



University of Hawaii at Manoa

Environmental Center
Crawford 317 • 2550 Campus Road
Honolulu, Hawaii 96822
Telephone (808) 948-7361

RL:0584

Office of the Director

HB 832, HD1
REPLACEMENT OF ERODED SAND
ON PUBLIC BEACHES

Statement for
Senate Committee on
Tourism and Recreation
Public Hearing - March 19, 1986

By

Doak C. Cox, Environmental Center
Jacquelin Miller, Environmental Center
J. Frisbee Campbell, Hawaii Institute of Geophysics
Frans Gerritsen, Ocean Engineering
Ralph Moberly, Geology and Geophysics

HB 832, HD1, the bill listed in the agenda for this hearing, proposes three amendments relating to restrictions imposed by HRS 205-33(a) on takings of sand. We have been informed of the existence and content of a new draft identified as HB 832, HD1, SD1. In this new draft the addition of a new subsection, (d) of HRS 205-33 is proposed.

We attach to this statement, an earlier Environmental Center statement on SB1310, SD1, HD1, the latest draft of the Senate companion of the original version of HB 832. This latest draft of the Senate bill proposed four amendments of HRS 205-33 (a).

In this statement we comment on the similarities and differences among HB 832, HD1; HB 832, HD1, SD1; and SB 1310, SD1, HD1, with respect to the three amendments of HRS 205-33 (a) proposed in the two versions of the House bill and the fourth amendment of that subsection proposed in the latest version of the Senate bill, and also on the new subsection HRS 205-33 (d) proposed in HB 832, HD1, SD1.

This statement does not reflect an institutional position of the University of Hawaii.

1. Non-commercial takings of sand

All three bills propose the establishment of quantitative limits to the non-commercial takings of sand from beaches that are allowed under HRS 205-32 (a) (1). The establishment of a quantitative limit is highly desirable. The one-gallon limit proposed in HB 832, HD 1 and SB 832, HD1, SD1 is preferable to the 5-gallon limit proposed in SB 1310, SB1, HD1.

2. Takings of sand for replenishment of public beaches.

HRS 205-32 (a) provides that, under certain circumstances, sand may be taken from shallow-water, near-shore deposits for the replenishment of public beaches, but at present limits the provision to the replenishment of beaches in certain specified areas. There is no rational basis for this limitation, and it should be deleted as provided in all three bills considered here.

3. Special Treatment of Kualoa

All three bills exclude the Kualoa area from the proposed enlarged allowance of sand takings for public beach replenishment. For reasons discussed in our statement on SB 1310, SD1, HD1, we do not believe there is a rational basis for the special treatment at Kualoa. If, however, Kualoa is to receive special treatment, that proposed in SB 1310, SD1, HD1, is preferable to that proposed in HB 832, HD1, and SB 832, HD1, SD1.

In the House bills, no replenishment at Kualoa Beach Park would be permissible, no matter from what shallow water, off-shore sources the sand were derived. In the Senate Bill the prohibition (proposed in a new subsection HRS 205-33 (b)) would apply only to sand taken from the Hakipuu sand bar and is thus less restrictive and preferable.

4. Clearance of drainage structures and stream mouths.

SB 1310, SD1, HD1 proposes amendments to HB 205-33(a)(3), which relates to the clearance of sand from drainage canals and stream mouths. For reasons given in our statement on this bill we do not believe these proposed amendments are appropriate.

5. Variations

The new subsection, HRS 205-33(d) proposed in HD 832, HD1, SD1, seems intended to clarify a jurisdictional problem by providing that it is only the Department of Land and Natural Resources (DLNR) that can grant variations relating to structures, actions and facilities on land seaward of the shoreline, defined in HRS 205-31 as a wave-wash limit. As it relates to the structures covered in subsection (b) and to the replacement of non-conforming structures covered in subsection (c), the provision for variations may be appropriate. However, we do not know to what "facilities" the provision may relate, and as it relates to "activities" it would seem to allow variations to all of the restrictions on sand mining in subsection (a). We do not believe DLNR should be allowed to grant variations to the restrictions on sand mining.