

JAN 17 2024

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 marine life
2 conservation districts (MLCDs) are established by the department
3 of land and natural resources, as authorized by chapter 190,
4 Hawaii Revised Statutes, to conserve and replenish the State's
5 marine resources. All MLCD designations are subject to public
6 hearings and final approval from the board of natural resources
7 and the governor.

8 The legislature further finds that there are currently
9 eleven existing MLCDs in the State, with three on Oahu and Maui
10 and five on Hawai'i island. The first MLCD was established in
11 the State at Hanauma Bay in 1967, which resulted in the adoption
12 of a number of measures to restrict human access in an attempt
13 to protect marine life. According to carrying capacity studies
14 conducted by the Hawaii Institute of Marine Biology in 2018 and
15 2019, a twice-weekly closure requirement, reservation system,
16 differential parking fees for residents and non-residents, \$25
17 entry fee for non-residents more than thirteen years of age, and



1 mandatory education for visitors, along with other restrictions,
2 has resulted in a notable improvement in the area's marine
3 ecosystem.

4 The legislature further finds that MLCDs permit non-
5 consumptive uses of the area, such as swimming, snorkeling, and
6 diving. Many local businesses, such as surf schools and SCUBA
7 operators, capitalize on the State's ocean resources --
8 including within MLCDs. However, as the State progresses from
9 the shutdowns associated with the coronavirus disease 2019
10 pandemic into pre-pandemic tourism levels, appropriate
11 restrictions are necessary to reduce impacts for the long term.

12 The legislature further finds that Act 31, Session Laws of
13 Hawaii 2022, was passed to require the department of land and
14 natural resources to establish and conduct the Pupukea marine
15 life conservation district carrying capacity pilot program to
16 identify long-term management options to reduce the impact of
17 humans on the health and abundance of marine life in the
18 sensitive areas of the Pupukea MLCD. The legislature believes
19 that Act 31, Session Laws of Hawaii 2022, is an excellent first
20 step at addressing the capacity limits of the State's most



1 valuable marine resources and should serve as a model for all
2 MLCDs in the State.

3 Accordingly, the purpose of this Act is to require the
4 department of land and natural resources to establish and
5 conduct a marine life conservation district carrying capacity
6 program to establish best practices for appropriate use of the
7 State's marine life conservation districts.

8 SECTION 2. (a) The department of land and natural
9 resources shall establish and conduct the marine life
10 conservation district carrying capacity program to:

- 11 (1) Assess the carrying capacity of state-designated
12 marine life conservation districts;
- 13 (2) Assess the impact of commercial use on state-
14 designated marine life conservation districts, with a
15 focus on how many commercial use permits should be
16 issued;
- 17 (3) Monitor, document, and assess the effectiveness of:
 - 18 (A) Mandatory or voluntary kapu, or closures, of
19 ecologically or culturally sensitive areas in
20 state-designated marine life conservation
21 districts;



1 (B) Mandatory or voluntary restrictions on certain
2 activities in state-designated marine life
3 conservation districts; and

4 (C) Other restrictions on access to areas in state-
5 designated marine life conservation districts,
6 including the imposition of fees; and

7 (4) Propose long-term management options to reduce the
8 impact of humans on the health and abundance of marine
9 life in the sensitive areas of state-designated marine
10 life conservation districts.

11 (b) In establishing and conducting the marine life
12 conservation district carrying capacity program, the department
13 of land and natural resources shall consult with the counties;
14 university of Hawaii, including the Hawaii institute of marine
15 biology; and nonprofit community organizations in the State.

16 (c) The department of land and natural resources shall
17 amend its administrative rules, as appropriate and in accordance
18 with chapter 91, Hawaii Revised Statutes, to effectuate the
19 results of the marine life conservation district carrying
20 capacity program.



1 (d) The department of land and natural resources shall
2 submit a report of its findings and recommendations, including
3 any proposed legislation, to the legislature no later than
4 twenty days prior to the convening of the regular sessions of
5 2025 and 2026.

6 SECTION 3. In accordance with section 9 of article VII of
7 the Hawaii State Constitution and sections 37-91 and 37-93,
8 Hawaii Revised Statutes, the legislature has determined that the
9 appropriations contained in Act 164, Regular Session of 2023,
10 and this Act will cause the state general fund expenditure
11 ceiling for fiscal year 2024-2025 to be exceeded by
12 \$ or per cent. This current declaration takes
13 into account general fund appropriations authorized for fiscal
14 year 2024-2025 in Act 164, Regular Session of 2023, and this Act
15 only. The reasons for exceeding the general fund expenditure
16 ceiling are that:

- 17 (1) The appropriation made in this Act is necessary to
18 serve the public interest; and
19 (2) The appropriation made in this Act meets the needs
20 addressed by this Act.



1 SECTION 4. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so much
3 thereof as may be necessary for fiscal year 2024-2025 for the
4 department of land and natural resources to establish and
5 conduct the marine life conservation district carrying capacity
6 program pursuant to this Act.

7 The sum appropriated shall be expended by the department of
8 land and natural resources for the purposes of this Act.

9 SECTION 5. This Act shall take effect on July 1, 2024.

10

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "D. Kan", is written over a horizontal line.

S.B. NO. 2050

Report Title:

DLNR; Marine Life Conservation Districts; Carrying Capacity Program; Administrative Rules; Report; Expenditure Ceiling; Appropriation

Description:

Requires the Department of Land and Natural Resources to establish and conduct the Marine Life Conservation District Carrying Capacity Program. Requires the Department of Land and Natural Resources to submit reports to the Legislature and adopt administrative rules. Makes an appropriation.

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

