

---

---

# A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

- 1           SECTION 1. The legislature finds and declares:
- 2           (1) Seabed mineral mining is not consistent with the
- 3           public interest, including the right that each person
- 4           has to a clean and healthy environment as enshrined in
- 5           Article XI, section 9, of the Hawaii State
- 6           Constitution;
- 7           (2) Seabed mining poses an unacceptably high risk of
- 8           damage and disruption to the marine environment of the
- 9           State. It is in the best interest of the people of
- 10          Hawaii that leasing for hard mineral mining on the
- 11          seafloor be prohibited;
- 12          (3) Hawaii marine waters are home to rich, diverse, and
- 13          globally significant ecosystems, including the deep
- 14          water column and seafloor. These environments host
- 15          thousands of species, a biodiversity that may be
- 16          comparable with tropical rainforests. The extent of
- 17          this diversity is still largely unknown, which makes



- 1           its disruption by industrial-scale mining a perilous  
2           choice;
- 3           (4) The seafloor has provided compounds to help treat  
4           disease, from cancer to inflammation to nerve damage,  
5           as well as compounds used for analyzing illness;
- 6           (5) Hawaii's deep water column and seafloor are critically  
7           important to its people, who maintain strong  
8           spiritual, cultural, and economic connections to the  
9           deep ocean;
- 10          (6) Seabed mining could erode the sovereignty and harm the  
11          ancestral lands and waters of Native Hawaiians;
- 12          (7) Seabed mining poses risks to the State's existing  
13          ocean-dependent industries, including commercial  
14          fishing, recreational fishing, and tourism;
- 15          (8) Damage from seabed mining could take several forms.  
16          Large machinery could remove or destroy entire  
17          communities of sponges, corals, and other marine life.  
18          Sediment clouds, some capable of traveling long  
19          distances, could smother or negatively impact the  
20          feeding and reproduction of other marine life,  
21          including plankton and fishes like tuna, billfish, and



1 other pelagic species. These sediment plumes and  
2 associated noise may negatively impact whales,  
3 dolphins, and other marine mammals throughout the  
4 region. Also at risk are the breathtaking beaches,  
5 shallow coral reefs, seagrass beds, and rocky reaches  
6 that help support a multibillion-dollar tourism  
7 industry;

8 (9) The legislatures of Oregon, Washington, and California  
9 have passed analogous legislation to prohibit seabed  
10 mining in their state waters, in 1991, 2021, and 2022,  
11 respectively. The call for a global moratorium on  
12 seabed mining has grown, arising from indigenous  
13 peoples, other citizens, scientists, and companies in  
14 technology and car manufacturing that require hard  
15 minerals. In June 2021, the European Parliament  
16 adopted a resolution in support of a moratorium on  
17 seabed mining. In September 2021, eighty-one  
18 governments and governmental agencies attending the  
19 International Union for Conservation of Nature World  
20 Conservation Congress voted in favor of a moratorium;



1 (10) Hawaii state waters are unlikely to represent a  
2 marketable source for battery metals, the emerging  
3 global justification for extraction at the seafloor.  
4 The most likely interest would occur for two different  
5 types of extraction:

6 (A) Mining for polymetallic nodules present in likely  
7 low densities in small areas; and

8 (B) Mining for cobalt-rich ferromanganese crusts,  
9 which are relatively thin; and

10 (11) An estimated 0.01 per cent of the deep seafloor has  
11 been explored worldwide. History is fraught with hard  
12 lessons learned about destroying what we do not know  
13 or understand. The potential harms of seabed mining  
14 underscore the need to take a precautionary approach,  
15 both in the State and as a global community.

16 Accordingly, the purpose of this Act is to prohibit seabed  
17 mining in the State.

18 SECTION 2. This Act shall be known and may be cited as the  
19 Hawaii Seabed Mining Prevention Act.



1 SECTION 3. Chapter 190D, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§190D- Seabed mining; permits; prohibited. (a)  
5 Notwithstanding any law to the contrary, the mining, extraction,  
6 and removal of minerals from the seabed shall be prohibited in  
7 state marine waters.

8 (b) No permit shall be issued for or in connection with  
9 the development or operation of any facility or infrastructure  
10 associated with the mining, extraction, or removal of minerals  
11 from the seabed within state marine waters.

12 (c) Notwithstanding subsections (a) and (b), collection of  
13 sand from state marine waters to replenish beaches in the State  
14 is permitted; provided that prior approval from the board of  
15 land and natural resources is obtained.

16 (d) This section shall not be construed to prohibit  
17 scientific research or collections conducted by, or on behalf  
18 of, an educational, scientific, or research institution or a  
19 governmental agency.

20 (e) As used in this section, "minerals" means natural  
21 deposits of valuable minerals, including metals and placer



1 deposits of metals, nonmetallic minerals, gemstones, ores, gold,  
2 silver, copper, lead, iron, manganese, silica, chrome, platinum,  
3 tungsten, zirconium, titanium, garnet, phosphorous, polymetallic  
4 nodules, and cobalt-rich ferromanganese crusts.

5 (f) Nothing contained in this section shall diminish,  
6 alter, or amend any existing rights, privileges or practices of  
7 the Native Hawaiian people; nor shall the obligations of the  
8 State to the Native Hawaiian people be absolved."

9 SECTION 4. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Environmental Protection; Seabed Mining; Permits; Prohibition

**Description:**

Prohibits the mining, extraction, and removal of minerals from the seabed in all state marine waters. Prohibits the issuance of any permit for or in connection with the development or operation of any facility or infrastructure associated with the mining, extraction, or removal of minerals from the seabed within state marine waters. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

