

SB 357

RELATING TO COASTAL AREAS

Makes permanent Act 160, SLH 2010. Requires maintenance of public beach accesses by adjacent landowners and imposes penalties for noncompliance. Establishes shoreline access as an objective of the coastal zone management program. Requires the department of land and natural resources to provide written notice to property owners affected by Act 160, SLH 2010.

WTL, JDL

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 Senate Committee on
WATER & LAND**

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

**In consideration of
SENATE BILL 357
RELATING TO COASTAL AREAS**

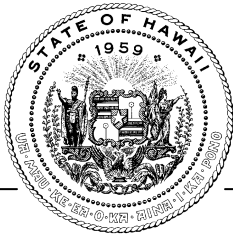
Senate Bill 357 proposes to make permanent Act 160, Session Laws of Hawaii (SLH) 2010. The Department of Land and Natural Resources (Department) strongly supports this measure which is identical to Senate Bill 1162 and House Bill 931, which have been introduced by the Administration.

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 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.



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

NEIL ABERCROMBIE
GOVERNOR
RICHARD C. LIM
DIRECTOR
MARY ALICE EVANS
DEPUTY DIRECTOR
JESSE K. SOUKI
DIRECTOR
OFFICE OF PLANNING

OFFICE OF PLANNING

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

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

Statement of
JESSE K. SOUKI
Director, Office of Planning
Department of Business, Economic Development, and Tourism
before the
SENATE COMMITTEE ON WATER AND LAND
Thursday, January 31, 2013
1:15 PM
State Capitol, Conference Room 225

in consideration of
SB 357
RELATING TO COASTAL AREAS.

Chair Solomon, Vice Chair Shimabukuro, and Members of the Senate Committee on
Water and Land.

SB 357, Relating to Coastal Areas, proposes to make permanent Act 160, Session Laws
of Hawaii (SLH) 2010.

The Office of Planning supports SB 357 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.



**Testimony to the Senate Committee on Water and Land
Thursday, January 31, 2013
1:15 pm
State Capitol - Conference Room 225**

**RE: SENATE BILL NO.'S 357 AND 1162 RELATING TO COASTAL AREAS AND
SHORELINE VEGETATION**

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

The Chamber of Commerce of Hawaii **supports the intent of both S.B. No. 357 and 1162 as proposed.** The bill proposes to make permanent Act 160, SLH 2010. 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.

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.

While the Chamber supports the intent of the bill, we believe that the DLNR should provide some statistics on how many times since the law was passed in 2010 did the Department use the law to enforce the unimpeded access to the beach over privately owned public shoreline accesses. We believe that this information would justify the intent of this legislation to make Act 160 permanent.

Thank you for this opportunity to express our views.

January 31, 2013

The Honorable Malama Solomon, Chair

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

RE: S.B. 357, Relating to Coastal Areas

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. 357 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. 357 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.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: ndavlantes@aol.com
Subject: *Submitted testimony for SB357 on Jan 31, 2013 13:15PM*
Date: Monday, January 28, 2013 2:12:20 PM

SB357

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:

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov