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# A BILL FOR AN ACT

RELATING TO THE TAKING OF MARINE DEPOSITS.

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

1           SECTION 1. The legislature finds that the department of  
2 land and natural resources (department) regularly receives  
3 requests for permits that involve the taking of sand, dead coral  
4 or coral rubble, rocks, soil, or other marine deposits from  
5 state waters for research, education, management, or propagation  
6 purposes. However, the department is not authorized to approve  
7 these permit requests because section 171-58.5, Hawaii Revised  
8 Statutes, does not currently allow for the take of these  
9 resources for those purposes.

10           The purpose of this Act is to amend section 171-58.5,  
11 Hawaii Revised Statutes, to allow for the taking of sand, dead  
12 coral or coral rubble, rocks, soil, or other marine deposits  
13 seaward from the shoreline for research, education, management,  
14 or propagation purposes when authorized by permits issued by the  
15 department of land and natural resources.

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



1           **"§171-58.5 Prohibitions.** The mining or taking of sand,  
2 dead coral or coral rubble, rocks, soil, or other marine  
3 deposits seaward from the shoreline is prohibited with the  
4 following exceptions:

5           (1) The inadvertent taking from seaward of the shoreline  
6 of these materials, such as those inadvertently  
7 carried away on the body, and on clothes, toys,  
8 recreational equipment, and bags;

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

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



1 (4) The cleaning of areas seaward of the shoreline for  
2 state or county maintenance purposes including the  
3 purposes under section 46-12; provided that the sand  
4 removed shall be placed on adjacent areas unless the  
5 placement would result in significant turbidity;

6 (5) The taking of these materials for research, education,  
7 management, or propagation purposes when authorized by  
8 a permit issued by the department;

9 [~~5~~] (6) The exercise of traditional cultural practices as  
10 authorized by law or as permitted by the department  
11 pursuant to article XII, section 7, of the Hawaii  
12 State Constitution; or

13 [~~6~~] (7) For the response to a public emergency or a state  
14 or local disaster."

15 SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Taking of Marine Deposits Seaward of the Shoreline

**Description:**

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. Effective 7/1/3000. (HD1)

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

