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# A BILL FOR AN ACT

RELATING TO COASTAL AREAS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

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

3           "**§171-58.5 Prohibitions.** The mining or taking of sand,  
4 dead coral or coral rubble, rocks, soil, or other marine  
5 deposits seaward from the shoreline is prohibited with the  
6 following exceptions:

7           (1) The inadvertent taking from seaward of the shoreline  
8 of [~~such~~] these materials, [~~not in excess of one~~  
9 ~~gallon per person per day for reasonable, personal,~~  
10 ~~noncommercial use,~~] such as those inadvertently  
11 carried away on the body, and on clothes, toys,  
12 recreational equipment, and bags;

13           (2) For the replenishment or protection of public  
14 shoreline areas and adjacent public lands seaward of  
15 the shoreline, or construction or maintenance of state  
16 approved lagoons, harbors, launching ramps, or  
17 navigational channels with a permit authorized under  
18 chapter 183C;



- 1           (3) The clearing of [~~such~~] these materials from existing  
2           drainage pipes and canals and from the mouths of  
3           streams including clearing for the purposes under  
4           section 46-11.5; provided that the sand removed shall  
5           be placed on adjacent areas unless this placement  
6           would result in significant turbidity; [~~or~~]
- 7           (4) The cleaning of areas seaward of the shoreline for  
8           state or county maintenance purposes including the  
9           purposes under section 46-12; provided that the sand  
10          removed shall be placed on adjacent areas unless  
11          [~~such~~] the placement would result in significant  
12          turbidity[~~or~~];
- 13          (5) The exercise of traditional cultural practices as  
14          authorized by law or as permitted by the department  
15          pursuant to article XII, section 7, of the Hawaii  
16          State Constitution; or
- 17          (6) For the response to a public emergency or a state or  
18          local disaster."

19           SECTION 2. Section 205A-44, Hawaii Revised Statutes, is  
20    amended by amending subsection (a) to read as follows:



1           "(a) The mining or taking of sand, dead coral or coral  
2 rubble, rocks, soil, or other beach or marine deposits from the  
3 shoreline area is prohibited with the following exceptions:

4           (1) The inadvertent taking from the shoreline area of the  
5 materials, [~~not in excess of one gallon per person per~~  
6 ~~day, for reasonable, personal, noncommercial use,~~  
7 ~~provided that stricter provisions may be established~~  
8 ~~by the counties;]~~ such as those inadvertently carried  
9 away on the body, and on clothes, toys, recreational  
10 equipment, and bags;

11           (2) Where the mining or taking is authorized by a variance  
12 pursuant to this part;

13           (3) The clearing of [~~the~~] these materials from existing  
14 drainage pipes and canals and from the mouths of  
15 streams including clearing for the purposes under  
16 section 46-11.5; provided that the sand removed shall  
17 be placed on adjacent areas unless [~~such~~] the  
18 placement would result in significant turbidity; [~~or~~]

19           (4) The cleaning of the shoreline area for state or county  
20 maintenance purposes, including the clearing for  
21 purposes under section 46-12; provided that the sand



1 removed shall be placed on adjacent areas unless the  
2 placement would result in significant turbidity[-];

3 (5) The taking of driftwood, shells, beach glass, glass  
4 floats, or seaweed;

5 (6) The exercise of traditional cultural practices as  
6 authorized by law or as permitted by the department  
7 pursuant to article XII, section 7, of the Hawaii  
8 State Constitution; or

9 (7) For the response to a public emergency or a state or  
10 local disaster."

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

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

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

20 "SECTION 7. This Act shall take effect upon its approval;  
21 provided that on June 30, [~~2013~~,] 2015, this Act shall be  
22 repealed and sections 115-5, 115-9, and 205A-2(c), Hawaii



1 Revised Statutes, shall be reenacted in the form in which they  
2 read one day prior to the effective date of this Act."

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

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



**Report Title:**

Coastal Areas; Public Access

**Description:**

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, and creates an exemption for public emergencies and traditional cultural practices. Ensures public lateral access along the shoreline by extending for two years the requirement that landowners remove human-induced, enhanced, or unmaintained vegetation interfering with such access and also extending DLNR's enforcement duty to maintain such access. Extends the sunset date of Act 160, SLH 2010. Clarifies that Act 160, SLH 2010 does not alter or modify any agreement of the DLNR existing or executed on the effective date of Act 160. Effective 6/29/13. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

