

Honolulu, Hawaii

FEB 16 2023

RE: S.B. No. 772
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 772 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to require the Department of Land and Natural Resources to establish and conduct the Marine Life Conservation District Carrying Capacity Program.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii State Aha Moku, and one individual. Your Committee received testimony in opposition to this measure from the Ocean Tourism Coalition, Calypso Charters, and one individual.

Your Committee finds that marine life conservation districts (MLCDs) are established by the Department of Land and Natural Resources to conserve and replenish the State's marine resources. Your Committee further finds that because MLCDs permit non-consumptive uses, such as swimming, snorkeling, and diving, these areas are highly frequented by locals, visitors, and ocean recreation businesses. Your Committee finds that 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. Therefore, this measure requires the Department of Land and Natural Resources to establish and conduct the MLCD Carrying Capacity Program.

Your Committee has heard the testimony of the Department of Land and Natural Resources, expressing their concern that it may be difficult to monitor and document the effectiveness of mandatory kapu or fees or other restrictions at specific MLCDs without having the legal authority or practical means to implement those measures to test them. The Department further testified that the Department lacks the legal authority to implement mandatory closures of high-traffic areas in MLCDs for the purpose of conducting a study.

Therefore, your Committee has amended this measure by:

- (1) Clarifying that the Department of Land and Natural Resources will monitor, document, and assess the effectiveness of mandatory and voluntary kapu and closures of ecologically or culturally sensitive areas, rather than high-traffic areas, in state designated MLCDs;
- (2) Requiring the Department of Land and Natural Resources to monitor, document, and assess the effectiveness of mandatory or voluntary restrictions on certain activities in state-designated MLCDs;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 772, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 772, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


LORRAINE R. INOUE, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 772	Committee Referral: WTL, WAM	Date: 02 / 13 / 2023		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley	✓			
MCKELVEY, Angus L.K.	✓			
FEVELLA, Kurt	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes