

Honolulu, Hawaii

Ag: 1 23 , 2010

RE: H.B. No. 1808
H.D. 3
S.D. 1
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1808, H.D. 3, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COASTAL AREAS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to clarify the definition of "shoreline" under the Coastal Zone Management Law, by establishing as an indicator of the highest wash of the waves, the edge of natural vegetation growth, but never lower than the upper limit of debris left by the wash of the waves.

Your Committee on Conference has amended this bill by reverting back to the H.D. 3 of this measure, with further amendments. As amended, this bill now ensures public access to beaches through provisions that:



- (1) Require the Department of Land and Natural Resources (DLNR) to maintain access within beach transit corridors by requiring landowners to keep corridors abutting their lands passable and free of the landowners' human-induced, enhanced, or unmaintained vegetation (human-induced vegetation) that interferes or encroaches in the corridors;
- (2) Authorize DLNR to use its enforcement powers under the Conservation District laws to maintain access within the beach transit corridors and give offending landowners 21 days to remove the landowners' human-induced vegetation, which time period may be tolled by an appeal;
- (3) Define "beach transit corridors";
- (4) Amend the misdemeanor offense of obstructing access to public property to include violations occurring within beach transit corridors that obstruct access along the sea by a landowner's human-induced vegetation that interferes or encroaches within beach transit corridors;
- (5) Establish access within beach transit corridors as a policy of the Coastal Zone Management Program; and
- (6) Sunset on June 30, 2013.

Technical, nonsubstantive amendments were also made for clarity, consistency, and style.

Your Committee on Conference finds that this bill, as amended, reaffirms a longstanding public policy of extending to public use and ownership as much of Hawaii's shoreline as is reasonably possible and ensuring the public's lateral access along the shoreline, by requiring the removal of induced or cultivated vegetation by abutting landowners that interferes or encroaches seaward of the shoreline.


As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1808, H.D. 3, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1808, H.D. 3, S.D. 1, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



CLAYTON HEE, Chair



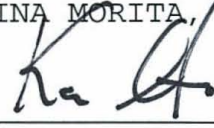
J. KALANI ENGLISH, Co-Chair



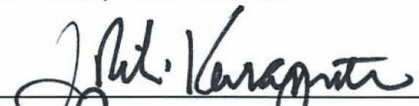
BRIAN T. TANIGUCHI, Co-Chair



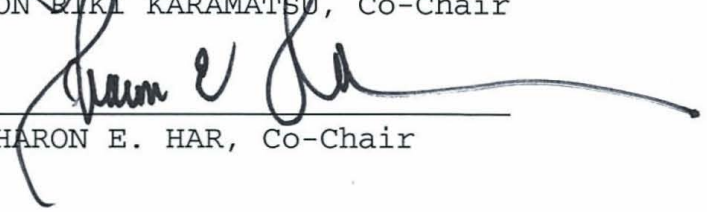
HERMINA MORITA, Co-Chair



KEN ITO, Co-Chair



JON BIKI KARAMATSU, Co-Chair



SHARON E. HAR, Co-Chair

