

LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
LAURA H. THIELEN  
Chairperson**

**Before the House Committee on  
WATER, LAND & OCEAN RESOURCES**

**Monday, March 23, 2009  
9:30 a.m.**

**State Capitol, Conference Room 325**

**In consideration of  
SENATE BILL 1088, SENATE DRAFT 2  
RELATING TO PUBLIC ACCESS**

Senate Bill 1088, Senate Draft 2 would amend the definition in Chapter 115, Hawaii Revised Statutes (HRS), of obstruction for access to public property and creates a private right of action for persons to enforce the prohibition of obstruction. The Department of Land and Natural Resources (Department) defers to the Department of the Attorney General on the legal implications associated with the amendments that would establish a new provision to provide for civil action by aggrieved individuals.

The Department recognizes and supports authorized public access to areas that are managed for various recreational activities and that provide traditional and cultural pursuits, and the need to further public access opportunities.

However, the Department has concerns with a change in the law that may create the potential for a dramatic increase in frivolous or misguided civil actions related to unmaintained features that may not qualify legally as a "public transit area" or "public transit corridor" and that due to their condition may create public safety issues. The measure also provides for recovery of litigation costs and attorney's fees for the party filing a legal action if successful, but does not provide any similar relief for a landowner if they successfully protect against a frivolous or misguided civil action.

**LAURA H. THIELEN**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**RUSSELL Y. TSUJI**  
FIRST DEPUTY

**KEN C. KAWAHARA**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAIHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS



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P.O. Box 37368  
Honolulu, HI 96837

www.KAHEA.org  
kahea-alliance@Hawai'i.rr.com

**S.B. 1088 Public Beach Access  
Room 325, 9:30 am  
March 23, 2009**

Aloha Chairman Ito and members of the House Committee on Water, Land, and Oceans,

Mahalo for hearing this bill. **KAHEA strongly supports S.B. 1088** to improve enforcement of the public's existing right to access the beach and inland recreational areas and **strongly urges your Committee to pass it as is**. With this bill, the Legislature will help to ensure the public's longstanding right to access, which is quickly being eroded by increasing development and inadequate enforcement.

KAHEA is a network of over 6,000 concerned citizens, including kūpuna, cultural practitioners, and ocean users, working to protect Hawai'i's unique natural and cultural resources. Perpetuation of Hawai'i's unique culture – including sustenance fishing, surfing, and gathering – is rooted in the public's ability to safely access our valuable natural resources mauka-to-makai.

SB 1088 amends Hawai'i Revised Statutes Section 115 to improve the ability of citizens to directly enforce the provisions of the chapter. In 1974, the Legislature recognized that "urban development, especially tourism development, is having a limiting effect on accessibility to the shorelines. ... [T]his effectively bars the general public from the beaches and results in Hawai'i's people being deprived of what visitors may use."<sup>1</sup> Thus, the Legislature passed H.B. 104 in order "to guarantee the right of public access to the sea and shorelines and transit along the shorelines."<sup>2</sup>

In the years since the codification of HRS sec. 115, local residents have relied on this and other public access laws to successfully uphold the public's fundamental right to open and safe access. Unfortunately, the resources available to enforce the public's rights have only waned, as the pressure of development has continued to increase. The practical result of inadequate enforcement is the erosion of the public's fundamental rights to access shorelines and inland recreational areas, despite clear legal protections to the contrary.

Adding a citizen suit provision to the law can become an important tool for upholding the public's rights. In a comprehensive review of citizen suit provisions throughout the

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<sup>1</sup> Committee on Water, Land Use, and Development, House Journal, Standing Committee Report No. 35, H.B. 104, page 760 (1973).

<sup>2</sup> Committee on Ecology, Environment, and Recreation, Standing Committee Report 1042-74, H.B. 104, Senate Journal, page 1158 (1974).



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U.S., researchers found that citizen suit provisions actually improve overall compliance with legal requirements. "In a time of limited government resources, enforcement through court action prompted by citizen suits is a valuable dimension of environmental law."<sup>3</sup> To stem the loss of the public's right to access in Hawai'i, we support amending HRS sec. 115 to empower citizens to sue for the violations of public access rights outlined in the chapter.

This provision, however, will not likely increase the burden on the court system or encourage frivolous lawsuits, as was argued when citizen suit provisions were first introduced as an enforcement tool. In practice, however, researchers have confirmed that citizen suits actually reduce the burden on government enforcement agencies by providing an alternative method of enforcement.<sup>4</sup> In addition, citizen suit provisions, such as the one proposed in this bill, that require a written notice prior to filing with a court allows offenders the opportunity to remedy violations early. This has helped to focus the courts' attention on those situations truly in need of legal intervention, while still ensuring broad compliance with the law.

If you have any questions or concerns about this bill, please do not hesitate to contact me at your convenience. This bill, if passed, will go a long way to improving protections for shoreline and mauka public access rights.

Mahalo,



Marti Townsend, Esq.  
Program Director

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<sup>3</sup> May, James, "Now More Than Ever: Environmental Citizen Suit Trends," 33 ELR 10704, 10705 (2003).

<sup>4</sup> *Ibid.* at 10708.

\*\*\*\*\*SPAM\*\*\*\*\* SB 1088 SD2 - RELATING TO PUBLIC ACCESS

Windward Ahupua`a Alliance [info@waa-hawaii.org]

Sent: Saturday, March 21, 2009 3:54 PM

To: Rep. Sharon Har; WLOtestimony

TESTIMONY SUBMITTED BY:

Shannon Wood, *President*  
**Windward Ahupua`a Alliance/The Climate Project**  
P.O. Box 6366  
Kane`ohe, HI 96744  
Website: <http://www.waa-hawaii.org>; E-Mail: <mailto:info@waa-hawaii.org>



COMMITTEE ON WATER, LAND & OCEAN RESOURCES

*Rep. Ken Ito, Chair*  
*Rep. Sharon Har, Vice Chair*

9:30 am  
Monday, March 23, 2009  
Conference Room 325

**SB 1088 SD2 - RELATING TO PUBLIC ACCESS**  
**Strongly Support**

My name is Shannon Wood, speaking on behalf of the **Windward Ahupua`a Alliance**, a **501c3** Hawai`i non-profit corporation, which was formally established in July, 2002, to create the **Ko`olau Greenbelt & Heritage Trails System** in order to restore, protect & provide public access to the *mauka* lands as well as to the shoreline along the Windward side of O`ahu from **Makapu`u Point** to **Kawela Bay**. We strongly support **SB 1088 SD2 - RELATING TO PUBLIC ACCESS**

This year **WAA** identified five legislative priorities of which one is to mandate reasonable public access to all public lands including *mauka* trails as well as to the shorelines and beaches.

The first draft of this bill only focused on shoreline access; however, **SD2** includes other areas owned by the public. This is critically important because currently there are limited opportunities & options for the public to get to the mountain trails from the windward side of O`ahu.

Since September, 2001, between **Kualoa Ranch** and the trailheads on either side of the **Pali Highway** - a distance of more than 20 miles - there are no longer any open public access points to the *mauka* trails from **Windward O`ahu**. Permission from both public and private landowners needs to be obtained in order to cross their lands to get up into the mountains.

Furthermore, if hikers access the trails from the leeward side of **Na Ko`olau** and want to exit into one of the communities lining the coastline in the northern part of **Ko`olaupoko**, they risk the possibility of being arrested for trespassing if they haven't gotten permission in advance.

Mahalo for the opportunity to testify in support of **SB 1088 SD2 - RELATING TO PUBLIC ACCESS**





**March 23, 2009**

Representative Ken Ito, Chair  
HOUSE COMMITTEE ON WATER, LAND & OCEAN RESOURCES  
State Capitol, Room 325  
415 South King Street  
Honolulu, Hawaii 96813

Dear Chair Ito:

**Subject: Senate Bill No. 1088, SD2 Relating to Public Access**

My name is Shane Peters, President of the Hawaii Developers' Council (HDC). We represent over 200 members and associates in development-related industries. The mission of Hawaii Developers' Council (HDC) is to educate developers and the public regarding land, construction and development issues through public forums, seminars and publications.

It is also the goal of HDC to promote high ethics and community responsibility in real estate development and related trades and professions.

The HDC is opposed to S.B. 1088, SD2 as presently drafted.

The purpose of this Act is to further protect residents from obstruction of public access and to create a private right of action to enforce public access in the courts. The bill proposes to amend Chapter 115 HRS by adding the following:

"§115- Suits by individuals. (a) Any person aggrieved by a violation of section 115-9 has a private right of action and may bring a civil action for injunctive relief in the circuit court. The prevailing party bringing the action shall also be entitled to recover that prevailing party's costs together with reasonable attorneys' fees.

The purpose of Chapter 115 HRS 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.

We fail to see how allowing for private litigation will address the need to acquire public access to the shoreline. It would appear that determining and subsequently securing adequate public access to the shoreline is a fundamental responsibility of government. This process would require the need to determine the public purpose and, through existing means, acquire fee simple interest in these access routes from private property owners through a friendly or adverse condemnation.

We do not believe that encouraging litigation between or among private parties is a responsible way to address this problem.

We respectfully request that the committee hold this bill.

Thank you for the opportunity to provide comments.



**HOUSE COMMITTEE ON WATER, LAND & OCEAN RESOURCES  
State Capitol, Room 325  
415 South King Street  
Honolulu, Hawaii 96813**

**Subject: Senate Bill No. 1088, SD2 Relating to Public Access**

Chair Ito, Vice Chair Har and members of the committee:

My name is Jim Tollefson, President of the Chamber of Commerce of Hawaii. The Chamber works on behalf of its members and the entire business community to:

- Improve the state's economic climate
- Help businesses thrive

The Chamber of Commerce of Hawaii is opposed to S.B. 1088, SD2 as presently drafted.

The purpose of this Act is to further protect residents from obstruction of public access and to create a private right of action to enforce public access in the courts. The bill proposes to amend Chapter 115 HRS by adding the following:

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We do not believe that encouraging litigation between or among private parties is a responsible way to address this problem.

We respectfully request that the committee hold this bill.

Thank you for the opportunity to provide comments.

**BIA-HAWAII**  
BUILDING INDUSTRY ASSOCIATION

**March 23, 2009**

Representative Ken Ito, Chair  
HOUSE COMMITTEE ON WATER, LAND & OCEAN RESOURCES  
State Capitol, Room 325  
415 South King Street  
Honolulu, Hawaii 96813

Dear Chair Ito and Members of the Committee on Water, Land & Ocean Resources::

**Subject: Senate Bill No. 1088, SD2 Relating to Public Access**

I am Karen Nakamura, Chief Executive Officer of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

BIA-HAWAII is opposed to S.B. 1088, SD2 as presently drafted.

The purpose of this Act is to further protect residents from obstruction of public access and to create a private right of action to enforce public access in the courts. The bill proposes to amend Chapter 115 HRS by adding the following:

"§115- Suits by individuals. (a) Any person aggrieved by a violation of section 115-9 has a private right of action and may bring a civil action for injunctive relief in the circuit court. The prevailing party bringing the action shall also be entitled to recover that prevailing party's costs together with reasonable attorneys' fees.

The purpose of Chapter 115 HRS 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.

We fail to see how allowing for private litigation will address the need to acquire public access to the shoreline. It would appear that determining and subsequently securing adequate public access to the shoreline is a fundamental responsibility of government. This process would require the need to determine the public purpose and, through existing means, acquire fee simple interest in these access routes from private property owners through a friendly or adverse condemnation.

We do not believe that encouraging litigation between or among private parties is a responsible way to address this problem. We respectfully request that the committee hold this bill.

Thank you for the opportunity to provide comments.

*Karen L. Nakamura*



# Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803  
808.537.9019 hawaii.chapter@sierraclub.org

## HOUSE COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

March 23, 2009, 9:30 A.M.  
(*Testimony is 1 page long*)

### TESTIMONY IN SUPPORT OF SB 1088, SD2

Aloha Chair Ito and Members of the Committee,

The Sierra Club, Hawai'i Chapter, with 5500 dues paying members statewide, supports SB 1088, ensuring access to beaches and public areas is protected whenever intentional activities impinge on that access.

Hawai'i offers some of the most stunning hiking trails and beaches in the world, attracting residents and visitors alike for their beauty and challenge. Access to Hawaii's coast and mountain areas for recreational, cultural, or subsistence uses is a core value that residents have respected for generations. While we often take for granted our ability to enjoy and hike on our public land, some individuals try to assert ownership over the public areas by installing gates, intimidating signs, or intentionally growing vegetation into the public domain. Locking the public out of publicly owned lands threatens our essential rights as citizens.

Senate Bill 1088 strengthens our existing access tradition by ensuring enforcement of our public right of way. Citizen suits have a long-standing tradition in environmental law. They give communities sorely needed tools necessary to commence enforcement when agencies lack resources or are unresponsive. Senate Bill 1088 is cleverly worded to ensure that needless litigation does not occur. It provides for notice to the violator and an opportunity to cure before litigation commences. The mere threat of litigation would help ensure safe access along the coastline and to public inland areas and prevent abuses of Hawaii's access laws.

It should be noted that this bill does *not* create a private cause-of-action. This right has already been recognized. This bill merely creates a notice requirement, thus minimizing the possibility of litigation, and adds the express right to fees for a prevailing party.

By ensuring that communities have the right to enforce public access, SB 1088 helps protect Hawaii's proud public access tradition. Please move this measure forward.

Thank you for the opportunity to testify.

## Testimony for SB1088 on 3/23/2009 9:30:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Saturday, March 21, 2009 2:25 PM

**To:** WLOtestimony

**Cc:** [REDACTED]

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Testimony for WLO 3/23/2009 9:30:00 AM SB1088

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Rich Figel

Organization: Beach Access Hawaii

Address: [REDACTED]

Phone: [REDACTED]

E-mail: [REDACTED]

Submitted on: 3/21/2009

**Comments:**

As co-founder of Beach Access Hawaii, a group that represents hundreds of concerned citizens throughout the state, I urge you to pass this bill.

SB1088 would be an important step forward in protecting public access to our shorelines. On Oahu, there is currently NO law that establishes minimum requirements for public rights of way. All we have in the statutes are "suggested guidelines," according to the Honolulu City Council attorney. There is nothing to stop homeowners on private or public beach side roads from putting up gates, which could deprive residents of the only available access in that area.

This bill would at least make it more feasible for citizens to legally challenge attempts to cut off what little public access remains in some shoreline areas. It would also make private homeowners think twice before putting up gates to deny access to neighbors.

In Kailua and other islands, we now have semiprivate beach areas that have been created by the proliferation of locked gates for long stretches of beach. This is wrong, and clearly goes against state law which says all beaches belong to the people of Hawaii.

What we really need is for the state and counties to come up with a joint, comprehensive shoreline management plan that includes beach access. Although SB1088 does not address bigger issues such as that, it might buy us some time before it's too late to stop more gates and fences from going up on beach paths that have been used for many years by residents. And once those gates go up, it's nearly impossible to have them taken down.

Mahalo,  
Rich Figel  
Beach Access Hawaii

019

Caren Diamond



March 21, 2009

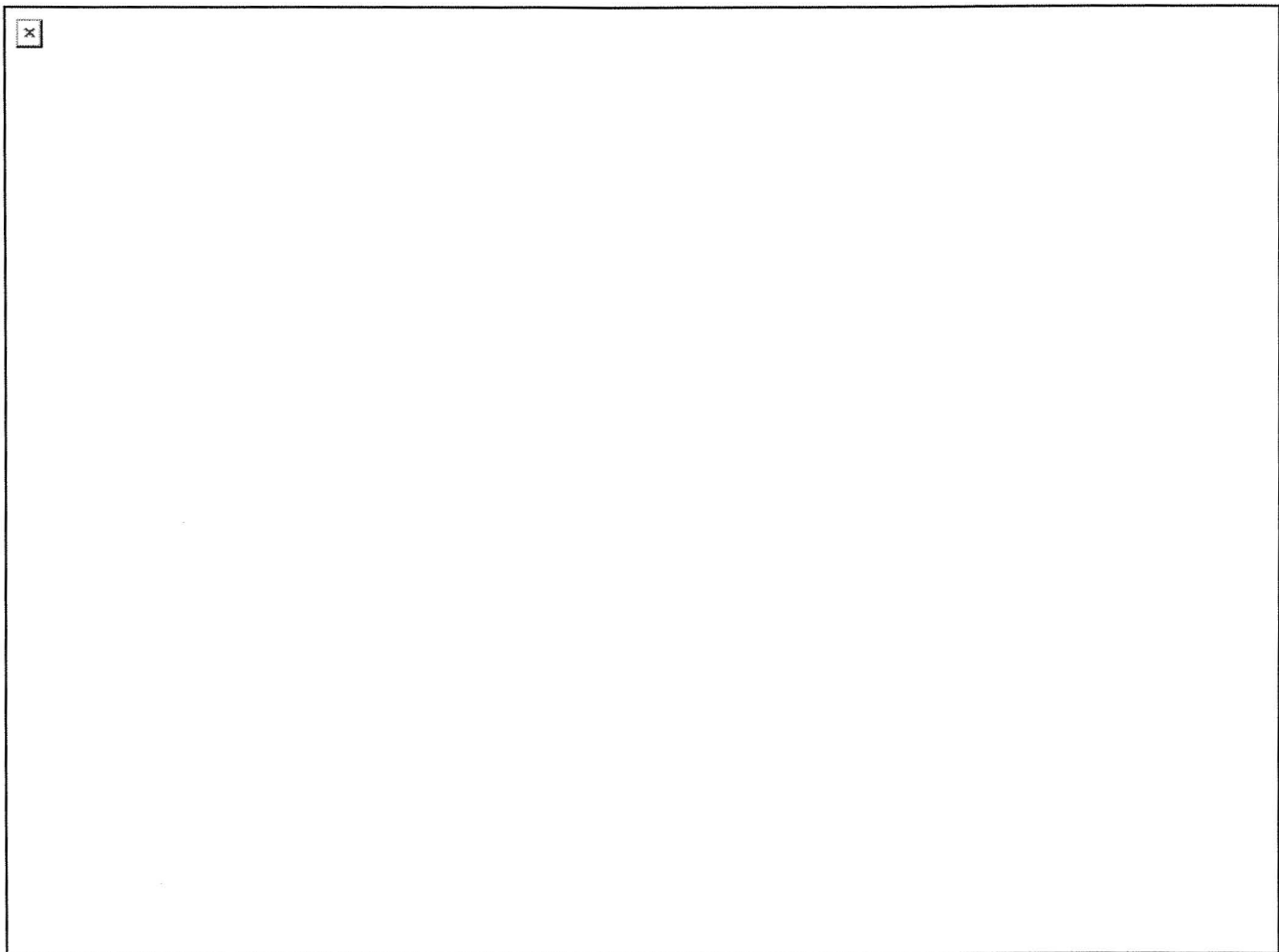
**Testimony in Strong Support SB 1008 SD2**

WLO

Room: 325

Hearing Date 3/23/2009 9:30: AM

Aloha Committee Members,



The beach from Naue public access, Wainiha, Kauai



Despite the importance of Hawaii beaches to our citizens and our economy, beach access on Kauai has diminished greatly in the last 10 years. Privatization of our finest state resources has occurred on our public beaches. Kauai's North Shore beaches were among the state's finest treasures, the jewels of both our residents and visitors, access to these beaches is quickly being lost.

Haena is a fishing community, many still practice traditional and customary practices, yet our access to this resource is being lost as new developments fence, wall or plant traditional and customary access to the beach. We are all heavily impacted when traditional accesses are blocked off by fences and walls. The loss of public beach access in the last 10 years is dramatic, often, the owners are bold enough to advertise in their vacation rental adds "private beach" .

While government tries to fashion the politic will to enforce against unpermitted structures that block beach access, Hawaii's residents and visitors are quickly loosing the ability to get to the beach .

The result of non enforcement is a dangerous privatization of our most cherished public resource, the beach. When our accesses are blocked off, quickly the beach changes from being a resource for all, to seemingly being private property for the landowner.

The DLNR, and OCCL, have been too busy "with more important issues" than to worry about our beaches. Enforcement has been dismally inadequate.

Often lack of clear authority, has the county and state, both wait for the other to enforce, while the public beach is privatized due to unclarity of jurisdiction, it is an accurate reflection to say " enforcement by both state and county has not kept up with the assault on our public beaches."

We strongly support the addition of lawsuits by individuals, as our state and county have other important priorities, enforcing beach access has not occurred. Protecting the publics beach resources is fundamental to the health and well

being of our community.

If we can't use it, we lose it. These proposed changes can add the tools necessary to change that balance , please support SB1088 SD2. Our beaches are not private, yet they are being privatized. Please join me in protecting our rights to this invaluable public resource for current and future generations.

Mahalo Nui, Caren Diamond

**Testimony for SB1088 on 3/23/2009 9:30:00 AM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Saturday, March 21, 2009 6:07 PM

**To:** WLOtestimony

**Cc:** [REDACTED]

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Testimony for WLO 3/23/2009 9:30:00 AM SB1088

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Makaala Kaaumoana

Organization: Individual

Address: Kilauea

Phone: [REDACTED]

E-mail: [REDACTED]

Submitted on: 3/21/2009

**Comments:**

My husband and I strongly support SB 1088.

My husband and I are experiencing first hand the limitations to our traditional practices of new landowners who do not understand that where they live has a cultural history. We fish for our dinner. The paths we follow have been there for over a hundred years. Access to the sea is vital to our health and welfare. Access to the mountains is vital to our health and welfare.

SB 1088 offers us the opportunity to protect those accesses we require.

Please suport families like ours and pass this bill. Mahalo, me ka pono, Makaala

023

## Strong support for SB 1088 -- Public Beach Access

Alyssa Watanabe [REDACTED]

**Sent:** Sunday, March 22, 2009 6:30 AM

**To:** Rep. Ken Ito; Rep. Sharon Har; WLOtestimony

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Ken Ito  
Sharon E. Har  
Committee on Water, Land & Ocean Resources

Alyssa Watanabe  
[REDACTED]

Monday, March 23, 2009 09:30 AM

Strong support for SB 1088 -- Public Beach Access

I strongly support this bill because...

I want to protect Hawai`i's environment from further development. I want my children to grow up in a Hawai`i that is still familiar to the Hawai`i I grew up in.

024

## Strong support for SB 1088 -- Public Beach Access

Meredith Trockman [REDACTED]

**Sent:** Saturday, March 21, 2009 9:16 PM

**To:** Rep. Ken Ito; Rep. Sharon Har; WLOtestimony

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Ken Ito  
Sharon E. Har  
Committee on Water, Land & Ocean Resources

Meredith Trockman  
[REDACTED]

Monday, March 23, 2009 09:30 AM

Strong support for SB 1088 -- Public Beach Access

I strongly support this bill because I believe access to beaches should be available to everyone.

025

**Strong support for SB 1088 -- Public Beach Access**

Kaiopua Fyfe [REDACTED]

**Sent:** Sunday, March 22, 2009 5:13 AM

**To:** Rep. Ken Ito; Rep. Sharon Har; WLOtestimony

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Ken Ito  
Sharon E. Har  
Committee on Water, Land & Ocean Resources

Kaiopua Fyfe  
[REDACTED]

Monday, March 23, 2009 09:30 AM

Strong support for SB 1088 -- Public Beach Access

I strongly support this bill because it will prevent property owners from obstructing constitutionally guaranteed access to Beach and ocean resources.

## Strong support for SB 1088 -- Public Beach Access

Jamison Gove [REDACTED]

**Sent:** Saturday, March 21, 2009 9:38 PM

**To:** Rep. Ken Ito; Rep. Sharon Har; WLOtestimony

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Ken Ito  
Sharon E. Har  
Committee on Water, Land & Ocean Resources

Jamison Gove  
[REDACTED]

Monday, March 23, 2009 09:30 AM

Strong support for SB 1088 -- Public Beach Access

I strongly support this bill because I believe the beach, and access to the beach, are important and crucial part of my life in Hawaii.

027



## **Strong support for SB 1088 -- Public Beach Access**

Lizabeth Kashinsky [REDACTED]

**Sent:** Saturday, March 21, 2009 8:57 PM

**To:** Rep. Ken Ito; Rep. Sharon Har; WLOtestimony

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Ken Ito  
Sharon E. Har  
Committee on Water, Land & Ocean Resources

Lizabeth Kashinsky  
[REDACTED]

Monday, March 23, 2009 09:30 AM

Strong support for SB 1088 -- Public Beach Access

I strongly support this bill because beaches should be accessible to all, not just an elite few.

Please protect public rights of way to beach access!

028

## Strong support for SB 1088 -- Public Beach Access

Pamela DaGrossa [REDACTED]

**Sent:** Saturday, March 21, 2009 8:20 PM

**To:** Rep. Ken Ito; Rep. Sharon Har; WLOtestimony

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Ken Ito  
Sharon E. Har  
Committee on Water, Land & Ocean Resources

Pamela DaGrossa  
[REDACTED]

Monday, March 23, 2009 09:30 AM

Strong support for SB 1088 -- Public Beach Access

I strongly support SB1088 because I have witnessed in my own town of Kailua individuals intentionally obstructing public beach access for their own individual comfort and convenience. Beaches must remain accessible by everyone, not just those who can afford beachfront property. Beach access is imperative for the health and wellbeing of our communities.

Please support this bill.

## Strong support for SB 1088 -- Public Beach Access

Lynette Cruz 

**Sent:** Saturday, March 21, 2009 8:20 PM

**To:** Rep. Ken Ito; Rep. Sharon Har; WLOtestimony

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Ken Ito  
Sharon E. Har  
Committee on Water, Land & Ocean Resources

Lynette Cruz  


Monday, March 23, 2009 09:30 AM

Strong support for SB 1088 -- Public Beach Access

I strongly support this bill because public access is something that belongs to all of us. I lived in Kailua for 20 years and watched while neighbors on either side of the public access rights-of-way made it harder and harder for ordinary people who didn't live in the beach front houses to have access to the beach.

030

## Strong support for SB 1088 -- Public Beach Access

mark ferri [REDACTED]

**Sent:** Saturday, March 21, 2009 8:07 PM

**To:** Rep. Ken Ito; Rep. Sharon Har; WLOtestimony

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Ken Ito  
Sharon E. Har  
Committee on Water, Land & Ocean Resources

mark ferri  
[REDACTED]

Monday, March 23, 2009 09:30 AM

Strong support for SB 1088 -- Public Beach Access

I strongly support this bill because all who live in Hawaii should have access to beaches in their area. We have issues in Kailua of certain acceses being closed which creates huge inconvenience for those in the area. Especially important are the families that have lived in the area for generations. Changing their access to beaches they frequent is very inappropriate. The shoreline is public property, let's make sure the public has access to it.

031

[REDACTED]

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**From:** Phyllis Nishimoto [REDACTED]  
**Sent:** Sunday, March 22, 2009 1:13 PM  
**To:** Rep. Ken Ito; Rep. Sharon Har; WLOtestimony  
**Subject:** Strong support for SB 1088 -- Public Beach Access

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ken Ito  
Sharon E. Har  
Committee on Water, Land & Ocean Resources

Phyllis Nishimoto  
[REDACTED]

Monday, March 23, 2009 09:30 AM

Strong support for SB 1088 -- Public Beach Access

I strongly support this bill because its protecting our rights to secure free access to Hawaii's beaches. Our beaches are just that, they are "ours" and should remain as such and shared by all and not just for those who can afford to build a house and block access.

Hawaii #1 recreation is the water and it needs to be free to all.

Thank you.

[REDACTED]

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**From:** trevor smith [REDACTED]  
**Sent:** Sunday, March 22, 2009 11:15 AM  
**To:** Rep. Ken Ito; Rep. Sharon Har; WLOtestimony  
**Subject:** Strong support for SB 1088 -- Public Beach Access

Ken Ito  
Sharon E. Har  
Committee on Water, Land & Ocean Resources

trevor smith  
[REDACTED]  
[REDACTED]  
[REDACTED]

Monday, March 23, 2009 09:30 AM

Strong support for SB 1088 -- Public Beach Access

I strongly support this bill because...the beach should be free for everyone to enjoy.

[REDACTED]

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**From:** Jonathan Blodgett [REDACTED]  
**Sent:** Sunday, March 22, 2009 2:37 PM  
**To:** Rep. Ken Ito; Rep. Sharon Har; WLOtestimony  
**Subject:** Strong support for SB 1088 -- Public Beach Access

Ken Ito  
Sharon E. Har  
Committee on Water, Land & Ocean Resources

Jonathan Blodgett  
[REDACTED]

Monday, March 23, 2009 09:30 AM

Strong support for SB 1088 -- Public Beach Access

I strongly support this bill because...Hawaii's beaches are some of the most beautiful beaches in the world and they should be able to be enjoyed by everyone, not just those people who are wealthy enough to live right on that beach.



[REDACTED]

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**From:** Joy Silver [REDACTED]  
**Sent:** Sunday, March 22, 2009 10:19 AM  
**To:** Rep. Ken Ito; Rep. Sharon Har; WLOtestimony  
**Subject:** Strong support for SB 1088 -- Public Beach Access

Ken Ito  
Sharon E. Har  
Committee on Water, Land & Ocean Resources

Joy Silver  
[REDACTED]

Monday, March 23, 2009 09:30 AM

Strong support for SB 1088 -- Public Beach Access

I strongly support this bill because beach access should be for all people of all economic classes. The ocean and beach are a huge part of our society so public right of ways need to be protected for our future generations. Beach access should be available to all people not limited to those few that can afford to live on the beach.