

ACT 120

H.B. NO. 17

A Bill for an Act Relating to Coastal Areas.

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

SECTION 1. Section 171-58.5, Hawaii Revised Statutes, is amended to read as follows:

“§171-58.5 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 inadvertent taking from seaward of the shoreline of ~~[such] these~~ materials, ~~[not in excess of one gallon per person per day for reason-~~

- ~~able, personal, noneommercial use;] such as those inadvertently carried away on the body, and on clothes, toys, recreational equipment, and bags;~~
- (2) For the replenishment or protection of public shoreline areas and adjacent public lands seaward of the shoreline, or construction or maintenance of state approved lagoons, harbors, launching ramps, or navigational channels with a permit authorized under chapter 183C;
 - (3) The clearing of [~~such~~] these materials from existing drainage pipes and canals and from the mouths of streams including clearing for the purposes under section 46-11.5; provided that the sand removed shall be placed on adjacent areas unless this placement would result in significant turbidity; [øø]
 - (4) The cleaning of areas seaward of the shoreline for state or county maintenance purposes including the purposes under section 46-12; provided that the sand removed shall be placed on adjacent areas unless [~~such~~] the placement would result in significant turbidity[-];
 - (5) The exercise of traditional cultural practices as authorized by law or as permitted by the department pursuant to article XII, section 7, of the Hawaii State Constitution; or
 - (6) For the response to a public emergency or a state or local disaster.”

SECTION 2. 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 is prohibited with the following exceptions:

- (1) ~~The inadvertent taking from the shoreline area of the materials, [not in excess of one gallon per person per day, for reasonable, personal, noneommercial use, provided that stricter provisions may be established by the counties;] such as those inadvertently carried away on the body, and on clothes, toys, recreational equipment, and bags;~~
- (2) Where the mining or taking is authorized by a variance pursuant to this part;
- (3) The clearing of [~~the~~] these materials from existing drainage pipes and canals and from the mouths of streams including clearing for the purposes under section 46-11.5; provided that the sand removed shall be placed on adjacent areas unless [~~such~~] the placement would result in significant turbidity; [øø]
- (4) The cleaning of the shoreline area for state or county maintenance purposes, including the clearing for purposes under section 46-12; provided that the sand removed shall be placed on adjacent areas unless the placement would result in significant turbidity[-];
- (5) The taking of driftwood, shells, beach glass, glass floats, or seaweed;
- (6) The exercise of traditional cultural practices as authorized by law or as permitted by the department pursuant to article XII, section 7, of the Hawaii State Constitution; or
- (7) For the response to a public emergency or a state or local disaster.”

SECTION 3. Act 160, Session Laws of Hawaii 2010, is amended by adding a new section to be appropriately inserted and to read as follows:

“SECTION 4A. This Act shall not be construed to modify or alter any agreement of the department of land and natural resources that was in effect or executed on the effective date of this Act.”

SECTION 4. Act 160, Session Laws of Hawaii 2010, is amended by amending section 7 to read as follows:

~~“SECTION 7. This Act shall take effect upon its approval; provided that on June 30, 2013, this Act shall be repealed and sections 115-5, 115-9, and 205A-2(c), Hawaii Revised Statutes, shall be reenacted in the form in which they read one day prior to the effective date of this Act.”~~

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on June 29, 2013.

(Approved June 14, 2013.)