

S.B. NO. 1162

Report Title:

Shoreline Vegetation

Description:

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.

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JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO SHORELINE VEGETATION.

PURPOSE: To make 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.

MEANS: Amend section 7 of Act 160, Session Laws of Hawaii (SLH) 2010.

JUSTIFICATION: Coastal vegetation is an integral part of the native ecosystem and can provide an important ecological and environmental function, including coastal flood mitigation. However, when certain species of coastal vegetation are allowed to grow unfettered in an urban beach environment, it can create community wide problems. Coastal vegetation that extends seaward of its natural range can impede public access by creating a barrier at the fragile intersection of submerged and fast lands. Moving vegetative barriers inland allows homeowners to maintain the privacy barriers they have grown accustomed to, while fostering healthy shoreline access and beach use on a heavily used urban beach.

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, 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 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.

Impact on the public: This bill will extend to public use and ownership as much of Hawai'i's shoreline as is reasonably possible by ensuring the public's lateral access along the shoreline.

Impact on the department and other agencies: This bill will relieve the Department of having to be financially responsible for the removal of private landowners' induced or cultivated vegetation that interferes or encroaches seaward of the shoreline.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: LNR 101.

OTHER AFFECTED AGENCIES: Office of Planning.

EFFECTIVE DATE: June 29, 2013.