
A BILL FOR AN ACT

RELATING TO THE TAKING OF MARINE DEPOSITS.

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

1 SECTION 1. The legislature finds that the department of
2 land and natural resources (department) regularly receives
3 requests for permits that involve the taking of sand, dead coral
4 or coral rubble, rocks, soil, or other marine deposits from
5 state waters for research, education, management, or propagation
6 purposes. However, the department is not authorized to approve
7 these permit requests because section 171-58.5, Hawaii Revised
8 Statutes, does not currently allow for the taking of these
9 resources for those purposes.

10 The purpose of this Act is to allow for the taking of sand,
11 dead coral or coral rubble, rocks, soil, or other marine
12 deposits seaward from the shoreline for research, education,
13 management, or propagation purposes when authorized by permits
14 issued by the department of land and natural resources.

15 SECTION 2. Section 171-58.5, Hawaii Revised Statutes, is
16 amended to read as follows:



1 "§171-58.5 [~~Prohibitions.~~] Marine deposits; prohibitions;
2 exceptions. The mining or taking of sand, dead coral or coral
3 rubble, rocks, soil, or other marine deposits seaward from the
4 shoreline [~~is~~] shall be prohibited, with the following
5 exceptions:

- 6 (1) The inadvertent taking [~~from seaward of the shoreline~~]
7 of these materials, such as those inadvertently
8 carried away on the body, [~~and on~~] clothes, toys,
9 recreational equipment, and bags;
- 10 (2) For the replenishment or protection of public
11 shoreline areas and adjacent public lands seaward of
12 the shoreline, or construction or maintenance of state
13 approved lagoons, harbors, launching ramps, or
14 navigational channels with a permit authorized under
15 chapter 183C;
- 16 (3) The clearing of these materials from existing drainage
17 pipes and canals and from the mouths of streams
18 including clearing for the purposes under section 46-
19 11.5; provided that the sand removed shall be placed
20 on adjacent areas unless this placement would result
21 in significant turbidity;



1 (4) The cleaning of areas seaward of the shoreline for
2 state or county maintenance purposes including the
3 purposes under section 46-12; provided that the sand
4 removed shall be placed on adjacent areas unless the
5 placement would result in significant turbidity;

6 (5) The taking of these materials for research, education,
7 management, or propagation purposes when authorized by
8 a permit issued by the department;

9 [~~5~~] (6) The exercise of traditional cultural practices as
10 authorized by law or as permitted by the department
11 pursuant to article XII, section 7, of the Hawaii
12 State Constitution; or

13 [~~6~~] (7) For the response to a public emergency or a state
14 or local disaster."

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Taking of Marine Deposits Seaward of the Shoreline; Permits;
Exceptions

Description:

Authorizes the Department of Land and Natural Resources to approve permits for research, education, management, or propagation purposes that include the taking of sand, dead coral or coral rubble, rocks, soil, and other marine deposits seaward from the shoreline. Effective 7/1/3000. (HD2)

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