
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[~~-~~];

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, this Act shall be repealed and~~
 22 ~~sections 115-5, 115-9, and 205A-2(e), Hawaii Revised Statutes,~~



1 ~~shall be reenacted in the form in which they read one day prior~~
2 ~~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 making permanent the requirement that landowners remove human-induced, enhanced, or unmaintained vegetation interfering with such access and maintaining DLNR's enforcement duty to maintain such access. 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 06/29/13.
(SD2)

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