

ACT 375

H.B. NO. 2271

A Bill for an Act Relating to the Shoreline.

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

SECTION 1. Section 205A-44, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The mining or taking of sand, dead coral[,] or coral rubble, 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] the shoreline area of such materials, not in excess of one gallon per person per day, for reasonable, personal, noncommercial use[;], provided that stricter provisions may be established by the counties;
- (2) Where the mining or taking of sand by the State or county is for the replenishment of sand [on public beaches at Hilo Bay, Waikiki, Ala Moana, and Kailua beaches;] in the shoreline area, provided that for the purpose of this paragraph an environmental [impact statement] assessment for the proposed project shall be [accepted] prepared 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] thirty 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; or
- (4) The cleaning of shoreline area for State or county maintenance purposes, including the purposes under section 46-11.5 and section 46-12; provided that the sand removed shall be placed on adjacent [beaches] areas unless such placement would result in significant turbidity.”

SECTION 2. Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**§171- Prohibitions.** The mining or taking of sand, dead coral or coral rubble, rocks, soil, or other marine deposits seaward from the shoreline is prohibited with the following exceptions:

- (1) The taking from seaward of the shoreline of such materials, not in excess of one gallon per person per day for reasonable, personal, noncommercial use;
- (2) For the replenishment or protection of public shoreline areas and adjacent public lands seaward of the shoreline area, or construction or maintenance of State approved lagoons, harbors, launching ramps or navigational channels with a permit authorized under section 183-41, provided that such permit shall not be issued for Hakipu'u sandbar, which is offshore of Molii fishpond, Oahu;
- (3) The clearing of such materials from existing drainage pipes and canals and from the mouths of streams; or
- (4) The cleaning of areas seaward of the shoreline for State or county maintenance purposes including the purposes under section 46-11.5 and section 46-12; provided that the materials removed shall be placed on adjacent areas unless such placement would result in significant turbidity."

SECTION 3. Section 7-3, Hawaii Revised Statutes, is repealed.

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

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

(Approved June 15, 1988.)

Note

1. Edited pursuant to HRS §23G-16.5.