

STAND. COM. REP. NO.

1024

Honolulu, Hawaii

MAR 22 2013

RE: H.B. No. 17
H.D. 1
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Water and Land, to which was referred H.B. No. 17, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COASTAL AREAS,"

begs leave to report as follows:

The purpose and intent of this measure is to ensure public lateral access along the shoreline by extending for two years the sunset date of Act 160, Session Laws of Hawaii 2010, to June 30, 2015.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Kailua Neighborhood Board, BIA Hawaii, Hawaii's Thousand Friends, The Chamber of Commerce of Hawaii, and four individuals. Your Committee received testimony in opposition to this measure from the Land Use Research Foundation. Your Committee received comments on this measure from the State Office of Planning and Hawaii Association of REALTORS.

Your Committee finds that some landowners intentionally promote the growth of shoreline vegetation or promote vegetation along makai to mauka beach transit corridors in an attempt to increase the area of their property while decreasing coastal public trust assets.

Act 160, Session Laws of Hawaii 2010 (Act 160), requires that landowners remove human-induced, enhanced, or unmaintained

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vegetation interfering with such access. Act 160 protects coastal public resource assets and requires the Department of Land and Natural Resources to maintain access within beach transit corridors.


Your Committee has amended this measure by:

- (1) Inserting language to amend sections 171-58.5 and 205-44, Hawaii Revised Statutes, to:
 - (A) Except inadvertent taking of sand, dead coral or coral rubble, rocks, soil, or other marine deposits, such as inadvertent carrying away on the body, through the clothes, toys, recreational equipment, and bags, from the prohibition against removal of those deposits from seaward of the shoreline or from the shoreline area, in place of the one-gallon-per-person-per-day limit; and
 - (B) Except the exercise of traditional cultural practices and the response to a public emergency or a state or local disaster from the prohibition against removal of sand, dead coral or coral rubble, rocks, soil, or other marine deposits;
- (2) Inserting language to clarify, upon the request of the Department of Land and Natural Resources, that Act 160 is not to be construed to modify or alter any agreement of the Department of Land and Natural Resources that was in effect or executed on the effective date of Act 160; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 17, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 17, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Labor.



Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


MALAMA SOLOMON, Chair



