

S.B. NO. 3168

JAN 24 2024

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 taking of sand, dead coral or
4 coral rubble, rocks, soil, or other marine deposits from state
5 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:

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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;

21 (4) The cleaning of areas seaward of the shoreline for
22 state or county maintenance purposes including the

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1 purposes under section 46-12; provided that the sand
2 removed shall be placed on adjacent areas unless the
3 placement would result in significant turbidity;

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

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

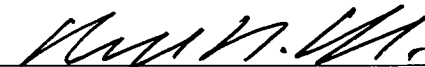
11 [~~6~~] (7) For the response to a public emergency or a state
12 or local disaster."

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: 

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BY REQUEST

S.B. NO. 3168

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.

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

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO THE TAKING OF MARINE DEPOSITS.

PURPOSE: To authorize the Department 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.

MEANS: Amend section 171-58.5, Hawaii Revised Statutes (HRS).

JUSTIFICATION: There is currently a need to authorize collection of sand, dead coral or coral rubble, rocks, soil, or other marine deposits for research, education, management, or propagation purposes. The collection of select amounts of dead coral and coral rubble is requested frequently for various coral restoration purposes (to utilize as the base substrate to propagate coral). Similarly, the collection of select amounts of sand or other marine deposits is requested frequently for various animal husbandry activities (to maintain healthy exhibits in aquariums or academic programs with tanks holding aquatic organisms) and for general research purposes (composition or grain size analysis, detection of microplastics, and biodiversity assessment of organisms related to these substrates).

Under section 171-58.5, HRS, the mining or taking of sand, dead coral or coral rubble, rocks, soil, or other marine deposits seaward from the shoreline is prohibited, with select exceptions that do not currently include the take of these resources for research, education, management, or propagation purposes.

This bill would authorize the Department in allowing research, education, management, or propagation activities that request to collect sand, dead coral or coral rubble, rocks, soil, or other marine deposits to fulfill their objectives.

Impact on the public: The bill would support the collection of sand, dead coral or coral rubble, rocks, soil, or other marine deposits through special activity permits issued by the Department, thereby allowing permittees conducting research, education, management, or propagation activities to fulfill their objective.

Impact on the department and other agencies: This bill would allow the Department to issue permits to collect sand, dead coral or coral rubble, rocks, soil, or other marine deposits for research, education, management, or propagation activities that it deems appropriate and beneficial. It may result in a slightly increased administrative burden due to more permit applications, but this increase would likely be insignificant.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: LNR 401.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.