

Honolulu, Hawaii

MAR 18 2010

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

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

Madam:

Your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Transportation, International and Intergovernmental Affairs, to which was referred H.B. No. 1808, H.D. 3, entitled:

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

beg leave to report as follows:

The purpose of this measure is to ensure public access to the beaches.

Specifically, this measure:

- (1) Requires maintenance of public beach accesses by adjacent landowners and imposes penalties for noncompliance;
- (2) Establishes shoreline access as a policy of the Coastal Zone Management Program; and
- (3) Amends the definition of "shoreline."

Testimony in support of this measure was submitted by three state agencies, one neighborhood board, one member of the House of Representatives, four organizations, and twenty-five individuals. One organization and two individuals submitted comments. Testimony in opposition was submitted by one organization and two individuals. Written testimony presented to the Committees may be reviewed on the Legislature's website.



Your Committees appreciate the extensive testimony presented on this measure, but has some concerns that this measure represents a "one size fits all" approach. Your Committees support lateral access to beaches, but there is some disagreement about the role of vegetation in relation to the natural erosion of some beaches and how best to address the problem in broad policy. Your Committees find that a clarification to the definition of "shoreline" will reflect the public policy favoring shoreline access by reserving as much of the shore as possible for the public. Your Committees hope that this will help ensure lateral access to beaches, and that the stakeholders will continue to work on ways to address these important issues.


Your Committees have amended this measure by:

- (1) Removing the provisions to:
  - (A) Require maintenance of public beach accesses by adjacent landowners and impose penalties for noncompliance; and
  - (B) Establish shoreline access as a policy of the Coastal Zone Management Program;
- (2) Clarifying the definition of "shoreline"; and
- (3) Changing the effective date to July 1, 2050 for the purposes of facilitating further discussion.

As affirmed by the records of votes of the members of your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Transportation, International and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1808, H.D. 3, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1808, H.D. 3, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.



Respectfully submitted on  
behalf of the members of the  
Committees on Water, Land,  
Agriculture, and Hawaiian  
Affairs and Transportation,  
International and  
Intergovernmental Affairs,

  
\_\_\_\_\_  
J. KALANI ENGLISH, Chair

  
\_\_\_\_\_  
CLAYTON HEE, Chair





The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Transportation, International and Intergovernmental Affairs**  
**TIA**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1808, HD 3	WTL/TIA, J60	3/12/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)				✓
GABBARD, Mike (VC)	✓			
ESPERO, Will	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	4	—	—	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature:				
<i>Will Espero</i>				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes