

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:DLNR:..XX

XX-XX-XX

Name
Address

Dear _____,

SUBJECT: Request for Compliance to Control Vegetation in the Beach Transit Corridor
TMK, Address

The Department of Land and Natural Resources (DLNR) Office of Conservation and Coastal Lands (OCCL) recognizes that coastal vegetation is an integral part of our natural coastal ecosystems and can provide essential ecological and environmental functions, including reducing the impacts of erosion and coastal flooding. However, when certain species of vegetation are allowed to grow unfettered along the shoreline, it can become a problematic issue. Coastal vegetation that extends seaward of its natural range can inhibit lateral shoreline access by creating a barrier along the dynamic boundary between submerged and fast lands.

Beaches are constantly responding to changes in wave climate, with natural variations in morphology and sediment supply tied to energy dissipation and sediment transport dynamics. An active beach and dune system that migrates with the shoreline is the most effective natural barrier against coastal erosion and flooding. However, when vegetation is induced or allowed to grow too far seaward, it can lead to reduced beach width, steepening of beach faces, prevention of natural sediment transport, and reduced recovery capacity after episodic erosion events.

Narrowed beach and dune systems are less effective in defending against hazards such as erosion and wave inundation because they do not have the range or sediment necessary to rapidly respond to changes in nearshore wave energy. By maintaining an appropriate vegetative buffer, homeowners can enjoy the benefits of privacy and reduced vulnerability to coastal hazards while simultaneously improving lateral shoreline access. This balanced approach to maintain shoreline vegetation is not only practical, but consistent with Hawaii Revised Statute §115-5, which protects the public's right of transit along the shoreline, as well as improving use of the beach as public trust lands.

In Hawaii, the right of public transit exists seaward of the *shoreline*¹ and that area is defined as a *beach transit corridor*². Vegetation growing seaward of the shoreline can interfere with the public's right of transit along the beach transit corridor, particularly during high tides and periods of high surf. In addition to state statutes, counties have ordinances related to public access and each county has the primary responsibility to provide for lateral public access to the shoreline (HRS §46-6.5, 115-5 & 115-7). This situation is analogous to public sidewalks where abutting landowners are responsible for ensuring that sidewalks remain free of vegetation or other obstructions that could potentially inhibit access within a public right-of-way.



Induced, cultivated, or unmaintained vegetation that obstructs or inhibits public transit within the beach transit corridor must be removed pursuant to Hawaii Revised Statute §115-5. According to HRS§ 115-10(a), the DLNR shall maintain access within beach transit corridors under this chapter and chapter 183C, by requiring private property owners to ensure that beach transit corridors abutting their lands shall be kept passible and free from the landowner's human-induced, enhanced, or unmaintained vegetation that interferes or encroaches in the beach transit corridors.”

¹ "Shoreline" means the upper reaches of the wash of the waves, other than storm or seismic waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or the upper limit of debris left by the wash of the waves (HAR §13-222)

² The right of transit shall exist seaward of the shoreline and this area shall be defined as a *beach transit corridor* (HRS §115-5)

How is the OCCL coordinating the removal of vegetation along the shoreline?

Step 1: OCCL identifies vegetation that may inhibit lateral access within the beach transit corridor.

Step 2: OCCL issues a notice to abutting landowners to remove the encroaching vegetation.

Step 3: Abutting landowners provide evidence that the encroaching vegetation has been removed.



The OCCL may issue a Notice of Violation or levy fines against abutting landowners who fail to comply with the initial notice to remove the encroaching vegetation. If an abutting property owner fails to remove the encroaching vegetation within twenty-one (21) days of a formal notice, the DLNR may fine the property owner \$1,000 or more for continuing violations, pursuant to Section Chapter 183C-7 of the Hawaii Revised Statutes and the DLNR’s Administrative Sanctions Schedule (attached)

The OCCL seeks to avoid issuing violations and fines by working collaboratively with abutting landowners to address this issue. We request that abutting landowners assist in this process by proactively moving any encroaching vegetation inland. Moving vegetative barriers inland allows landowners to maintain a natural privacy buffer while improving lateral access and recreational opportunities along Hawaii’s beaches. For more information about coastal access in Hawaii, please visit the following website <http://seagrant.soest.hawaii.edu/coastal-access-hawaii>. Please feel free to contact the Office of Conservation and Coastal Lands at 808-587-0377 or dlnr.occl@hawaii.gov.

Sincerely,

Samuel J. Lemmo, ADMINISTRATOR
Office of Conservation and Coastal Lands

cc: