
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 regularly receives requests for
3 permits that involve the taking of sand, dead coral or coral
4 rubble, rocks, soil, or other marine deposits from state waters
5 for research, education, management, or propagation purposes.
6 However, existing law does not authorize the department to
7 approve these permit requests.

8 Accordingly, the purpose of this Act is to allow for the
9 taking of sand, dead coral or coral rubble, rocks, soil, or
10 other marine deposits seaward from the shoreline for research,
11 education, management, or propagation purposes when authorized
12 by permits issued by the department of land and natural
13 resources; provided that the resources will be returned to the
14 beach if possible and pose no risk to the environment.

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



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

5 (1) The inadvertent taking from seaward of the shoreline
6 of these materials, such as those inadvertently
7 carried away on the body, and on clothes, toys,
8 recreational equipment, and bags;

9 (2) For the replenishment or protection of public
10 shoreline areas and adjacent public lands seaward of
11 the shoreline, or construction or maintenance of state
12 approved lagoons, harbors, launching ramps, or
13 navigational channels with a permit authorized under
14 chapter 183C;

15 (3) The clearing of these materials from existing drainage
16 pipes and canals and from the mouths of streams
17 including clearing for the purposes under section
18 46-11.5; provided that the sand removed shall be
19 placed on adjacent areas unless this placement would
20 result 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; provided that the
9 resources shall be returned to the beach if possible
10 and that the taking poses no more than a minimal or
11 negligible risk to the environment;

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

16 [~~+6~~] (7) For the response to a public emergency or a state
17 or local disaster."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect upon its approval.



Report Title:

DLNR; Taking of Marine Deposits; Permits; Approvals

Description:

Authorizes the Department of Land and Natural Resources to issue 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 if possible and that the taking poses no more than a minimal or negligible risk to the environment. (CD1)

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