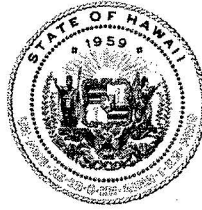
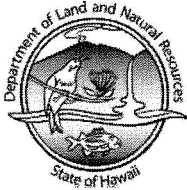


LINDA LINGLE
GOVERNOR OF HAWAII



**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
FINANCE**

**Tuesday, February 23, 2010
3:00 PM
State Capitol, Conference Room 308**

**In consideration of
HOUSE BILL 1808, HOUSE DRAFT 2
RELATING TO COASTAL AREAS**

House Bill (HB) 1808, House Draft (HD) 2 proposes to require maintenance of public beach access by adjacent landowners and imposes penalties and a reimbursement mechanism for noncompliance. The Department of Land and Natural Resources (Department) supports HB 1808 HD2 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.

The Department also recommends the following technical amendments to the bill:

1. Page 4, lines 5, include the words "seaward of the shoreline" after the word "public." Strike the words "along the shoreline below the private property lines." The purpose of these changes is to promote consistency in state laws regarding the location of the shoreline and what rights the public may assert seaward of the shoreline.
2. Page 4, line 9, insert the words "beach transit corridors" after the word "Along" and strike the words "transit areas and public transit corridors." Explanation: If this new law provision is to maintain "beach transit corridors" the language should be tailored to be consistent with this purpose. Other elements of Chapter 115, HRS, address unlawful obstruction of public access ways other than "beach transit corridors."
3. Page 5, lines 2 through 22 appear to contain redundancies.
4. Page 7, retain language in the HD1 in regards to the definition of shoreline. The definition of shoreline in HD2 is not consistent with the definition of shoreline as found in Chapter 205A, HRS, and other relevant statutes.

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



HB 1808 HD2
RELATING TO COASTAL AREAS; PUBLIC ACCESS
House Committee on Finance

February 23, 2010

3:00 p.m.

Room: 308

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB1808 HD 2, which would require maintenance by adjacent landowners of public beach access corridors and lateral beach access, imposes penalties for noncompliance, and establishes shoreline access as a component of the Coastal Zone Management Program.

OHA appreciates the amendments made to strengthen this latest draft of the bill, because we have always been a strong advocate for shoreline access issues in Hawai'i. Hawai'i's beaches must be accessible for the use and benefit of us all. And, the Native Hawaiian gathering and cultural practices that occur along and from beach areas are protected traditional and customary rights under the Hawai'i Constitution, Article XII, Section 7. Many Native Hawaiians not just recreate in these areas, but heavily depend on them as a source of sustenance, both physically and spiritually. Currently, 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. We must preserve what public trust shoreline we have left.

For homeowners privileged enough to live along Hawai'i's shores to promote the growth of shoreline vegetation, or even to simply not maintain the makai limits of the vegetation, violates Hawai'i's legal definition of "shoreline," the public trust and Native Hawaiian rights. This bill would prohibit private property owners from inducing vegetation seaward of the shoreline where it interferes with lateral public access, as well as corridor access to the coastline. OHA recognizes that limiting shoreline access poses 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. As such, this bill would create much-needed tools in the shoreline access arena. Agencies have been hobbled for too long in their efforts to enforce clear policies that promote an open shoreline. This bill would allow the various agencies mandated with this specific application of public trust access, and Native Hawaiian access and gathering rights, to better enforce their constitutional mandates.

Therefore, OHA urges the Committee to PASS HB1808 HD 2. Thank you for the opportunity to testify.



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>

**RESOLUTION IN SUPPORT OF LEGISLATION (HB 1808) 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

Reona Kapi for

Date

Jan. 21, 2010

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 22, 2010

COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair

Rep. Marilyn B. Lee, Vice Chair

HB 1808, HD2

RELATING TO COASTAL AREAS

Hearing:

Tuesday, February 23, 2010 at 3 pm in Conference Room 308

Aloha Chair Oshiro, Vice Chair Lee 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, HD2 which requires maintenance of public beach accesses by adjacent landowners and imposes penalties for noncompliance; establishes shoreline access as a policy of the Coastal Zone Management Program. **Neighborhood Board #2** represents over 6,000 households, with a population of almost 20,000 people (State of Hawai'i Data Book 2002) in East Honolulu.

The purpose of Hawai'i Revised Statutes (HRS) Chapter 115 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. In 1968 the Hawai'i State Supreme Court established that the land below the high water mark is a natural resource that belongs to the State of Hawai'i and held in trust for the benefit of its people and whose ownership may not be relinquished. Hawai'i's coastal protection law, HRS Chapter 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 (DLNR).

For years beachfront homeowners have intimidated the public with walls, gates, keep out signs, video cameras, and dogs. There is also evidence in many areas of induced vegetative overgrowth in the beach area by beachfront property owners by artificially cultivating aggressively growing, salt water tolerant vegetation, such as naupaka and hau, reducing beach width and squeezing or eliminating corridors of access. This deprives residents of the precious natural resource of its beaches and 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

COMMITTEE ON FINANCE

February 22, 2010

Page 2

and inland recreational areas mandated by the Hawai'i Supreme Court and the Hawai'i Revised Statutes are meaningless.

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.

In addition, at its February 4, 2010, meeting, **Neighborhood Board #2** concluded that public beach corridors are similar to public sidewalks in the sense that they are for public use and should be maintain with provisions similar to those pertaining to the maintenance of sidewalks to guarantee public transit along the shoreline. Consequently, **Neighborhood Board #2** unanimously voted in favor of legislation consistent with Hawaii's coastal protection laws that would provide the mechanism for the DLNR to restore access to and along the shoreline where induced vegetative overgrowth is inhibiting access and use of the beach. (See signed Resolution attached.)

Your support of HB1808, HD2 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
Livable Hawai'i Kai Hui
Lucinda Pyles



KULI'OU'OU/KALANI IKI NEIGHBORHOOD BOARD NO. 2

c/o NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 400 • HONOLULU, HAWAII, 96813
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**RESOLUTION IN SUPPORT OF LEGISLATION THAT
ADDRESSES THE REMOVAL OF ARTIFICIALLY INDUCED
VEGETATION SEAWARD OF THE SHORELINE**

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, in December 2007, the State Department of Business, Economic Development and Tourism (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 beaches and adopt a strategy and plan to rectify it and to report its finding to the State Legislature; 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, that the Kuli'ou'ou/Kalani Iki Neighborhood Board No. 2 of the City & County of Honolulu 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, that the Kuli'ou'ou/Kalani Iki Neighborhood Board No. 2 of the City & County of Honolulu 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 Mufi 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.

This resolution was adopted by unanimous consent by the Kuli'ou'ou/Kalani Iki Neighborhood Board No. 2 of the City & County of Honolulu at its February 4, 2010 regular meeting.

Submitted by:

 K. Russell Ho Forc

Robert T. Chuck
Chair

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

BE IT RESOLVED BY THE KAILUA NEIGHBORHOOD BOARD #31 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, 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 KAILUA NEIGHBORHOOD BOARD #31 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.

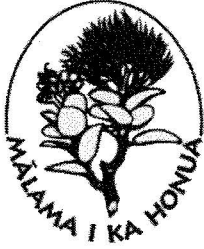
BE IT FURTHER RESOLVED, the Board urges House and Senate committee chairs to hear the bill addressing this problem and subsequently pass the bill out of their committee in a speedy manner so as not to delay it's progress.

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to Representative Cynthia Thielen, Representative Chris Lee, Representative Ken Ito, Representative Pono Chong, Senator Jill Tokuda, Senator Fred Hemmings

_____ date _____

Chuck Prentiss

Chair, NHB 31



Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.538.6616 hawaii.chapter@sierraclub.org

HOUSE COMMITTEE ON FINANCE

February 23, 2010, 3:00 P.M.
(*Testimony is 2 page long*)

TESTIMONY IN SUPPORT OF HB 1808 HD2

Aloha Chair Oshiro and Members of the Committees:

The Hawai'i Chapter of the Sierra Club **supports** HB 1808 HD2, which requires ongoing maintenance by adjoining properties in order to ensure continued access to our public beaches.

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.



Conservation Council for Hawai'i

Testimony Submitted to the House Committee on Finance

HB 1808 HD 2 Relating to Coastal Areas
Hearing: Tuesday, February 23, 2010 3:00 pm Room 328

In support of HB 1808 HD 2

Aloha. Conservation Council for Hawai'i supports HB 1808 HD 2, which requires maintenance of public beach accesses by adjacent landowners and imposes penalties for noncompliance. Establishes shoreline access as a policy of the Coastal Zone Management Program. .

Access to public beaches ensures that Hawai'i residents and visitors are able to use and enjoy this important public resource.

Please pass HB 1808 HD 2. Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler

Marjorie Ziegler



Hawai'i's Voice for Wildlife – *Ko Leo Hawai'i no na holoholona lohiu*

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President: Maura O'Connor * Treasurer: Kim Ramos * Secretary: Douglas Lamerson
Directors: Madelyn D'Enbeau * Maka'ala Ka'aumoana * Hannah Springer
Executive Director: Marjorie Ziegler

Harold Bronstein

Attorney and Counsellor at Law

P.O. Box 3064, Lihue, Hawaii 96766 • Phone (808) 245-1997
Fax (808) 245-8929

February 23, 2010

Honorable Marcus R. Oshiro
Chairperson, Finance Committee
House of Representatives
Hawaii State Legislature
Twenty Fifth State Legislature
Regular Session, 2010
Honolulu, Hawaii 96813

Re: H.B. No. 1808
H.D. 2

Dear Chairperson Oshiro and Members of the Finance Committee:

Thank you for the opportunity to comment on H.B. No. 1808,
H.D. 2.

Although I support the general intent and purpose of the
proposed bill, I disagree with the proposed language amending the
definition of "shoreline", which amendment reads as follows:

"Shoreline" means the upper reaches of the
wash of the waves, other than storm and seismic
waves, at high tide during the season of the year
in which the highest wash of the waves occurs,
usually evidenced by the edge of natural vegetation
growth, [e~~r~~] but never lower than the upper limit
of debris left by the wash of the waves."

(See H.B. No. 1808, H.D. 2)

As I'm sure you are aware, in Diamond v. State of Hawaii, 112
Haw. 161, 145 P.3d 704 (2006), the Hawaii Supreme Court in
discussing certified shorelines concluded as follows:

Honorable Marcus R. Oshiro
Chairperson, Finance Committee
House of Representatives
February 23, 2010
Page 2

. . . to the extent that the Order Denying Appeal suggests that, as a matter of law, the shoreline is not demarcated by the highest point that the waves reach on shore in non-storm or tidal conditions, the Order is erroneous. (Emphasis added).

In Diamond, the Court in discussing its prior decision in the County of Hawaii v. Sotomura, 55 Hawaii 171, 517 P.2d 57 (Haw. 1973), stated:

Although the decision [Sotomura] acknowledged that the vegetation line is a "more permanent monument," based on the legislative intent and public policy favoring shoreline access, that statement is best read as merely supporting the court's decision to use the most mauka line. Indeed, as evidenced by the facts of the present case, vegetation is not always permanent, and there is no indication that the decision in Sotomura contemplated owners planting and promoting salt-tolerant vegetation. See *infra* Section III.C.3. (Emphasis added).

I would respectfully suggest that any change to the definition of "shoreline" contained in HRS 205A-1, clearly reflect that it is the legislative intent and public policy of the State of Hawaii to use the most mauka evidence to determine the "shoreline".

Accordingly, I would urge the Committee that the definition of "shoreline" as contained in H.B. No. 1808, H.D. 2 be further amended as follows:

"Shoreline" means the upper reaches of the wash of the waves, other than storm and seismic waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of natural vegetation growth, or the upper limit of debris left by the

Honorable Marcus R. Oshiro
Chairperson, Finance Committee
House of Representatives
February 23, 2010
Page 3

wash of the waves, whichever is most further mauka,
but never lower than the upper limit of debris left
by the wash of the waves."

I firmly believe that such an amendment is consistent with the "legislative intent and public policy favoring shoreline access" as contained in the Coastal Zone Management Act, HRS 205A-1, et. seq. and this proposed bill.

As always, thank you for your time and consideration of this very important matter.

Very truly yours,



HAROLD BRONSTEIN

HB:tes

cc: Harrison Kawate, Esq.
Committee Clerk
Judiciary Committee

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

FAXED
2:51 pm
2/22/10
5 pages Total

Stanton Johnston
4653 Kahala Ave.
Honolulu, HI 96816

February 22, 2010

Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice Chair
and the Members of the House Financial Committee
House of Representatives
Hawaii State Capitol, Room 308
Honolulu, HI 96813
Fax: (808) 586-6001

Hearing Date: Tuesday, February 23, 2010 3:00PM
Opposition and Comments to HB 1808: Relating to Coastal Areas
Bill HB 1808 will result in serious financial and ecological consequences to our beaches, shoreline and marine environment.

Honorable Representative Chair Oshiro, Vice Chair Lee and Members of the House Committee on Finance:

I have been a resident of Kahala Beachfront property for 64 years and have seen the beach erode dramatically due to errors in judgment. This bill will cost millions in beach reconstruction and is open to liability issues. In our area it is not the vegetation overtaking the beach but the beach disappearing. The provisions of this bill result in the forced mass cutting of a naturally growing, non-irrigated indigenous plant that presently armors the shoreline. We have seen the consequence of its removal exacerbating a serious erosion problem. Two residents have initiated the cutting process within the last two years, and I have the photographic documentation showing that it resulted in considerable damage to the shoreline after every high tide. The sand disappears and does not return, possibly due to the large storm drain pipe near the Hunakai access that is wrongly positioned above the ocean floor. When the shoreline erodes, in an erosion prone area, the sand accretes further down the beach and the resulting sediment is killing the marine life in that vicinity. Please refer to the attached erosion map provided by SOEST (UH). I have shown that cutting back the native Naupaka Kai in an erosion prone area does not improve beach access, and because of subsequent armoring has caused these residents to spend probably over a \$100,000. In fact, the measures to secure the shoreline from further erosion with the coconut fiber 800 lb sandbags and coconut fiber matting now make it impossible to access the beach at high tide. It also creates a libelous hazard while also exacerbating a serious erosion problem.

Instead of a temporary and costly quick fix, which may last about a year; the cause of erosion with the scientific study of currents and tides should be funded and researched before drastic measures are made to cut back an indigenous shoreline native plant. The supporters of this Bill

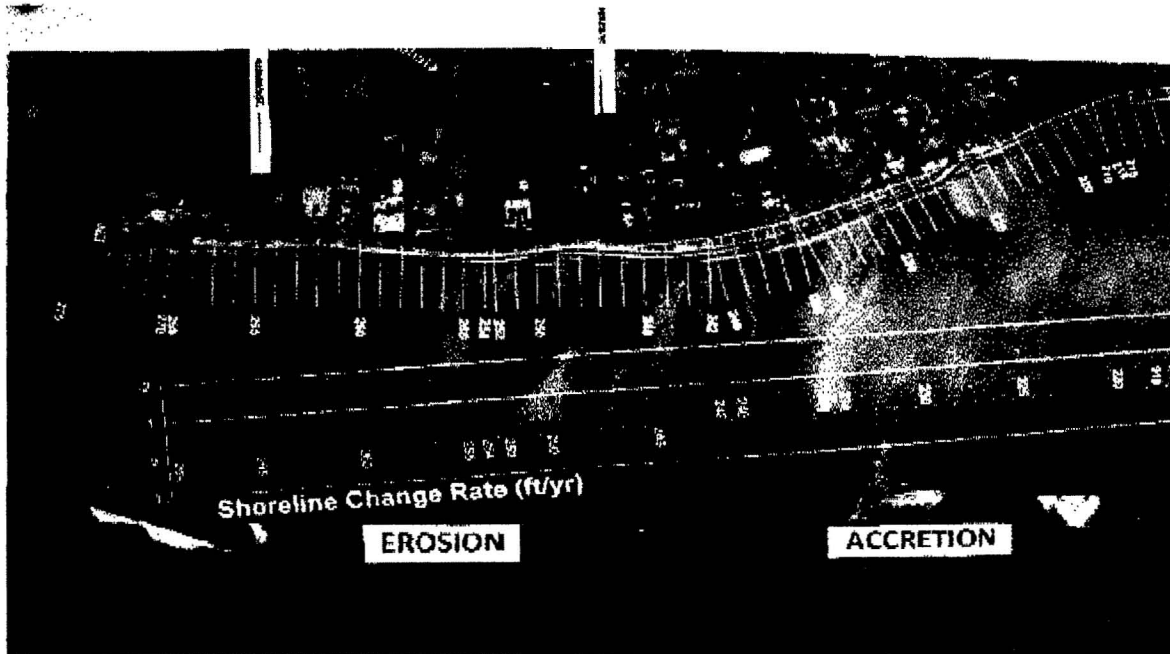
might suggest that the sand bags and coconut matting are eco-friendly. I can show that not only are they unsightly, but installing this material creates a seawall. This bill forces residents to cut a shore retaining plant which will result in the consequence of building seawalls. It is known that seawalls are the reason the southwest part of Kahala beach sand has now disappeared, although it was there back in the 50's. If this bill passes, there will not be a beach in the erosion prone area of Kahala within the next 5 years!

I brought this presentation of photographic documentation and information to the attention of the Wailae Kahala Neighborhood board in 2008, 2009 and again at the last two meetings in 2010, the last of which I was finally informed that I should bring it to the legislature's attention.

I urge you to oppose House Bill HB1808. Thank you for the opportunity to express my view on this serious ecological matter.

Sincerely,

Stanton Johnston



View as of 2-22-2010. Two residents have brought in tons of sand numerous times, only to have it erode. All this sand brought in will be gone after the next high tide. The sediment will travel down the beach and be deposited in the area where the beach is accreting and also off-shore, damaging the marine life.



At high tide, it is now virtually impossible to walk down the beach without injury.



This photograph shows the sediment traveling north-east down the beach to the accretion area.



This shows what is happening off-shore due to the extra sand being deposited on the beach by the two residents trying replace the eroding sand.

Lucinda & John Pyles
4721 Kahala Ave
Honolulu, HI 96816

February 22, 2010

Marcus Oshiro, Chair
and Members of the House Finance Committee
House of Representatives
Hawaii State Capitol, Room 306

Dear Chair Oshiro and Members

Subject: House Bill HB1808-HD2 Relating to Coastal Areas, Testimony in SUPPORT

My husband and I have been residents of the Waiialae-Kahala area 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 even though much of Kahala Beach has been in a 20 year accretion cycle (documented by the UH Sea Grant Program). Most of the shrinkage is due to the overgrowth of vegetation, planted and irrigated along the shoreline by adjacent landowners. 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. This is not unique to Kahala. Throughout the islands the public is now denied the use and enjoyment of thousands of square feet of beach smothered in dense vegetation. In addition, the dense overgrowth creates a form of armament, interfering with natural beach processes.

For several years I served on the Waiialae-Kahala Neighborhood 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 inspection tours and coastal law investigation.

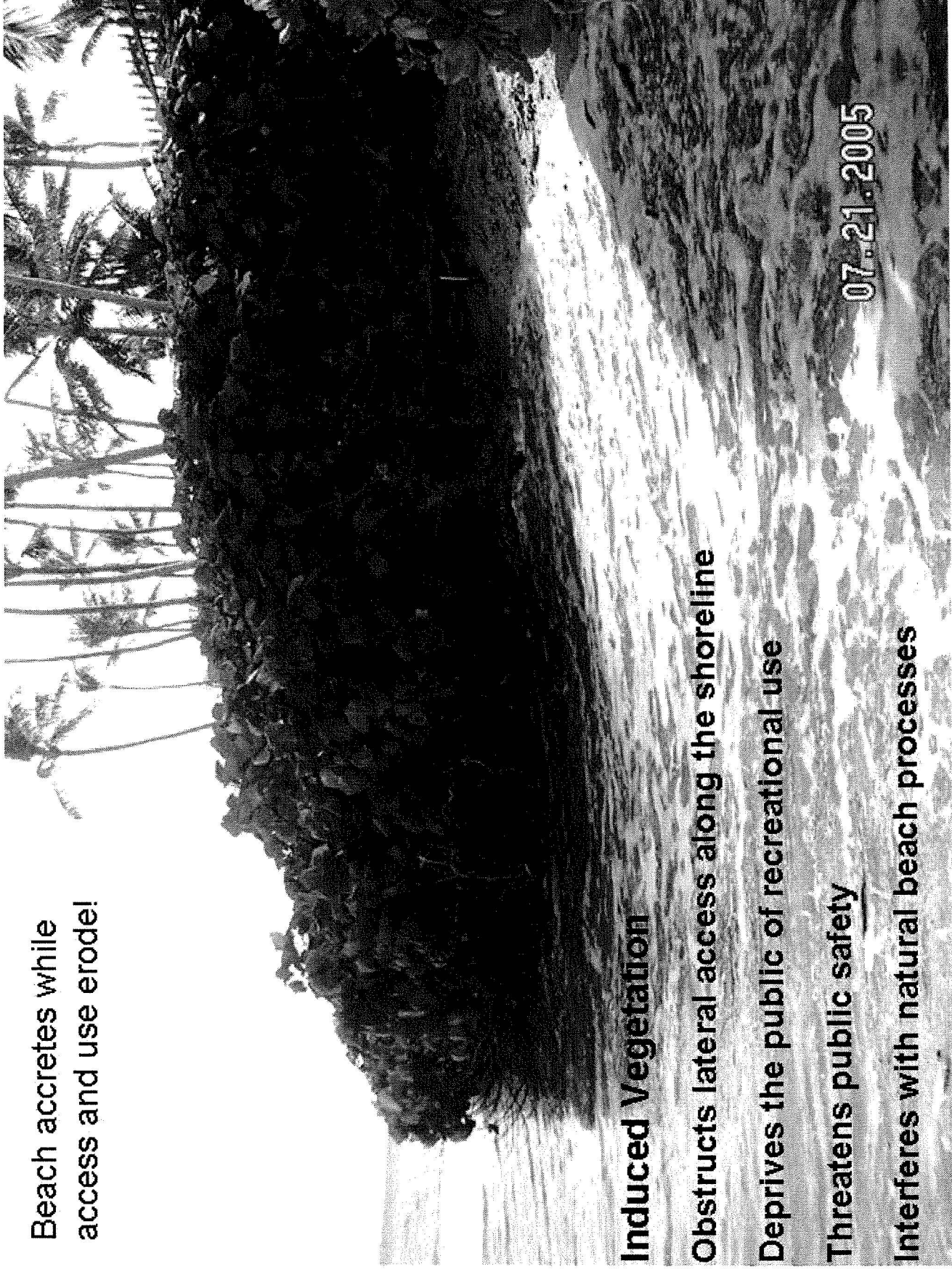
Since Hawaii State law clearly defines the shoreline, the public domain and guarantees the right of public access to and along the shoreline seaward of the high water mark, a mechanism for the Department of Land and Natural Resources, charged with regulating use within this conservation area/public domain, to effectively restore and preserve access to and use of beaches is needed.

We are unaware of any increased staffing requirements associated with this bill. It is our understanding that the DLNR's Office of Conservation and Coastal Lands, responsible for coastal regulation and protection, would be responding on a complaint basis as they do now for most shoreline issues under their jurisdiction. In recent years DLNR/OCCL has been responding to overgrowth complaints on several islands. While the policies and objectives of existing coastal protection and use laws clearly provide for access and use of the shoreline, DLNR lacks a specific and effective mechanism to effectively enforce those policies and objectives when it comes to induced vegetative overgrowth seaward of the shoreline. HB1808 provides the mechanism, allows the DLNR to charge fines and, if necessary, remove vegetation and charge the landowner.

By not addressing this growing trend, it will not go away. If not controlled now, it will be likely to demand increased attention. DLNR needs the power to enforce, the ability to recoup some cost of doing so and a strong deterrent. We urge you to support House Bill HB1808 HD2.

Yours truly,
Lucinda and John Pyles

Beach accretes while
access and use erode!



Induced Vegetation

Obstructs lateral access along the shoreline

Deprives the public of recreational use

Threatens public safety

Interferes with natural beach processes

07.21.2005

In the past 20 years this beach has accreted while the area of public use has shrunk dramatically. Compare 1983 pictures with those taken in 2005. All 4 pictures of same beach frontage.



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





07.21.2005

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 20, 2010 4:09 PM
To: FINTestimony
Cc: rayneregush@aol.com
Subject: Testimony for HB1808 on 2/23/2010 3:00:00 PM

Testimony for FIN 2/23/2010 3:00:00 PM HB1808

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Rayne Regush
Organization: Individual
Address: Kapaa, HI 96746
Phone:
E-mail: rayneregush@aol.com
Submitted on: 2/20/2010

Comments:

It is not uncommon for coastal property owners to plant vegetation along the beach to expand their property reach and privacy. When tides are high, lateral access along the shoreline is blocked by this vegetation.

Please support HB 1808 HD2 to allow DLNR the ability to cut back these plants and then to bill the property owner for the expense.

Hawaii's public beaches and unhindered access are vital assets to the state. Coastal property landowners must be held responsible for appropriate vegetation management to guarantee safe public access to and along our beaches.

FINTestimony

m: mailinglist@capitol.hawaii.gov
Sent: Monday, February 22, 2010 7:09 AM
To: FINTestimony
Cc: kbilkiss@msn.com
Subject: Testimony for HB1808 on 2/23/2010 3:00:00 PM

Testimony for FIN 2/23/2010 3:00:00 PM HB1808

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Kathy Bilkiss
Organization: Individual
Address:
Phone: 734-4760
E-mail: kbilkiss@msn.com
Submitted on: 2/22/2010

Comments:
Please pass this bill!

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 22, 2010 10:28 AM
To: FINTestimony
Cc: ukstams@hawaii.rr.com
Subject: Testimony for HB1808 on 2/23/2010 3:00:00 PM

Testimony for FIN 2/23/2010 3:00:00 PM HB1808

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Ulrich K. Stams
Organization: Individual
Address: 4620 Kolohala Street Honolulu, Hawaii
Phone: 737 4406
E-mail: ukstams@hawaii.rr.com
Submitted on: 2/22/2010

Comments:

I urge the committee to preserve our beaches for the public to enjoy!

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 22, 2010 2:11 PM
To: FINTestimony
Cc: greenhi3@yahoo.com
Subject: Testimony for HB1808 on 2/23/2010 3:00:00 PM

Testimony for FIN 2/23/2010 3:00:00 PM HB1808

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Phil Barnes
Organization: Individual
Address:
Phone:
E-mail: greenhi3@yahoo.com
Submitted on: 2/22/2010

Comments:

I would urge you to pass this bill. Private landowners have been for all practical purposes extending their property lines toward the ocean by planting vegetation that limits public access in the intertidal zone. This vegetation should be removed and the property owners should pay the bill for it's removal.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 22, 2010 3:52 PM
To: FINTestimony
Cc: scoleman@surfrider.org
Subject: Testimony for HB1808 on 2/23/2010 3:00:00 PM

Testimony for FIN 2/23/2010 3:00:00 PM HB1808

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Stuart Coleman
Organization: Surfrider Foundation
Address: 2121 Algaroba St., #1107 Honolulu, HI
Phone: 808-942-3841
E-mail: scoleman@surfrider.org
Submitted on: 2/22/2010

Comments:

Dear Chair Oshiro, Vice-Chair Lee and Committee Members,

My name is Stuart H. Coleman, and I am the Hawaii Coordinator of the Surfrider Foundation, a grassroots, environmental non-profit with four chapters and more than 4000 members across the state. We strongly support HB1808 because beach access is one of our highest priorities.

Along with direct access to our beaches, we support lateral access along the shoreline. Overgrown plants, sometimes intentionally allowed to overgrow the shoreline 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. By ensuring the public continues to enjoy use of our beaches, HB 1808 helps protect the public's right to gain access to our beaches, one of Hawaii's greatest assets.

Mahalo for your attention in this matter and please that your support will be noted and appreciated by Surfrider's members.

Aloha, Stuart Coleman

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 22, 2010 5:16 PM
To: FINTestimony
Cc: judimoore@hotmail.com
Subject: Testimony for HB1808 on 2/23/2010 3:00:00 PM

Testimony for FIN 2/23/2010 3:00:00 PM HB1808

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Judith H Moore
Organization: Individual
Address: 1782 Halekoa Drive Honolulu, Hawaii
Phone: 732-3256
E-mail: judimoore@hotmail.com
Submitted on: 2/22/2010

Comments:

This bill regarding vegetation encroachment on our beaches will give teeth to the DLNR enforcement. It will not cost anything, and will stop people from planting vegetation out into public lands on our beaches. Hawaii beaches are for everyone and not just a select few who can afford to own beachside property.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 22, 2010 8:20 PM
To: FINTestimony
Cc: meleoli@yahoo.com
Subject: Testimony for HB1808 on 2/23/2010 3:00:00 PM

Testimony for FIN 2/23/2010 3:00:00 PM HB1808

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Carol Wilcox
Organization: Individual
Address: PO Box 10558 Honolulu, HI 96816
Phone: 808-737-8410
E-mail: meleoli@yahoo.com
Submitted on: 2/22/2010

Comments:

Dear Chairman Oshiro and members of the House Finance Committee,

In the continuing effort to keep Hawaii private landowners from barring access to public beaches, to put responsibility for maintenance where it belongs, and to give the government agencies the necessary authority to manage public lands, please support this very important bill.

Thank you for your consideration of this matter.

Carol Wilcox
Hanalei/Kauai & Honolulu/Hawaii

FINTestimony

From: annmarie@hawaii.rr.com
Sent: Monday, February 22, 2010 9:18 PM
To: FINTestimony
Cc: Rep. Marcus Oshiro
Subject: Testimony for HB1808 on 2/23/2010 3:00:00 PM

Committee on Finance
HB 1808, HD2
Relating to Coastal Areas
Tuesday, Feb. 23, 2010 3p, Conference Room 308

Aloha Chair Oshiro and Honorable Committee Members,

The ocean and shoreline are precious resources for all Hawai'i residents. Our Hawai'i state government rightly made sure the shoreline and ocean around our island chain belong to all people of Hawai'i.

They also passed laws to make sure the community has access to those shorelines. Establishing a law and enforcing a law are two different matters. In many areas the community cannot access the shoreline because the lack of enforcing the law for the creation of Public Rights of Way.

Another area which denies the public access to the shoreline is when homeowners do not maintain their property and allow their vegetation to grow outside of their property line and into public rights of way, or into and along shorelines, thus infringing on a public resource.

These homeowners should be held accountable to established penalties, fines and should also pay for the removal of the vegetation.

Currently in East O'ahu homeowners have allowed naupaka plants to grow into the public beach in areas which include; Portlock, Paiko/ Kuliou'ou, Aina Haina, and Kahala. At hightide community members cannot walk along the shoreline because the beach is heavily overgrown with naupaka foliage. Not only does this hinder the freedom of lateral movement across the public beach, but it is creates a safety issue because people, from keiki to kupuna, are forced into the ocean at hightide just to make their way along the public beach front.

In another area of East O'ahu, at Hanapepe Loop, homeowners have allowed a large tree to grow into and engulf a public right of way. The public right of way is now closed because the damage the tree and its roots have caused to the access point have made it unsafe. The community has been waiting for the issue to be resolved for over 6 months.

These scenarios would not have been allowed to escalate to the point where they are today had the current proposed legislation been in effect.

I am writing in strong support of HB 1808 HD2 which requires maintenance of public beach accesses by adjacent landowners and imposes penalties for non-compliance and which established shoreline access as a policy of CZM.

I humbly ask for your support of HB 1808 HD2.

Ihahalo for your consideration.

Ann Marie Kirk

PO Box 25342

Honolulu, HI 96825

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2010 9:30 AM
To: FINTestimony
Cc: yabas14@hotmail.com
Subject: Testimony for HB1808 on 2/23/2010 3:00:00 PM

Testimony for FIN 2/23/2010 3:00:00 PM HB1808

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Brian Pyles
Organization: Individual
Address:
Phone:
E-mail: yabas14@hotmail.com
Submitted on: 2/23/2010

Comments:

Please support this bill. The erosion of beaches and impact on the public's ability and right to enjoy what Hawaii has to offer is being negatively impacted by irresponsible homeowners.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2010 9:32 AM
To: FINTestimony
Cc: race4fun67@gmail.com
Subject: Testimony for HB1808 on 2/23/2010 3:00:00 PM

Testimony for FIN 2/23/2010 3:00:00 PM HB1808

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Steve Carter
Organization: Individual
Address:
Phone:
E-mail: race4fun67@gmail.com
Submitted on: 2/23/2010

Comments:

This bill needs to be supported! Public beach access and beach use is the right of the people of Hawaii.

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2010 10:42 AM
To: FINTestimony
Cc: fcrowl@aol.com
Subject: Testimony for HB1808 on 2/23/2010 3:00:00 PM

Testimony for FIN 2/23/2010 3:00:00 PM HB1808

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Fumiko Crowley
Organization: Individual
Address:
Phone:
E-mail: fcrowl@aol.com
Submitted on: 2/23/2010

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2010 12:55 PM
To: FINTestimony
Cc: sshimeda@aol.com
Subject: Testimony for HB1808 on 2/23/2010 3:00:00 PM

Testimony for FIN 2/23/2010 3:00:00 PM HB1808

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Sylvia Himeda
Organization: Individual
Address: 4308 Papu Circle Honolulu, HI
Phone: 732-2243
E-mail: sshimeda@aol.com
Submitted on: 2/23/2010

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2010 12:57 PM
To: FINTestimony
Cc: phyllisk@kkv.net
Subject: Testimony for HB1808 on 2/23/2010 3:00:00 PM

Testimony for FIN 2/23/2010 3:00:00 PM HB1808

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Phyllis Keohohou
Organization: Individual
Address: 1837 Lanikeha Place Pearl City, Hawaii
Phone: 455-3968
E-mail: phyllisk@kkv.net
Submitted on: 2/23/2010

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2010 1:01 PM
To: FINTestimony
Cc: kkvphylk@aol.com
Subject: Testimony for HB1808 on 2/23/2010 3:00:00 PM

Testimony for FIN 2/23/2010 3:00:00 PM HB1808

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Eddie Himeda
Organization: Individual
Address: 4308 Papu Circle Honolulu Hawaii
Phone: 732-2243
E-mail: kkvphylk@aol.com
Submitted on: 2/23/2010

Comments:

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2010 1:04 PM
To: FINTestimony
Cc: kania3@aol.com
Subject: Testimony for HB1808 on 2/23/2010 3:00:00 PM

Testimony for FIN 2/23/2010 3:00:00 PM HB1808

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: Daniel Keohohou
Organization: Individual
Address: 1837 Lanikeha Place Pearl City Hawaii
Phone: 223-4994
E-mail: kania3@aol.com
Submitted on: 2/23/2010

Comments: