

SB 568

SB568

Measure Title: RELATING TO OCEAN RESOURCES.

Report Title: Sand Removal; Beach or Marine Deposits; Elimination of One-gallon Exception

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, such as those carried away on the body, clothes, toys, recreational equipment, and bags, from the shoreline area or seaward of the shoreline. Creates an exemption for public emergencies and traditional cultural practices.

Companion: [HB666](#)

Package: None

Current Referral: WTL/THA, JDL

Introducer(s): SHIMABUKURO

<u>Sort by Date</u>		Status Text
1/18/2013	S	Introduced.
1/22/2013	S	Passed First Reading.
1/22/2013	S	Referred to WTL/THA, JDL.
2/7/2013	S	The committee(s) on WTL/THA has scheduled a public hearing on 02-12-13 1:20PM in conference room 225.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

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

**Before the Senate Committees on
WATER AND LAND
and
TOURISM AND HAWAIIAN AFFAIRS**

**Tuesday, February 12, 2013
1:20 PM
State Capitol, Conference Room 225**

**In consideration of
SENATE BILL 568
RELATING TO OCEAN RESOURCES**

Senate Bill 568 proposes to prohibit the mining or taking of all sand, dead coral or coral rubble, rocks, soil, or other marine deposits seaward of the shoreline, except such as those inadvertently carried away on the body, and on clothes, toys, recreational equipment, and bags. The measure also proposes to provide an exception for the exercise of traditional cultural practices and for state or local disasters. **The Department of Land and Natural Resources supports this measure.**

Hawaii's beach sand sources are diminishing daily due to erosion, inappropriate shoreline armoring, and illegal sand mining. If residents want sand for household uses, they can purchase either inland sand deposits or manufactured sand from various commercial sources.

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

ESTHER KIAAINA
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
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: mz@conservehi.org
Subject: Submitted testimony for SB568 on Feb 12, 2013 13:20PM
Date: Thursday, February 07, 2013 4:56:58 PM

SB568

Submitted on: 2/7/2013

Testimony for WTL/THA on Feb 12, 2013 13:20PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Marjorie Ziegler	c	Support	No

Comments: We support SB 568. Sand is an essential component of coastal ecosystems and marine habitats. One gallon a day per person adds up.

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Testimony in SUPPORT OF SB 568 Relating to Sand Theft

All beaches of Hawai'i, should be preserved in their Native state and contours. Just as we have laws protecting our oceans, we now need laws protecting and preserving our beaches. And, these laws should be enforced.

As a teen in the Maili area of Wai'anae, the sand dunes were so high you couldn't see water unless you climbed up to the top of the dunes and looked. The sand was coarse, clean and it brushed off easily. On the oceanside, the ocean swept up the sides of the dunes, and you could slide down in the white wash as it receded. It left behind a wide swath of shining multihued shells. The ocean itself was beautiful and pristine. It's possible that those sand dunes offered a natural protection against Tsunamis.

All of that is gone, and what remains continues to be further degraded. The fact is, our population has grown and housing development has sprawled. Now what seeme unnecessary in the past, is no longer true. The beaches actually have to be protected ! This bill takes the step of recognizing that sand, the major ingredient of beaches, is part of that preservation.

I did not know that sand mining was a problem until we moved to a home across the street from the beach where sand is 1-2 feet away after you park your car. We started to witness trucks and cars pull up, usually with 2-4 people getting out with shovels and large 10 gallon buckets, and start to fill those up and load them onto the truck bed, until the bed was full. Then, pull out and leave. Sometimes it would be a smaller amount, but never just 1 gallon ! This purposeful work would usually be done in a matter of ½ hr. or less. We have lived here 30 yrs, and sometimes as much as 6 times a day this would happen. They' also come in the evening, near dark. This purposeful work would usually be done in a matter of 30 – 35 minutes. Never have I ever seen a policeman on his/her own, stop someone from doing this!

When we finally started calling the police, the question asked would be: "Is this an emergency ?." One time a policeman did come when we called while a man was literally filling up his truck bed with sand. He was astounded that he was doing anything wrong. What were the police to do? Have him empty out his truck until only 1 gallon was left ?

Furthermore, if the individuals are made aware that what they're doing is against the law, they simply move on to another area further down the street or another area that has easy sand access. And most folks are afraid to complain, fearing retaliation. Even when I personally go to confront the folks doing the sand theft, they simply drive off to somewhere else where no one is watching or complaining. This obviously doesn't happen at Waikiki, Ko'olina, or any other popular beach where people are observing.

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Also, everyone has a good answer when confronted. "It's for a sandbox for my grandson", " I'm building something", "everybody does it in Hau'ula", " "we need it to fill sand bags to hold down the roof", "why, -- do you OWN the beach?"

My lifeguard neighbor tells me even the state has taken away beach. When they widened Farrington Hwy. in Makaha, at the intersection of Makaha Valley Rd, they built the road over the beach, severely narrowing the beach. I understand this eliminated the life guard job there as well. Since then when it storms heavily, the sand goes back on the road and everyone gets upset because the road has to be swept clean. But the beach is only trying to go back to what it used to be. I understand even construction companies take sand for their projects.

To summarize:

Sand mining is a major problem.

It goes back at least 30 yrs.

To expect policemen to stand by and monitor that folks only take one gallon a day, is absurd and poor use of policemen time.

Due to our ever increasing population and all the pressures it brings, it is long overdue that our beaches be protected, restored, and laws regarding beaches be enforced.

The intent of this bill should not be quashed to satisfy the aquarium or any other industry for their own profit and enjoyment.

We as the people of Hawaii, have come to a point where we cannot depend on "Aloha" to protect our beaches. - it is demonstrated that is not enough. We need laws -- to protect our precious beaches, and those laws need to be enforced. I support SB 568 !

Mahalo,

Karen GS Young
86-024 Glenmonger St.
Wai'anae, HI 96792

Senator Malama Solomon, Chair
Senator Maile Shimabukuro, Vice Chair
Committee on Water and Land

Senator Brickwood Galuteria, Chair
Senator Gilbert Keith-Agaran, Vice Chair
Committee on Tourism & Hawaiian Affairs

Tuesday, February 12, 2013

Testimony in Opposition to SB 568, Relating to Ocean Resources

As somebody who works in the aquarium fish industry, I am concerned about SB 568. First, I must state that, because the commercial taking of beach sand is (for good reason) already illegal under current law, I have no financial stake in the matter. However, personal aquariums are very important to many people in Hawaii, especially those who cannot go diving or snorkeling for a variety of reasons. For aquarists, beach sand is far superior to imported sand, because it contains natural microorganisms that help filter the water and keep it clean. It also seems wasteful to import sand from the mainland when we have such an abundant natural resource at home that, if used judiciously, should be enough for everybody.

I understand that there are concerns about people illegally taking large amounts of sand for construction projects and other uses. This is a valid concern, and if this practice continues it could be a serious threat to our beaches. Would it not be possible to create an improved permitting system (perhaps a one-time permit for only a small amount of sand on a certain day) that would still allow people to use the resource but would prevent it from being overexploited?

I also am concerned that the definition of "marine deposits" is too broad. Strictly interpreted, this bill could make it illegal to pick up rubbish from the shoreline, which surely is not in the public interest! At the very least, this should be amended to read "naturally occurring" marine deposits, so as to not prohibit legitimate beach cleanup efforts.

Thank you for the opportunity to testify,



Matthew Ross

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: mjellings@hawaii.rr.com
Subject: Submitted testimony for SB568 on Feb 12, 2013 13:20PM
Date: Monday, February 11, 2013 12:54:58 AM

SB568

Submitted on: 2/11/2013

Testimony for WTL/THA on Feb 12, 2013 13:20PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Carl P Jellings Sr	Individual	Support	No

Comments: Aloha Ahiahi Honorable Senator's (Sand) for some Marine life a favored habitat for others it's a critical habitat. akule,opelu, naia, oio, weke, moi, hihimanu,oopu okea,laenihi.piha ,nehu,ulae,iao,ahaaha,iheihe, lae,weke nono, weke ula,moelua,weke a,weke pueo,paki'i,kuahonu,ohiki,mano ,and ulua. We are in strong support of SB 568 Mahalo Nui Carl P Jellings Sr

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From: mailinglist@capitol.hawaii.gov
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Cc: crystalkpaul@yahoo.com
Subject: Submitted testimony for SB568 on Feb 12, 2013 13:20PM
Date: Monday, February 11, 2013 9:40:54 PM

SB568

Submitted on: 2/11/2013

Testimony for WTL/THA on Feb 12, 2013 13:20PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Crystal Kia Paul	Individual	Oppose	No

Comments: Good Afternoon Honorable Chairs, Thank you for allowing me to submit testimony today. I strongly oppose this bill and ask that you do not let it go any further. When I lived in Kailua-Kona, I had a saltwater aquarium. I was able to get sand from the beach to start my aquarium with the one gallon per person per day rule. I needed a little bit to cover the bottom of my 55 gallon aquarium. Using the sand allowed me to put my fish in with out having to worry about cycling my aquarium for 6 to 8 weeks. The sand has the natural bacteria to sustain a good ecosystem with the aquarium. Home aquarium hobbyist will be using an inferior product and after they kill their fish a few times they will deposit the sand at the beach. I understand this bill was introduced to protect our coastal beach. I believe people will still do it because we don't have enough enforcement in place. I ask you allow people to take no more than 5 gallons per month, that would be reasonable. Thank you so much for your time.
Crystal Kia Paul

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