

ACT 228

S.B. NO. 2575

A Bill for an Act Relating to the Environment.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act shall be known and may be cited as the Hawaii Seabed Mining Prevention Act.

SECTION 2. The legislature finds and declares that:

- (1) Seabed mineral mining is not consistent with the public interest, including the right that each person has to a clean and healthy environment as enshrined in article XI, section 9, of the Hawaii State Constitution;
- (2) Seabed mining poses an unacceptably high risk of damage and disruption to the marine environment of the State. It is in the best interest of the people of Hawaii that leasing for hard mineral mining on the seafloor be prohibited;
- (3) Hawaii marine waters are home to rich, diverse, and globally significant ecosystems, including the deep-water column and seafloor. These environments host thousands of species, a biodiversity that may be comparable with tropical rainforests. The extent of this diversity is still largely unknown, which makes its disruption by industrial-scale mining a perilous choice;
- (4) The seafloor provides compounds to help treat disease, from cancer to inflammation, treat nerve damage, and analyze illness;
- (5) Hawaii's deep water column and seafloor are critically important to its people, who maintain strong spiritual, cultural, and economic connections to the deep ocean;
- (6) Seabed mining could erode the sovereignty and harm the ancestral lands and waters of Native Hawaiians;
- (7) Seabed mining poses risks to the State's existing ocean-dependent industries, including commercial fishing, recreational fishing, and tourism;
- (8) Damage from seabed mining could take several forms. Large machinery could remove or destroy entire communities of sponges, corals, and other marine life. Sediment clouds, some capable of traveling long distances, could smother or negatively impact the feeding or reproduction of other marine life, including plankton and fish like tuna, billfish, and other pelagic species. These sediment plumes and associated noise may negatively impact whales, dolphins, and

- other marine mammals throughout the region. Also at risk are the breathtaking beaches, shallow coral reefs, seagrass beds, and rocky beaches that help support a multibillion-dollar tourism industry;
- (9) The legislatures of Oregon, Washington, and California have passed analogous legislation to prohibit seabed mining in their state waters, in 1991, 2021, and 2022, respectively. The call for a global moratorium on seabed mining has grown, arising from indigenous peoples, concerned citizens, scientists, and companies in technology and car manufacturing that require materials found in the seabed. In June 2021, the European Parliament adopted a resolution in support of a moratorium on seabed mining. In September 2021, eighty-one governments and governmental agencies attending the International Union for Conservation of Nature World Conservation Congress voted in favor of a moratorium;
 - (10) Hawaii state waters are unlikely to represent a marketable source for battery metals, the primary global justification for extraction at the seafloor. The most likely interest would occur from two different types of extraction:
 - (A) Mining for polymetallic nodules likely present in low densities and small areas; and
 - (B) Mining for cobalt-rich ferromanganese crusts, which are relatively thin; and
 - (11) An estimated 0.01 per cent of the deep seafloor has been explored worldwide. History is fraught with hard lessons learned about destroying what is not known or understood. The potential harms of seabed mining underscore the need to take a precautionary approach, both in the State and as a global community.

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

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

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

(b) No permit shall be issued 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.

(c) Notwithstanding subsections (a) and (b), the collection of sand from state marine waters to replenish beaches in the State shall be permitted; provided that prior approval from the board is obtained.

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

(e) Nothing contained in this section shall diminish, alter, or amend any existing rights, privileges, or practices of the Native Hawaiian people, nor shall the obligations of the State to the Native Hawaiian people be absolved.

(f) As used in this section, “minerals” means natural deposits of valuable minerals, including metals and placer deposits of metals, nonmetallic minerals, gemstones, ores, gold, silver, copper, lead, iron, manganese, silica, chrome, platinum, tungsten, zirconium, titanium, garnet, phosphorous, polymetallic nodules, and cobalt-rich ferromanganese crusts.”

SECTION 4. New statutory material is underscored.¹

ACT 228

SECTION 5. This Act shall take effect upon its approval.
(Approved July 8, 2024.)

Note

1. Edited pursuant to HRS §23G-16.5.