

STAND. COM. REP. NO. 258

Honolulu, Hawaii
Feb 13, 2009

RE: H.B. No. 1808
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Water, Land, & Ocean Resources, to which
was referred H.B. No. 1808 entitled:

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

begs leave to report as follows:

The purpose of this bill is to require landowners of
properties adjacent to the shoreline to maintain public transit
corridors free from obstruction and human-induced, enhanced, or
unmaintained shoreline vegetation that grows in a way that there
is no reasonably safe transit for the public along the shoreline,
similar to an existing city ordinance requiring property owners to
maintain adjacent sidewalks and allowing the city to be reimbursed
by the property owner if the sidewalk is not maintained by the
property owner in a timely manner.

The Office of Planning, Sierra Club-Hawaii Chapter, Beach
Access Hawaii, Hui Hoomalu i ka Aina, Kuliouou/Kalani Iki
Neighborhood Board #2, and numerous concerned individuals
testified in support of this bill. The Department of Land and
Natural Resources (DLNR) and Office of Hawaiian Affairs supported
this measure with amendments. The Department of Planning and
Permitting of the City and County of Honolulu opposed this bill.
The Hawaii Developer's Council provided comments.

HB1808 HD1 HSCR WLO HMS 2009-2083



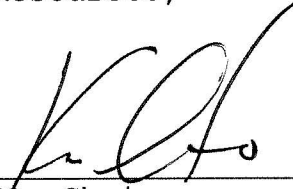
Your Committee has amended this bill by:

- (1) Requiring DLNR to provide written notice of violations of this law only to landowners who are obstructing access to public property, instead of requiring DLNR to provide written notice of the change in law to all affected property owners;
- (2) Changing the public transit corridor area from "seaward of the highest wash of the highest wave during the season of high surf," to "seaward of the shoreline as defined in section 205A-1," Hawaii Revised Statutes (HRS);
- (3) Authorizing the counties to, instead of eliminating the requirement for the counties to, establish public transit corridors through condemnation in areas of cliffs or areas where the nature of the topography is such that there is no reasonably safe transit corridor;
- (4) Providing in Chapter 115, HRS, instead of section 183C-3, HRS, DLNR's authority to maintain shoreline public transit in conservation districts along beach corridors by requiring private property owners to remove human-induced, enhanced, or unmaintained vegetation from beaches or pay for the cost of removal incurred by DLNR;
- (5) Removing redundancies in the bill for maintaining coastal recreational access to and along the shoreline for public use; and
- (6) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, & Ocean Resources that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1808, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1808, H.D. 1, and be referred to the Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Water, Land, &
Ocean Resources,



KEN ITO, Chair



