

STAND. COM. REP. NO. 2496

Honolulu, Hawaii

MAR 01 2012

RE: S.B. No. 2305
S.D. 2

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 2305, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO OCEAN RESOURCES,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit the taking of any amount, rather than up to one gallon per person per day, of sand and stone seaward from the shoreline, with certain exceptions.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, and seven private individuals. Testimony in opposition to this measure was submitted by three private individuals.

Your Committee finds that coastal erosion is a natural occurrence and is cyclical like many other processes in nature. However, due to the State's dependence on tourism, it is necessary to be vigilant in protecting the State's natural resources, such as its beaches. This measure recognizes the consequences of taking sand and other marine deposits from coastal areas by prohibiting the taking of any amount of sand and stone seaward from the shoreline, with certain exceptions, such as for a public emergency response or the exercise of traditional cultural practices authorized by law or the Hawaii State Constitution.

Your Committee notes the concerns raised by the Office of Hawaiian Affairs regarding the elimination of the one gallon per

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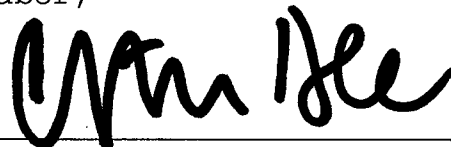
person per day exception from this measure. However, your Committee further notes that the intent of this measure is to prohibit the taking of sand in any amount; allowing the inadvertent taking of sand of up to one gallon would undermine the intent of this measure. Furthermore, your Committee notes the concerns raised by commercial aquarists that this measure would prevent them from taking sand from the beach containing microorganisms, which is preferable and more beneficial to use in aquariums. However, it was brought to your Committee's attention that similar types of sand are available for purchase in retail stores. Your Committee finds that this is a preferable alternative to allowing further depletion of sand from Hawaii's beaches. Lastly, your Committee recognizes the concern regarding shells and beach glass that are washed up on the sand that may be used for decorations and jewelry.

Accordingly, your Committee has amended this measure by:

- (1) Adding an exception for the taking of driftwood, shells, beach glass, glass floats, or seaweed from the shoreline area; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2305, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2305, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



