

STAND. COM. REP. NO.

2993

Honolulu, Hawaii

APR 01 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 Committee on Judiciary and Government Operations, to which was referred H.B. No. 1808, H.D. 3, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to clarify the definition of "shoreline" under the State's Coastal Zone Management Law.

Specifically, the measure clarifies that a shoreline is the edge of natural vegetation growth or the upper limit of debris left by the wash of the waves, whichever is further most mauka, but never lower than the upper limit of debris left by the wash of the waves.

Written comments in support of the measure were submitted by one individual. Written comments in support, with suggested amendments, were submitted by one state agency and four individuals. Written comments in opposition to the measure were submitted by one individual. Written comments regarding the measure were submitted by two individuals. Written comments presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that comments submitted regarding this measure reflect the dual concerns of property boundary preservation for oceanfront parcels and the effects of erosion by artificially extending the vegetation line toward the ocean. Your

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Committee believes that planting vegetation, or encouraging its growth, in order to change what would be the seaward boundary of an oceanfront lot is particularly troublesome if such actions actually encourage erosion or discourage beach recovery after a large storm. On the other hand, your Committee is also sympathetic to oceanfront property owners faced with the prospect of the ocean eroding their lots.

While the measure as received does not include provisions regarding public beach transit corridors or rights of access to the shoreline, your Committee believes that clarifying the definition of "shoreline" to refer to natural vegetation growth, rather than any vegetation, and to indicate that, in determining the location of the shoreline, the debris line overrides the natural vegetation line will assist in disincentivizing the planting of vegetation in order to extend oceanfront properties further seaward. This may, in turn, preserve public beach areas.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1808, H.D. 3, S.D. 1, and recommends that it pass Third Reading.


Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:*	Committee Referral:	Date:
HB1808, HD3, SD1	WTL/TIA, JGO	3/23/10 3/23/10
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
TANIGUCHI, Brian T. (C)	✓	
TAKAMINE, Dwight Y. (VC)	✓	
BUNDA, Robert		✓
GABBARD, Mike	✓	
NISHIHARA, Clarence K.	✓	
SLOM, Sam	✓	
TOTAL	5	0
0	0	1
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
Goldenrod Committee File Copy		

*Only one measure per Record of Votes