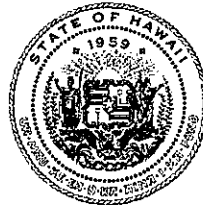


TESTIMONY
SCR 173/SR 120

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 Senate Committee on
WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS,**

**Monday, April 6, 2009
2:45 PM**

State Capitol, Conference Room 229

**In consideration of
SENATE CONCURRENT RESOLUTION 173/SENATE RESOLUTION 120 –
REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE
DEPARTMENT OF HAWAIIAN HOME LANDS, AND THE KAUAI POLICE
DEPARTMENT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING
REGARDING THE ENFORCEMENT OF STATE LAWS AND COUNTY
ORDINANCES AT ANAHOLA AND ALIOMANU BEACH AREA**

Senate Concurrent Resolution 173/Senate Resolution 120 requests the Department of Land and Natural Resources (Department), the Department of Hawaiian Home Lands (DHHL), and the Kauai Police Department to enter into a memorandum of understanding (MOU) regarding the enforcement of state laws and county ordinances at Anahola and Aliomanu Beach area and that the Department submit an executed copy of the MOU and a written report of findings and recommendations, including any necessary proposed legislation, to the Legislature no later than 20 days prior to the convening of the Regular Session of 2010. While the Department acknowledges the intent of these resolutions, the Department however does not feel it is the appropriate agency to be submitting an executed copy of the MOU and a written report of findings and recommendations, including any necessary proposed legislation, to the Legislature, as the frequent nuisance activities taking place on the Beach area are not under its jurisdiction.

The Department notes that it has, along with the Kauai Police Department, assisted DHHL in the past, to conduct patrols and law enforcement on their properties when our resources allowed us to.

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
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

From: mailinglist@capitol.hawaii.gov
Sent: Friday, April 03, 2009 3:57 PM
To: WTLTestimony
Cc: donald@aloha.net
Subject: Testimony for SCR173 on 4/6/2009 2:45:00 PM

Testimony for WTL 4/6/2009 2:45:00 PM SCR173

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Donald Bodine
Organization: Individual
Address: Aliomanu Road Anahola
Phone: 8088227474
E-mail: donald@aloha.net
Submitted on: 4/3/2009

Comments:

Testimony submitted in support of SCR 173

Kauai's Anahola and Aliomanu beach areas fall through the cracks for proper enforcement of Hawaii laws and regulations with risks to the public's and natural environment's safety and health the result. Measure SCR 173 is designed to help alleviate those concerns.

There have been numerous instances of incidents where laws have been ignored and people have been subjected to harm. One island resident while resting on the beach was struck by an off-road vehicle and drug for forty or more feet resulting in broken bones and other injuries.

Briefly the types of problems, which occur in the Anahola and Aliomanu beach areas, are:

Vehicular traffic (often fast!) by 4X4 vehicles, motorcycles, ATV, etc.

Illegal beach bonfires (which often smolder days generating dangerous smoke downwind

Illegal camping, sometimes for long periods - there are no sanitation facilities - on and adjacent to the beaches on property owned by state agencies

Loud boom boxes, noisy gathering nuisances and sometimes fighting

Drug dealing in certain out-of-the-way places in the beach area

Speedboats in the Anahola Stream which is a no-wake marine estuary

Illegal dumping and littering

At present the way the beach areas are owned or administered by DNLN (wet sand areas only) and DHHL (dry sand areas and other places adjacent).

DNLN has no authority to enforce on DHHL land. They can only enforce on the wet sand areas where few of the above problems occur.

DHHL has no enforcement staff permanently on Kauai so they cannot enforce the problems cited above when they occur.

The problems have increased dramatically in recent years due to Kauai's growth. The number of four wheeled and other off-road vehicles has increased dramatically compared to historical numbers. Moreover, virtually all of the other beaches on Kauai now prohibit traffic and have easier access for police monitoring. Conversely, the Anahola and Aliomanu beach areas have much more limited visibility and difficult access for Kauai Police enforcement, plus the police do not have sand capable vehicles.

In the past local DLNR officials have indicated they would provide enforcement for the subject beach areas if a 'memo of understanding' between them and DHHL were instituted. This seems to be a workable solution and therefore the majority of my neighbors and my family support this measure, which will bring lawfulness back to our beach and residential areas here.

Thank you for your consideration.

Donald Bodine
Anahola

TESTIMONY
SCR 173/SR 120
(END)