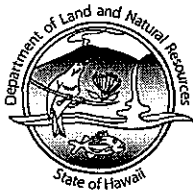


SB2305

Deletes the "one-gallon per person per day" exception to the prohibition against the removal of sand and other beach or marine deposits, except for materials inadvertently taken, such as those carried away on the body, clothes, toys, recreational equipment, and bags.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR
Chairperson**

**Before the Senate Committee on
WATER, LAND AND HOUSING**

**Thursday, February 9, 2012
1:15 PM
State Capitol, Conference Room 225**

**In consideration of
SENATE BILL 2305
RELATING TO OCEAN RESOURCES**

Senate Bill 2305 proposes to amend Sections 171-58.5 and 205A-44, Hawaii Revised Statutes, by deleting the "one gallon per person per day" exception to the prohibition against the removal of sand and other beach or marine deposits, except for material inadvertently taken, such as those carried away on the body, clothes, toys, recreational equipment and bags. The Department of Land and Natural Resources has no opposition to this bill.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIHIOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Sen. Donovan Dela Cruz, Chair
Sen. Malama Solomon, Vice Chair
Committee on Water, Land, & Housing
Thursday, Feb. 9, 2012

In opposition to SB 2305, relating to Ocean Resources

I am a full time commercial fisherman, obtaining the majority of my income from saltwater aquarium fish. Part of the reason I chose this profession was that I enjoy keeping aquariums myself, and I appreciate that I'm able to share the wonders of the ocean with others in our community. As such, I am opposed to SB 2305 because it would criminalize the taking of beach sand for personal aquarium use in Hawaii.

Please understand that, since the taking of beach sand for commercial use is already prohibited (for good reason) under current law, I do not have any financial stake in this matter. However, I do believe that people in Hawaii should have a right to take small amounts of sand for personal use. Keeping an aquarium is one of the best ways to enjoy and learn about marine life, and I fear that if this is no longer allowed, one of our best connections to nature will be lost. Beach sand is usually a far better material for aquariums than imported sand from the hardware store, and the amount that local residents take isn't enough to pose a danger to our beaches. I believe that the current law is sufficient to prevent the type of harmful and illegal sand mining that we should be worried about, and SB 2305 is therefore not necessary. Please do not pass this bill out of committee.

Thank you for the opportunity to testify,



Matthew Ross



From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 06, 2012 6:13 PM
To: WLH Testimony
Cc: MolokaiMAN@basicisp.net
Subject: Testimony for SB2305 on 2/9/2012 1:15:00 PM

Testimony for WLH 2/9/2012 1:15:00 PM SB2305

Conference room: 225
Testifier position: Oppose
Testifier will be present: No
Submitted by: George Peabody
Organization: <http://www.MolokaiAdvertiserNews.com>
E-mail: MolokaiMAN@basicisp.net
Submitted on: 2/6/2012

Comments:

The State of Hawaii policies and practices against seawalls designed by coastal Engineers and effective against land and beach erosion causes so much beach loss deserve words I can not write here. But you want to legislate against taking a gallon of sand. Support SEA WALLS by Coastal Engineers not affiliated with UH Sam Lemmo who is a academic coastal politician BS con artist, and we will have saved from erosion millions of gallons of sand now being washed away and land no longer protected by sandy beach is being eroded. Look at Kahahaia Beach Park on Molokai where the park was about 150 feet wide 30 years ago is now gone and the land of the park is now eroded to only about 75 feet from the highway. Trees are falling into the water. Nothing is being done to stop the erosion, when it would be simple and cost effective to build a seawall out where the original beach was located and backfill to restore the park area. Thereafter, the seawall will prevent erosion and loss of public park lands.



From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 06, 2012 9:18 PM
To: WLH Testimony
Cc: jm82792@yahoo.com
Subject: Testimony for SB2305 on 2/9/2012 1:15:00 PM

Testimony for WLH 2/9/2012 1:15:00 PM SB2305

Conference room: 225
Testifier position: Comments Only
Testifier will be present: No
Submitted by: Joshua
Organization: Individual
E-mail: jm82792@yahoo.com
Submitted on: 2/6/2012

Comments:

The total ban of the collection of beach sand is a radical change that should not be allowed to transpire. An outright ban may keep those who take gross excesses of sand, however, is the state not capable of enforcing the gallon of sand per person per day limitation that is currently in effect?



From: Nicholas Smith [NickS@inpeace.org]
Sent: Wednesday, February 08, 2012 4:46 PM
To: WLH Testimony
Subject: Sand is not a renewable resource

To whom it may concern,

I write you today in support of SB 2305, which proposes the deletion of the one gallon per person per day allowance of taking sand and stone from our beaches.

My name is Nick Smith. I am 25 years-old and a lifetime resident of Wai'anae, HI. My family tells me that I could swim before I could walk, and learned to do so out on the leeward coast, most likely at Makaha Beach. I love the beach. I love the ocean. Because of this, I feel SB 2305 is an important piece of legislation for us to consider.

I spent five straight summers of my adolescence in the Junior Lifeguard program, which teaches youth around the state valuable life-saving skills and further reinforced my appreciation for the ocean and it's power and beauty. My group was based at Poka'i Bay three days out of the week and Makaha Beach the other two. Fast-forward to 2012, and I'm hearing from friends of mine who live in the area that three to four times a week, under cover of darkness, men arrive at Poka'i in pick-up trucks and vans, proceed filling garbage cans with Poka'i sand, load up their vehicles, and leave.

Now first I thought, "Dang, if these guys are coming late at night, they're already breaking rules." I, myself, have been asked to leave the Poka'i premises when I walked my girlfriend's dog there one night past 10pm. Then I thought, "Okay, if the rule says 1 gallon per person per day, then they must be using some really small trash cans or be traveling in a very large group," which are both contrary to what I've heard.

Allow me to put this into perspective: your run of the mill public trash can, like the ones we see at beach parks like Poka'i, have an approximate volume of 105 gallons (This calculation is assuming the can is 3 feet tall, and 1.5 feet wide at the top). Now, I haven't heard reports of 105 people at Poka'i at night, plus a sand topped-off trash can of this size would weigh around 1,300 lbs (and that estimate is on the low side for sand, considering our west-side sand is not as fine and dense and therefore not as heavy as sand from other places)... So let's look at some real numbers:

An average half-ton pick-up truck (assuming it can in fact haul a half-ton) loaded to max with sand could carry away about 80 gallons with one load. Let's say two trucks each hauled off one 1/2 ton load 3 times a week, adding up to 3 tons of sand removed in that amount of time. That may not sound like much, but in one year that's 156 tons of sand. That's a far cry from the 200,000+ tons removed from Waimea Bay alone since the 40's and 50's (the big jumping rock was once only a 6-foot bump above the sand of the beach - This references "Disappearing Sands" by Adam Ayers of Green Magazine Hawai'i, Vol. 3 #5), or the countless tons removed from Keawa'ula and other leeward beaches in the same period of time, but little by little, one gallon here and one gallon there change a beach forever. We know a few things to be true:

First, coastal erosion is a natural occurrence, and it is cyclical like many other processes in nature. Waves pick up, sand goes out, swells change, sand comes back. But beaches like Poka'i and others protected by jetties and break-waters (which were put in place to keep the water calm and prevent sand from escaping but actually end up keeping sand out, a problem we face in Waikiki and probably the lagoons of Ko Olina too) can potentially lose their sand at rates that cannot be reversed naturally.

Secondly, human alteration, like removing sand and building beach-front property atop former beaches and dune systems (the buffer between land and a healthy beach like those we can still find on the north shore) interrupt the natural cycles at work, and in many ways make the conditions for such permanent structures more dangerous, leaving them vulnerable to inundation and storm surge that may otherwise never reach human habitation because of the protection beaches and their dune system buffer zones provide.

Third, we know that beaches are ecosystems vital for supporting many species on land and in the ocean, including humans. Just as an example, I can't remember exactly how long it has been since our beaches were picked clean of shells. I only really thought about it when I traveled to Florida and other places where stricter laws seem to deter people from taking too many shells, if any, allowing animals like hermit crabs to reuse shells that others have left behind.

With all that said, I understand that sand is a resource like any other, and has many uses such as being mixed into concrete or filling sandbags to stave off floods, and these are beneficial for our economy and safety. However, like any other non-renewable resource, we need to recognize the opportunity that we have to allow our supply of sand to last as long as it possible can, now, before it's nearly gone, at which point we'll be shipping sand here from Abu Dhabi just to keep Waikiki the way it is now.

We need to make taking sand and stone for these or any other purposes illegal (except maybe in emergency circumstances or with special permission, but even then still closely regulated) because with all the forces arrayed against and eroding our beaches, we may live to see some of them change irreparably, just as my father has in the past 30 years living in Wai'anae. I may even live to see some of them disappear entirely, leaving jagged and rocky husks behind. And I think we all know that our beaches, so vital to the tourism industry, cannot be allowed to be gradually destroyed.

People may say, "The sand belongs to everyone, just like water, or dirt. You have no right to tell us who can and cannot take and use it," and for the most part I would agree. But being given the freedom to do so, to take from the Earth without considering the consequences of our actions, has led us to the particularly prickly environmental pickle that we are in right now. And, with such freedom, a few would abuse our natural resources and steal them away from us all. Those who would do this for the purpose of profit or power know no limits and in turn make it impossible for us as a whole sit back without a worry that our world is being ravaged right before our eyes.

So, esteemed representatives of the people of Hawai'i, I implore you to take a hard look at SB 2305 and support it. Imagine a Hawai'i maybe not in our lifetimes, but our childrens' or theirs', stripped bare of its white sand beaches and all the good things that once took place upon them. Let's nip this one at the bud.

Sincerely,
Nick Smith