REPLACEMENT OF SAND ON PUBLIC BEACHES

Statement for House Committee on
Ocean and Marine Resources
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By

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SB 599, SD 1. would amend section 205A-44 (a) to prohibit the mining or
taking of sand, coral, rocks, soil, or other beach or marine deposits from
the shoreline area except for: (1) the taking from a public beach of such
materials for reasonable, personal, noncommercial use not to exceed one
gallon per person per day; (2) the taking by the State or county for the
replenishment of sand on public beaches and under certain environmentally
acceptable conditions; and (3) the clearing of sand from existing drainage
pipes, canals, and mouths of streams and from public improvements for
state or county maintenance purposes with certain protective environmental
restrictions. This new draft would also add to Section 171 a prohibition
against the mining or taking of sand, dead coral or coral rubble, rocks,
soil or other marine deposits seaward from the shoreline except by permit
authorized under section 183-41 and add to Section 188 a prohibition
against taking of live coral from within one thousand feet seaward from
the shoreline or in waters of thirty feet or less in depth except by
permit authorized under sections 187A-6 and 183-41.

The Environmental Center submitted testimony at the previous hearings
on SB 599 in which we expressed concurrence with many of the proposed
amendments. Consistent with our earlier statement, this statement on SB
599, SD 1. does not represent an institutional position of the University
of Hawaii.

The proposed addition to Section 205A-44 (a) (1) of the limitation of
"one gallon per person per day" for the amount of beach materials that may
be taken for "reasonable, personal, noncommercial use" is appropriate and
reasonable and we concur with the amendment as drafted in SB 599, SD 1.
Deletion of the present limitation to specific beaches where mining or taking of sand by the State or county for public beach replenishment is allowed is particularly appropriate. As we pointed out in our previous testimony, there are many other public beaches in the state that could benefit by the use of offshore sand deposits that are seaward of the littoral cell and would otherwise be lost to deep water. The environmental safeguards provided by HRS 343 and 205A-44 are more than adequate to assure that any such public beach replenishment projects are adequately evaluated prior to any sand recovery operation.

In regard to the environmental impact statement requirement for implementation of beach replenishment projects however, we would like to call attention to the overly restrictive and redundant nature of the present statute. As presently drafted, HRS 205A-44 (a) (2) requires that an environmental impact statement be accepted pursuant to Chapter 343 prior to public beach replenishment. The Environmental Impact Statement Law, Chapter HRS 343, requires an Environmental Assessment for actions that take place in the shoreline. If potential significant impacts are identified during the assessment then an Environmental Impact Statement is required and must be accepted prior to approval of the action proposed. The requirement for an EIS in 205A-44 (a) (2) is:

a) already adequately covered by the provisions of HRS 343 and
b) inappropriate since it prejudges that a significant impact will occur without assessment and regardless of the magnitude or location of the beach replenishment project.

The proposed new sections to Chapters 171 and 188 should provide adequate protection of both dead and live coral as well as other marine deposits and yet allow for appropriate resource management consistent with sustainable yields through a permitting system to be established and enforced by the Department of Land and Natural Resources.

The provisions of this bill will make positive contributions to more administratively and environmentally effective and responsible beach management. We strongly support the intent of the SB 599 SD 1.