

STAND. COM. REP. NO.

453

Honolulu, Hawaii

FEB 18 , 2021

RE: H.B. No. 1027

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committees on Water & Land and Energy & Environmental Protection, to which was referred H.B. No. 1027 entitled:

"A BILL FOR AN ACT RELATING TO MARINE LIFE CONSERVATION DISTRICTS,"

beg leave to report as follows:

The purpose of this measure is to:

- (1) Establish the Marine Life Conservation District Special Fund for the collection and use of monies for the management, protection, restoration, and enhancement of the State's marine life conservation districts and the resources contained within; and
- (2) Authorize the Department of Land and Natural Resources to collect fees for the use of marine life conservation districts and the resources contained within.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, and two individuals. Your Committees received testimony in opposition to this measure from two individuals. Your Committees received comments on this measure from the Friends of Hanauma Bay, Hawaii Reef and Ocean Coalition, and Ocean Tourism Coalition.



Your Committees find that the broad range of recently documented anthropogenic impacts to the health of marine life conservation districts' ecosystems, including coral bleaching, vessel groundings, anchoring and mooring, diving activities, land-based and water-based pollutant discharges, and other direct and indirect impacts on the State's marine resources, indicate that the Department of Land and Natural Resources may need a more consistent and reliable source of funding to manage, protect, and restore marine resources throughout the State.

Your Committees further find, however, that the Hanauma Bay Marine Life Conservation District already collects admission fees and concession revenues that are deposited into the City and County of Honolulu's Hanauma Bay Nature Preserve Fund, pursuant to Chapter 6, Article 51 of the Revised Ordinances of Honolulu. Federal court rulings upholding those fees require that they be spent only at Hanauma Bay.

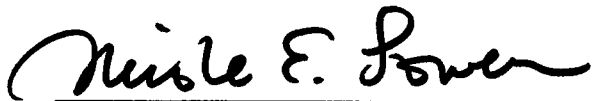
Accordingly, your Committees have amended this measure by:

- (1) Carving out fees generated at or for the Hanauma Bay Marine Life Conservation District from fees generated in connection with other marine life conservation districts to enable the Hanauma Bay-related fees to be spent only for Hanauma Bay;
- (2) With respect to the Marine Life Conservation District Special Fund, allowing monies received from the counties to be deposited and accounted for in accordance with conditions established by the county;
- (3) Making the Department of Land and Natural Resources' authority to adopt rules to establish fees or require permits for entry into the boundaries of any marine life conservation district established by chapter 190, Hawaii Revised Statutes, apply only to marine life conservation districts to which public access is managed by a county with a population of 500,000 or more and for which a fee is charged for public access; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.



As affirmed by the records of votes of the members of your Committees on Water & Land and Energy & Environmental Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1027, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1027, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committees on Water & Land and
Energy & Environmental
Protection,



NICOLE E. LOWEN, Chair



DAVID A. TARNAS, Chair



