

# SB 1162

## RELATING TO SHORELINE VEGETATION

Makes permanent the statutory changes enacted into law (Act 160, Session Laws of Hawaii 2010) by the 2010 Legislature, to require the removal of landowner's induced or cultivated vegetation that interferes or encroaches seaward of the shoreline.

WTL, WAM

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

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**WILLIAM J. AILA, JR.**  
CHAIRPERSON  
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**ESTHER KIAAINA**  
FIRST DEPUTY

**WILLIAM M. TAM**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
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ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

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

**Before the Senate Committee on**  
**WATER & LAND**

**Thursday, January 31, 2013**  
**1:15pm**  
**State Capitol, Conference Room 225**

**In consideration of**  
**SENATE BILL 1162**  
**RELATING TO SHORELINE VEGETATION**

Senate Bill 1162 proposes to make permanent Act 160, Session Laws of Hawaii (SLH) 2010. The Department of Land and Natural Resources strongly supports this Administration measure.

Act 160, SLH 2010, 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.

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, the Act allows the Department to issue a notice of violation to the landowner, assess penalties under Chapter 183C, Hawaii Revised Statutes (HRS), 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 or extends seaward of the shoreline as defined in Section 205A-1, HRS. Thus, Act 160 has been an effective tool to protect lateral shoreline access.

The Department strongly supports this Administration 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.

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**Subject:** Submitted testimony for SB1162 on Jan 31, 2013 13:15PM  
**Date:** Monday, January 28, 2013 3:35:23 PM  
**Attachments:** [SB1162 BED-OP 01-31-13 WTL.pdf](#)

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SB1162

Submitted on: 1/28/2013

Testimony for WTL on Jan 31, 2013 13:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Jesse K. Souki	State Office of Planning	Support	Yes

Comments:

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January 31, 2013

**The Honorable Malama Solomon, Chair**

Senate Committee on Water and Land  
State Capitol, Room 229  
Honolulu, Hawaii 96813

**RE: S.B. 1162, Relating to Shoreline Vegetation**

**HEARING: Thursday, January 31, 2013, at 1:15 p.m.**

Aloha Chair Solomon, Vice Chair Shimabukuro, 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** S.B. 1162 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.

S.B. 1162 proposes to make permanent Act 160, SLH 2010, which amended Chapter 115 of the Hawai'i 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.

Caren Diamond  
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Hanalei, Hawaii 96714  
[Kaimanacd22@yahoo.com](mailto:Kaimanacd22@yahoo.com)

January 30, 2013

**Testimony in Strong Support of SB 1162**

**SENATE BILL  
RELATING TO SHORELINE VEGETATION**

**COMMITTEE ON WATER AND LAND  
SENATOR MALAMA SOLOMON, CHAIR  
SENATOR MAILE S.L. SHIMABUKURO, VICE CHAIR**

**ALOHA CHAIR SOLOMON, VICE CHAIR SHIMABUKURO AND MEMBERS OF THE  
COMMITTEE:**

**Please support SB 1162.** Pristine, world class sandy beaches are now lush private vegetative oasis. This measure can provide the tools needed to stop the premature loss of highly valued public trust lands, the beach.

**Irrigation and fertilizer** are commonly used to establish thick unnatural strands of vegetation on the beach. Plants now occupy much of the sandy beach along the scenic Wainiha and Hā'ena coast. The dunes are choked with masses of thick copious vegetation. There are serious impacts to the coastal zone from the unabated human manipulation of our sandy beaches. Our beaches are simultaneously experiencing erosion and vegetative encroachment, shrinking the beach. By manipulating the vegetation, landowners gain control, use and ownership of what rightfully are public trust resources.

**Pollutants:** Fertilizer is applied on our sandy beaches in the active beach zone as shown in front of this Hā'ena Beachfront vacation rental seriously impacting the coral reef.



In many areas, safe lateral access is completely gone due to planted vegetation . Please support SB 1162 .  
Mahalo, Caren Diamond

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**Subject:** \*Submitted testimony for SB1162 on Jan 31, 2013 13:15PM\*  
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SB1162

Submitted on: 1/28/2013

Testimony for WTL on Jan 31, 2013 13:15PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	Individual	Support	No

Comments:

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