

2025 Aquatic Resource Legislation

Holoholo Fishers Talk Story

January 23, 2025

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Aquaculture

Aquaculture Research (SB16)

Exempts persons engaging in aquaculture research from the aquarium fish permit requirement. Defines aquaculture research.

Aquaculture and Scientific Research (SB519)

Requires DLNR to amend the definition of "aquarium purposes", in Hawaii Administrative Rules, to allow a bona fide aquaculture entity or scientific research entity to collect aquatic life without a permit so long as the aquatic life remains in the county in which it was collected while it is alive.

Aquaculture

NELHA Aquaculture (SB584)

Clarifies that the Natural Energy Laboratory of Hawaii Authority's duties include supporting aquaculture.

Octopus Aquaculture (HB365, SB1159)

Prohibits octopus aquaculture for human consumption.

HEPA/Environmental Review

Environmental Review Exemption for Fisheries (HB123, SB22)

Exempts actions involving the operation and management of fisheries in the State from environmental review requirements under the Hawaii Environmental Policy Act (HEPA).

HEPA/Environmental Review

Environmental Review; Permitted Activities (HB658)

Clarifies the scope of an action subject to environmental review.

Environmental Review; Permitted Activities (HB661)

Permits, except in certain circumstances, a previously authorized activity challenged as being subject to environmental review to continue while the applicable agency conducts an environmental assessment, prepares an environmental impact statement, or determines whether the activity is exempt.

HEPA/Environmental Review

Environmental Assessment; Temporary Exemption (SB1074)

Allows a previously authorized or permitted activity or operations to continue operation while the appropriate agency determines whether the activity or operation is subject to or exempt from the environmental review process when challenged. Allows a person with oversight of a previously authorized or permitted activity to renew the appropriate permits while under the environmental review process.

Water Quality/Pollution

Wastewater Systems Near the Shoreline (HB379, SB471)

Requires newly installed or modified individual wastewater systems that are near the shoreline, or likely to pollute groundwater, to include denitrification capacity.

Wastewater Pilot Program (SB238)

Establishes and appropriates funds for a three-year New Wastewater System and Individual Wastewater System Technology Demonstration and Implementation Pilot Program within the University of Hawaii at Manoa Water Resources Research Center. Requires the University of Hawaii at Manoa Water Resource Research Center to submit reports to the Legislature. Appropriates funds.

Water Quality/Pollution

Wastewater Treatment (SB329)

Requires at least fifty per cent of treatment works effluent to be R-1 recycled water by January 1, 2045. Amends the year by which no treated or raw sewage shall be discharged into state waters.

DOH Water Quality Duties (SB664)

Expands the duties and powers of the Department of Health that relate to water quality and water quality testing to ensure the safety and health of Hawai'i's residents. Appropriates funds.

Water Quality/Pollution

Wastewater Systems (SB1636)

Requires the Department of Health, in consultation with various agencies and professionals, to review rules and practices and propose changes that have the potential to make wastewater systems and cesspool upgrades more affordable without compromising water quality. Appropriates funds.

Water Quality/Pollution

Non-Chemical Sunscreen Dispensers (SB840)

Allows DLNR to contract or form a partnership with private parties to assist with the maintenance and management of sunscreen dispensers at all state beaches, as well as publicize that the mineral-based sunscreen in these dispensers is more protective of the coral reefs of the State. Appropriates funds for the installation, maintenance, management, and operation of non-chemical sunscreen dispensers on all state beaches.

Water Quality/Pollution

PFAs (SB683)

Beginning 1/1/2028, prohibits the manufacture, sale, offer for sale, distribution for sale, and distribution for use of any food packaging, food service ware, cosmetic, or personal care product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances, with certain exceptions.

Disposable or Single-Use Plastics (HB644, SB1020)

After 1/1/2026, prohibits businesses where food or beverages are packaged and sold on the business' premises for individual consumption from using, selling, or distributing certain disposable or single-use food ware and beverage service items, including items containing PFAS.

Water Quality/Pollution

Single-Use Plastics in Lodging Establishments (SB670)

Prohibits lodging establishments in the State from providing personal care products packaged in small plastic containers in any sleeping room accommodations, space within sleeping room accommodations, and bathrooms used by the public or guests. Establishes civil penalties.

Single-Use Plastic Bags (SB1551)

Bans businesses from providing single-use plastic bags and non recyclable paper bags to customers. Assesses a fee that businesses shall charge for allowable bags provided to customers. Establishes penalties.

Water Quality/Pollution

Cesspools

Increases the maximum grant amount for the Cesspool Compliance Pilot Grant Project from \$20,000 to \$30,000. Establishes positions within the Department of Health for the Cesspool Compliance Pilot Grant Project. Appropriates funds. **(HB879)**

Appropriates funds for the cesspool compliance pilot grant project. **(SB958)**

Extends the sunset date of the Cesspool Compliance Pilot Grant Project to an unspecified date. Appropriates funds. **(SB1504)**

Water Quality/Pollution

Cesspools

Authorizes the Director of Health to grant an exemption from the requirement to upgrade, convert, or connect a cesspool if the State is unable to present evidence that the cesspool is affecting the State's drinking water supply or recreational waters. **(SB212)**

Accelerates the dates for the required upgrades, conversions, or connections of priority level 1 and priority level 2 cesspools to 2035 and 2040, respectively. Appropriates funds to implement the cesspool compliance pilot grant program. Re-establishes a cesspool upgrade, conversion, or connection tax credit. **(SB472)**

Water Quality/Pollution

Cesspools

Requires certain priority level 1 cesspools to be upgraded, converted, or connected before 1/1/2035. Requires priority level 2 and other cesspools to be upgraded, converted, or connected before 1/1/2040, rather than before 1/1/2050, with certain exemptions. Authorizes the Director of Finance to issue general obligation bonds. Appropriates funds. **(SB542)**

Creates within the Department of Health's Wastewater Branch a Cesspool Conversion Section, which shall be responsible for facilitating the conversion of cesspools within the State. Establishes and appropriates funds for positions within the Cesspool Conversion Section. **(SB675)**

Water Quality/Pollution

Cesspools

Appropriates funds for a residential sewer connection and cesspool closure subsidy pilot program. **(HB1404)**

Establishes and appropriates funds for a cesspool conversion on-bill financing program to be administered by the Hawai'i Green Infrastructure Authority to provide low-interest loans to eligible homeowners for the upgrade, conversion, or connection of cesspools. **(HB1421)**

Fee Programs

Environmental Stewardship Fee

Establishes the Environmental Stewardship Fee Program within the Department of Land and Natural Resources, through which the DLNR shall, after 7/1/27, collect a fee from visitors for a license to visit a state park, forest, hiking trail, or other state natural area.

Establishes the Environmental Stewardship Fee Special Fund.

Requires a report to the Legislature. Appropriates funds. **(SB1164)**

Fee Programs

Environmental Stewardship Fee

Establishes within DLNR the environmental stewardship fee program to collect a fee from visitors through an environmental stewardship license and allocate the revenue to protect, restore, and manage natural and cultural resources through grants to nonprofit organizations. Establishes the environmental stewardship fee special fund. Establishes the Environmental Stewardship Commission to make recommendations to the Board of Land and Natural Resources regarding the use of revenues in the special fund. Requires DLNR to conduct rulemaking. Requires a report to the legislature, including an environmental stewardship fee strategic plan. Creates civil or administrative penalties to be imposed after July 1, 2030. Appropriates funds. **(HB1139, SB1458)**

Fee Programs

Environmental Stewardship Fee

Effective 7/1/2027, establishes the Environmental Stewardship Fee Program within DLNR, through which the Department will collect a fee from visitors for a license to visit a state park, forest, hiking trail, or other state natural area. Establishes the Environmental Stewardship Fee Special Fund effective 7/1/2025. **Allocates a certain amount of transient accommodations tax revenues to the special fund.** Requires report to the Legislature on strategic plan and timetable for objectives and implementation of the environmental stewardship fee program. Appropriates funds for the environmental stewardship fee strategic plan and positions for the Environmental Stewardship Fee Program. **(SB673)**

Fee Programs

Cruise Ship Passenger Fee (SB634)

Establishes a cruise ship passenger fee to be collected beginning 1/1/2026 by the Department of Transportation to be used for infrastructure projects benefiting cruise ships with an emphasis on climate change mitigation and adaptation. Establishes the Cruise Ship Passenger Fee Special Fund. Appropriates funds.

Ocean Stewardship Special Fund (SB1019)

Authorizes the Ocean Stewardship Special Fund to be used for planning, development, designing, or implementation of beach restoration projects, including the awarding of grants to nonprofit organizations for beach and nearshore environmental cleanup.

Fishing

Fishing in Designated Surf Locations (HB266)

Clarifies that surfers have the right of way in designated surf locations to be determined by the DLNR. Authorizes penalties for fishermen who violate this section. Requires DLNR to implement a public education campaign, erect clear signs, and create a designated surf location map.

Drone Permits (HB1347)

Establishes within DLNR a permitting system for the use of unmanned aerial vehicles in the taking of aquatic life. Repeals prohibition on the use of unmanned aerial vehicles in the taking of aquatic life. Provides a timeline for implementation of the permitting system.

Fishing

Bag Limits for Kala, Nenu, and Uhu on Oahu (HB360, SB1262)

Establishes bag limits for kala, nenu, and uhu fish around the island of Oahu.

- Two (2) kala, four (4) nenu, one (1) uhu per person per day.
- No take of spectacled parrotfish.

Requires the Division of Aquatic Resources to conduct population assessments of these fishes and report to the Legislature every 2 years. Sunsets on 6/30/2035.

Fishing

Parrotfish Spearing (SB244)

Prohibits:

- (1) Commercial sales of parrotfish that have been caught by spearing; and
- (2) The spearing of parrotfish in state waters after sunset or before sunrise.

Fishing

Aquarium Fishing Fine Increase (SB839)

Establishes a criminal penalty and monetary fines for aquarium fishing violations. Clarifies that each fish or aquatic life specimen taken in violation of certain fishing laws regarding aquarium fish and the possession and use of prohibited explosives, electrofishing devices, and poisonous substances constitutes a separate offense.

Lapakahi MLCD (SB510)

Directs DLNR to adopt rules lifting the moratorium on fishing in the Lapakahi Marine Life Conservation District.

DLNR Support/Mandates

Makai Watch Support (HB86)

Appropriates moneys to DLNR for the establishment of one full-time equivalent (1.0 FTE) permanent Makai Watch Coordinator position.

DOCARE Support (HB506)

Appropriates funds for equipment for the Oahu Branch of the Division of Conservation and Resources Enforcement of DLNR.

Aquatic Invasive Species (HB1220, SB1072)

Appropriates funds to support the efforts of the Division of Aquatic Resources in the removal of the majano anemone from Kaneohe Bay.

DLNR Support/Mandates

DAR Positions (HB913, SB19, SB1084)

Appropriates funds to establish nine (9) positions within the DLNR's Division of Aquatic Resources.

- Two (2) aquatic biologist positions for permitting and environmental review;
- One (1) aquatic biologist position for environmental response to emergencies;
- One (1) aquatic biologist position for aquatic invasive species;
- One (1) aquatic biologist position for noncommercial fisheries;
- Two (2) aquatic biologist positions and two (2) fishery technician positions for Molokai.

DLNR Support/Mandates

Coral Reef Herbivore Study (SB246)

Requires DLNR to conduct a study on the populations of coral reef herbivores around the island of Oahu and an analysis of policies and strategies to increase the populations of coral reef herbivores around Oahu, in consultation with the NOAA Pacific Islands Fisheries Science Center and other experts. Requires a report to the Legislature. Appropriates funds.

MLCD Carrying Capacity Program (SB841)

Requires DLNR to establish and conduct the Marine Life Conservation District Carrying Capacity Program. Requires DLNR to submit a report to the Legislature and adopt administrative rules. Appropriates funds.

Other

Cetaceans in captivity (HB49, SB1021)

Bans the keeping or breeding of cetaceans in captivity except in certain circumstances.

Fishpond Working Group (HB309)

Establishes a fishpond inventory working group within the University of Hawaii Sea Grant College Program to create an inventory and map of all state-owned fishponds and conduct a literature review. Appropriates funds.

‘Ōpae ‘Ula State Shrimp (HB345, SB1082)

Establishes the ‘Ōpae ‘ula as the state shrimp to protect anchialine pool ecosystems throughout Hawaii.

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