S.B. NO. <sup>3330</sup> S.D. 1 H.D. 1

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### A BILL FOR AN ACT

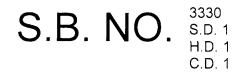
RELATING TO THE PUPUKEA MARINE LIFE CONSERVATION DISTRICT.

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

SECTION 1. The legislature finds that prior to the coronavirus disease 2019 (COVID-19) pandemic, tourism levels in Hawaii had increased to more than ten million visitors per year, causing an unprecedented number of visitors to the Pupukea marine life conservation district on Oahu's North Shore. Recent projections indicate that post-pandemic visitor levels are likely to return to, or even exceed, these pre-pandemic levels.

8 The legislature also finds that Hawaii tourism authority 9 surveys indicate that half of all visitors to Oahu visit the 10 North Shore. Further, the protected beaches and bays of the Pupukea marine life conservation district are very popular 11 12 recreational areas on the North Shore for snorkeling, swimming, 13 and diving. Two of the most visited locations on the North 14 Shore for snorkeling are Shark's Cove and the adjacent Kapoo Tidepools, a rich nursery for over fifty species of marine life 15 that replenish the entire Pupukea marine life conservation 16 district and adjacent areas. The legislature acknowledges that 17 18 unabated levels of human use in certain areas of the Pupukea 2022-3081 SB3330 CD1 SMA.doc 

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1 marine life conservation district, including Shark's Cove and 2 the Kapoo Tidepools, are threatening the health and abundance of 3 the marine life in these sensitive areas, as well as limiting 4 the use and enjoyment of the area by residents.

5 During the winter season, portions of the Pupukea marine 6 life conservation district are protected by dangerous high surf 7 conditions. However, the shallow Kapoo Tidepools are surrounded by a rock wall, are almost always accessible from the shore, and 8 9 attract numerous recreational users. During closures of other 10 marine areas due to high surf or restrictions on access to these areas, the three-acre Kapoo Tidepools may attract thousands of 11 12 visitors each day. At any given time throughout the day, 13 regardless of the day of the week, up to one hundred visitors 14 walk, swim, or snorkel in the Kapoo Tidepools without any rest 15 or kapu period. The legislature notes that during the COVID-19 pandemic, high levels of usage of the Kapoo Tidepools and 16 17 Shark's Cove have continued virtually unabated and these 18 locations continue to be crowded almost every day.

19 The legislature believes that allowing unlimited human 20 access to sensitive marine areas like the Kapoo Tidepools and 21 Shark's Cove is contrary to Native Hawaiian cultural traditions

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of adaptive management, including kapu, or closures, to ensure abundance in perpetuity.

3 Established in 1983 and expanded in 2003, the Pupukea 4 marine life conservation district is one of only three state-5 designated marine life conservation districts on the island of Oahu; the other two marine life conservation districts are 6 7 Hanauma Bay and Waikiki. Like Hanauma Bay, Pupukea is a one 8 hundred-acre marine reserve that is supposed to receive the 9 highest level of protection for its marine and recreational 10 resources.

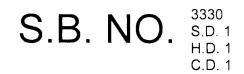
Based on carrying capacity studies conducted by the Hawaii 11 12 institute of marine biology in 2018-2019 and 2019-2020, a number of measures were adopted to restrict human access to Hanauma Bay 13 to protect marine life. Hanauma Bay is now effectively managed 14 15 by the city and county of Honolulu using a twice weekly closure 16 requirement, a reservation system, differential parking fees for 17 residents and non-residents, a \$25 entry fee for non-residents more than thirteen years of age, mandatory education for 18 19 visitors, a ban on commercial operations, and closure of the bay 20 after 4:00 pm.

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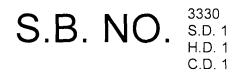


1 According to the city and county of Honolulu, Hanauma Bay 2 nature preserve, "one of the most spectacular natural resources 3 in Hawaii, is reaping the benefits of over a decade of moves to 4 re-establish its pristine marine ecosystem. Recognizing the 5 damage done by years of neglect and abuse by allowing some three 6 million visitors annually, the city and county of Honolulu in 7 1990 laid out a plan to restore Hanauma Bay to a clean, healthy 8 state by reducing the number of visitors, establishing an 9 education program, and instituting supportive restrictions".

10 Unlike Hanauma Bay, there are no plans to restrict access 11 to the Pupukea marine life conservation district and the 12 associated Waimea and Pupukea beach parks or protect these areas 13 from human access. The sensitive Kapoo Tidepools and Shark's 14 Cove areas of the Pupukea marine life conservation district have 15 unlimited public access from multiple locations along the 16 shoreline and adjacent beach parks, every day of the week, all 17 year long. Although there are rules restricting the taking of 18 marine life from the Pupukea marine life conservation district, 19 there are no rules restricting the number of visitors to the 20 area other than nighttime closures of parking spaces and comfort 21 stations in the adjacent beach parks.

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1 The results of unlimited human access to the sensitive 2 areas of the Pupukea marine life conservation district appear to include the trampling of marine life, damage to the marine 3 habitat, damage to coral, the spooking of fish, interference 4 with marine life cycles, increased harassment and touching of 5 6 marine life, increased poaching, turbidity from stirred up sediment, pollution from sunscreen, water degradation from human 7 waste, erosion from foot pathways, disrespect for natural 8 9 geographic features, and disregard for cultural norms. 10 The legislature recognizes that various nonprofit 11 organizations, in collaboration with the department of land and natural resources, have spent nearly two decades developing a 12 range of educational, scientific, and cultural programs. The 13 14 legislature also recognizes that a collaborative management plan process by the department of land and natural resources and the 15 neighboring community is now underway. Nevertheless, the 16 legislature notes that a study of carrying capacity of areas in 17 the Pupukea marine life conservation district has never been 18

19 conducted.

20 The legislature further believes that, as tourism has not
21 yet reached pre-pandemic levels, now is the ideal time to

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proactively study the vulnerability of certain areas of the
 Pupukea marine life conservation district to high levels of
 human use and determine appropriate measures to reduce those
 impacts for the long term.

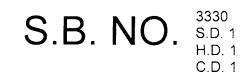
Accordingly, the purpose of this Act is to establish a 5 6 three-year pilot program to assess the carrying capacity of 7 certain areas in the Pupukea marine life conservation district in light of threats to marine life from human use; monitor, 8 document, and assess the effectiveness of mandatory and 9 10 voluntary kapu, or closures, of high-traffic areas in the Pupukea marine life conservation district and other restrictions 11 12 on access to these areas, including the imposition of fees; and 13 propose long-term management options to reduce the impact of humans on the health and abundance of marine life in the 14 15 sensitive areas of the Pupukea marine life conservation 16 district.

SECTION 2. (a) The department of land and natural resources shall establish and conduct the Pupukea marine life conservation district carrying capacity pilot program to: (1) Assess the carrying capacity of certain areas in the

21

Pupukea marine life conservation district;





1	(2)	Moni	tor, document, and assess the effectiveness of:
2		(A)	Mandatory kapu, or closures, of high-traffic
3			areas in the Pupukea marine life conservation
4			district;
5		(B)	Voluntary kapu, or closures, of high-traffic
6			areas in the Pupukea marine life conservation
7			district; and
8		(C)	Other restrictions on access to high-traffic
9			areas in the Pupukea marine life conservation
10			district, including the imposition of fees; and
11	(3)	Prop	ose long-term management options to reduce the
12		impa	ct of humans on the health and abundance of marine
13		life	in the sensitive areas of the Pupukea marine life
14		cons	ervation district.
15	(b)	In e	stablishing and conducting the Pupukea marine life
16	conservation district carrying capacity pilot program, the		
17	department of land and natural resources shall consult with the		
18	city and county of Honolulu; University of Hawaii, including the		
19	Hawaii institute of marine biology; and nonprofit community		
20	organizations in the ahupuaa of Pupukea and Waimea.		

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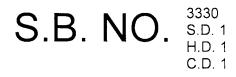
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1 (c) The Pupukea marine life conservation district carrying 2 capacity pilot program shall cease to exist on July 1, 2025. 3 (d) The department of land and natural resources shall 4 submit a report of its findings and recommendations, including 5 any proposed legislation, to the legislature no later than 6 January 1, 2026. 7 SECTION 3. There is appropriated out of the general 8 revenues of the State of Hawaii the sum of \$300,000 or so much 9 thereof as may be necessary for fiscal year 2022-2023 for the 10 department of land and natural resources to establish and 11 conduct the Pupukea marine life conservation district carrying 12 capacity pilot program pursuant to this Act.

13 The sum appropriated shall be expended by the department of
14 land and natural resources for the purposes of this Act.
15 SECTION 4. This Act shall take effect on July 1, 2022.





#### Report Title:

Department of Land and Natural Resources; Pupukea Marine Life Conservation District; Pilot Program; Carrying Capacity; Appropriation

#### Description:

Requires the Department of Land and Natural Resources to establish and conduct the Pupukea Marine Life Conservation District carrying capacity pilot program. Appropriates funds. (CD1)

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