
A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL CONSERVATION.

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

1 SECTION 1. The legislature finds that the acquisition of
2 Lipoa point to protect and preserve public access and
3 traditional cultural gathering rights, as well as staving off
4 development, was a monumental landmark achievement in land
5 conservation. The legislature further finds that in order to
6 protect and preserve this area and ensure the public health and
7 safety of this pristine region while community planning is
8 ongoing requires support from the State and county governments
9 as well as private and nonprofit entities. In the past, while
10 appropriations have been made to the department of land and
11 natural resources, the funds were not specifically set aside for
12 management activities. The community has instead relied on
13 private groups to fund essential maintenance activities to make
14 the area a safe place for countless visitors who travel to Maui
15 every year and the many local families who come for surfing,
16 fishing, diving, and other recreational activities.



H.B. NO. 588

1 The legislature also finds that many visitors use the
2 waters of the adjacent Honolulu Bay marine life conservation
3 district. Their support, along with that of the county, State,
4 and community and nonprofit groups, can create a dedicated fund
5 for the protection of this asset for the public. Furthermore,
6 the legislature finds that other states have initiated
7 contributions from visitors who frequent and use the natural
8 resources of their natural attractions as a way to continue to
9 beautify and preserve these areas while educating visitors about
10 the use of the contributions. Most importantly, visitor
11 contributions for protecting these areas led to the visitor
12 community supporting these critical activities. The fees,
13 collected while visitors are using the natural attractions, are
14 applied only for purposes of protecting these vital natural
15 treasures. By creating a special fund for a visitor
16 contribution program for individuals frequenting the Honolulu Bay
17 marine life conservation district, along with other private and
18 government funding, the legislature finds that the department of
19 land and natural resources can ensure continued access and
20 enjoyment by all while also addressing the basic health and
21 safety issues for Lipoa point.



H.B. NO.588

1 The purpose of this Act is to establish the Lipoa point
2 special management area and a visitor fee to be used for the
3 management and maintenance of the Lipoa point special management
4 area and to educate visitors of the stewardship activities being
5 funded by the visitor fees.

6 SECTION 2. Chapter 171, Hawaii Revised Statutes, is
7 amended by adding two new sections to be appropriately
8 designated and to read as follows:

9 "§171-A Lipoa point special management area; visitor fee.

10 (a) The department shall establish the Lipoa point special
11 management area on the parcel of land acquired by the State at
12 Lipoa point, identified as TMK 2-4-1-001-010-0000.

13 (b) The department may impose a visitor fee of \$1 to each
14 paying passenger of a maritime commercial vessel engaging in
15 commercial activity that requires travel through the ocean
16 waters extending three thousand feet seaward of the territorial
17 sea baseline of the Lipoa point special management area.

18 (c) Moneys collected pursuant to this section shall be
19 deposited into the Lipoa point special management area special
20 fund established by section 171-B.



H.B. NO. 588

1 (d) The department shall adopt rules pursuant to
2 chapter 91 to carry out the purposes of this section.

3 (e) For the purposes of this section, "commercial
4 activity" means any action or attempted action for compensation
5 in any form, including but not limited to providing or
6 attempting to provide guide services, charters, tours, and
7 transportation to and from the location or locations for which
8 the services are provided.

9 **§171-B Lipoa point special management area special fund.**

10 (a) There is established the Lipoa point special management
11 area special fund into which shall be deposited the following
12 moneys:

13 (1) Appropriations by the legislature to the special fund;

14 (2) Fees collected from the Lipoa point visitor fee
15 established pursuant to section 171-A;

16 (3) Grants, donations, gifts, or other income received for
17 the purposes of the special fund;

18 (4) Federal funds; and

19 (5) Interest earned or accrued on moneys in the special
20 fund.



H.B. NO. 588

- 1 **(b)** Moneys in the fund shall be used to:
- 2 **(1)** Support the management of the Lipoa point special
- 3 management area, including but not limited to
- 4 operations, maintenance costs, and providing and
- 5 maintaining basic hygienic necessities at Honolua Bay;
- 6 and
- 7 **(2)** Provide educational awareness to visitors of the Lipoa
- 8 point special management area that the stewardship
- 9 activities are being funded through the Lipoa point
- 10 visitor fee and that all moneys collected in the fund
- 11 are being used for stewardship of the Lipoa point
- 12 special management area.
- 13 **(c)** The department shall submit a report to the
- 14 legislature no later than twenty days prior to the convening of
- 15 each regular session on the special fund balance, expenses made
- 16 from the special fund, and purposes of each expense."

17 SECTION 3. In codifying the new sections added by section

18 2 of this Act, the revisor of statutes shall substitute

19 appropriate section numbers for the letters used in designating

20 the new sections in this Act.

21 SECTION 4. New statutory material is underscored.



H.B. NO. 588

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

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INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'J. B.', written over a horizontal line.

JAN 22 2021



H.B. NO. 588

Report Title:

Lipoa Point Special Management Area; Visitor Fee; Lipoa Point Special Management Area Special Fund; Honolulu Bay; Department of Land and Natural Resources

Description:

Establishes the Lipoa point special management area and a visitor fee to be used for the management and maintenance of the Lipoa point special management area and to educate visitors of the stewardship activities being funded by the visitor fees. Creates the Lipoa point special management area special fund. Requires reports to the legislature.

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