

STAND. COM. REP. NO.

9

Honolulu, Hawaii

FEB 02 , 2023

RE: H.B. No. 186
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 186 entitled:

"A BILL FOR AN ACT RELATING TO THE ENVIRONMENT,"

begs leave to report as follows:

The purpose of this measure is to prohibit:

- (1) The mining, extraction, and removal of minerals from the seabed in all state marine waters; and
- (2) 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.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Hawai'i Reef and Ocean Coalition, Environmental Caucus of the Democratic Party of Hawai'i, Community Advocacy Research Education Services, Sustainable Ocean Alliance Hawai'i, Marine Conservation Institute, National Parks Conservation Association, Oceanic Preservation Society, Benioff Ocean Science Laboratory, The Marine Mammal Center, The Ocean Foundation, Rev Ocean, Greenpeace USA, and eleven individuals.

2023-1049 HB186 HD1 HSCR HMSO



Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that seabed mining poses an unacceptably high risk of damage and disruption to the marine environment of the State, which is home to rich, diverse, and globally significant ecosystems, including the deep water column and seafloor. Damage from seabed mining could take several forms, including the removal or destruction of entire communities of sponges, corals, and other marine life and the introduction of sediment clouds, which could negatively impact whales, dolphins, and other marine mammals throughout the region. This measure takes a precautionary approach to the potential harms of seabed mining and ensures that the State's marine environment remains protected.

Your Committee has amended this measure by:

- (1) Ensuring that the rights, privileges, and practices of native Hawaiians are not diminished, altered, or amended by this measure and that the State's obligations to the native Hawaiian people are not absolved by this measure;
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 186, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 186, H.D. 1, and be referred to your Committee on Water & Land.



Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,



NICOLE E. LOWEN, Chair



Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: HB 106	Committee Referral: EEP, WAL, FIN	Date: 1/31/23		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. LOWEN, Nicole E. (C)	✓			
2. COCHRAN, Elle (VC)	✓			
3. GATES, Cedric Asuega	✓			
4. KAHALOA, Kirstin	✓			
5. PERRUSO, Amy A.	✓			
6. WOODSON, Justin H.	✓			
7. WARD, Gene	✓			
TOTAL (7)	7	0	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: <u>Elle Wilman</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				