

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIAAINA
FIRST DEPUTY

WILLIAM M. TAM
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

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committee on
JUDICIARY**

**Wednesday, February 19, 2013
3:00pm
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 17
RELATING TO COASTAL AREAS**

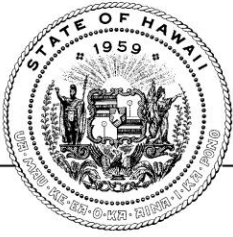
LATE

House Bill 17 proposes to make permanent Act 160, Session Laws of Hawaii (SLH) 2010, which requires landowners in shoreline areas to ensure that public transit beach corridors are passable and free from human-induced, enhanced, or unmaintained vegetation that blocks transit. **The Department of Land and Natural Resources (Department) supports House Bill 17, which is identical to House Bill 931 and Senate Bill 1162, which have been introduced by the Administration.**

Landowners that induce or allow their vegetation to grow below the shoreline would be asked to remove or trim the vegetation. If the landowner fails to comply, Act 160 allows the Department to issue a notice of violation to the landowner, assess penalties under Chapter 183C, Hawaii Revised Statutes, and to charge landowners for the cost of removal if the landowner fails to remove an obstruction. Act 160, SLH 2010, however is scheduled to sunset on June 30, 2013.

The Department 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.

The Department supports this measure as it will make permanent the requirement on landowners that abut the shoreline to control the spread of vegetation that emanates from their private property onto public beaches.



**OFFICE OF PLANNING
STATE OF HAWAII**

NEIL ABERCROMBIE
GOVERNOR

JESSE K. SOUKI
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OFFICE OF PLANNING

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Statement of
JESSE K. SOUKI
Director, Office of Planning
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON JUDICIARY
Tuesday, February 19, 2013
3:00 PM
State Capitol, Conference Room 325

in consideration of
HB 17
RELATING TO COASTAL AREAS.

Chair Rhoads, Vice Chair Har, and Members of the House Committee on Judiciary.

HB 17, Relating to Coastal Areas, proposes to make permanent Act 160, Session Laws of Hawaii (SLH) 2010.

The Office of Planning supports HB 17 to repeal the sunset date June 30, 2013, by amending section 7 of Act 160, SLH 2010. We also note that this bill is similar to SB 1162 and HB 931 which have been submitted as part of the Governor's package.

Thank you for the opportunity to provide testimony on this measure.



HB17
RELATING TO COASTAL AREAS
House Committee on Judiciary

February 19, 2013

3:00 p.m.

Room 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB17, which would remove the sunset provision for legal mechanisms that have helped to ensure greater public access to our beaches and shoreline areas.

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. **This bill therefore reinforces and protects the rights of the public, by making permanent legal enforcement mechanisms ensuring that private landowners take responsibility over plants that encroach upon our public beaches and shorelines.**

Therefore, OHA urges the committee to **PASS** HB17. Thank you for the opportunity to testify.

¹ 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.

February 19, 2013

The Honorable Karl Rhoads, Chair

House Committee on Judiciary
State Capitol, Room 325
Honolulu, Hawaii 96813

RE: H.B. 17, Relating to Coastal Areas

HEARING: Tuesday, February 19, 2013 at 3:00 p.m.

Aloha Chair Rhoads, Vice Chair Har, and Members of the Committee:

I am Myoung Oh, Government Affairs Director, here to testify on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its 8,000 members. HAR **opposes** H.B. 17 which makes permanent the statutory changes enacted into law, Act 160, Session Laws of Hawai'i ("SLH") 2010, to require the removal of landowner's induced, cultivated, or unmaintained vegetation that interferes or encroaches seaward of the shoreline.

H.B. 17 proposes to make permanent Act 160, SLH 2010, which amended Chapter 115 of the Hawaii Revised Statutes, 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 grow 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.

The issue of concern is that predominantly in the outlying areas, landowners have natural growth "unmaintained vegetation" abutting transit corridors that may stretch hundreds of feet to miles of frontage. It would be unreasonable and a huge financial burden if an owner were required to remove interfering or encroaching "unmaintained natural vegetation". See description:

§115-5 Beach transit corridor defined....

(b) Along beach transit corridors where the abutting landowner's human-induced, enhanced, or **unmaintained** vegetation interferes or encroaches with beach transit corridors, the department of land and natural resources may require the abutting landowner to remove the landowner's interfering or encroaching vegetation. [L 1974, c 244, §5; am L 2010, c 160, §3]

HAR respectfully requests an amendment to Act 160 that would not apply to "unmaintained" natural vegetation to ensure that landowners are not adversely impacted.

For this reason, we respectfully request that the Committee pass this measure with amendments.

Mahalo for the opportunity to testify.



LAND USE RESEARCH
FOUNDATION OF HAWAII

1100 Alakea Street, Suite 408
Honolulu, Hawaii 96813
(808) 521-4717
www.lurf.org

February 18, 2013

Representative Karl Rhoads, Chair
Representative Sharon E. Har, Vice Chair
House Committee on Judiciary

Comments and Concerns Relating to HB 17, Relating to Coastal Areas. (Makes permanent Act 160, Session Laws of Hawaii 2010.)

Tuesday, February 19, 2013, 3:00 p.m., in House Conference Room 325

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF's missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources and public health and safety.

LURF appreciates the opportunity to provide comments and concerns relating to this bill.

HB 17. This bill proposes to make permanent Act 160, Session Laws of Hawaii 2010 (the "Act"), which requires maintenance of public beach accesses by adjacent landowners to ensure that beach transit corridors abutting their lands ("shoreline access") are kept passable and free from landowners' human-induced, enhanced, or unmaintained vegetation; imposes penalties for noncompliance; establishes shoreline access as an objective of the coastal zone management program; and requires the Department of Land and Natural Resources ("DLNR") to provide written notice to property owners affected by the Act.

LURF's Position. Consistent with its prior objections and concerns relating to the underlying Act, LURF maintains the belief that landowners who live along the shoreline have important property rights, as well as the legal right to not be prosecuted by the State or to be charged fees for non-performance of maintenance obligations which should properly be performed by the State. **LURF respectfully requests that this bill be held** to allow for the Legislature's review of a comprehensive report regarding what has happened since 2010 to justify the proposal to make the Act permanent; and time to allow the stakeholders, including, but not limited to government agencies, the public, private landowners, legal experts and other interested parties to meet and work together to come to a consensus regarding the bill's provisions and consequences. **In the alternative, LURF respectfully requests amendments which provide for: (1) exemptions for existing agreements with the State, where the State has agreed to maintenance responsibilities on private shoreline lands; (2) clarification of the confusing criminal and civil penalty process; (3) a report from DLNR, or the Office of the Auditor regarding the efficacy of the law; (4) clarification that public notice be provided to shoreline land owners prior to making Act 160 permanent; and (5) a sunset date of June 30, 2015.**

While it **generally supports the intent and purpose of HB 17**, LURF has the following comments on, including serious concerns and objections relating to the proposed measure:

1. **Portions of the Act may violate existing State agreements requiring the State to maintain shoreline access on private shoreline lands.** The State has existing agreements with shoreline land owners which require the State to maintain shoreline access ways, including agreements with hotel properties along Waikiki Beach and some shoreline trails on private property which are part of the State's Na Ala Hele Trail and Access System.
2. **There is no status report to justify making the Act permanent; and no report which provides critical information relating to what has occurred since the Act was enacted, two years ago.** The major questions relating to Bill 17 are: What has happened over the past two years, that would justify making the Act permanent? Is the Act still necessary? The Legislature, public and affected land owners have not been provided with any report or information relating to how the has been implemented and enforced over the past two years. Prior to making the Act permanent, the Legislature should be provided with the relevant information to determine whether the Act is justified and still necessary. Such critical information should include, but not be limited to the following matters:
 - Have there been any problems, lawsuits, wrongful notice of violations or wrongful prosecutions relating to the enforcement of the Act?
 - Are landowners currently maintaining these shoreline areas and beach accesses?
 - Has DLNR been forced to maintain any public beach access due to the non-compliance by the adjacent landowner? If so, what were the maintenance costs? Were such costs recovered from the adjacent landowner?
 - Has the Act affected private property rights and/or real estate sales of shoreline properties?
 - Have there been any criminal prosecutions under §115-9, Hawaii Revised Statutes ("HRS") for obstructing access to public property? If so, how many times, what were the circumstances and what were the amounts of the fines? (Act 160, SLH 2010, §115-__ (b))
 - Have any HRS 183C-7 notices of violation been issued to landowners? If so, how many times, and what were the circumstances? (Act 160, SLH 2010, §115-__ (b))
 - Have any landowner failed to remove the landowner's human-induced, enhanced, or unmaintained vegetation within twenty-one days of notice being issued? (Act 160, SLH 2010, §115-__ (b))
 - Has the DLNR taken any action authorized under HRS §183C-7, necessary to maintain access within beach transit corridors? (Act 160, SLH 2010, §115-__ (b))
 - Have any landowners contested the basis upon which the notice was issued prior to the expiration of the notice period? (Act 160, SLH 2010, §115-__ (b))

- Have any DLNR enforcement actions under HRS §183C-7 been tolled until the final resolution of the contested matter? (Act 160, SLH 2010, §115-__ (b))
3. **No transparency, no public notice, no opportunities for public education and input, no public meetings with shoreline landowners who will be impacted.** The Act provides for criminal prosecution, the possibility of unlimited criminal fines, and substantial civil fines of up to \$15,000 a day, per violation. Despite the serious impacts, LURF understands that over the past two years, the State has not implemented a public education campaign to inform, discuss or work with the various large private shoreline land owners, and other affected land owners. The Act should not be made permanent until the State has provided such opportunities. Perhaps after such education and input, it may be determined that Bill 17 is unnecessary.
4. **Danger of interpretations, enforcement or amendments which expand the scope of the Act.** LURF supports the originally alleged purpose and intent of the legislation triggering the Act, which was to prohibit interference with, or blocking of public lateral access along the shoreline by means of a “landowner’s human-induced, enhanced, or unmaintained vegetation.” However, LURF would object to possible expansive interpretations, enforcement and amendments of the Act which may go too far in attempting to effectuate the claimed purpose and intent of the measure. The following are of serious concern:
- Sets a huge precedent if interpreted, enforced, or amended to require private citizens to assume the responsibilities DLNR to maintain State lands and the State vegetation due to the fact DLNR does not have the funds to do so. The casting off of State maintenance responsibilities onto private landowners will result in landowner liability issues which will require State funding for the legal defense, indemnification, and payment of damages for personal injury claims and lawsuits relating to the private landowners’ assumption and performance of DLNR’s maintenance responsibilities on State lands.
 - Improper interpretations, enforcement, or expansive amendments of the Act could invite unwarranted criminal misdemeanor prosecutions of, and district court lawsuit actions against private shoreline landowners who do not perform what are rightfully DLNR’s shoreline maintenance responsibilities. Said prosecutions and actions could undoubtedly trigger and result in serious due process violations and lawsuits by landowners against the State.
 - Violates and reneges on prior, long-existing agreements between the State and private landowners regarding maintenance of shoreline access areas, including, but not limited to shoreline trails on private property which are part of the State’s Na Ala Hele Trail and Access System.
 - Violates and reneges on State agreements as early as 1965 with Waikiki hotel landowners relating to the shoreline in Waikiki.
 - The additional maintenance costs of performing DLNR maintenance functions may cause large landowners to sell off or develop their properties along the shoreline to spread the maintenance costs.
 - Being required to perform of DLNR's shoreline maintenance responsibilities would result in substantial additional costs for individual lot owners. Such an

obligation would be required to be disclosed to potential purchasers of shoreline properties, as said purchasers could be subject to criminal prosecution and district court lawsuit actions in the event of their failure to perform DLNR's shoreline maintenance responsibilities.

Shoreline access and maintenance are extremely important issues that affect the State's coastal lands and the public's right to enjoy the shoreline and beaches. Landowners who live, or have property along the shoreline, however, also have important property rights, some of which are based on existing agreements with the State.

Understanding the importance of the shoreline issues raised by HB 17 and the underlying Act, **LURF respectfully requests that this bill be held** to allow for the Legislature's review of a comprehensive report regarding what has occurred since 2010 to justify the proposal to make the Act permanent; and provide the stakeholders, including, but not limited to government agencies, the public, private landowners, legal experts and other interested parties the much needed opportunity to meet and work together to come to a consensus regarding the bill's provisions and consequences. **In the alternative, LURF respectfully requests amendments which provide for: (1) exemptions for existing agreements with the State, where the State has agreed to maintenance responsibilities on private shoreline lands; (2) clarification of the confusing criminal and civil penalty process; (3) a report from DLNR, or the Office of the Auditor regarding the efficacy of the law; (4) clarification that public notice be provided to shoreline land owners prior to making Act 160 permanent; and (5) a sunset date of June 30, 2015.**

Thank you for the opportunity to provide comments and concerns relating to this proposed measure.

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) / 691-7261 (w)

February 16, 2013

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Sharon E. Har, Vice Chair

[HB17](#) RELATING TO COASTAL AREAS

[Hearing:](#) Tuesday, February 19, 2013 at 3:00 pm in Conference Room 325

Aloha Chair Rhoads and Vice Chair Har,

Under Section 2-14-125 of the Neighborhood Board Plan, I have been appointed as a Delegate with responsibilities to represent the **Kuli'ou'ou / Kalani Iki Neighborhood Board #2** on matters approved by the Board. 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 HB17, which makes permanent the statutory changes enacted into law (Act 160, Session Laws of Hawaii 2010) by the 2010 Legislature, to require maintenance of public beach accesses by adjacent landowners and imposes penalties for noncompliance; establishes shore 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. **Neighborhood Board #2** represents 7,900 households, with a population of 22,281 people in East Honolulu (State House District 18, Hawaii: Profile of General Population and Housing Characteristics, 2010.)

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 intimidated the public with walls, gates, keep out signs, video cameras, and dogs. There was 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 deprived residents of the precious natural resource of its beaches and had 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 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 maintained 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.)

Neighborhood Board #2 strongly supports HB17, and respectfully requests that the 2013 Legislature make permanent the statutory changes enacted into law by Act 160, Session Laws of Hawaii 2010 by the 2010 Legislature, requiring maintenance of public beach accesses by adjacent landowners and imposes penalties for noncompliance.

Mahalo,



Legislative Sub-Committee Chair

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

cc via email: Chair Peter Kay
Sen. Sam Slom
Rep. Mark Hashem
Councilmember Stanley Chang

Caren Diamond
P.O.Box 536
Hanalei, Hawaii 96714
Kaimanacd22@yahoo.com

2/17/13

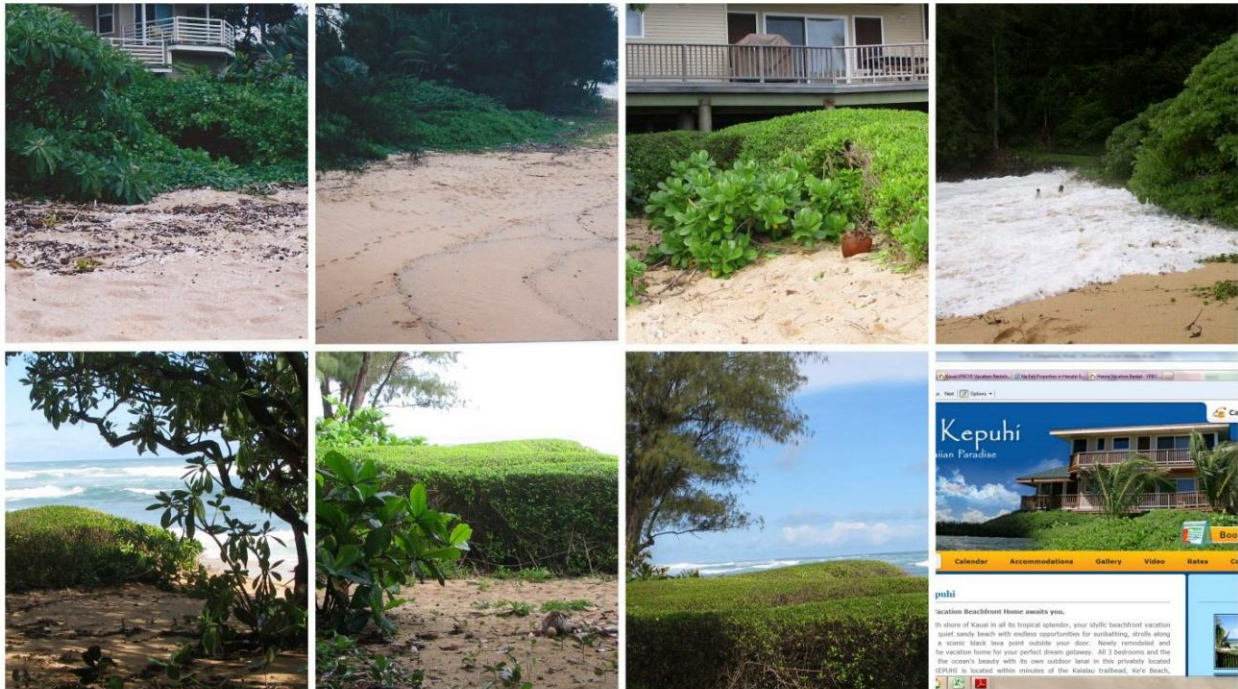
Testimony in Strong Support of HB 17

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair
Rep. Sharon E. Har, Vice Chair

Aloha Rep. Karl Rhoads, Chair, Rep. Sharon E. Har, Vice Chair and Committee Members,

Please support HB 17 to protect our public beaches. The pictures below illustrate one of many properties on Kauai's north shore where the planted vegetation has completely privatized our public beach and interfered with safe lateral access. Our beaches are our economy. Planted and seemingly privatized, our public beaches are at risk. Planted vegetation continues to move seaward. In these pictures, you can see that the sandy beach is completely hidden under the planted and well-manicured vegetation.



Please protect our beaches, support HB 17 that removes the sunshine date. Mahalo, Caren Diamond

HB17

Submitted on: 2/16/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Cleon Bailey	Individual	Comments Only	No

Comments: Public accesses should be maintained by the state or county, not by private individuals.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Cory Harden	Individual	Support	No

Comments: Please support shoreline access, one of the best things about living in, and visiting, Hawai'i. Access also helps perpetuate native Hawaiian culture. The shoreline is not just for a privileged few--it'sfor everyone.

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HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
D. Corcoran	Individual	Support	No

Comments:

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February 17, 2013

House Committee on Judiciary
Hearing Scheduled for February 19, 2013 at 3:00 PM

Testimony in Support of HB 17, "Relating to Coastal Areas"
From Deborah Chang, Hawai'i Island Resident

Aloha Chair Rhoads, Vice Chair Har and Members of the House Judiciary Committee:

I ask for your support of HB 17. It prevents the sunset of Act 160 (SLH 2010). It is definitely in the public's interests to make this law permanent. It enables the Department of Land and Natural Resources (DLNR) to defend the public's right of transit seaward of the shoreline. It gives DLNR the enforcement authority to require landowners abutting the shoreline to remove vegetation that is preventing the public's safe passage within the "beach transit corridor." Unfortunately, certain shoreline property owners will ignore DLNR's written requests that they clear human-induced, enhanced, or unmaintained vegetation along the shoreline unless it is clear that the Department has the legal authority to enforce the law.

Concern has been expressed that it is unreasonable to require landowners to clear "unmaintained" or naturally occurring vegetation over miles of coastline. This is a misinterpretation of Act 160's intent. The term "unmaintained" as used in Act 160 refers to human-induced and enhanced vegetation that has been neglected and allowed to encroach and interfere with the public's lateral shoreline access.

Mahalo for your consideration of my testimony.

HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Duane Erway	Individual	Support	No

Comments:

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HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Gretchen Ana Currie	Individual	Support	No

Comments: I STRONGLY support this important bill. It is a significant part of the legal framework that keeps Hawaii's beaches and shorelines public. I urge the passage of HB17!

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HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Janet Murray	Individual	Support	No

Comments: People have harvested and connected with particular sites along the ocean for centuries and I support having that right continued. Please support freedom of access to the ocean. It is vital for keeping the Hawaiian culture strong. We have no right to take it from them. Be PONO. Mahalo nui.

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HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
janice palma-glenie	Individual	Support	No

Comments: Critical legislation that supports public access to Public shoreline. mahalo.

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HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Sacher	Individual	Support	No

Comments:

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HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jonathan R Cole	Individual	Support	No

Comments: This is a no-brainer. Landowners along the shoreline have the responsibility to see to it that vegetation does not impede shoreline access.

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HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Judie Hoepner	Individual	Support	No

Comments: this bill is very important as it protects the rights of all of us to enjoy the shorelines. I would appreciate you passing it.

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HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Krista Donaldson	Individual	Comments Only	No

Comments: Aloha, Please make Act 160, SLH 2010 permanent. The public needs open access to the shoreline at all times. Homeowners should be responsible for maintaining structures and vegetation as to enable public shoreline access. Mahalo for your time.

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HB17

Submitted on: 2/17/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
linda gallano`	Individual	Support	No

Comments:

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HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Marjorie Erway	Individual	Support	No

Comments: Since this bill is due to 'sunset' this year, I urge you to put it back into the viable stream of laws, and without any sunset period this time. Please make this bill PERMANENT! Without it, the DLNR can't require landowner compliance. Mahalo for your consideration. Will be anxious to hear what happens with this.

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HB17

Submitted on: 2/17/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Spacer	Individual	Support	No

Comments:

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HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Rowena Vaca	Individual	Support	No

Comments:

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HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments:

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HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Sydney A. Kraul, Jr.	Individual	Support	No

Comments:

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HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Sylvia Partridge	Individual	Support	No

Comments: I support the public's right to traverse the shoreline and this bill requiring landowners to remove vegetation that prevents public access is an important and necessary requirement for that to happen.

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HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Thurston	Individual	Support	No

Comments:

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HB17

Submitted on: 2/15/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Troy Abraham	Individual	Support	No

Comments:

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HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Alastair Glennie	Individual	Support	No

Comments:

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HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Brad Parsons	Individual	Support	No

Comments:

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HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Kanealii	Individual	Support	No

Comments: The ability for the public to traverse the shoreline is important to me and my community. No one should ever be allowed to block the public from that right or for that matter be able to construct any building/plants, walkways etc. that close to the ocean that it would obstruct others from being able to walk, fish, or gather from the sea. It is our inherit right.

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HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Doug Phillips	Individual	Support	No

Comments:

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HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Elijah Frank		Support	No

Comments: The people of Hawaii should have free access to all costal shorelines. There should be no private barriers preventing access on any shorelines.

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HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Eva Hillman	Individual	Support	No

Comments: Please make ACT 160 permanent by supporting HB17. Open access to the ocean is a basic right and an integral part of Hawaii lifestyle. Please preserve this right for all Hawaii citizens, not just those who purchase ocean front property.

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HB17

Submitted on: 2/18/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Joan Conrow	Individual	Support	No

Comments: Please support this bill. Requiring landowners to maintain their coastal vegetation helps to prevent erosion and loss of the beach, and also protects public access. Please add some funding to this bill so it can be carried out more effectively. Mahalo.

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HB17

Submitted on: 2/19/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
joy cash	Individual	Support	No

Comments:

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HB17

Submitted on: 2/19/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kip Goodwin	Individual	Support	No

Comments: The last vestige of the pre-contact Hawaiian concept of communal land ownership is beach access and use by everyone. Implicit in shoreline land ownership is the obligation to maintain access.

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HB17

Submitted on: 2/18/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
MS Matson	Individual	Support	No

Comments: Strongly support this measure.

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HB17

Submitted on: 2/19/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
nohea s knudsen	Individual	Support	No

Comments:

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HB17

Submitted on: 2/19/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Puanani Rogers	Ho`okipa Network - Kauai	Support	No

Comments: Aloha mai kakou, My name is Puanani Rogers from the ahupua`a o Kealia, Mokupuni o Kaua`i. I testify in strong support to this measure, HB 17. It is a measure that will protect the public's right to access our coastal shorelines. Please do not take that right away and please give DLNR the authority to monitor and enforce laws that protect that right of access. Mahalo a nui!

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HB17

Submitted on: 2/18/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
tlaloc tokuda	Individual	Support	No

Comments: HB 17 is a VERY important bil, because it seeks to make Act 160 (SLH 2010) permanent. It is due to sunset this year! So by passing Act 160 it will protect the public's right to access the shoreline (forever) by enabling DLNR to require landowners to remove human-induced, enhanced or unmaintained vegetation that interferes with the public's ability to traverse the "beach transit corridor." Without this law, the DLNR doesn't have the ability to require landowner compliance. Please pass this law. thank you tlaloc tokuda

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HB17

Submitted on: 2/19/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Trish Shaner Knudsen	Individual	Oppose	No

Comments:

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HB17

Submitted on: 2/19/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Alicia	Individual	Support	No

Comments:

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HB17

Submitted on: 2/19/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Fred Dente	Individual	Comments Only	No

Comments: Please do all you can to preserve the public's absolute right to visit and traverse all of the shorelines of all the Hawaiian Islands. The beaches are free for everyone, not to be owned or policed by anyone.

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HB17

Submitted on: 2/19/2013

Testimony for JUD on Feb 19, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Sterling Robbins	Individual	Support	No

Comments: Please stop access to the beach in Hawaii becoming another Malibu.

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