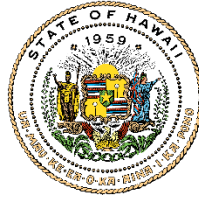


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
DAWN N. S. CHANG
Chairperson**

**Before the House Committee on
WATER & LAND**

**Tuesday, February 6, 2024
10:15 AM**

State Capitol, VIA VIDEOCONFERENCE, Conference Room 430

**In consideration of
HOUSE BILL 2478
RELATING TO THE TAKING OF MARINE DEPOSITS**

House Bill 2479 proposes to authorize the Department of Land and Natural Resources (Department) to issue permits for the taking of sand, dead coral, coral rubble, rocks, soil, and other marine deposits if the taking is for research, education, management, or propagation purposes. **The Department supports this bill.**

The Department regularly receives requests for permits that involve the taking of sand, dead coral, coral rubble, rocks, soil, or other marine deposits from state waters for research, education, management, or propagation purposes. However, the Department is not authorized to approve these permit requests because Hawaii Revised Statutes (HRS) § 171-58.5, does not currently allow for the take of these resources for those purposes. The Department believes that it should have the authority to issue permits for the take of these resources for those purposes, and it supports the amendments to HRS § 171-58.5 that allow for this.

The Department believes that HRS § 171-58.5 was never intended to prevent researchers, educators, or managers from taking marine deposits for scientific research, education, management, or propagation purposes. The legislative history of HRS § 171-58.5 shows that the original intent of the statute was to delineate the jurisdiction of submerged lands and resources between the counties and the State and to clear confusion about overlapping jurisdiction and responsibility for these submerged lands and resources. *See* Act 375, Session Laws of Hawai'i 1988. In 2013, HRS § 171-58.5 was amended to allow for the inadvertent taking of small amounts of sand and for the taking of these and other marine deposits for the exercise of

traditional and cultural practices. The bill's introducer in 2013 was concerned with large-scale sand collection that was occurring on O'ahu, which is why the statute's language replaced the allowance of "one gallon per person per day" of marine deposits with the "inadvertent" taking of these materials. This statute was never intended to prevent research, education, management, or propagation activities.

Amending HRS §171-58.5 to allow for the taking of sand, dead coral, coral rubble, rocks, soil, and other marine deposits for research purposes will allow legitimate research projects in the fields of geology, chemistry, biology, and climate science (among others) to occur without violating Hawai'i state law. Educators, managers, and propagators of marine life would also greatly benefit from the amendments that this bill provides, and we again note that it was never the intent of this statute to prevent these activities.

Mahalo for the opportunity to provide testimony in support of this measure.



February 6, 2024 1015am

WAL Committee

RE: Comments on HB2478; Relating to the Taking of Marine Deposits

Dear Chair Ichiyama and Members of the Committee on Water and Land,

This bill authorizes the Department of Land and Natural Resources to approve permits for research, education, management, or propagation purposes that include the taking of sand, dead coral, coral rubble, rocks, soil, and other marine deposits seaward of the shoreline, **however, DLNR's Division of Aquatic Resources is already able to issue Special Activity Permits under HRS 187A, for the taking of marine deposits for these same purposes.**

Creating a separate permitting process from the existing process would cause the following:

- Remove the Board of Land and Natural Resources from the permit review and approval process.
- Prevent the public from being notified of such permit requests and projects, thus precluding public and cultural input in the issuance of such permits.
- Remove the required Ka'pa'a Kai Analysis of potential Cultural Impacts from the permitting process. Further, these deposits are not mere "materials" but hold cultural and spiritual significance for many native Hawaiians, which is why a specific permit and cultural review is required.

If the goal is to expedite the existing permitting process under HRS 187A we ask the Committee to instead support SB2149, which passed WTL/AEN last week, that would expedite the permitting process and provide DAR with additional funding for staff to review and process Special Activity Permits.

We ask the Committee to please defer this bill.

Thank you, Inga Gibson

For the Fishes

<https://FortheFishes.org>

HB-2479

Submitted on: 2/5/2024 10:31:05 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Jenny Yagodich	Malama Pupukea-Waimea	Comments	Written Testimony Only

Comments:

Aloha,

We offer the following comments on HB2479 Relating to the Taking of Marine Deposits:

- The purpose of the permits/take must be to benefit the environment and public trust purposes - not for commercial or private gain.
- Bill needs clarification to avoid exploitation permits.

Mahalo