

**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
PEARL IMADA IBOSHI
DEPUTY DIRECTOR
ABBEY SETH MAYER
DIRECTOR
OFFICE OF PLANNING

OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824

Statement of
ABBEY SETH MAYER
Director, Office of Planning
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON JUDICIARY
Thursday, February 4, 2010
2:20 PM
State Capitol, Conference Room 325

in consideration of
HB 1808 HD1
RELATING TO COASTAL AREAS.

Chair Karamatsu, Vice Chair Ito, and Members of the House Committee on Judiciary.

We support HB 1808 HD1 Relating to Coastal Areas, with amendments. The HD1 amends the original bill, in part, by deleting amendments to Ch. 183C which added new language to authorize the Department of Land and Natural Resources to issue a violation citation to landowners who fail to maintain beaches abutting or adjoining their property. It also authorized the cost incurred for removal to be collected from the landowner. We prefer the language in the original bill. The beach lands are in the Conservation District. Ch. 183C pertains to the Conservation District and provides that DLNR regulate uses in the Conservation District. Therefore, we believe that Ch. 183C rather than Ch. 115 is the appropriate statute for these provisions.

HCR 258 SLH 2008 requested the Office of Planning (OP) to coordinate city and state agencies in addressing the overgrowth of vegetation on Kahala beach. OP facilitated meetings of state and county agencies and community members on this issue. The provisions in this bill were developed as possible next steps toward resolution.

Human induced vegetation that blocks access to beaches is a statewide problem. At Kahala Beach, there have been numerous community complaints about the human induced vegetative growth and its adverse effects on access to and transit along the beach. The Department of Land and Natural Resources issued letters to twelve property owners requesting voluntary removal of vegetation that encroached onto the beach seaward of the shoreline. However, only one landowner removed vegetation on the beach.

Public beach corridors are similar to public sidewalks in the sense that they are for public use. The bill proposes provisions patterned after the sidewalk maintenance ordinance of the City and County of Honolulu (ROH Ch.14 Article 20) which requires property owners to maintain adjacent sidewalks. If a sidewalk is not maintained, a property owner may be cited and given a certain amount of time to clean up the sidewalk. If the sidewalk is not cleaned, the City cleans up the sidewalk and seeks reimbursement from the property owner.

There are two key issues that this bill is trying to address.

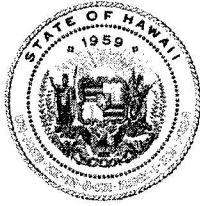
1. The Department of Land and Natural Resources (DLNR) does not have the funding to remove the vegetation nor is it cost-effective to have the DLNR to remove the vegetation because it would be a recurring cost as the vegetation grows back. Under this bill, the property owner and not the State would be responsible for removing the vegetation and this would be an incentive for the property owners to keep the adjacent beachfront free of induced vegetation.
2. Questions have been raised as to whether and under what circumstances government can require property owners to remove irrigation lines or vegetative growth. There is the perception that a burden of proof lies with government agencies to prove that the landowner has caused the vegetation to encroach on the public beach or that the irrigation lines etc. on the beach were placed there by the property owner. This bill places the responsibility to maintain the beach corridor on the adjacent property owner. The enforcing agency, the DLNR, does not have to prove that the property owner caused the encroaching vegetation or placed irrigation lines on the beach.

We point out that most, if not all, of this beach transit area is in the Conservation District or is State-owned land. The Conservation District includes lands seaward from the upper reach of the wash of the waves and are regulated by the DLNR. This shoreline land is public land/state-owned land with a few exceptions. See Ch. 171-2, HRS, Definition of public lands in which public lands are submerged lands. Also, see the definition of submerged lands in HAR Ch. 13-5, Conservation District Rules, Section 13-5.2. "Submerged lands" means lands from the upper reaches of the waves on shore seaward to the extent of the State's jurisdiction.

We have no objection to adding a policy for beach protection under Section 205A-2 (c) to prohibit private property owners from inducing vegetation seaward of the shoreline where it interferes with public lateral access or natural shoreline processes. However, consistent with the policy umbrella concept of CZM, such a policy statement should be supported by provisions in a functional statute to assure implementation, in this case, Ch. 183C, HRS, administered by DLNR. Therefore, we prefer the language pertaining to Ch. 183C in HB 1808 prior to the HD 1 amendments.

Thank you for the opportunity to offer these comments.

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Department of Land and Natural Resources
Testimony Transmittal Cover Sheet**

Date Submitted: February 3, 2010

Testifier's Name/Title: Sam Lemmo, Ocean Conservation and Coastal Lands Division
Administrator

Committee Name: HOUSE COMMITTEE ON JUDICIARY (JUD)

Day and Date: Thursday, February 4, 2010

Time/Location: 2:20 PM, Conference, Room 325

Measure Number: HB 1808 HD1 RELATING TO COASTAL AREAS

Number of Copies: 1 (including original) to Room 302 in the State Capitol

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
JUDICIARY**

**Thursday, February 4, 2010
2:20 PM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 1808, HOUSE DRAFT 1
RELATING TO COASTAL AREAS**

House Bill (HB) 1808, House Draft (HD) 1 proposes to require maintenance of public beach access by adjacent landowners and imposes penalties and a reimbursement mechanism for noncompliance.

The Department is pleased that many of its recommendations for amendments to HB 1808 have been incorporated into the current HD1. The Department supports HB 1808 HD1, with the caveat that due to the current budget shortfall, it would be unlikely that the Department would have the resources necessary to actually remove artificially induced vegetation, and would rely almost exclusively on voluntary compliance, or the threat of penalty due to noncompliance.

One additional question that the Department would like to raise is the collection of fines and/or reimbursement for costs incurred by the Department in the execution of this law. The Department is interested in evaluating mechanisms to ensure payment of these fines through such means as property liens, or other measures.

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



OFFICE OF HAWAIIAN AFFAIRS
Legislative Testimony

HB 1808, HD 1, RELATING TO COASTAL AREAS; PUBLIC ACCESS

House Committee on Judiciary

February 4, 2009

2:20 p.m.

Room: 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB1808, HD 1, which would require maintenance of public beach access corridors by adjacent landowners and imposes penalties for noncompliance.

OHA has always been a strong advocate for shoreline access issues in our state. So many of our beneficiaries not just recreate in these areas, but heavily depend on them as a source of sustenance, both physically and spiritually. In these times, shoreline areas are threatened from a variety of sources: ranging from coastal development to sea level rise. O'ahu alone has lost nearly 25 percent of its beaches due to shoreline hardening. It is vital for us all that we preserve what public trust shoreline we have left.

We recognize that the state's beaches are a public trust resource and are to be kept open for the use and benefit of us all. It is a well-founded policy that promotes our state and is part of what makes Hawai'i so special. OHA also points out that the Native Hawaiian gathering practices that occur along beach areas are recognized as protected traditional and customary rights under the Hawai'i Constitution article XII, section 7.

For homeowners privileged enough to live along our state's shores to promote the growth of shoreline vegetation, or even to simply not maintain the makai limits of the vegetation, violates the legal definition of the shoreline, the public trust, and also Native Hawaiian - our beneficiaries - rights. Many homeowners will trim the vegetation to maintain their viewplane while letting the makai side grow shoreward unchecked. This cannot be allowed to continue. This bill would prohibit private property owners from inducing vegetation seaward of the shoreline where it interferes with lateral public access. OHA recognizes that this is a serious concern and can be a public health and safety issue in some of our coastal areas where the beach essentially disappears into landowner's shrubbery at the high tide.

This bill would be a much-needed tool to use in the shoreline access arena. As it stands now, agencies are hobbled in their efforts to enforce the clear polices that promote an open shoreline.

Therefore, OHA urges the Committee to PASS HB1808, HD 1. Thank you for the opportunity to testify.

Jeannine Johnson, Legislative Sub-Committee Chair

Kuli'ou'ou / Kalani Iki Neighborhood Board #2

5648 Pia Street, Honolulu, Hawai'i 96821

Phone: 373-2874 (h) / 537-7261 (w)

February 2, 2010

COMMITTEE ON JUDICIARY

Rep. Jon Riki Karamatsu, Chair

Rep. Ken Ito, Vice Chair

HB 1808, HD1

RELATING TO COASTAL AREAS

Hearing:

Thursday, February 4, 2010 at 2:20 pm in Conference Room 325

Aloha Chair Karamatsu, Vice Chair Ito and Honorable Committee Members,

As Committee Chair of the **Kuli'ou'ou / Kalani Iki Neighborhood Board #2** Legislative Sub-Committee, I am pleased to inform you **Neighborhood Board #2** strongly supports HB1808, HD1 which requires maintenance of public beach accesses by adjacent landowners and imposes penalties for noncompliance; establishes shoreline access as an objective of the coastal zone management program. **Neighborhood Board #2** represents over 6,000 households, with a population of almost 20,000 people (State of Hawaii Data Book 2002) in East Honolulu.

Hawai'i Revised Statutes (HRS) Chapter 115 states: "The legislature finds that miles of shorelines, waters, and inland recreational areas under the jurisdiction of the State are inaccessible to the public due to the absence of public rights-of-way; that the absence of public rights-of-way is a contributing factor to mounting acts of hostility against private shoreline properties and properties bordering inland recreational areas; that the population of the islands is increasing while the presently accessible beach, shoreline, and inland recreational areas remain fixed; and that the absence of public access to Hawaii's shorelines and inland recreational areas constitutes an infringement upon the fundamental right of free movement in public space and access to and use of coastal and inland recreational areas." The purpose of this chapter is to guarantee the right of public access to the sea, shorelines, and inland recreational areas, and transit along the shorelines, and to provide for the acquisition of land for the purchase and maintenance of public rights-of-way and public transit corridors. Many shoreline paths were created with the intent to provide beach access and are tax assessed at only \$100, yet they remain closed to the public. Beachfront homeowners intimidate the public with walls, gates, keep out signs, video cameras, dogs and an overall unwelcoming attitude to the shoreline has the effect of turning many Hawai'i beaches into private, exclusive ones. Thus, without enforcement, the public's rights of access to and use of coastal and inland recreational areas mandated in HRS Chapter 115 are meaningless.

COMMITTEE ON JUDICIARY

February 2, 2010

Page 2

Therefore, at its November 6, 2008 meeting, **Neighborhood Board #2** voted in favor of the following:

- Appropriating funds for the Office of Planning, Coastal Zone Management Program, to survey and map all existing public access ways to shoreline areas and nearby public parking areas;
- Before permits are issued that may affect public access to the sea, the shoreline, or any coastal or inland public recreational area, the relevant agency shall ensure that a public right-of-way is available to access any and all public recreational areas, including beaches, shores, parks, and trails; and
- Requiring state and county agencies to enforce the public's rights of access to and use of coastal and inland recreational areas as mandated in HRS Chapter 115 and increase penalties for the offense of obstructing access to public property.

Your support of HB1808, HD1 is respectfully requested.

Mahalo,



Legislative Sub-Committee Chair

Kuli'ou'ou / Kalani Iki Neighborhood Board #2

cc via email: Chair Robert Chuck
Sen. Sam Slom
Rep. Lyla Berg
Rep. Barbara Marumoto
Beach Access Hawai'i
Livable Hawai'i Kai Hui
Lucinda Pyles

karamatsu1-Kenji

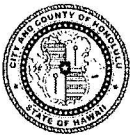
From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2010 12:30 PM
To: JUDtestimony
Cc: scottyandersons@hotmail.com
Subject: Testimony for HB1808 on 2/4/2010 2:20:00 PM
Attachments: NB3 reso on shoreline.pdf

Testimony for JUD 2/4/2010 2:20:00 PM HB1808

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Scotty Anderson
Organization: Neighborhood Board 3 Waiialae-Kahala
Address: 2435 Aha Aina Place Honolulu, Hi 96821
Phone: 306-5697
E-mail: scottyandersons@hotmail.com
Submitted on: 2/3/2010

Comments:

Sorry that this copy attached has last sessions bill number HB2452



WAIALAE-KAHALA NEIGHBORHOOD BOARD NO. 3

c/o NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 406 • HONOLULU, HAWAII 96813
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET: <http://www.honolulu.gov>

HB-2452

**RESOLUTION IN SUPPORT OF LEGISLATION THAT
ADDRESSES THE REMOVAL OF ARTIFICIALLY INDUCED
VEGETATION SEAWARD OF THE SHORELINE:**

BE IT RESOLVED BY THE Waialae-Kahala Neighborhood Board No. 3 OF THE CITY AND COUNTY OF HONOLULU:

WHEREAS, the Hawaii State Supreme Court has established that the shoreline lies along the upper annual reaches of the waves, excluding storm and tidal waves and is usually evidenced by the edge of vegetation or by the upper limit of debris left by the wash of the waves (Hawaii Revised Statutes §205A-1); and

WHEREAS, the Hawaii State Supreme Court has established that the land below the high water mark is a natural resource that belongs to the State of Hawaii and held in trust for the benefit of its people and whose ownership may not be relinquished; and

WHEREAS, Hawaii coastal access law, HRS §115, guarantees the right of transit along the shoreline exists seaward of the shoreline as defined in HRS §205A-1; and

WHEREAS, Hawaii coastal protection law, HRS §205A, requires the State to provide and manage adequate public access to and along shorelines with recreational value and establishes that seaward of the shoreline is part of the conservation district and regulating uses of the conservation district is the responsibility of the department of land and natural resources; and

WHEREAS, state agencies have determined that there are many shoreline areas throughout the state where the overgrowth of vegetation inhibits access to and transit along the beach, thereby denying the public of use and enjoyment of the public domain; and

WHEREAS, there is evidence in many areas of induced vegetative overgrowth in the beach area by private property owners artificially cultivating aggressively growing, salt water tolerant vegetation, such as naupaka and hau, which is able to withstand regular inundation; and

WHEREAS, such vegetation grows ever seaward in a trenchant and unrelenting manner, carpeting the shoreline with unnaturally occurring vegetation, reducing beach width and squeezing or elimination corridors of access which deprive the residents of the precious natural resource of its beaches; and

WHEREAS, artificially cultivated vegetation that is unnaturally watered and nourished develops deep penetrating root balls which prevents sand from moving onto the beach during period of high waves and has the potential of narrowing beaches due to sand loss; and

WHEREAS, on November 27, 2007, a site inspection of Kahala Beach was held with community members, elected representatives and State and City officials having functional responsibilities relative to the vegetation encroachment issue; and

WHEREAS, in December 2007, DBEDT's Office of Coastal Zone Management provided a written report



indicating the Kahala Beach inspection revealed extensive vegetative overgrowth of hau, naupaka and other plant species that are growing on the beach corridor blocking lateral access at even moderate tides and that this problem is found through out the islands on other beaches; and

WHEREAS, in 2008, House Concurrent Resolution H.C.R. 258 was passed requesting the DBEDT Office of State Planning, along with community leaders and district legislators, to coordinate the City and State Agencies in addressing the encroaching vegetation on Kahala Beach and adopt a strategy and plan to rectify it and to report its finding to the State Legislature; and

WHEREAS, in 2008 the Department of Land and Natural Resources Office of Conservation and Coastal Lands identified 12 properties with significant vegetation encroachment along Kahala's shoreline and issued letters to property owners on May 7, 2008 requesting voluntary removal of vegetation that encroached onto the beach seaward of the shoreline, with only one affirmative response; and

WHEREAS, there is agreement among community leaders, elected representatives and City and State agencies that there is indeed a state wide problem; and

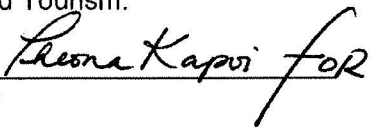
WHEREAS, there is agreement that State law provides within its policies and objectives for the protection of natural beach processes and the preservation of access and recreational use of the *shoreline*; and

WHEREAS, public beach corridors are similar to public sidewalks in the sense that they are for public use, therefore, to maintain public transit along the shoreline, provisions similar to those pertaining to the maintenance of sidewalks are needed; now, therefore

BE IT RESOLVED BY THE Waiālae-Kahala Neighborhood Board 3 OF THE CITY AND COUNTY OF HONOLULU, that the Board fully supports the efforts of State Representative Mina Morita to introduce legislation consistent with Hawaii's coastal protection laws that will provide the mechanism for the department of land and natural resources to restore access to and along the shoreline where induced vegetative overgrowth is inhibiting access and use of the beach.

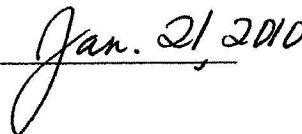
BE IT FURTHER RESOLVED, the Board urges House and Senate committee chairs to hear the bill addressing this problem and subsequently pass the bill out of their committee in a speedy manner so as not to delay it's progress.

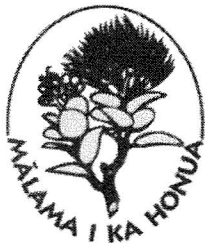
BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to Governor Linda Lingle, Honolulu Mayor Muffi Hannemann, State Representative Mina Morita, State Representative Calvin K.Y. Say (House Speaker), State House Committee Chairs: Representative Ken Ito (Water, Land & Ocean Resources), Representative Jon Riki Karamatsu (Judiciary), Representative Marcus R. Oshiro (Finance), and all members of the State House of Representatives and State Senate, the Director of the Department of Land and Natural Resources and the Director of the Department of Business, Economic Development and Tourism.



Scotty Anderson
Chair, NHB 3

Date





Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803

808.538.6616 hawaii.chapter@sierraclub.org

HOUSE COMMITTEE ON JUDICIARY

February 4, 2010, 2:20 P.M.

(Testimony is 2 page long)

TESTIMONY IN SUPPORT OF HB 1808 WITH PROPOSED AMENDMENT

Aloha Chair Karamatsu and Members of the Committees:

The Hawai'i Chapter of the Sierra Club supports HB 1808, which requires ongoing maintenance by adjoining properties in order to ensure continued access to our public beaches. Having reviewed companion bills, we suggest amending HB 1808 to utilize the language in the recently-introduced HB 2452.

Overgrown plants, sometimes intentionally allowed to overgrow the shoreline and beach access, deter the reasonable use of our public beaches and trails. In order to maintain the safety of our residents and our guests, we need to ensure access and use of our beaches is maintained.

As one Sierra Club member on Kauai notes:

Landscaping on the public beach has become rampant here on Kauai's North Shore. Our pristine sandy beaches are now oasis of lush green vegetation. Salt tolerant plants continue to grow seaward onto the public beach. More plants continue to be planted, further and further seaward in what appears to be a never ending movement seaward.

Beach front landowners and their landscapers have planted the beach very aggressively, creating colonies of salt tolerant vegetation on the beach.

Naupaka, spiderlilies, ironwood trees, wedlia, and beach heliotrope trees, are most commonly used. The heliotropes are repeatedly trimmed low to encourage their low lateral growth, covering large expanses of what was public beach. Naupaka is regularly planted and replanted after the seasonal high surf.

The vegetating of our beaches has become a problem of epic proportions. Low growing salt tolerant grasses such as aki aki grass have been planted even more seaward of the planted naupaka. The vegetation has the effect of privatizing the beach for the adjacent landowners.

Irrigation of the planted vegetation is commonplace as is the fertilizer used to encourage its growth. The fertilizer has an additional negative impact on our coral reefs. The vegetation also changes the slope and profile of the sandy beach. When the waves wash, the sand gets trapped in the vegetation. After a period of time, the beach is much steeper, leading to scarping. It also impacts the Hawaiian Monk Seals ability to haul out of the ocean and rest on the beach.

By ensuring the public continues to have access and use of our beaches, HB 1808 helps protect Hawaii's proud public access tradition.

Please move this measure forward. Thank you for the opportunity to testify.

North Shore 'Ohana
PO Box 369
Hanalei, HI 96714

February 3, 2010

TESTIMONY SUPPORTING HB 1808 RELATING TO COASTAL ACCESS

Aloha Committee Members,

The North Shore 'Ohana, comprised of residents in the Wainiha and Hā'ena area of Kaua'i, has for more than 20 years, working to protect shoreline access of citizens in our area.

We urge you to support this excellent bill that will enable the public to access and use our beaches free of planted vegetative encroachments that serve to privatize our public beaches.

Coastal access by the public, and beaches here on Kaua'i's north shore have been disappearing at alarming rates due to the intensification of artificially planted and irrigated vegetation along the shoreline. Property owners along the shoreline aggressively plant, fertilize and irrigate the salt-tolerant vegetation, which grows further and further seaward, cutting off access along the beaches and shoreline to the public. The result of this artificial armoring of our coastal areas is that our beaches are becoming privatized, and the loss of public access is huge.

When is enough, enough? Please pass HB 1808, and require those guilty of the above anti-public activities, to remove the encroaching vegetation, or be fined.

Thank you,
Barbara Robeson, Spokesperson
North Shore 'Ohana

February 2, 2010

EMAILED TESTIMONY TO: JUDtestimony@Capitol.hawaii.gov

**Hearing Date: Thursday, February 4, 2:20 pm., Conference Room 325
(House Committee on Judiciary)**

Honorable Representative Jon Riki Karamatsu, Chair, Ken Ito, Vice Chair, and Members of the House Committee on Judiciary

Subject: **HB 1808, Relating to Coastal Areas**

Honorable Chair Karamatsu, Vice Chair Ito, and Committee Members,

As a strong supporter of the Waialae, Kahala and Diamond Head community and former Neighborhood Board member, I have heard numerous complaints about vegetation encroachment and illegal seawalls along our precious coastal areas.

I am in **Strong Support of HB 1808 Relating to Coastal Areas** this bill will require the maintenance of the beach access by adjacent property owners to the satisfaction of our shoreline limits as specified by the State Department of Land and Natural Resources.

There have been numerous attempts by concerned citizens, State DLNR shoreline and City and County of Honolulu staff to define the shoreline limits and requesting property owners to trim back the shore line vegetation that is creeping into the shoreline access areas and creating erosion of our precious beach areas. We have viewed numerous photos old maps and shoreline certification documents that show how much erosion of our beaches have occurred due to over vegetation and seawalls along our beaches. This limits access by the public and causes further erosion.

We urge you to support HB 1808 Relating to Coastal Areas.

Sincerely,

Lester H. Fukuda, P.E.
Concerned Citizen

Lucinda Pyles
4721 Kahala Ave
Honolulu, HI 96816
732-6262

February 3, 2010

Jon Riki Karamatsu, Chair
and Members of the House Judiciary Committee
House of Representatives
Hawaii State Capitol, Room 302
Honolulu, HI 96813
fax 808-586-8494

Dear Chair Karamatsu and Members

**Subject: House Bill HB1808 Relating to Coastal Areas,
Testimony in support**

My husband and I have been residents of Kahala for nearly forty years. We raised three sons who spent many hours enjoying Kahala Beach. Over the past two decades we have watched Kahala Beach shrink. Most of the shrinkage is due to the overgrowth of vegetation, planted and irrigated along the shoreline by adjacent land owners. The salt-water tolerant naupaka and hau has slowly migrated seaward shrinking the beach to the point that in some areas lateral access is obstructed even at low tide. The public is now denied the use and enjoyment of thousands of square feet of beach smothered in dense vegetation. We understand that this is not unique to Kahala, but has occurred on other shorelines on Oahu and through out the islands.

For several years I served on the Waialae-Kahala Neighborhood Board and/or the Kahala Community Association Board. In 2004 members of the community brought this vegetation overgrowth problem to the attention of elected officials and City and State agencies responsible for shoreline use regulation. This bill is the result of many collaborative meetings, beach site tours and coastal law investigation.

Since Hawaii State law clearly defines the shoreline, the public domain and guarantees the right of public access to and along the shoreline seaward of the high water mark and the Department of Land and Natural Resources is charged with regulating use within this conservation area/public domain, a mechanism to effectively restore and preserve access to and use of beaches is needed. The provisions of House Bill HB1808 provides that mechanism. Without an effective mechanism to carry out the policies and objectives of coastal zone management we cannot protect and preserve Hawaii's coastal areas.

I urge you to support House Bill HB1808.

Yours truly,

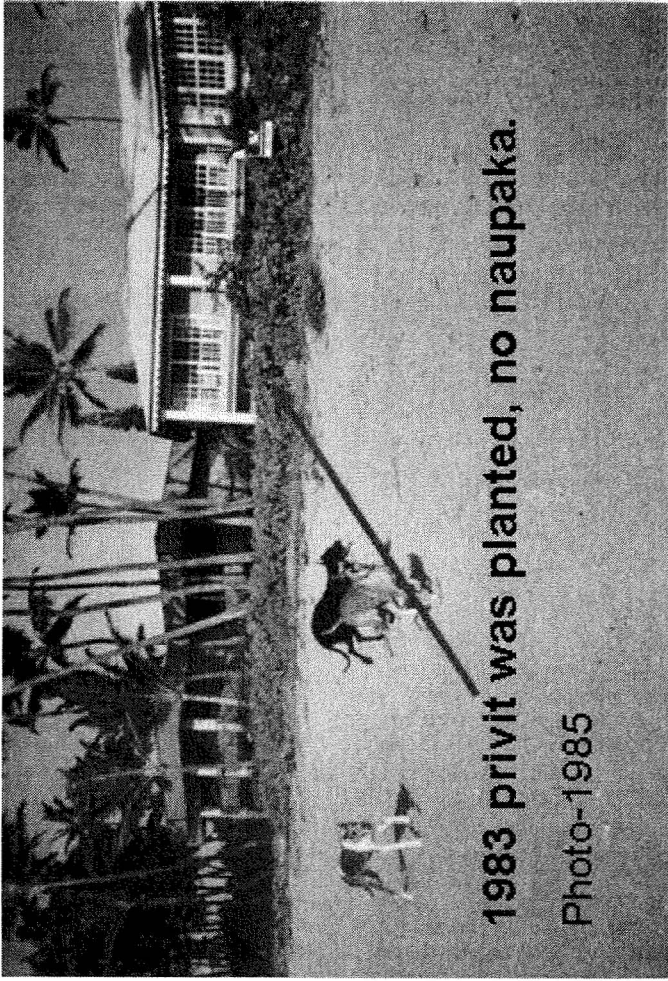
Lucinda Pyles



Induced vegetation

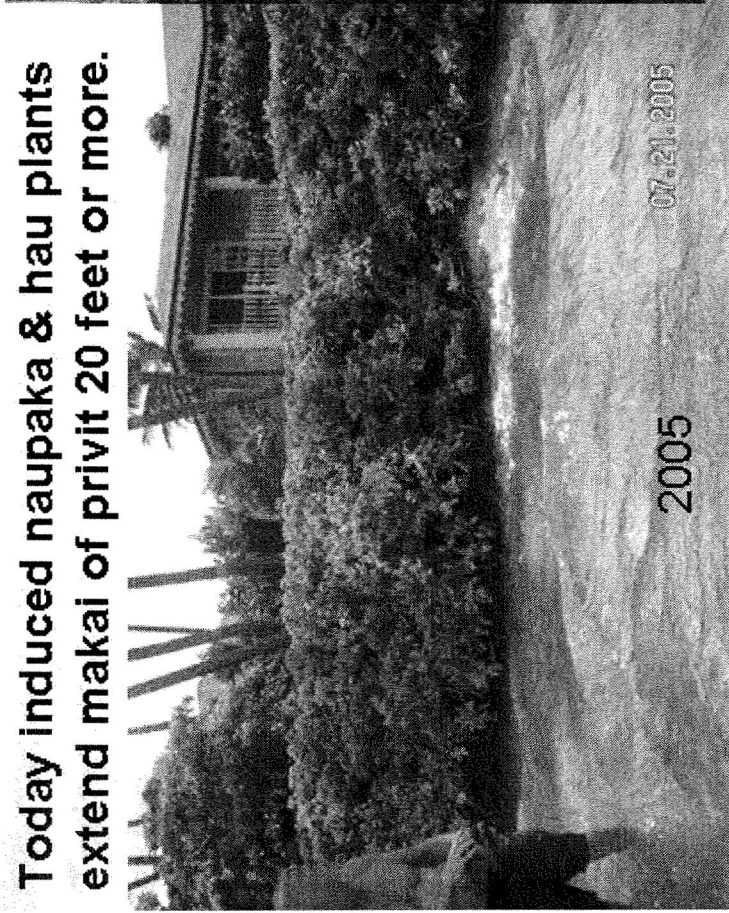
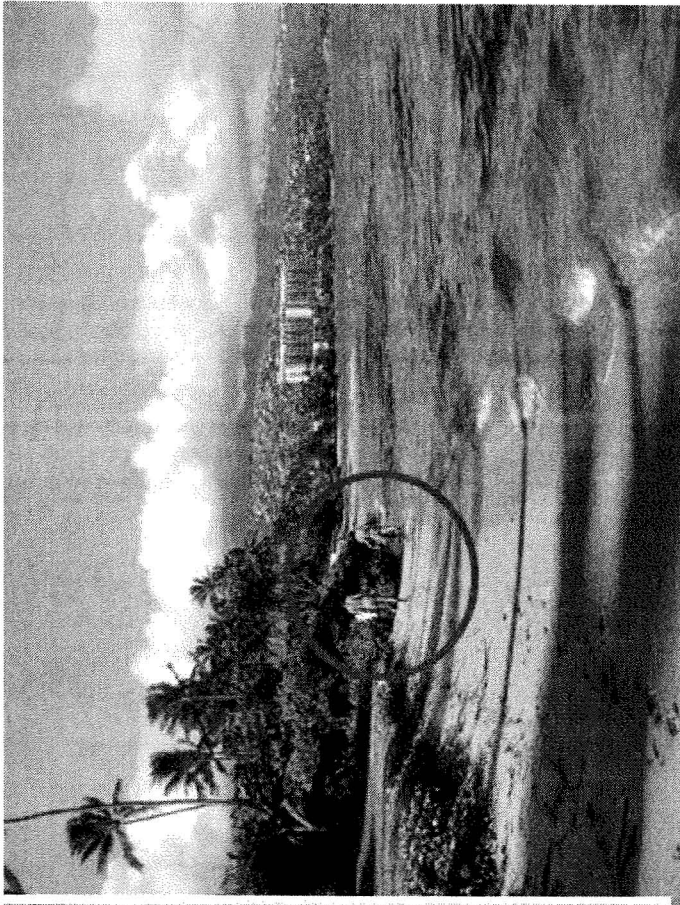
- Obstructs lateral access along the shoreline
- Deprives the public of recreation use
- Interferes with natural beach processes

07.31.2007



1983 privit was planted, no naupaka.

Photo-1985



Today induced naupaka & hau plants extend makai of privit 20 feet or more.

2005

07.21.2005

karamatsu1-Kenji

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2010 6:12 AM
To: JUDtestimony
Cc: kbilkiss@msn.com
Subject: Testimony for HB1808 on 2/4/2010 2:20:00 PM

Testimony for JUD 2/4/2010 2:20:00 PM HB1808

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Kathy Bilkiss
Organization: Individual
Address: 4855 Kolohala Honolulu
Phone: 808-734-4760
E-mail: kbilkiss@msn.com
Submitted on: 2/3/2010

Comments:

I support HB108 and urge you to pass this promptly. I have been a resident of Waialae Kahala for over 30 years and me and my family have enjoyed and walked the beach regularly. Some beachfront owners are now planting and irrigating plants, such as Napaku, which often spread to the ocean, making it difficult or impossible to walk on the sand without going into the water, thus denying use and enjoyment of our beaches.
Thank you

karamatsu1-Kenji

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2010 9:58 AM
To: JUDtestimony
Cc: hi2mom@aol.com
Subject: Testimony for HB1808 on 2/4/2010 2:20:00 PM

Testimony for JUD 2/4/2010 2:20:00 PM HB1808

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: S. Roth
Organization: Individual
Address:
Phone:
E-mail: hi2mom@aol.com
Submitted on: 2/3/2010

Comments:

Please keep the beach a beach, not an overgrown garden. The over-growth is swallowing up our beaches. Help protect our natural resource for the benefit of all, not just a few.
Mahalo

karamatsu1-Kenji

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2010 4:01 PM
To: JUDtestimony
Cc: judimoore@hotmail.com
Subject: Testimony for HB1808 on 2/4/2010 2:20:00 PM

Testimony for JUD 2/4/2010 2:20:00 PM HB1808

Conference room: 325
Testifier position: support
Testifier will be present: Yes
Submitted by: Judi Moore
Organization: Individual
Address: 1782 Halekoa Drive Honolulu, Hawaii 96821-1027
Phone: 732-3256
E-mail: judimoore@hotmail.com
Submitted on: 2/3/2010

Comments:

All beaches in Hawaii need to be kept public for everyone. Many residents of Kahala Beach have planted naupaka and deliberately watered and cared for the plants allowing them to encroach on the beach. We need HB1808 to protect our beaches.

Testimony in Support of HB1808

Submitted by: Nancy Taylor – 46-429 Hololio Street, Kaneohe, HI 96744

I write in support of HB1808. I have lived in Hawaii since 1968. I started walking Kailua Beach on a regular basis well over 30 years ago and walked its entire length nearly every day for over 25 years. During that time I watched the Kailua shoreline change from a wide expanse of gently sloping sand to what is now a dramatically different beach. Though I used to walk probably 350 days of each calendar year, I now check the tide charts and only walk when and if the tides are low enough to enable walking with moderate comfort. Today, the shoreline is slanted, and the expanse of sand is greatly diminished. I now walk Kailua Beach no more than twice each month and sometimes not at all due to the condition of the shoreline.

While it is still a lovely beach and there are days when it is still delightful, vegetation has had a dramatic adverse effect on the Windward shoreline. I suspect that retaining walls that have been built in Lanikai to retain the ever-shrinking beaches have further worsened the situation.

Actions to protect our beaches is vitally important to Hawaii's residents. The situation continues to worsen as the months go by. I watch in sadness as more and more old trees fall into the ocean at Kailua Beach Park due to the continuing erosion of the beach frontage.

I urge that HB1808 be passed as a step toward preserving Hawaii's beaches. We cannot continue to ignore the severity of the consequences of failing to act.

Thank you for your consideration of my testimony.

Nancy Taylor