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# A BILL FOR AN ACT

RELATING TO MARINE RESOURCES.

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

1           SECTION 1. The legislature finds that Hawaii is losing its  
2 beaches at an alarming rate due to chronic shoreline retreat and  
3 shoreline armoring and that this loss of beaches is expected to  
4 accelerate in the future. A recent study by the University of  
5 Hawaii and the United States Geological Survey found that  
6 seventy per cent of the beaches on Kauai, Oahu, and Maui are  
7 eroding, and more than thirteen miles of beaches included in the  
8 study have been lost to erosion over the past century. Rates of  
9 coastal erosion and beach loss are predicted to increase in the  
10 coming decades with continued climate warming and accelerating  
11 sea level rise.

12           The legislature further finds that the department of land  
13 and natural resources is responsible for the management of  
14 coastal resources, including beaches and dunes. The department  
15 has promoted adaptive sediment management techniques to mitigate  
16 erosion and beach loss in some areas, including beach-scraping,  
17 stream mouth-clearing, and sand-bypassing and back-passing. To



1 be effective, some of these maintenance activities must be  
2 conducted on a recurring basis.

3       Unfortunately, efforts by government and private entities  
4 to mitigate beach loss have been hampered by state water quality  
5 regulations that severely inhibit the use of sediment management  
6 as an erosion management tool. In addition, it has become  
7 extremely arduous to obtain the permits necessary for sediment  
8 management projects because based on the State's interpretation  
9 of the federal Clean Water Act, clean, locally sourced beach  
10 sand is considered a water pollutant. Thus, sand that is  
11 cleared from stream mouths or channels is often removed from the  
12 beach system because it is considered a water pollutant.

13       Accordingly, the purpose of this Act is to exclude locally  
14 sourced beach sand from the definition of "water pollutant".  
15 This will enable the beneficial use of locally sourced beach  
16 sand to support sediment management projects to mitigate erosion  
17 on Hawaii's beaches with no negative impacts to water quality or  
18 marine and benthic resources beyond those occurring naturally  
19 due to wave action, currents, and littoral transport. It is not  
20 the intent of this Act to circumvent the provisions of the Clean  
21 Water Act or the State's water quality regulations, but rather



1 to clarify that locally sourced beach sand is a naturally  
2 occurring material along Hawaii's beaches and does not  
3 constitute a water pollutant.

4 SECTION 2. Section 342D-1, Hawaii Revised Statutes, is  
5 amended by amending the definition of "water pollutant" to read  
6 as follows:

7 "Water pollutant" means dredged spoil, solid refuse,  
8 incinerator residue, sewage, garbage, sewage sludge, munitions,  
9 chemical waste, biological materials, radioactive materials,  
10 heat, wrecked or discarded equipment, [~~rock, sand,~~] soil,  
11 [~~sediment,~~] cellar dirt and industrial, municipal, and  
12 agricultural waste[-], and rock, sediment, and sand; provided  
13 that sand shall not be considered a water pollutant if it is:

- 14 (1) Naturally occurring sand sourced from a beach, stream  
15 mouth, or channel that is located in the State; and  
16 (2) Utilized on the adjoining beach or littoral cell for  
17 the purposes of beach erosion mitigation, sediment  
18 management, beach restoration, erosion control, dune  
19 restoration, or nearshore fishpond restoration."

20 SECTION 3. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



**1** SECTION 4. This Act shall take effect on July 1, 2017.



**Report Title:**

Marine Resources; Water Pollutant; Sand

**Description:**

Amends the definition of "water pollutant" as used in Chapter 342D, Hawaii Revised Statutes, to exclude locally sourced sand that meets certain conditions. (HB119 HD2)

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

