



**Testimony to the Senate Committee on Judiciary and Labor
Thursday, March 28, 2013
10:30 am
State Capitol - Conference Room 016**

RE: HOUSE BILL NO. 17 HD 1, SD 1, RELATING TO COASTAL AREA

Chair Hee and Vice Chair Shimabukuro, and members of the committee:

The Chamber of Commerce of Hawaii supports the intent of H.B. No. 17, HD 1, SD 1. The bill proposes to extend Act 160, SLH 2010 for two years. It requires maintenance of public beach accesses by adjacent landowners and imposes penalties for noncompliance. It also establishes shoreline access as an objective of the coastal zone management program and requires the department of land and natural resources to provide written notice to property owners affected by Act 160, SLH 2010. We take no position on Sections 1 and 2 of the bill that were added in SD1.

The Chamber is the largest business organization in Hawaii, representing more than 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

The bill proposes to make permanent Act 160, SLH 2010 which amended Chapter 115 HRS to prohibit a private property owner from blocking or impeding public access along the public beach area by allowing vegetation from the private property to grown onto, over or along the public beach area. The bill also required the DLNR to require the private property owner to maintain the area and if not, allow the DLNR to do the maintenance at the owner's expense.

We understand that DLNR has been successfully utilizing Act 160 to compel offending landowners to cut back vegetation that inhibits lateral shoreline access. Thus, Act 160 has been an effective tool to protect lateral shoreline access.

We also support DLNR's request to use the original version of this measure as it will make permanent the requirement on landowners that about the shoreline to control the spread of vegetation that emanates from their private property onto public beaches.

Thank you for this opportunity to express our views.



HB17 HD1 SD1
RELATING TO COASTAL AREAS
Senate Committee on Judiciary and Labor

March 28, 2013

10:30 a.m.

Room 016

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB17 HD1 SD1, which would extend the sunset provision for legal mechanisms that have helped to ensure greater public access to our beaches and shoreline areas. OHA notes that section 2 was added to the SD1 version of HB17, which deletes the “one-gallon per person per day” exception to the prohibition against the taking of sand to mitigate the impacts of sand removal from our shorelines.

I. Section 1: Public Access

Hawai'i's beaches and shoreline areas provide numerous benefits to the Native Hawaiian community and the public that are critical to our cultural values and kama'āina way of life. Our beaches and shoreline areas provide a place to bond with 'ohana and friends, help to foster positive youth development and an early appreciation for our natural resources, and provide for a variety of recreational activities, such as surfing and fishing, that have been staples of local life for generations. Moreover, access to the shoreline and the resources in the nearshore environment is critical to Native Hawaiian cultural perpetuation and constitutionally protected traditional and customary gathering practices.

Accordingly, our laws have repeatedly recognized the public nature of our shoreline areas and the right of the public to access the shoreline.¹ OHA has also always been a strong advocate for shoreline access in Hawai'i and has actively worked to address a range of potential threats to our beaches and shoreline areas.

Unfortunately, the limited resources of our state agencies present significant challenges to protecting the public's right to access and use our beaches and shorelines. As this bill recognizes, particular challenges have arisen with respect to shoreline vegetation originating on private property, which may block lateral access along the shoreline and otherwise diminish the public's physical ability to safely use these areas. In addition, reports of large-scale sand removal in certain areas of the state for private purposes appear to have resulted in the further diminishment of our public shoreline areas, despite existing prohibitions against such sand removal. **This bill therefore reinforces and protects the rights of the public, by extending the existence of legal enforcement mechanisms ensuring that private landowners take responsibility over plants that encroach upon our public beaches and shorelines, and mitigating the**

cumulative impacts of sand removal from our shoreline areas by creating stronger and more enforceable prohibitions against the taking of sand.

II. Section 2: One-gallon restriction

OHA believes that the provisions relating to the taking of sand may be reinforced by inserting a “one-gallon” restriction in addition to inserting the newly proposed language. Setting an express one-gallon limit for all sand removal regardless of intent will assist enforcement and compliance officers in more clearly identifying violations, without having to establish that the taking of large amounts of sand was not “inadvertent.” Accordingly, OHA suggests the following changes to page 1, lines 7-12, and page 3, lines 4-10:

(1) The inadvertent taking from seaward of the shoreline of ~~[such]~~ these materials, [not in excess of one gallon per person per day for reasonable, personal, noncommercial use;] such as those inadvertently carried away on the body, and on clothes, toys, recreational equipment, and bags, not to exceed one-gallon per person per day;

(1) The inadvertent taking from the shoreline area of ~~[the]~~ these materials, [not in excess of one gallon per person per day for reasonable, personal, noncommercial use;] such as those inadvertently carried away on the body, and on clothes, toys, recreational equipment, and bags, not to exceed one-gallon per person per day;

Therefore, OHA urges the Committee to **PASS** HB17 HD1 SD1. Thank you for the opportunity to testify.

ⁱ See In re Ashford, 440 P.2d 76 (1968) (recognizing that under tradition, custom, and usage, public lands extend to the highest wash of the waves during the season of the year when the waves are highest); County of Hawaii v. Sotomura, 517 P.2d 57, 62-63 (1973); Diamond v. State, 145 P.3d 704 (2006); see also HRS §§ 46-6.5, 115-4, -5, -9.

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 27, 2013 4:12 PM
To: JDLTestimony
Cc: mjellings@hawaii.rr.com
Subject: Submitted testimony for HB17 on Mar 28, 2013 10:30AM

LATE TESTIMONY

HB17

Submitted on: 3/27/2013

Testimony for JDL on Mar 28, 2013 10:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Carl P Jellings Sr	Individual	Support	No

Comments: Aloha Senator Hee Senator Shimabukuro and Members of the Judiciary Committee, would like to send My Strong Support for HB17 If people honestly knew how Important sand was within an ocean ecosystem You would have Thousands supporting, Mahalo a Nui Loa Carl P Jellings Sr,

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hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 28, 2013 8:14 AM
To: JDLTestimony
Cc: nicks@inpeace.org
Subject: Submitted testimony for HB17 on Mar 28, 2013 10:30AM

LATE TESTIMONY

HB17

Submitted on: 3/28/2013

Testimony for JDL on Mar 28, 2013 10:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Nicholas Smith	Individual	Support	No

Comments: To whom it may concern, I write you today in support of HB17, which proposes the deletion of the one gallon per person per day allowance of taking sand and stone from our beaches. My name is Nick Smith. I am 26 years-old and a lifetime resident of Wai'anae, HI. My family tells me that I could swim before I could walk, and learned to do so out on the leeward coast, most likely at Makaha Beach. I love the beach. I love the ocean. Because of this, I feel HB17 is an important piece of legislation for us to consider. I spent five straight summers of my adolescence in the Junior Lifeguard program, which teaches youth around the state valuable life-saving skills and further reinforced my appreciation for the ocean and it's power and beauty. My group was based at Poka'i Bay three days out of the week and Makaha Beach the other two. Fast-forward to 2012, and I heard from friends of mine who live in the area that three to four times a week, under cover of darkness, men arrive at Poka'i in pick-up trucks and vans, proceed filling garbage cans with Poka'i sand, load up their vehicles, and leave. Now first I thought, "Dang, if these guys are coming late at night, they're already breaking rules." I, myself, have been asked to leave the Poka'i premises when I walked my girlfriend's dog there one night past 10pm. Then I thought, "Okay, if the rule says 1 gallon per person per day, then they must be using some really small trash cans or be traveling in a very large group," which are both contrary to what I've heard. Allow me to put this into perspective: your run of the mill public trash can, like the ones we see at beach parks like Poka'i, have an approximate volume of 105 gallons (This calculation is assuming the can is 3 feet tall, and 1.5 feet wide at the top). Now, I haven't heard reports of 105 people at Poka'i at night, plus a sand topped-off trash can of this size would weigh around 1,300 lbs (and that estimate is on the low side for sand, considering our west-side sand is not as fine and dense and therefore not as heavy as sand from other places)... So let's look at some real numbers: An average half-ton pick-up truck (assuming it can in fact haul a half-ton) loaded to max with sand could carry away about 80 gallons with one load. Let's say two trucks each hauled off one 1/2 ton load 3 times a week, adding up to 3 tons of sand removed in that amount of time. That may not sound like much, but in one year that's 156 tons of sand. That's a far cry from the 200,000+ tons removed from Waimea Bay alone since the 40's and 50's (the big jumping rock was once only a 6-foot bump above the sand of the beach - This references "Disappearing Sands" by Adam Ayers of Green Magazine Hawai'i, Vol. 3 #5), or the countless tons removed from Keawa'ula and other leeward beaches in the same period of time, but little by little, one gallon here and one gallon there change a beach forever. We know a few things to be true: First, coastal erosion is a natural occurrence, and it is cyclical like many other processes in nature. Waves pick up, sand goes out, swells change, sand comes back. But beaches like Poka'i and others protected by jetties and breakwaters (which were put in place to keep the water calm and prevent sand from escaping but actually end up keeping sand out, a problem we face in Waikiki and probably the lagoons of Ko Olina too) can

potentially lose their sand at rates that cannot be reversed naturally. Secondly, human alteration, like removing sand and building beach-front property atop former beaches and dune systems (the buffer between land and a healthy beach like those we can still find on the north shore) interrupt the natural cycles at work, and in many ways make the conditions for such permanent structures more dangerous, leaving them vulnerable to inundation and storm surge that may otherwise never reach human habitation because of the protection beaches and their dune system buffer zones provide. Third, we know that beaches are ecosystems vital for supporting many species on land and in the ocean, including humans. Just as an example, I can't remember exactly how long it has been since our beaches were picked clean of shells. I only really thought about it when I traveled to Florida and other places where stricter laws seem to deter people from taking too many shells, if any, allowing animals like hermit crabs to reuse shells that others have left behind. With all that said, I understand that sand is a resource like any other, and has many uses such as being mixed into concrete or filling sandbags to stave off floods, and these are beneficial for our economy and safety. However, like any other non-renewable resource, we need to recognize the opportunity that we have to allow our supply of sand to last as long as it possible can, now, before it's nearly gone, at which point we'll be shipping sand here from Abu Dhabi just to keep Waikiki the way it is now. We need to make taking sand and stone for these or any other purposes illegal (except maybe in emergency circumstances or with special permission, but even then still closely regulated) because with all the forces arrayed against and eroding our beaches, we may live to see some of them change irreparably, just as my father has in the past 30 years living in Wai'anae. I may even live to see some of them disappear entirely, leaving jagged and rocky husks behind. And I think we all know that our beaches, so vital to the tourism industry, cannot be allowed to be gradually destroyed. People may say, "The sand belongs to everyone, just like water, or dirt. You have no right to tell us who can and cannot take and use it," and for the most part I would agree. But being given the freedom to do so, to take from the Earth without considering the consequences of our actions, has led us to the particularly prickly environmental pickle that we are in right now. And, with such freedom, a few would abuse our natural resources and steal them away from us all. Those who would do this for the purpose of profit or power know no limits and in turn make it impossible for us as a whole sit back without a worry that our world is being ravaged right before our eyes. So, esteemed representatives of the people of Hawai'i, I implore you to take a hard look at HB17 and support it. Imagine a Hawai'i maybe not in our lifetimes, but our childrens' or theirs', stripped bare of its white sand beaches and all the good things that once took place upon them. Let's nip this one at the bud. Sincerely, Nick Smith

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hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 27, 2013 6:34 PM
To: JDLTestimony
Cc: herminamorita@gmail.com
Subject: Submitted testimony for HB17 on Mar 28, 2013 10:30AM

LATE TESTIMONY

HB17

Submitted on: 3/27/2013

Testimony for JDL on Mar 28, 2013 10:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Mina Morita	Individual	Support	Yes

Comments: Aloha Chair Hee, Vice Chair Shimabukuro and Members of the Committee: First of all, I would like to thank the Chair for his past role in helping to move the legislation that became Act 160, SLH 2010. This was an issue that plagued communities for more than a decade without resolution so I cannot stress enough the importance of this measure. I would like to limit my comments to Section 3 of the bill, amending or removing the sunset date for Act 160. The purpose of this law is to affirm Hawaii's longstanding public policy of extending to public use and ownership as much of Hawaii's shoreline as is reasonably possible and ensuring the public's lateral access along the shoreline by requiring the removal of induced or cultivated vegetation by abutting landowners that interfere or encroach seaward of the shoreline. This law has been the only successful tool in dealing with abuses by abutting landowners who deliberately cultivate salt-tolerant vegetation to manipulate the shoreline and block lateral access along the shoreline. On April 27, 2010 I wrote an extensive blog about the history of the public use of the shoreline and ownership issues, along with photographs of abuses that have taken place to justify why this law is necessary. I hope the Committees will take the time to read this article at: <http://repmorita.wordpress.com/2010/04/27/protecting-our-shoreline/> Removal of the sunset date will permanently establish a strong enforcement tool that protects the public interest, ensuring that Hawaii's beaches and shoreline remain as public lands. Please support this bill to remove the sunset date of a very effective law. Thank you for the opportunity to testify in support of this measure. Sincerely, Mina Morita, P.O. Box 791, Hanalei, HI 96714

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In support of HB17, making ACT160 permanent

By Lucinda Pyles , March 2013

LATE TESTIMONY

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Addressing opposition to Act160

LURF

In a conversation with LURF Director David Arakawa, Mr. Arakawa said LURF supports the intent of HB17 but has three objections. If these were addressed he said LURF would support HB17.

1. Wants to see a report from DLNR on application of Act160.
2. Wants language stipulating that all agreements made prior to the enactment of Act160 between the State and private property owners regarding shoreline maintenance to be honored.
3. Wants clarification of the fine/penalties.

It should be noted that a number of LURF member companies are associated with families who own beach front properties, especially along Diamond Head Road. At least one of these Diamond Head beachfront property owners has been identified with encroaching vegetation. I hope LURF's opposition is not motivated by the personal property preferences of individual members. If the concerns above are valid and have been addressed, then one must wonder.

Stan Johnson:

Stan Johnson background relating to Act160.

His mother's property on Kahala Beach (4653) was one of twelve properties identified as having induced vegetation encroaching onto the shoreline in 2008 after a site visitation by State and City agencies. Subsequently all twelve were sent letters by DLNR/OCCL explaining coastal law and beach dynamics and asking for voluntary removal of the encroaching vegetation. The Johnsons did not comply. Instead Stan Johnson argued the dense naupaka had always been there and was needed to protect the property from episodic erosion events such as a hurricane. Since that time Mr. Johnson has been strongly opposed to the State having the power to require the removal of vegetation encroaching seaward of the *shoreline*.

Former Johnson property as relates to Act160

Mr. Johnson frequently shows pictures of upturned, displaced naupaka along the beachfront of his mother's home on Kahala Beach (4653) taken during hurricane Iniki in 1992. He is adamant that the naupaka saved his mother's home from flooding. However, one should note that **NO one on Kahala Beach, whether they did or did not have vegetation along the shoreline, had flooding from hurricane Iniki** (I have lived five properties away from 4653 since 1975). To claim the vegetation prevented flooding simply is not true. However, the beach did sustain significant temporary erosion and landscape damage.

Mr. Johnson argues that his mother's property had naupaka along the beach front for decades. This appears to be true looking at a 1967 aerial photograph in Mr. Johnson's procession. However, **the existence of vegetation landward of the shoreline is not the issue**. It appears from a careful look at photographs that, using the palm trees as reference points, the naupaka

was not always seaward of the shoreline, but with cultivation continually migrated onto the beach over time. After hurricane Iniki in 1992, I witnessed the installation of a new beachfront chain link fence and naupaka planted on both sides, seaward and landward, of the fence. I question whether there was a permit for the fence or any shoreline certification done at that time to determine just where the actual shoreline was.

2010 photographs of 4653 reveal extensive naupaka along the shoreline



Dense Naupaka, Natural or Cultivated?

Mr. Johnson has repeatedly claimed that the naupaka in front of his mother's property is native and grew there naturally and was not cultivated. As noted above, in 1992 I witnessed the planting and irrigating of the naupaka on the beach fronting the Johnson property. **Two years ago, after Mrs. Johnson passed away, the property sold to Genshiro Kawamoto. He promptly tore down all structures and ceased all landscape irrigation and maintenance. Since that time the naupaka in front of the former Johnson property has been receding.** This and other beachfront properties purchased by Mr. Kawamoto since 2008 that were among those identified with encroaching vegetation, provide a very telling case study supporting the healthy beach profile and dynamics advocated by DLNR/OCCL, CZM and NOAA in their publications and presentations.

4653 Kahala: 2005, 2007 and 2010 photographs show encroaching vegetation. 2012 photograph shows receding naupaka.



Visible debris line
 ← from wash of the
 waves indicates
 naupaka was well
 seaward of the
shoreline.

Receding naupaka
 allows dune build
 up.



4653 and 4663 Receding naupaka allow dunes for form.

The photographs below show that even induced naupaka does not thrive or migrate seaward on Kahala Beach without cultivation. It also shows that the accumulation of sand reserves becomes possible when the dense vegetation seaward of the wash of the waves no longer blocks wind blown sand from being deposited landward of the shoreline.

Healthy dunes, not formerly present, are now forming in front of the former Johnson property and the abutting property to the north (4663), both identified with encroaching vegetation in 2008, both now owned by Kawamoto who has ceased landscape irrigation. These dunes are not being washed away by seasonal tides. This is an indication of a very healthy beach profile.

4653 Kahala: 2013 Receding naupaka has allowed wind blown sand reserved to accumulate seaward of the wash of the waves.



4663 Kahala: 2005-2013 Receding naupaka allows dunes to form.

Healthy dunes, not formerly present, are now forming not only in front of the 4653 as shown above but also the abutting property to the north (4663). This too was identified with encroachment in 2008, did not comply with voluntary request by OCCL and is also now owned by Kawamoto who ceased landscape irrigation two years ago. These dunes are not being washed away by seasonal tides. This is an indication of a very healthy beach profile.

2010 photograph shows encroaching naupaka. 2012 photographs show receding naupaka and dune building in absence of cultivation.



Dynamic Beach Profile and Coastal Dune Vegetation

A healthy beach profile has the vegetation behind the dune area, not in front. With the vegetation beyond the wash of the waves, the wind is able to deposit sand out of reach of normal high tides. The vegetation in this location helps to catch the sand causing it to accumulate and dunes to form. DLNR/OCCL wrote, in their 2008 letter to Mrs. Johnson requesting voluntary removal of encroaching vegetation, “Sandy beaches rapidly respond to changes in the wave climate. **An active beach and dune system that migrates with the shoreline is the most effective natural barrier for coastal hazards. Unnatural vegetation, which is induced *or* allowed to grow too far seaward, can lead to beach loss, unnatural steepening of beach faces, interruption of sediment transport, and reduced recovery capacity after episodic erosional events. Altered and narrowed beach and dune systems provide less effective hazard defenses because they do not have the range or sediment needed to rapidly respond to changes in nearshore wave energy. By moving the coastal vegetation to an appropriate landward location, property owners will be improving coastal access and reducing risks from coastal hazards. This is also in keeping with Hawaii Revised Statute §115-5, which protects the public's right to access shorelines, as well as ensuring use of the beach as public trust lands”**

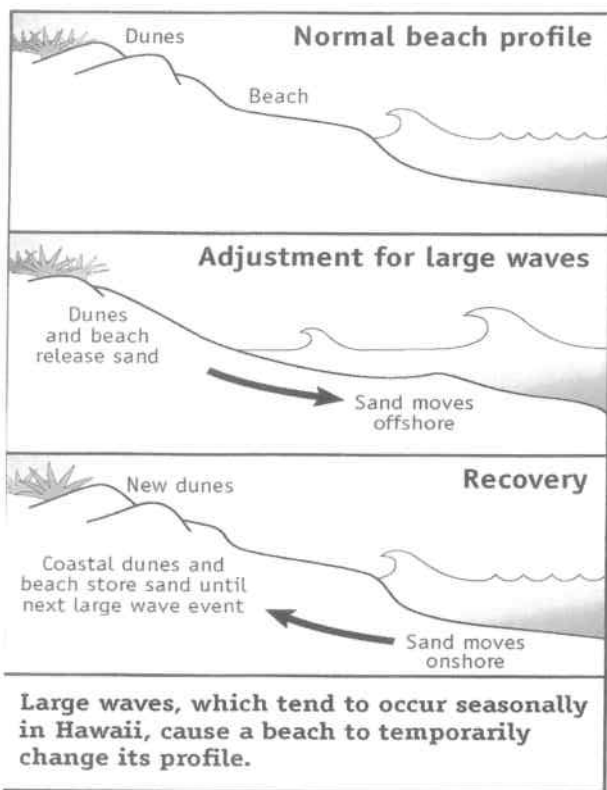
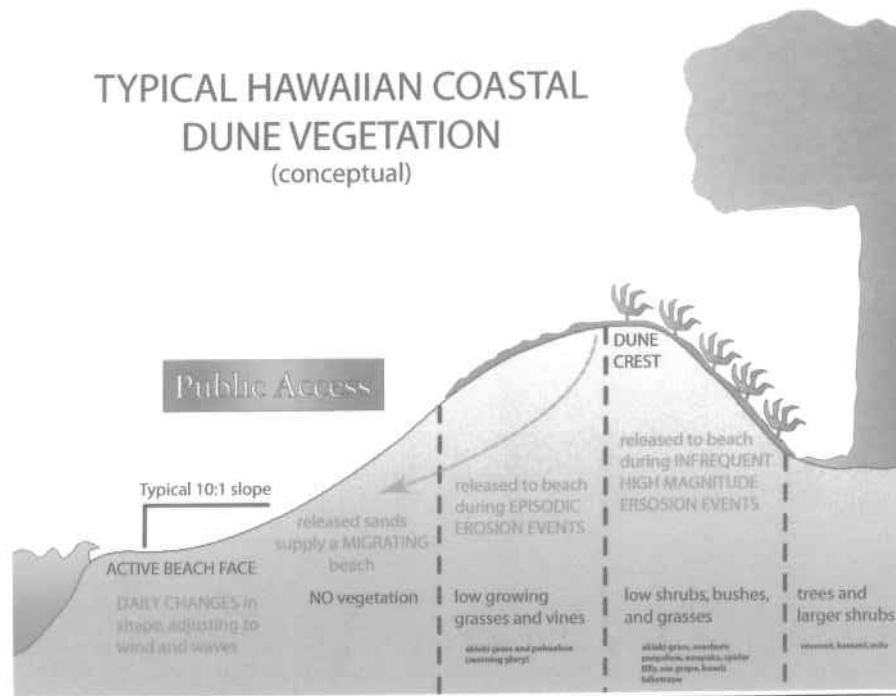


Figure 1-1 – The Dynamic Beach Profile - Wave action grinds up the skeletons of marine organisms to create the white sand on Hawaiian beaches. The dunes are made from sand that is washed or blown inland. During periods of high wave action, sand from erosion of the dunes and from the beach is transported offshore. This raises the seafloor and flattens the beach profile. Waves then shoal and break farther offshore, minimizing their erosive effects. Beaches recover when smaller waves move the sand back onto the beach and winds blow it into the dunes to be captured by coastal vegetation. From Fletcher, SOEST, UH.

Where dense encroaching vegetation was trimmed (left pix) there was no evidence of sand reserves accumulating as the vegetation caused wind blown sand to be mostly deposited within the wash of the waves at high tide. Where the vegetation is receding (right pix) dunes are having a chance to form.

4635 Kahala



4623 Kalaha, Voluntarily removed encroaching naupaka

Mr. Johnson has circulated photographs taken immediately after the naupaka was removed followed by a very high seasonal tide. Some have been labeled “Irreversible damage is unacceptable” and submitted as testimony on the capitol website in 2010, presented them to the Waialae-Kahala NHB (of which I was a member) and displayed it on a website that the general public is encouraged to view.

The rest of the story is not so enthusiastically shared.

The 1990 shoreline certification photograph shows no vegetation seaward of the palm trees.

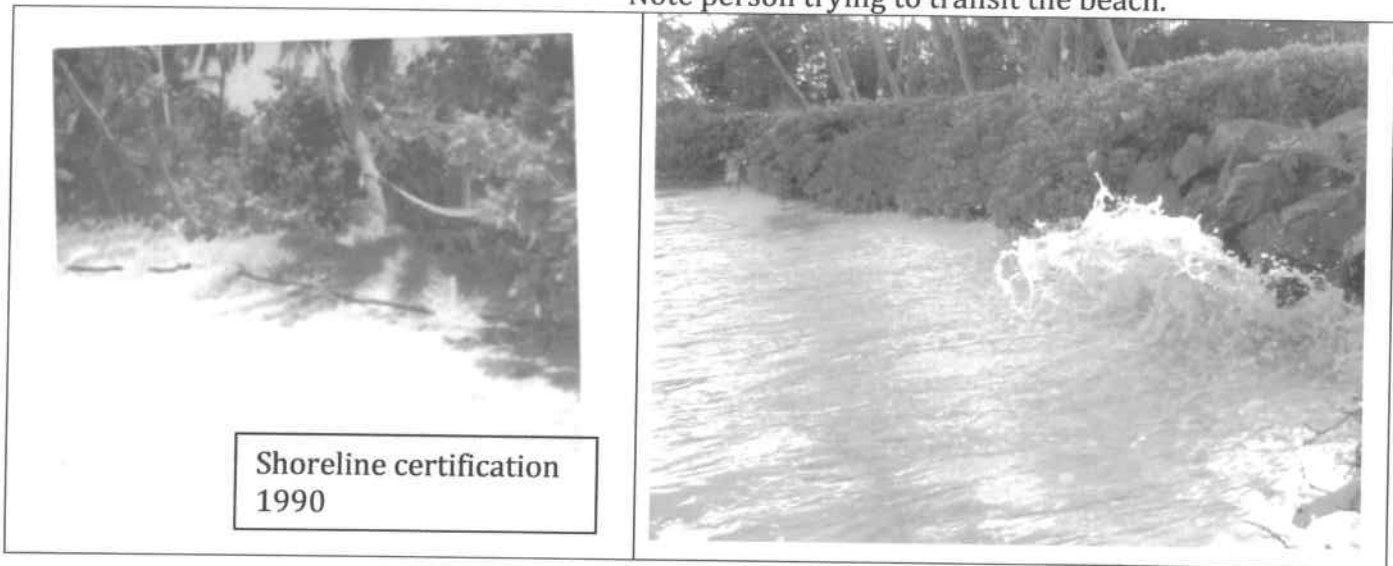
An aerial photograph labeled 1967 that has been circulated appears to show an absence of heavy vegetation along the 4623 shoreline.

That the 4623 property owner was concerned about erosion as early as 2005 is evident in the large boulders placed illegally on the beach fronting the property. It is apparently common that dense vegetation seaward of the shoreline can mask erosion and can play a roll in exacerbating erosion. One can only look to the section of Kahala Beach that has never had dense vegetation armoring its shoreline interfering with natural beach processes to guess what that story might have been had the beach at 4623 not been planted two decades ago.

The removal of the encroaching vegetation did not cause the erosion but rather exposed it. The exceptionally high tide created episodic erosion which happens periodically at various locations up and down the beach. At the owners request DLNR allowed some temporary biodegradable sand bags to be placed along the area that followed the contour of the beach.

4623 Kalaha:

2005 illegal boulders and encroaching veg.
Note person trying to transit the beach.



This is not the end of this story. The beach is dynamic. The recovery was amazingly quick. **All erosion is not irreversible or catastrophic. Coastal erosion can be chronic, seasonal or episodic** (as with hurricane, tidal wave, etc.)

The story of this property was included in the Office of Planning's report (HCR258, 2008) to the Legislature in January 2009 shown below.

Pictures 4623 before and after removal from HCR258 Report

To date, only one property owner has complied with the DLNR request by removing the encroaching vegetation fronting the property. As a result of the vegetation removal, the public beach area was restored enhancing the public's use and enjoyment of the public resource abutting the property site. See before and after pictures shown below (Fig.1 & 2).¹



Figure 1. Before and After the Removal of Encroaching Vegetation



Figure 2. Recovery After the Removal of Encroaching Vegetation

2010 after 4615 removed vegetation, placing temporary sand bag in front of both 4615 and 4623.



4623 in 2012 after removal of sand bags at 4615



4623 in 2013



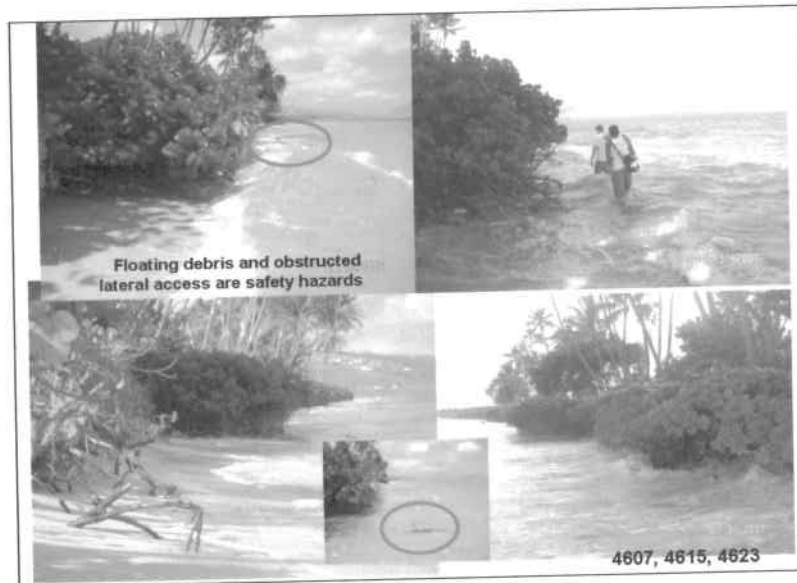
Hunakai Access area 4607 and 4615 Kahala.

The beach is in transition in this area. I have great faith in Mother Nature and believe the area left alone will restore itself.

If what is published by the experts is true regarding beach dynamics, then the enormous hau trees that until 2010 encroached 30 feet onto the beach had the impact of artificially armoring the shoreline interfering with the natural beach process. It is very evident that erosion was occurring in the area of the Hunakai Access for more than a decade. To what degree the erosion of the beach in this area was exacerbated by the armoring with dense vegetation is only conjecture.

4615 Kahala: near Hunakai Access: 2005-2013

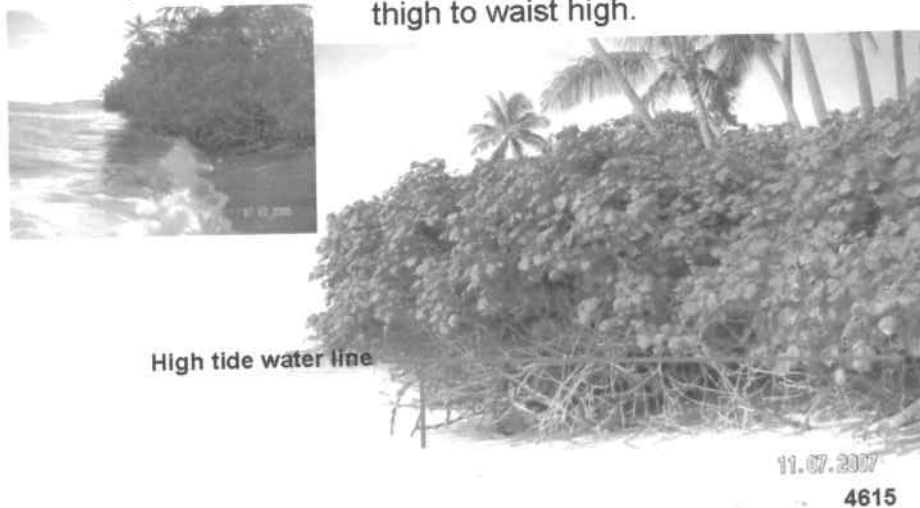
The owner of 4615 did not initially comply with the request to voluntarily remove vegetation, but did in 2010 before Act160 became law. They negotiated with OCCL agreeing to remove the vegetation in return for being allowed to temporarily place biodegradable sand bags along the shoreline to help the beach with more rapid recovery as clearly the beach was eroded to the base of their fence at that time. **They violated their agreement as they repeatedly over the next two year enhanced, replaced and restored the "temporary" sand bags enlarging the armor until it protruded well beyond the contour of the surrounding beach.**



4615 continued (2005-2007)

The extensive Hau trees were masking erosion and likely exacerbating it as well.

To pass at high tide, one must wade in surging water thigh to waist high.





I do not know if the fence is permitted or when it was constructed. In Stan Johnson's 1967 aerial photograph it does not appear there was dense vegetation or a fence along the beach front. Presently with the vegetation and sandbags removed the erosion exposes a wide strip to top soil seaward of the fence. At some point the area seaward of the fence was graded, top soil and irrigation lines added before the plants were cultivated. Clearly this is within the SMA area where fixing the shoreline is prohibited. However, the owners of 4615 have contested the requirement that they de-arm the shoreline. I believe if our SMA and Coastal Zone law is defensible, it seems to have been upheld in the past, then the State will prevail and a valuable precedent will be established.

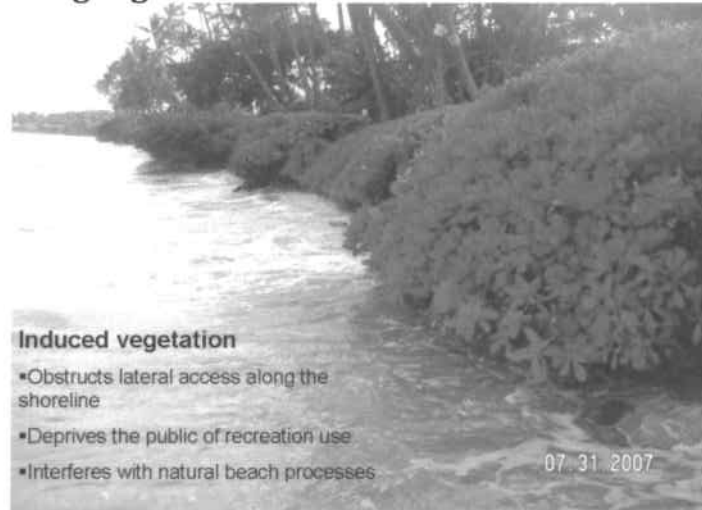
Biodegradable sand bags were permitted temporarily. The property owner repeatedly added to, repaired and replaced the sand bags in violation of their agreement with DLNR.



Before and After removal of encroaching vegetation.

4615-4623 Kahala

2007 BEFORE encroaching vegetation removal



4615-4623 Kahala 2013 Beach AFTER vegetation removal



4607 Kahala



4607 Kahala: 2013



4767 Kalaha 1983-2013 First property to landscape the beach in 1983. Compare two properties shown on the right and aerial view. Landscaping was landward of the shoreline as defined by 205a-HRS and on private property. Around 1990 new owners planted naupaka in front of the privet hedge. The privet did not migrate seaward but the naupaka did eventually blocking lateral access and obstructing beach use as shown below.



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



4767 Kahala continued



The privet plants shown in 1985 photographs above were planted along the edge of sand as a privacy and security measure. Today the plants can still be seen behind the naupaka just beyond the tree. Today there is another 30 feet of induced vegetation seaward of the privet!! Below is AFTER the encroaching vegetation was trimmed in 2012. This is another Kawamoto property and the naupaka is receding.



4819 Kahala

BEFORE TRIMMING

AFTER TRIMMING



4800 block

BEFORE trimming

AFTER Trimming



Beach comparison photographs over past 8 years

Beach south of Hunakai Access 2005 to 2013



Pages

Support for HB 17

4607 continued 2005 - 2008

Fence and rock were not permitted.



4607 continued 2008-2013



Property is owned by Genshiro Kawamoto.

The house has been demolished.
There has been no cultivated or irrigated landscaping for several years.

The beach area has increased and is enjoyed by many people.



4615 Kahala

where fixing the shoreline is prohibited. However, the owners of 4615 have contested the requirement that they de-arm the shoreline. I believe if our SMA and Coastal Zone law is defensible, it seems to have been upheld in the past, then the State will prevail and a valuable precedent will be established.



Biodegradable sand bags were permitted temporarily. The property owner repeatedly added to, repaired and replaced the sand bags in violation of their agreement with DLNR.



4615 continued 2012-2013
Note top soil visible in erosion.

