

**testimony**

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**From:** randy ching [oahurandy@yahoo.com]  
**Sent:** Friday, February 15, 2008 1:34 PM  
**To:** testimony  
**Subject:** WTL: in support of SB 2835 - relating to public access

Senate Water and Land Committee

Chair Clayton Hee, Vice Chair Russell Kokubun

In support of SB 2835 - relating to public access

Hearing on Friday, February 15

2:45 p.m. in conference room 414

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

I support SB 2835. Beach access and trail access is very important to the residents of Hawaii. We must protect and fight for access since the trend over the last 20 - 25 years is to have access restricted by private gates and gated neighborhoods. Please restore access to our beaches and trails by passing SB 2835. Mahalo. Thank you for the opportunity to testify.

Randy Ching  
Sierra Club, Oahu Group chair  
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942-0145

**LATE TESTIMONY**

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# LATE TESTIMONY



## WINDWARD AHUPUA'A ALLIANCE

From the Peaks of *Na Ko'olau* to the Outer Reefs

*Community-Based Planning  
Sustainable Economic Development  
Restoration, Preservation, Protection & Public Access  
Educational & Cultural Programs*

Committee on Water & Land  
*Sen. Clayton Hee, Chair*  
*Sen. Russell Kokubun, Vice Chair*

Public Hearing  
2:45 PM  
Friday, February 15, 2008  
Conference Room 414

### SB 2835 - Relating To Public Access SUPPORT WITH AMENDMENT

Aloha, my name is Shannon Wood, speaking on behalf of the *Windward Ahupua'a Alliance*, a 501c3 Hawai'i non-profit corporation, which was established in July, 2002, to create the Ko'olau Greenbelt & Heritage Trails System in order to restore, protect & provide public access to the *mauka* (mountain) lands on the Windward side of O'ahu along the base of *Na Ko'olau* up to the North Shore and Kawela Bay as well as to support locally-owned sustainable economic activities in the more developed areas. Over time, however, its mandate has expanded well beyond these vitally important regional issues.

*WAA* continues to educate & inform residents, visitors, businesses, policymakers & the media all across Hawai'i about expanding public access in appropriate ways to both *mauka* & *makai* lands & bodies of water under the jurisdiction of the *Department of Land & Natural Resources*. We may not be the first NGO to take on these critical issues nor will we be the last, but we will continue to advocate for them before any relevant body whenever the time comes to do so.

I do have one minor amendment which is to insert language in the bill requiring the counties to pass implementing legislation within the next five years and to report back to the *Legislature* as to their progress in doing so. I don't want to see the intent of the bill get caught up in some bureaucratic morass.

*Mahalo* for the opportunity to testify on behalf of this bill.

**testimony**

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**From:** Julia Devrell [tyandjul@mac.com]  
**Sent:** Friday, February 15, 2008 7:50 AM  
**To:** testimony  
**Subject:** SB 2835; ~~SB 3189~~; ~~SB 2529~~

**LATE TESTIMONY**

Committee on Water and Land  
Hearing 2-15-08  
2:45 pm

SB 2835: Please ~~support~~ **support** SB 2835 requiring state and county agencies to ensure that a public right-of-way is available prior to the approval of any development project, subdivision, or zoning change.

SB 2529: Please support conservation of park resources and values as the predominant concern of the state park system.

SB 3189: Please support SB 3189 requiring owners of privately owned shoreline access paths to keep access open to the public, at minimum, from 7am to 6pm. Preferably we would like it to be 6am to 7pm.

Thank you, Julia Devrell



February 15, 2008 2:45 p.m. room 414

Aloha Chairman Hee, and Senators Kokubun, Fukunaga, Tokuda, and Whalen,

KAHEA **strongly supports the intent of SB 2835** to protect the public's access mauka to makai by requiring future developments to identify public rights-of-way prior to receiving approval to build or remodel. The epidemic loss of public access to areas of traditional and customary activities poses a serious threat to the continued vitality of Native Hawai'i cultural practice. The State must take action to protect public rights-of-way before adequate public access routes are permanently lost.

Although, Hawai'i's laws clearly identify the beach as a public trust resource, mechanisms are not in place to provide equally important protection to the paths, walkways, and trails that lead people to the beach. From high parking fees to no parking at all, private gates to shoreline shrubbery, poor signage to vacation rentals, beach-front resorts to military installations, access to Hawai'i's beaches is in serious danger. And while current laws, regulations, and ordinances express support for having public access rights-of-way, the state and counties have failed to take action that ensures it exists. See, HRS §115-3, ROH §22-6. More must be done to protect the public's right to access the beach and all public trust resources mauka to makai.

Access to public trust resources is crucial to cultural practice. Many Native Hawaiian cultural practitioners actively visit the beach as part of traditional and customary practices, including surfing, gathering, and religious observances. Cultural access is a fundamental right protected by law. But, this right is quietly violated with every new development that does not ensure sufficient public rights-of-way prior to construction along the shoreline. Without proactive legislation now that protects what is left of the public access routes, it will eventually become impossible to adequately protect and perpetuate Hawai'i's unique culture. Thus, KAHEA supports the passage of SB2835.

KAHEA: The Hawaiian-Environmental Alliance is an islands-wide network of over 2,000 people, including Native Hawaiian cultural practitioners, conservationists, and concerned community members, working to protect Hawai'i's unique natural and cultural resources.

Mahalo,

Marti Townsend  
Program Director