

TESTIMONY

HB 839 HD1

testimony

From: Rich Figel [figeli001@hawaii.rr.com]
Sent: Saturday, March 15, 2008 4:27 PM
To: testimony
Subject: WTL Testimony in strong support of HB839

COMMITTEE ON WATER AND LAND
Senator Clayton Hee, Chair
Senator Russell S. Kokubun, Vice Chair

NOTICE OF HEARING ON HB 839
DATE: Tuesday, March 18, 2008 - 3:15 p.m.
PLACE: Conference Room 224, State Capitol

Aloha Chair Hee, Vice Chair Kokubun and Honorable Committee Members:

As co-founder of Beach Access Hawaii, a group that represents over 300 members, I **strongly** support HB839 which appropriates funds for the DLNR to survey and map all existing public access ways to shoreline areas. We would like the bill to be amended so that it will also identify where additional public access ways are needed most, and recommend the best way for the State and counties to acquire rights of way in areas that are lacking access.

Although the DLNR opposed this bill on the grounds that they feel beach access is the responsibility of the counties, we believe the State should share that responsibility. In fact, there already is a DLNR provision to have the State provide matching funds to counties for the purpose of acquiring public rights of way. Doesn't it make sense then to have the DLNR make recommendations as to how those matching funds should be best used?

Oahu has only 89 beach rights of ways for over a hundred miles of coastline. There is currently no State law pertaining to minimum standards for public access to our shorelines. Beach Access Hawaii members went out and measured the distances between the existing public accesses in Kailua, and found that some of them were over a half mile apart -- even though the county "guideline" says there should be public access every quarter mile of beach in "urbanized" areas.

Until we actually measured the distances ourselves, no one knew precisely how far apart the Kailua public access ways really were. City Council Chair Barbara Marshall insisted that none of them were farther than a quarter mile apart, based on information she got from the State and City. This is why a comprehensive, up-to-date survey is needed. It should tell us actual distances between public accesses; how many gated or open beach roads are in between them; and recommend where efforts should be made to negotiate easements in perpetuity with private homeowners -- or as a last resort, initiate condemnation to protect public beach access.

There is also potential financial liability for the State if the issue of locked gates on private beach rights of way isn't addressed. In Kailua, first responders have stated at Neighborhood Board meetings that these barricades pose a serious threat to public safety. Delays reaching emergency victims could be the difference between life and death. And who will be sued if someone dies as a result of those gates? The homeowners on those gated roads -- or the State for allowing this to happen?

HB839 represents an important first step in addressing what has become a statewide problem: diminishing shoreline access, while semi-private beachfront areas are being created by the unchecked proliferation of gated roads. It's time the State does something about it, rather than place the onus solely on the counties.

Please pass HB839 and amend it, so that it can serve as a tool to help the counties work with the State to protect shoreline access for future generations.

Mahalo for your consideration.

Rich Figel
Co-founder, Beach Access Hawaii
801 Kainui Drive
Kailua, HI 96734

Phone: 808-262-5073

testimony

From: Lisa DePonte [lisa_deponte@hotmail.com]
Sent: Sunday, March 16, 2008 11:57 AM
To: testimony
Subject: Support of HB 839

COMMITTEE ON WATER AND LAND
Senator Clayton Hee, Chair
Senator Russell S. Kokubun, Vice Chair

NOTICE OF HEARING ON HB 839
DATE: Tuesday, March 18, 2008 - 3:15 p.m.
PLACE: Conference Room 224, State Capitol

Aloha Chair Hee, Vice Chair Kokubun and Honorable Committee Members:

I support HB839 which appropriates funds for the DLNR to survey and map all existing public access ways to shoreline areas. I would like the bill to be amended so that it will also identify where additional public access ways are needed most, and recommend the best way for the State and counties to acquire rights of way in areas that are lacking access.

The county "guideline" says there should be public access every quarter mile of beach in "urbanized" areas and that is not so here in Kailua. City Council Chair Barbara Marshall has insisted that none were farther than a quarter mile apart. I believe a comprehensive, up-to-date survey is necessary which should include the following information: 1) actual distances between public accesses, 2) how many gated or open beach roads are in between them and 3) recommend where efforts should be made to negotiate easements in perpetuity with private homeowners -- or as a last resort, initiate condemnation to protect public beach access.

My children, as do many other, are in the water often along that stretch of Kailua Bay in which public access is a problem. I am deeply concerned about the access for emergency assistance. These **gates are obstacles for emergency responders** that pose a serious threat to public safety. Delays reaching emergency victims **could be the difference between life and death.**

For the safety of the majority of Kailua residents and others, please pass HB839 and amend it, so that it can serve as a tool to help the counties work with the State to protect shoreline access for our future generations.

Respectfully,

Lisa DePonte

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testimony

From: Surfrider Maui [maui.surfrider@hawaiiantel.net]
Sent: Sunday, March 16, 2008 8:55 AM
To: testimony
Subject: strong support of HB839

COMMITTEE ON WATER AND LAND
Senator Clayton Hee, Chair
Senator Russell S. Kokubun, Vice Chair

NOTICE OF HEARING ON HB 839
DATE: Tuesday, March 18, 2008 - 3:15 p.m.
PLACE: Conference Room 224, State Capitol

Aloha Chair Hee, Vice Chair Kokubun and Honorable Committee Members:

As chair of the Surfrider Foundation Maui Chapter, I am writing on behalf of our 165 members in strong support HB839 which appropriates funds for the DLNR to survey and map all existing public access ways to shoreline areas. We ask that the bill be amended to identify needed additional public access ways, and recommend the best way for the State and counties to acquire rights of way in areas that are lacking access.

Although the DLNR opposed this bill on the grounds that they feel beach access is the responsibility of the counties, we believe the State should share that responsibility. In fact, there already is a DLNR provision to have the State provide matching funds to counties for the purpose of acquiring public rights of way. Therefore, it is sensible for the DLNR to make recommendations about how to spend these matching funds.

Surfrider Maui has received complaints about beach access issues in West Maui, South Maui, and on Maui's North Shore. Now we are faced with the closure of Kahului Harbor to recreational users in favor of the visitor industry, in addition to the problems at Maliko boat launching ramp. Residents are being "stuffed in the tube" more often, left with fewer access coastal points while the state looks to expand access for tourists. There has to be a compromise. We believe HB839 can close the gap between what the state is doing to increase its capacity for accommodating visitors without shrinking the capacity for Hawaii residents to enjoy the ocean.

HB839 will increase public safety, which would serve to reduce potential government liability. HB 839 is the all important first step to address the statewide problem of diminishing shoreline access, checking semi-private beachfront gated lots.

It's time for the State to address these issues, rather than shoveling the matter under the sand for the counties to manage.

Please pass HB839 and amend it, so that it will help the Counties and State team up to protect shoreline access for future generations.

Mahalo for your consideration.

3/16/2008

Jan Roberson
Maui Chapter Chair
The Surfrider Foundation
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testimony

From: randy ching [oahurandy@yahoo.com]
Sent: Saturday, March 15, 2008 12:09 PM
To: testimony
Subject: WTL: in support of HB839 HD1 - relating to public access to beaches

Senate Water and Land Committee
Clayton Hee, Chair
Russell Kokubun, Vice Chair

In support of HB839 HD1 - relating to public access to beaches

Hearing on Tuesday, March 18
3:15 p.m. in conference room 224

Aloha Chair Hee, Vice Chair Kokubun and members of the committee,

The Sierra Club, Oahu Group strongly supports HB839 HD1, which appropriates funds for the DLNR to survey and map all existing public access ways to shoreline areas. We want the bill amended to identify where additional rights of way are needed and recommend how best to acquire them.

DLNR opposes it on the grounds that shoreline access is solely a county responsibility. It should be a joint responsibility between the State and counties.

Any survey of public access ways should include the actual distances between them and note the number of closed off "private" or public streets with private rights of way in between that have gates. In Kailua, first responders have publicly stated at Neighborhood Board meetings that locked gates pose a serious threat to public safety. Along Kalaheo Avenue, where there are many streets with locked gates, delays reaching emergency victims on those stretches of beach could be the difference between life and death. And who will be liable then? The homeowners on those gated roads -- or the City and State for allowing this to happen?

HB839 HD1 represents an important first step in addressing what has become a statewide problem: diminishing shoreline access. Meanwhile, semi-private beachfront areas are being created by the unchecked proliferation of gated roads that deny access to the public. It's time we do something about it.

Please pass HB839 HD1 and amend it so that it will also serve as a tool to help the counties work with the State to protect and improve public shoreline access for future generations. Mahalo.

Randy Ching
Sierra Club, Oahu Group chair
oahurandy@yahoo.com
942-0145

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testimony

From: mjimmermaid@aol.com
Sent: Sunday, March 16, 2008 7:48 AM
To: testimony
Subject: IN STRONG SUPPORT OF HB839

COMMITTEE ON WATER AND LAND
Senator Clayton Hee, Chair
Senator Russell S. Kokubun, Vice Chair

NOTICE OF HEARING ON HB839
DATE: Tuesday, March 18, 2008-3:15
PLACE: Conference Room 224, State Capitol

Aloha Chair Hee, Vice Chair Kokubun and Honorable Committee Members:

In July of 2006, I witnessed my first drowning at Kailua Beach. The First Responders took what seemed like an inordinate amount of time to reach the victim, who later was pronounced dead at Castle Hospital. This incident happened on North Kaleheo, which has more open Beach Access Right-of-Ways than South Kaleheo in Kailua.

It is because of this incident that I became a member of BAH (Beach Access Hawaii).

It is my understanding that there will be a hearing for HR839 which appropriates funds for the DLNR to survey and map all existing public access ways to shoreline areas. I would like the bill to be amended so that it will also identify where additional public access ways are needed most, and recommend the best way for the state and counties to acquire rights-of-way to areas that are lacking access.

I realize how First Responders have a hard time determining how they can get to the beach to respond to emergencies. Referring to my first paragraph, we sent people to wave to the responders so they could get to the victim on Wilikoki Place, which was not locked. At a Neighborhood Board meeting in October, said responders testified that locked gates have posed serious threats to public safety.

I have lived in the Kuulei Tract since 1969, we have used our right-of-way for almost forty years (40). However, in the late 80's a Texan tried to close our right of way. We were successful in keeping our right-of-way through legal maneuvering. We need to remember that the mauka developers, i.e., Castle built these tracts with the assurances that the tract homeowners could use the right-of-ways.

HR839 represents an important first step in addressing what has become a statewide problem: diminishing shoreline access while semi-private beach front areas are being created by the unchecked proliferation of gated roads that deny access to the public.

Please pass HB839 and amend it so that both counties and State will work to protect and preserve public shoreline access for our future generations.

Sincerely,

Mary Jo Morrow

3/16/2008

testimony

From: annmarie@hawaii.rr.com
Sent: Sunday, March 16, 2008 8:25 PM
To: testimony
Subject: Testimony in Support of HB839 relating to public access to the shoreline

COMMITTEE ON WATER AND LAND
Senator Clayton Hee, Chair
Senator Russell S. Kokubun, Vice Chair

HB 839, HD1 RELATING TO PUBLIC ACCESS TO BEACHES
Hearing: Tuesday, March 18, 2008 @ at 3:15 pm in Conference Room 224

Aloha Chair Hee, Vice Chair Kokubun and Honorable Committee Members,

We are an island community. It is the ocean which unites our islands, not separates them. As island people it is the right of all citizens of Hawai'i throughout our State to have safe and reasonable access to the shoreline on every island. However, this right is being continually denied and the problem is ever increasing due to urban development and imported cultural values into our state which are not reflective of our island culture and kama'aina communities.

Our open island ocean communities are turning into isolated and closed communities where all citizens rights to access the shoreline are being denied by just a few. Every beach in Hawai'i is public but they essentially become private beaches when there are no Public Rights of Way to access them. Across the islands this has led to ever escalating hostility between community members. All people want is to reach the shoreline in a reasonable manner. Where are the blue Public Right of Way signs?

I strongly support HB839 to survey and map all existing Public Rights of Way to the shoreline statewide. And I humbly ask the bill be amended to add "identify where additional rights of way are needed statewide in Hawai'i."

For example, the Honolulu City Council in 1998 identified and passed a resolution to acquire 4 Public Rights of Way on Portlock Road to Maunaloa Bay in East O'ahu. The City Council recognized they were not following their own 1/4 mile standard. Unfortunately the City has not completed the acquisition. State legislation would enhance and solidify the needed action to make those Public Rights of Way a reality.

It should be noted some of this very important work to identify existing Public Rights of Way is already taking place. On Maui, Ocean IT completed an island wide survey identifying all Public Rights of Way and additional point of access to the shoreline. This survey was completed in March of 2005. Maui County was one of the main supporters of the survey.

NOAA Fisheries is in the process of identifying every Public Right of Way on O'ahu and is also identifying additional access points to the shoreline. NOAA's survey should be completed by the end of 2008.

The survey on O'ahu was prompted by the concern of fishermen who were increasingly dealing with being denied access to shoreline areas to fish and also the lack of information about access locations.

To quote NOAA "shoreline access information for O'ahu is not as easily accessible or as comprehensive as Maui Counties'. Using the Maui report as a model, the goal of this project is to make shoreline access information for O'ahu more comprehensive and available to the fishing community, and the ocean using community as a whole."

There is a great opportunity here for DLNR to use the work already completed on Maui and the work now being done on O'ahu, which has already kick- started the process, to move forward and complete a statewide survey which HB 839 has identified as necessary.

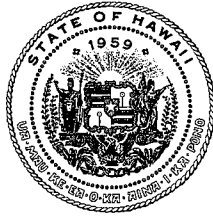
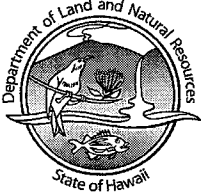
I ask for your support of House Bill 839.

Mahalo for your consideration.

Aloha,
Ann Marie Kirk
PO Box 25342
Hawai'i Kai, Hawai'i
371-3072

Liveable Hawai'i Kai Hui

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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LAND
STATE PARKS

TESTIMONY OF THE CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES

On House Bill 839, House Draft 1 – RELATING TO PUBLIC ACCESS TO BEACHES

BEFORE THE SENATE COMMITTEE ON
WATER AND LAND

March 18, 2008

House Bill 839, House Draft 1 proposes to appropriate funds for Fiscal Year 2008-2009 for the Department of Land and Natural Resources (Department) to survey and map all existing public access ways to shoreline areas throughout the State. The Department opposes this bill. At present, the Counties have been delegated the primary responsibility for establishing and maintaining public access to shoreline areas by statute. Additionally, the Department opposes this measure as the proposed appropriation may adversely affect the priorities of Executive Supplemental Budget request.

The Department notes that shoreline access is typically under the purview of the respective counties. §46-6.5, Hawaii Revised Statutes (HRS), provides that:

“[§46-6.5] **Public access.** (a) Each county shall adopt ordinances which shall require a subdivider or developer, as a condition precedent to final approval of a subdivision, in cases where public access is not already provided, to dedicate land for public access by right-of-way or easement for pedestrian travel from a public highway or public streets to the land below the high-water mark on any coastal shoreline, and to dedicate land for public access by right of way from a public highway to areas in the mountains where there are existing facilities for hiking, hunting, fruit-picking, ti-leaf sliding, and other recreational purposes, and where there are existing mountain trails.

(b) These ordinances shall be adopted within one year of May 22, 1973.

(c) Upon the dedication of land for a right-of-way, as required by this section and acceptance by the county, the county concerned shall thereafter assume the cost of improvements for and the maintenance of the right-of-way, and the subdivider shall accordingly be relieved from such costs.

(d) For the purposes of this section, "subdivision" means any land which is divided or is proposed to be divided for the purpose of disposition into six or more lots, parcels, units, or interests and also includes any land whether contiguous or not, if six or more lots are offered as part of a common promotional plan of advertising and sale.

(e) The right-of-way shall be clearly designated on the final map of the subdivision or development.

(f) This section shall apply to the plan of any subdivision or development which has not been approved by the respective counties prior to July 1, 1973.”

Additionally, §115-2, HRS, provides that:

“§115-2 Acquisition of lands for public rights-of-way and public transit corridors. When the provisions of section 46-6.5 are not applicable, the various counties shall purchase land for public rights-of-way to the shorelines, the sea, and inland recreational areas, and for public transit corridors where topography is such that safe transit does not exist.”

As is evident above, this is clearly a county function. The lands along the coastlines are predominately private, and land uses generally are for residential, industrial, urban, or agricultural purposes, that are planned and regulated by the counties. The counties have existing planning and regulatory mechanisms to manage growth and development of these lands and the ability to incorporate requirements into the planning and permitting process and the statutory responsibility to do so.

It is the Department's understanding that each county maintains inventories of beach accesses although they differ in types of information and formats. The City and County of Honolulu (City) has a listing of City-owned beach rights-of-way and has been placing those rights-of-way in its Geographic Information System. Both Counties of Maui and Hawaii have been relying on a tax map report of beach rights-of-way. Those reports were completed years ago using Coastal Zone Management funds. The County of Kauai conducted a study in 1991 and has individual files on beach rights-of-way that include ownership documentation, pictures and survey maps.

Surveying and mapping of public access locations clearly fall within the purview of governmental agencies with planning functions and capabilities and is not an appropriate mandate for the Department. The Department's principal role and function in relation to public access to and along the shorelines is one of regulation of use and enforcement of violations. The Department is actively performing that responsibility to protect lateral public access along the coasts by enforcing its statutes and regulations against unauthorized encroachments and violations in the in those areas that may in fact or by appearance impede or hinder such access. The Department recently fined a private landowner in Kailua for the unauthorized landscaping of state land that discouraged public access by giving the false impression that it was private property and directed the landowner to remove those improvements. The Department is also conducting an area-wide enforcement of encroachment violations on state beach reserve lands on Maui to ensure public access along the Kihei coast. Moreover, on an ongoing basis, the Department requires the removal of encroachments and satisfactory resolution of unauthorized improvements in the shoreline area as an integral part of its shoreline certification program.

If the Legislature is inclined the pass this measure in some form, the Department respectfully requests that it consider replacing the Department with the respective counties or some other government agency that has planning resources and capabilities that are more appropriately suited the tasks proposed by the bill.

testimony

From: Windward Ahupua`a Alliance [info@waa-hawaii.org]
Sent: Sunday, March 16, 2008 10:47 PM
To: testimony
Subject: HB839 HD1 - RELATING TO PUBLIC ACCESS TO BEACHES

Submitted by:

Shannon Wood, *Interim President*
Windward Ahupua`a Alliance/The Climate Project/RECYCLING FOR CHANGE/BUST-A-DUMPER Campaign
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Committee on Water & Land
Sen. Clayton Hee, Chair
Sen. Russell Kokubun, Vice Chair

Public Hearing
3:15 pm
Tuesday, March 18, 2008
Conference Room 224

HB839 HD1 - RELATING TO PUBLIC ACCESS TO BEACHES
Strongly Support With Comments & Amendments

TO THE COMMITTEE ON WATER & LAND:

The purpose of **HB839 HD1 - RELATING TO PUBLIC ACCESS TO BEACHES** is to create an inventory of beach accesses open to the public all across the state. However, as a representative of an organization which has had numerous interchanges with both the *City and County of Honolulu* as well as the *Department of Land & Natural Resources* on a wide range of related issues, each one will say that it's a great idea which they agree with in principle, but it's either outside their *kuleana* and/or they don't have the necessary human & financial resources to take on these added responsibilities.

DLNR claims that it is the responsibility of the counties to identify, purchase and maintain beach accesses while the counties will claim that "everyone" already knows where these accesses are already and, besides, there's no money to buy more and maintain them.

Actually, purchasing easements with funds from sources other than state or county funds is doable including federal grants, private foundations, and the *O`ahu Land Trust*, a newly-formed non-profit created by a group of O`ahu residents working with the *Trust For Public Land*. Purchasing easements in each of the eight development planning areas is one of three projects I'll be submitting to the ***OLT Board of Directors*** by the end of 2008. Other land trusts exist in the other three counties which might provide similar support.

But before we can begin to talk about creating additional easements, we need to identify where the current ones are located and where additional ones are needed. At the same time, we need to survey locked gates and closed beach accesses including unmarked lanes.

One suggestion which has come up is to place the survey work in the **Office of Planning** which is already working on related issues through its **Coastal Zone Management** programs. However, **DLNR** and the various county planning departments need to be actively involved in both doing the research and drafting the final report.

The beaches belong to all of us, but if we cannot get access to them in a reasonable fashion, then they might as well be sold off to the highest bidder. The **Legislature** must take the lead in establishing state-wide policies.

Mahalo for the opportunity to provide input on these critically important issues.

The Windward Ahupua`a Alliance works to educate & inform residents, visitors, businesses, policymakers, and the media about using Smart Growth planning principles which promote sustainability. These include: Designing long-term waste management systems; improving illegal dumping/derelict vehicle legislation & enforcement; developing & implementing comprehensive curbside recycling programs; providing research & support on public access issues; establishing both state & county-level "legacy lands" funds to support affordable workforce housing initiatives and critical land purchases to protect against inappropriate development; creating alternative energy systems to reduce Hawai`i's dependency on fossil fuels & to mitigate the impacts of global warming; and, setting long-term watershed protection policies based upon ahupua`a concepts & principles.

testimony

From: Tia Bourke [tiabourke@comcast.net]
Sent: Monday, March 17, 2008 2:17 AM
To: testimony
Subject: Support HB839

I am in strong support of HB839 with changes to include a new survey.

Edward and Celestia Bourke

testimony

From: Pia & Steve Sektan [pia_steve@hawaiiantel.net]
Sent: Sunday, March 16, 2008 5:48 PM
To: testimony
Subject: testimony in strong support of HB839

COMMITTEE ON WATER AND LAND
Senator Clayton Hee, Chair
Senator Russell S. Kokubun, Vice Chair

NOTICE OF HEARING ON HB 839
DATE: Tuesday, March 18, 2008 - 3:15 p.m.
PLACE: Conference Room 224, State Capitol

Aloha Chair Hee, Vice Chair Kokubun and Honorable Committee Members:

I strongly support bill HB839, and would like it amended to identify where additional rights of way are needed. I believe public beach access IS the joint responsibility of the State and counties.

I live in Kailua on a stretch of over half a mile of NO public beach access. Barbara Marshall claims, that there is a beach access every quarter mile, which is simply not true. If she only made the effort of driving down North Kalaheo Ave. in her car, she would notice how far apart the public accesses truly are, before making such false claims. I have two young children, 2 and 4 years old and a dog and when we are walking to the nearest beach access with beach gear, it is absolutely unsafe. There is no defined sidewalk on North Kalaheo.

Besides I am very concerned that emergency services will be held up by the many gates put up on the private roads leading from Kalaheo Ave to the beach. Many children and elderly people enjoy Kailua beach. Many people play in the water. It is a big safety issue that needs to be addressed.

Who will be sued in case someone is forever disabled or dies, just because emergency services couldn't get to the person quick enough? And suing will not bring them back anyway...

Please help resolve this urgent issue.

Mahalo

Pia Sektan and family

testimony

From: *Scott Werny* [clearwater@hawaii.rr.com]
Sent: Monday, March 17, 2008 6:43 AM
To: testimony
Subject: Testimony in Strong Support of HB839, HD1 relating to public access to beaches

COMMITTEE ON WATER AND LAND

Senator Clayton Hee, Chair
Senator Russell S. Kokubun, Vice Chair

HB 839, HD1 RELATING TO PUBLIC ACCESS TO BEACHES

Hearing: Tuesday, March 18, 2008 at 3:15 pm in Conference Rm. 224

Aloha Chair Hee, Vice Chair Kokubun and Honorable Committee Members,

The Surfrider Foundation O'ahu Chapter, representing more than 500 members on O'ahu, **strongly supports HB839** which appropriates funds for the DLNR to survey and map all existing public access ways to shoreline areas. We respectfully request that the bill be amended so it may identify where additional public access ways are needed most, and forwards a prioritized list to the State and counties to acquire rights of way in areas that are lacking access.

Our oceans and beaches are precious resources that are highly valued by most of us who live here. They are public property, for all to enjoy. Families, fishermen, surfers, divers, swimmers, paddlers, artists, walkers, and many others visit the ocean for recreational needs. We rely on open beach access paths and adequate parking and trust our government to provide this access for them. Hawaii law (HRS 115*) makes it clear that beach access is a right that is guaranteed. Yet sadly, we see areas all around our islands where beach access paths are being gated or fenced; we see ocean-side parking areas being reduced, *No Parking* signs erected, and fees being imposed; and we see land development that threatens to diminish or block access. It's becoming harder to reach the beach.

O'ahu has only some 89 beach rights of ways for over a hundred miles of coastline, according to the Department of Planning and Permitting. This access is adequate in some areas and is sorely inadequate in others. We believe the State needs to determine where access is needed. We also think the State should issue stronger guidelines for the counties to follow, and would like to see the counties work together with the State to acquire more public rights of way, using matching funds as provided by State law, since we view this as both a State and county responsibility to protect and provide adequate public beach access.

It is our belief that we must provide adequate shoreline access if we are to create sustainable communities in Hawaii. This may be done by requiring the City to use funds from the Clean Water and Natural Lands Fund to acquire right-of-ways with matching State funds, but there needs to be a prioritized list with which to work.

A survey of public access ways should include the actual distances between them and note the

number of closed off "private" or public streets with private rights of way in between that are gated. It should also include an estimate of free and proximate parking that is available for beach users, and posted signage.

HB839 is an important step in addressing a statewide problem: diminishing shoreline access. It's time we do something about it. Please pass HB839 and amend it so that it will also serve as a tool to help the counties work with the State to protect and improve adequate public shoreline access for future generations.

Mahalo,
Scott Werny
Honolulu, HI
Co-chair Surfrider Foundation Oahu Chapter

The Surfrider Foundation O'ahu Chapter is a non-profit grassroots organization run solely by volunteers with more than 500 members on O'ahu. In its 12th year of activism, the O'ahu Chapter works to improve ocean water and beach quality, to keep and open access to the ocean for all to enjoy, and to assure that development on our island is responsible by having minimal impact on our coastal environment. The chapter is one of 80 Surfrider Foundation chapters worldwide with over 50,000 members. For more information go to: www.surfrider.org/oahu or www.myspace.com/oahusurfriderchapter or call 531-SURF.

*** Hawaii Revised Statutes §115-1**

Findings and purpose. The legislature finds that miles of shorelines, waters, and inland recreational areas under the jurisdiction of the State are inaccessible to the public due to the absence of public rights-of-way; that the absence of public rights-of-way is a contributing factor to mounting acts of hostility against private shoreline properties and properties bordering inland recreational areas; that the population of the islands is increasing while the presently accessible beach, shoreline, and inland recreational areas remain fixed; and that the absence of public access to Hawaii's shorelines and inland recreational areas constitutes an infringement upon the fundamental right of free movement in public space and access to and use of coastal and inland recreational areas. The purpose of this chapter is to guarantee the right of public access to the sea, shorelines, and inland recreational areas, and transit along the shorelines, and to provide for the acquisition of land for the purchase and maintenance of public rights-of-way and public transit corridors. [L 1974, c 244, §1; am L 1977, c 164, §3]

testimony

From: Jeannine Johnson [jeannine@hawaii.rr.com]
Sent: Sunday, March 16, 2008 6:41 PM
To: testimony
Subject: Testimony in Strong Support of HB839, HD1 relating to public access to beaches

COMMITTEE ON WATER AND LAND

Senator Clayton Hee, Chair
 Senator Russell S. Kokubun, Vice Chair

HB 839, HD1 RELATING TO PUBLIC ACCESS TO BEACHES

Hearing: Tuesday, March 18, 2008 @ at 3:15 pm in Conference Room 224

Aloha Chair Hee, Vice Chair Kokubun and Honorable Committee Members,

I **strongly** support HB839, HD1 which appropriates funds for the DLNR to survey and map all existing public access ways to shoreline areas. O'ahu has only 89 beach rights of ways (BROW) for over a hundred miles of coastline according to the Department of Planning and Permitting (DPP). In Niu Valley, we only have one public rights of way (TMK 3-7-001:035) listed on the BROW list below that I received from the DPP, however, we do not have a blue public rights of way sign even though we've requested one. Having been threatened to be personally sued by the beachfront owner abutting this access, the City forces my community to continually fight for this one access until that blue sign is put up.

Many shoreline paths were created with the intent to provide beach access and are tax assessed at only \$100, yet they remain closed to the public. In Niu Valley, two are blocked with walls that have no permit (TMKS 3-7-001:023 and 3-7-001:033). Therefore, I would humbly suggest that HB839 be amended to add "and identify where additional public rights of way are needed or blocked."

Mahalo!

Jeannine
 Jeannine Johnson, Secretary
 Niu Valley Community Association
 5648 Pia Street
 Honolulu, Hawaii 96821
 Ph: 373-2874 / 523-5030 (w)
 Email: jeannine@hawaii.rr.com
 Website: www.neighborhoodlink.com/honolulu/niuvalley

Park Name	Link No.	Size of Park in Acres	Address	City	State	Zip Code	Primary Tax Map Key
<i>Beach Rights-of-Way</i>							Public (C&C) street provides access to beach across State-owned land (TMK 3-1-040:067)
Kaalawai (Kulamanu Place)	405	0.00	Kulamanu Place	Honolulu	HI	96821	
Kahala Avenue at Elepaio Street	245	0.07	Kahala Avenue & Elepaio Street	Honolulu	HI	96821	3-5-003:039
Kahala Avenue at Hunakai Street	246	0.08	Kahala Avenue & Hunakai Street	Honolulu	HI	96821	3-5-004:053
Kahala Avenue at Kala Place	247	0.07	Kahala Avenue & Kala Place	Honolulu	HI	96821	3-5-003:041
Kahala Avenue at Koloa Street A	248	0.15	Kahala Avenue & Koloa Street	Honolulu	HI	96821	3-5-005:076
Kahala Avenue at Koloa Street B	249	0.14	Kahala Avenue & Koloa Street	Honolulu	HI	96821	3-5-005:073
Kahala Avenue at Koloa Street C	250	0.15	Kahala Avenue & Koloa Street	Honolulu	HI	96821	3-5-006:032
Kaikoo Place	313	0.03	Kaikoo Place	Honolulu	HI	96821	3-1-041:026
Kalia Road	79	0.10	Kalia Road	Honolulu	HI	96815	2-6-004:
Paoa Place	138	0.38	Paoa Place	Honolulu	HI	96815	2-6-008:
Camp Malakole	406	0.25	Malakole	Kapolei	HI	96707	9-1-074:39 and 036(por.)
Ewa Beach Road A	340	0.03	next to TMK 9-1-006:012	Ewa Beach	HI	96706	9-1-006:
Ewa Beach Road B	341	0.03	next to TMK 9-1-006:033 & 034	Ewa Beach	HI	96706	9-1-006:
Ewa Beach Road C	342	0.03	next to TMK 9-1-006:001	Ewa Beach	HI	96706	9-1-006:
Ewa Beach Road D	343	0.03	next to TMK 9-1-024:052 & 053	Ewa Beach	HI	96706	9-1-024:
Ewa Beach Road E	344	0.03	next to TMK 9-1-024:018	Ewa Beach	HI	96706	9-1-024:
Ewa Beach Road F	345	0.03	next to TMK 9-1-024:063 & 087	Ewa Beach	HI	97606	9-1-024:
Ewa Beach Road G	346	0.03	next to TMK 9-1-024:008	Ewa Beach	HI	96706	9-1-024:
Ewa Beach Road H	347	0.03	next to TMK 9-1-023:035 & 079	Ewa Beach	HI	96706	9-1-023:
Ewa Beach Road I	348	0.03	next to TMK 9-1-023:030	Ewa Beach	HI	96706	9-1-023:
Ewa Beach Road J	349	0.03	next to TMK 9-1-023:056 & 076	Ewa Beach	HI	96706	9-1-023:
Ewa Beach Road K	350	0.03	next to TMK 9-1-023:011	Ewa Beach	HI	96706	9-1-023:
Ewa Beach Road L	351	0.03	next to TMK 9-1-023:001	Ewa Beach	HI	96706	9-1-023:
Ko Olina Lagoon & Roadway Easement	290	42.00	Kamoana Place	Kapolei	HI	96707	9-1-057:001(por.) & 015 (por.)
Oneula Place	146	0.03	Oneula Place	Ewa Beach	HI	96706	9-1-025:061
Paradise Cove	292	0.03	Alinui Drive	Kapolei	HI	96707	9-1-057:027(por.)
Parish Drive	320	0.02	next to lot at 91-049 Parish Drive	Ewa	HI	97606	9-1-007:039
Pupu Place	205	0.00	Makai end of Pupu Place	Ewa Beach	HI	96706	9-1-030:017
Hanapepe Loop	261	0.03	Hanapepe Loop	Honolulu	HI	96825	3-9-028:025
Kalaniana'ole Highway	223	0.09	Kalaniana'ole Highway	Honolulu	HI	96821	3-7-001:0350(por.)
Kokee Beach Right-Of-Way	281	0.46	158 Kokee Place	Honolulu	HI	96825	3-9-026:002
Koko Kai Beach Right-Of-Way	282	0.60	10 Hanapepe Place	Honolulu	HI	96825	3-9-028:019
Lumaha'i Street	283	0.07	Lumaha'i Street	Honolulu	HI	96825	3-9-013:034
Paiko Drive	357	0.01	Between 216 & 218 Paiko Drive	Honolulu	HI	96821	3-8-001:022
Alii Landing Shoreline Access	384	0.03	Ipuka Street	Kaneohe	HI	96744	4-6-007:113

Kaimalino Street	327	0.05	Kaimalino Street	Kaneohe	HI	96734	4-4-039:060
Kaneohe Bay Beach Remnant	389	0.06	Kaneohe Bay Drive	Kaneohe	HI	96744	4-4-021:054
Kaneohe Bay Drive A	137	0.02	Kaneohe Bay Drive	Kaneohe	HI	96744	4-4-016:020
Kaneohe Bay Drive B	355	0.13	Kaneohe Bay Drive	Kaneohe	HI	96744	4-4-021:020
Milokai Place	326	0.03	Milokai Place	Kaneohe	HI	96734	4-4-039:059
Mokulua Drive A	224	0.08	Mokulua Drive	Kailua	HI	96734	4-3-003:089
Mokulua Drive B	225	0.08	Mokulua Drive	Kailua	HI	96734	4-3-005:087
Mokulua Drive C	226	0.07	Mokulua Drive	Kailua	HI	96734	4-3-007:062
North Kalaheo Ave at Kawainui Canal	176	0.29	Kalaheo Avenue & Kawainui Canal	Kailua	HI	96734	4-3-083:069
North Kalaheo Avenue at Ainoni St.	147	0.21	Kalaheo Avenue & Ainoni Street	Kailua	HI	96734	4-3-018:008
North Kalaheo Avenue at Dune Street	175	0.12	Kalaheo Avenue & Dune Street	Kailua	HI	96734	4-3-017:001
North Kalaheo Avenue at Pueohala Pl	177	0.18	Kalaheo Avenue & Pueohala Place	Kailua	HI	96734	4-3-017:025
South Kalaheo at Kuuniu Street	390	0.18	South Kalaheo Avenue at Kuuniu St.	Kailua	HI	96734	4-3-012:034(por.); 4-3-013:001(por.)
Laumilo Street A	391	0.03	Laumilo Street	Waimanalo	HI	96795	No TMK - treated as part of beach
Laumilo Street B	392	0.03	Laumilo Street	Waimanalo	HI	96795	No TMK - treated as part of beach
Laumilo Street C	393	0.03	Laumilo Street	Waimanalo	HI	96795	No TMK - treated as part of beach
Laumilo Street D	394	0.03	Laumilo Street	Waimanalo	HI	96795	No TMK - treated as part of beach
Laumilo Street E	395	0.03	Laumilo Street	Waimanalo	HI	96795	No TMK - treated as part of beach
Laumilo Street F	396	0.03	Laumilo Street	Waimanalo	HI	96795	No TMK - treated as part of beach
Laumilo Street G	397	0.03	Laumilo Street	Waimanalo	HI	96795	No TMK - treated as part of beach
Laumilo Street H	398	0.03	Laumilo Street	Waimanalo	HI	96795	No TMK - treated as part of beach
Laumilo Street I	399	0.03	Laumilo Street	Waimanalo	HI	96795	No TMK - treated as part of beach
Hauula Beach Remnant	65	0.01	Kamehameha Highway	Laie	HI	96762	5-4-010:005
Kaluani Road	356	0.05	Kaluani Road	Laie	HI	96762	5-3-010:030
Kaluani on Kamehameha Hwy. A	408	0.21	Kamehameha Highway	Laie	HI	96763	5-3-009:044
Kaluani on Kamehameha Hwy. B	410	0.40	Kamehameha Highway	Laie	HI	96764	5-3-009:020
Kamehameha Highway	153	0.04	Kamehameha Highway	Laie	HI	96762	5-5-002:073
Au Street A	158	0.04	Au Street	Waialua	HI	96791	6-8-011:042 (por.)
Au Street B	159	0.03	Au Street	Waialua	HI	96791	6-8-012:041
Banzai Rock	402	0.33	59-446 Ke Waena Road	Haleiwa	HI	96712	5-9-003:031 & 083
Crozier Drive	353	0.09	Crozier Drive	Waialua	HI	96791	6-8-004:003(por.)
Crozier Drive Brow Parking	403	0.26	68-620 Crozier Drive (temp. addr.)	Waialua	HI	96791	6-8-013:066(por.)
Hoomana Place	404	0.03	middle of Hoomana Place	Waialua	HI	96791	6-8-010:012
Huelo Street	209	0.03	Huelo Street	Haleiwa	HI	96712	5-9-001:
Kahauola Street	208	0.01	Kahauola Street	Haleiwa	HI	96712	5-9-001:
Ke Iki Road A	213	0.10	Ke Iki Road	Haleiwa	HI	96712	5-9-003:
Ke Iki Road B	214	0.16	Ke Iki Road	Haleiwa	HI	96712	5-9-003:
Ke Iki Road C	215	0.08	Ke Iki Road	Haleiwa	HI	96712	5-9-003:
Ke Nui Road A	210	0.12	Ke Nui Road	Haleiwa	HI	96712	5-9-002:
Ke Nui Road B	211	0.14	Ke Nui Road	Haleiwa	HI	96712	5-9-002:
Ke Nui Road C	216	0.11	Ke Nui Road	Haleiwa	HI	96712	5-9-019:
Ke Nui Road D	217	0.04	Ke Nui Road	Haleiwa	HI	96712	5-9-019:
Ke Nui Road E	218	0.05	Ke Nui Road	Haleiwa	HI	96712	5-9-020:
Ke Nui Road F	219	0.06	Ke Nui Road	Haleiwa	HI	96712	5-9-020:
Ke Nui Road G	220	0.03	Ke Nui Road	Haleiwa	HI	96712	5-9-020:
Ke Waena Road	212	0.06	Ke Waena Road	Haleiwa	HI	96712	5-9-003:
Makaleha	401	0.27	Farrington Highway	Waialua	HI	96791	6-8-003:042 (por.)
Oopuola Street	207	0.09	Oopuola Street	Haleiwa	HI	96712	5-9-001:
Papailoa Road	275	0.05	Papailoa Road	Haleiwa	HI	96712	6-1-004:091
Waialua Beach Road	318	0.08	Waialua Beach Road	Waialua	HI	96791	6-7-014:042
Makau Street A	178	0.02	Makau Street	Waianae	HI	96792	8-4-009:017
Makau Street B	206	0.02	Makau Street	Waianae	HI	96792	8-4-010:017
Moua Street	148	0.02	Moua Street	Waianae	HI	96792	8-4-005:012
Upena Street	149	0.01	Upena Street	Waianae	HI	96792	8-4-007:012

testimony

From: Jeannine Johnson [jeannine@hawaii.rr.com]
Sent: Sunday, March 16, 2008 6:57 PM
To: testimony
Subject: Testimony in Strong Support of HB839, HD1 relating to public access to beaches
Attachments: image001.jpg

Jeannine Johnson, Legislative Sub-Committee Chair
Kuli'ou'ou / Kalani Iki Neighborhood Board #2

5648 Pia Street, Honolulu, Hawai'i 96821

Phone: 373-2874 (h) / 523-5030 (w)

March 16, 2008

COMMITTEE ON WATER AND LAND

Senator Clayton Hee, Chair

Senator Russell S. Kokubun, Vice Chair

HB 839, HD1 RELATING TO PUBLIC ACCESS TO BEACHES

Hearing: Tuesday, March 18, 2008 @ at 3:15 pm in Conference Room 224

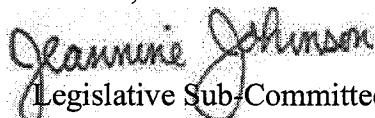
Aloha Chair Hee, Vice Chair Kokubun and Honorable Committee Members,

As Committee Chair of the **Kuli'ou'ou / Kalani Iki Neighborhood Board #2** Legislative Sub-Committee, I am pleased to inform you Neighborhood Board #2 strongly supports HB839, HD1 which appropriates funds for the DLNR to survey and map all existing public access ways to shoreline areas. **Neighborhood Board #2** represents over 6,000 households, with a population of almost 20,000 people (State of Hawaii Data Book 2002) in East Honolulu.

At its October 5, 2006 meeting, residents from the East Honolulu communities of 'Āina Haina, Niu Valley and Portlock expressed their concerns of beachfront landowners along the shoreline from Portlock Road to Kāhala denying the public access to the beach with a planned gated subdivision, locked gates and/or walls. Therefore, **Neighborhood Board #2** voted unanimously to **strongly** oppose any development which would gate off the access to our beaches that has been traditionally used by our residents, fisherman and/or surfers and recommended the City place blue public right of way signs at public rights of way along our shoreline from Portlock Road and continuing west along Kalaniana'ole Highway to Kāhala.

Locating all existing public access ways to the shorelines throughout the State would help ensure the rights of the public to access the shoreline for recreational and cultural purposes. Therefore, your support of HB839, HD1 is respectfully requested.

Mahalo,


 Jeannine Johnson
 Legislative Sub-Committee Chair

Kuli'ou'ou / Kalani Iki Neighborhood Board #2

cc via email: Chair Robert Chuck
Sen. Sam Slom
Sen. Fred Hemmings
Rep. Lyla Berg
Rep. Barbara Marumoto
Rep. Gene Ward

testimony

From: Wendy [wne@hawaii.rr.com]
Sent: Monday, March 17, 2008 2:39 AM
To: testimony
Subject: WTL Testimony in strong support of HB839

COMMITTEE ON WATER AND LAND
Senator Clayton Hee, Chair
Senator Russell S. Kokubun, Vice Chair

NOTICE OF HEARING ON HB 839
DATE: Tuesday, March 18, 2008 - 3:15 p.m.
PLACE: Conference Room 224, State Capitol

Aloha Chair Hee, Vice Chair Kokubun and Honorable Committee Members:

My name is Wendy Watson-Erickson and I am one of the co-founders of Beach Access Hawaii. I **strongly** support HB839 which appropriates funds for the DLNR to survey and map all existing public access ways to shoreline areas. We would like the bill to be amended so that it will also identify where additional public access ways are needed most, and recommend the best way for the State and counties to acquire rights of way in areas that are lacking access.

It doesn't matter which island you are on, which town you are in, you will hear people concerned and upset over our loss of beach access. In Kailua, most of the bay is empty because you can't get to it due to private roads with locked gates. Certain spots are congested but the great majority of it is bare. This is the same for all beaches around our islands. Emergency responders have a difficult time reaching people in time because of locked gates. We have been lucky so far but one of these days someone is going to get hurt and you can bet on the state being sued.

This is an issue that is not going to go away but will only get bigger and more heated. We are all passionate about our Island home. I was born here when it was a territory and have seen many changes over the years. Some good and some bad. These changes for the worse may never have occurred if our past and present powers that be had been paying attention instead of turning a blind eye, passing the buck and pointing fingers. It's time to make things right.

People make up the state and the state belongs to its people. The state legislators are chosen by the people. They have an obligation to take care of the needs of the people and make sure that our lands and rights are not abused.

We want you to work together to stop private development and wealthy landowners from being allowed to take away anymore of our beach accesses.

We want help in getting back accesses every quarter mile in areas where the law states they are to be. We want the state and counties to come up with whatever funds are needed to secure access to our beaches.

A comprehensive, up-to-date survey is needed. It should tell us actual distances between public accesses; how many gated or open beach roads are in between them; and recommend where efforts

should be made to negotiate easements in perpetuity with private homeowners -- or as a last resort, initiate condemnation to protect public beach access.

HB839 represents an important first step in addressing what has become a statewide problem: diminishing shoreline access, while semi-private beachfront areas are being created by the unchecked proliferation of gated roads. It's time the State does something about it, rather than placing the onus solely on the counties.

Please pass HB839 and amend it, so that it can serve as a tool to help the counties work with the State to protect shoreline access for future generations.

Mahalo for your consideration.

Wendy Erickson
805 Kainui Pl.
Kailua, HI 96734

Phone: 808-391-1568

testimony

From: Miriam Rappolt [mimhawaii@gmail.com]
Sent: Monday, March 17, 2008 11:53 AM
To: testimony
Subject: HB839

SUBJECT: WTL Testimony in strong support of HB839

TO: COMMITTEE ON WATER AND LAND

Senator Clayton Hee, Chairman
Senator Russell Kokubun, Vice- Chairman

NOTICE ON HEARING ON HB839

DATE: Tuesday, March 18, 2008 3:15 p.m.

PLACE: Conference Room 224, State Capitol

Aloha Chairman Hee, Vice-Chairman Kokubun and Honorable Committee Members:

As longtime Kailua residents, my husband and I strongly support HB839 which appropriates funds for the DLNR to survey and map all existing public access ways to shoreline areas. We would like the bill to be amended so that it will also identify where additional public access ways are needed most, and recommend the best way for the State and counties to acquire rights of way in areas that are lacking access. My husband and I believe that the State should share the responsibility with the counties and thereby ensure that residents and visitors alike be guaranteed reasonable access to the shorelines

-- access which should be mandated at intervals of no more than a quarter mile distance apart. Should emergencies arise, frequent access paths would enable personnel to reach victims of accidents and minister critically important care to needy individuals. Indeed, it should be emphasized to homeowners' groups that locked private gates which hinder access for emergency personnel could result in liability claims, and this failure to ensure well-marked, frequent access could place the State at risk for lawsuits as well.

A public safety issue is involved, and we would hope that the committee will take a proactive stance about frequent beach access.

Passing HB839 would be a step forward and an indication that the State and counties can work together to create an environment that assures citizens that the State of Hawaii is concerned about the safety of both residents and visitors.

Thank you for your consideration.

Miriam and Ken Rappolt
783 N. Kalaheo Avenue (corner Kainui Drive) Kailua, HI 96734

testimony

From: Ed Birdsong [bird-joyce@att.net]
Sent: Monday, March 17, 2008 12:06 PM
To: testimony
Subject: HB 839, HD1 Testimony

To: testimony <testimony@capitol.hawaii.gov>

Subject: Testimony in support of HB839

COMMITTEE ON WATER AND LAND
Senator Clayton Hee, Chair
Senator Russell S. Kokubun, Vice Chair

NOTICE OF HEARING
DATE: Tuesday, March 18, 2008
TIME: 3:15 p.m.
PLACE: Conference Room 224
State Capitol
415 South Beretania Street

HB 839, HD1

Dear Chair Hee, Vice Chair Kokubun and Honorable Committee Members:

I am writing to support HB839 as a step toward a solution to a public safety problem in areas that limit beach access through privately owned rights-of-way. The issue is the lack of quick access for "FIRST RESPONDERS" in an emergency situation. Areas that impede first responders because of such conditions need to be identified. Funding for the appropriate agency will allow the identification process to begin at the earliest possible time.

Subsequently solutions for directing first responders might be as simple as posting numbered signage on both the beach and roadway sides of the selected rights-of-way.

Identifying the necessary and best access routes is the first step.

Thank you for your consideration,

Edward M. Birdsong

3/17/2008

testimony

From: daniel hickman [kailua6@hawaiiantel.net]
Sent: Monday, March 17, 2008 2:26 PM
To: testimony
Subject: wtl testimony in strong support of hb839

COMMITTEE ON WATER AND LAND
Senator Clayton Hee, Chair
Senator Russell S. Kokubun, Vice Chair

NOTICE OF HEARING ON HB839
DATE: Tuesday, March 18, 2008. 3:15 p.m.

Aloha Chair Hee, Vice Chair Kokubun, and Honorable Committee Members:

I strongly support HB839 which would provide funds for the DLNR to survey and to map existing public access ways to the shoreline. please take into consideration that this bill be amended to identify where additional public right of ways are needed. i live in kailua and the access that has been used by the public for over sixty years was closed by the homeowners last september.

although this is a "private beach lane" by installing this gate the people who live on this street have created a "private beach" for themselves. they pay no taxes on their street, nor the land where the gate is located. they have all public services, lock the public off the beach, and still enjoy the public street benefits of no taxation. other streets like Namala Pl. and Kailuana Pl. are completely public streets and still have gates to keep the people of hawaii off the beach. i believe that living on an island with the most beautiful beaches in the world should have public access at every street.

thank you,

Daniel and Blanch Hickman
775 N. Kalaheo Ave.
Kailua, Hi. 96734
(808) 230-8525



HB 839, HD1, RELATING TO PUBLIC ACCESS TO BEACHES
Senate Committee on Water and Land

March 18, 2008

3:15 p.m.

Room: 224

The Office of Hawaiian Affairs **SUPPORTS** H.B. 839, H.D. 1, which would appropriate funds for the Department of Land and Natural Resources to survey and map all existing public access ways to shoreline areas.

OHA recognizes that the shoreline of this State is held in a public trust for the use and enjoyment of all. We have become increasingly concerned over what amounts to the privatization of our shoreline areas by private development projects in those areas that cut off public access without providing for new points of entry. We see that there are a host of regulatory regimes set up to avoid this sort of unfortunate situation, running from Federal to State to County, and re-enforced by the highest courts of our land. Yet, the situation persists and even continues to worsen as evidenced by the number of new bills introduced this legislative session on this topic.

Additionally, our beneficiaries have particularized rights that this bill would address. Native Hawaiian access and gathering practices are recognized as protected traditional and customary rights under the Hawai'i Constitution, Article XII, Section 7. This bill will enhance the Legislature's past efforts, court holdings and existing law by letting all of us know, for the first time, the exact, current situation. Knowledge is power, and this bill gives us access to both.

Therefore, OHA urges the Committee to PASS H.B. 839, H.D. 1. Thank you for the opportunity to testify.

TESTIMONY

HB 839 HD1

(END)