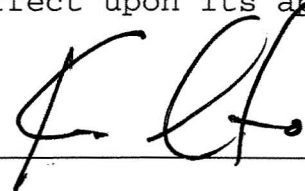
3 (b) The department, in all areas designated marine life
4 conservation districts after January 1, 1968, that are subject
5 to rules restricting taking of marine life pursuant to
6 subsection (a), shall also adopt rules pursuant to chapter 91
7 that prohibit all commercial activities, including but not
8 limited to commercial tours, dive groups, sightseeing tours,
9 hikes, or guided services."

10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.

12

INTRODUCED BY: _____



JAN 23 2008



Report Title:

Marine Life Conservation Districts

Description:

Prohibits all commercial activities in marine life conservation districts designated after 01/01/68.

