

A Bill for an Act Relating to the Removal of Sand.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 205-33, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) [It shall be unlawful to remove sand, coral, rocks, soil, or other beach compositions for any purpose, except for reasonable domestic, non-commercial use, within the shoreline area or within 1,000 feet seaward of it or in ocean water of 30 or less feet in depth, except that any sand mining operation which has been legally in operation for a period of at least two years immediately prior to June 22, 1970, may be continued for a period not to extend beyond July 1, 1975. However, if during the period prior to July 1, 1975, the sand mining operation is substantially increased, it shall be unlawful to further continue such mining operation. This prohibition shall not apply to the commercial mining of sand or other minerals, or taking of coral or rock in the territorial sea when such mining or taking is located 1,000 or more feet from the shoreline or in ocean water of 30 or more feet in depth and has the written permission of all governmental agencies having jurisdiction thereof. Anything to the contrary notwithstanding, the prohibition shall not apply to sand mining for experimental purposes to be conducted by the Department of Ocean Engineering, University of Hawaii, in the offshore waters, one-half mile north of Keauhou Bay, provided, however, that such sand mining for experimental purposes shall not commence until written permission is received from all governmental agencies having jurisdiction thereof; provided further that a federal environmental impact statement be prepared and approval received therefor; and provided further that said sand mining for experimental purposes shall be completed on or before April 30, 1977.] The mining or taking of sand, coral, rocks, soil or other beach or marine deposits from the shoreline area, or within 1,000 feet seaward from the shoreline, or in water of 30 feet or less in depth in the territorial sea, is prohibited with the following exceptions:

- (1) The taking from a public beach of such materials for reasonable, personal, noncommercial use;
- (2) Where the mining or taking of sand is for the replenishment of sand on public beaches at Hilo Bay, Waikiki, Ala Moana and Kailua beaches by the State or county; provided that for the purpose of this paragraph an environmental impact statement for the proposed project shall be accepted pursuant to chapter 343, a finding shall be made by the proposing state or county agency that the proposed project is in the public interest and will not have any adverse significant social, economic or environmental impact, and both a public informational meeting and public hearing shall be held by the proposing state or county agency in the affected community. The public hearing shall be preceded by public notice of the proposed project not less than 30 days before the hearing and published on three separate days in a newspaper of general circulation in the state or county affected by the proposed project. The proposing state or county agency shall also notify in writing the owners

or lessees of adjoining, overlapping or affected property of the proposed project.

- (3) The clearing of sand from existing drainage pipes and canals and from the mouths of streams, provided that the sand shall be placed on adjacent beaches unless such placement would result in significant turbidity."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 15, 1982.)