



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
Senate Committee on Water, Land, Culture and the Arts
Monday, March 23, 2026 at 1:30 p.m.

By

Darren T. Lerner, PhD
Director, Sea Grant College Program,
School of Ocean and Earth Science and Technology
and
Vassilis L. Syrmos, PhD
Interim Provost

HB 2395 HD2 – RELATING TO THE TAKING OF MARINE DEPOSITS.

Chair Lee, Vice Chair Inouye, and Members of the Committee:

The University of Hawai'i Sea Grant College Program (Hawai'i Sea Grant) supports HB 2395 HD2.

Hawai'i Sea Grant supports a novel program of research, education, and extension services, directed to the improved understanding and stewardship of coastal and marine ecosystems of the State, Region, and Nation. Research endeavors implemented by affiliate faculty from across the ocean sciences and adjacent fields are core to the University of Hawai'i's research and educational portfolios. Marine deposits collected from the shoreline and seaward, including sand, dead coral rubble, sediments, soil, or rock are pertinent for scientific research on water and land quality in Hawai'i. These samples serve as important indicators of environmental health by comparing current samples to historical norms and, with frequent monitoring, allow scientists to understand the local impacts of climate change and other environmental stressors. These data are publicly valuable and serve no material or financial gain.

Currently, the Department of Land and Natural Resources has no means by which to authorize permits for sample collection for scientific research or education from the marine environment. HB 2395 HD2 amends Section 171-58.5, Hawai'i Revised Statutes to allow for permitted collection of marine deposits for science, education, or monitoring which will enable the University to support place-based education and engage in research to benefit the people and environment of Hawai'i.

Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson

Before the Senate Committee on
WATER, LAND, CULTURE AND THE ARTS

Monday, March 23, 2026
1:05 PM
State Capitol, Conference Room 224

In consideration of
HOUSE BILL 2395, HOUSE DRAFT 2
RELATING TO THE TAKING OF MARINE DEPOSITS

House Bill 2395, House Draft 2, proposes to authorize the Department of Land and Natural Resources (Department) to approve permits for research, education, management, or propagation purposes that include the taking of marine deposits seaward of the shoreline, as long as the resources will be returned to the beach and pose no more than a minimal or negligible risk to the environment. **The Department supports this bill.**

The Department regularly receives requests for permits that involve the taking of sand, dead coral, coral rubble, rocks, soil, or other marine deposits from state waters for research, education, management, or propagation purposes. However, the Department is not authorized to approve these permit requests because Hawaii Revised Statutes (HRS) § 171-58.5, does not currently allow for the take of these resources for those purposes. The Department believes that it should have the authority to issue permits for the take of these resources for those purposes, and it supports the amendments to HRS § 171-58.5 that allow for this.

The Department believes that HRS § 171-58.5 was never intended to prevent researchers, educators, or managers from taking marine deposits for scientific research, education, management, or propagation purposes. The legislative history of HRS § 171-58.5 shows that the original intent of the statute was to delineate the jurisdiction of submerged lands and resources between the counties and the State and to clear confusion about overlapping jurisdiction and responsibility for these submerged lands and resources. See Act 375,

Session Laws of Hawai'i 1988. In 2013, HRS §171-58.5 was amended to allow for the inadvertent taking of small amounts of sand and for the taking of these and other marine deposits for the exercise of traditional and cultural practices. The bill's introducer in 2013 was concerned with large-scale sand collection that was occurring on O'ahu, which is why the statute's language replaced the allowance of "one gallon per person per day" of marine deposits with the "inadvertent" taking of these materials. This statute was never intended to prevent research, education, management, or propagation activities.

Amending HRS §171-58.5 to allow for the taking of sand, dead coral, coral rubble, rocks, soil, and other marine deposits for research purposes will allow legitimate research projects in the fields of geology, chemistry, biology, and climate science (among others) to occur without violating Hawai'i state law. Educators, managers, and propagators of marine life would also greatly benefit from the amendments this bill provides, and we again note that it was never the intent of this statute to prevent these activities.

The Department currently has a process for reviewing and approving Special Activity Permits for the take of marine life pursuant to HRS § 187A-6. The Department intends to use this same process, which includes consultation with environmental and cultural experts, in reviewing applications for permits under HRS § 171-58.5.

Mahalo for the opportunity to comment on this measure.