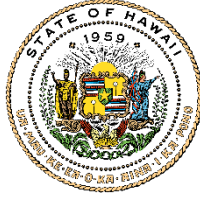


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
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DAWN N.S. CHANG
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CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committees on
WATER AND LAND
and
HEALTH AND HUMAN SERVICES

Monday April 01, 2024
1:00p.m.

State Capitol, Conference Room 229 & Videoconference

In consideration of
REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO
CONDUCT A FEASIBILITY STUDY TO ASSESS REASONABLE ACCOMMODATIONS
FOR BEACH ACCESS FOR PERSONS WITH DISABILITIES.

Senate Concurrent Resolution 218 would require the Department of Land and Natural Resources to conduct a feasibility study to assess the provisions and maintenance of reasonable accommodations for persons with disabilities to access the shoreline of any beach that has a public restroom within an ocean recreation management area. **The Department of Land and Natural Resources (DLNR) offers the following comments.**

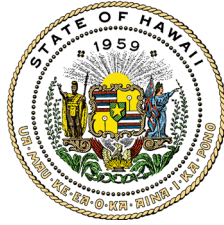
Shoreline public access is an important common law right that is shared by local residents and visitors alike. The purpose of the rules regarding Ocean Recreation Management Areas is to reduce conflicts among ocean water users, especially in areas of high activity, pursuant to Hawaii Revised Statutes (HRS) § 200-4 and Hawaii Administrative Rules (HAR) § 13-256-1. It is the Counties that have the primary authority and duty to develop and maintain public access to and along the shorelines (HRS §§ 46-6.5, 115-5 & 115-7). The County Planning Departments are generally tasked with this responsibility. DLNR does not have the jurisdiction or the capacity to evaluate and oversee the work of the respective planning departments.

The resolution also asks that the study assess the topography and physical characteristics of each beach transit corridor. The right of access to Hawaii's shorelines includes the right of transit along the shoreline and within beach transit corridors. *Beach transit corridors* are defined as the areas extending seaward of the shoreline and these areas are considered public property (HRS §115-5, HRS §205A-1).

The Office of Conservation and Coastal Lands (OCCL) is the lead agency with authority for maintaining public access along Hawaii's shorelines. Along beach transit corridors where the abutting landowner's human-induced, enhanced, or unmaintained vegetation interferes or encroaches with beach transit corridors, the Department may require the abutting landowner to remove the landowner's interfering or encroaching vegetation (HRS §115-5 (b)). The areas makai of the shoreline are thus kept in their natural state.

More information regarding shoreline access in Hawaii can be found on the University of Hawaii Sea Grant's website at <https://seagrant.soest.hawaii.edu/coastal-access-in-hawaii/>.

Mahalo for the opportunity to provide comments on this bill.



JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII

KENNETH FINK, MD, MGA, MPH
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DEPARTMENT OF HEALTH
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LATE

Testimony COMMENTING on SCR218/SR194
REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A
FEASIBILITY STUDY TO ASSESS REASONABLE ACCOMODATIONS FOR BEACH ACCESS FOR
PERSONS WITH DISABILITIES

COMMITTEE ON WATER AND LAND
SENATOR LORRAINE R. INOUE, CHAIR
SENATOR BRANDON J.C. ELEFANTE, VICE CHAIR

COMMITTEE ON HEALTH AND HUMAN SERVICES
SENATOR JOY A. SAN BUENAVENTURA, CHAIR
SENATOR HENRY J.C. AQUINO, VICE CHAIR

Testimony of Caroline Cadirao
Director, Executive Office on Aging
Attached Agency to the Department of Health

Hearing: Monday, April 1, 2024, 1:00 P.M Conference Room 229

- 1 **EOA Position:** The Executive Office on Aging (EOA), an attached agency to the Department of
- 2 Health (DOH) supports SCR218/SR194.
- 3 **Purpose and Justification:** This resolution requests the Department of Land and Natural
- 4 Resources (DNLR) to conduct a feasibility study to assess reasonable accommodations for beach
- 5 access for persons with disabilities. Hawai'i has over 100 beaches. Going to the beach is one of
- 6 the most popular recreational activities for residents and visitors. However, people with
- 7 mobility related disabilities face barriers to fully accessing our beaches. These barriers may

1 include difficulty accessing the water with the challenging terrain (i.e. sand) and limited
2 pathways to the water or bathroom facilities are inaccessible. Conducting a feasibility study to
3 identify what specific barriers people with disabilities face in being able to fully access the
4 beach and determine what accommodations can be made to improve beach access is an
5 important first step to ensure that people with disabilities can fully enjoy and benefit from our
6 beaches.

7 **Recommendation:** The beach is a public space that should be enjoyed by everyone including
8 people with disabilities. EOA supports this measure and defers to DNLR in its implementation.

9 Thank you for the opportunity to testify.

SCR-218

Submitted on: 3/30/2024 10:25:14 PM

Testimony for WTL on 4/1/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Angela Melody Young	Testifying for CARES	Support	Remotely Via Zoom

Comments:

Dear Committees,

CARES appreciate the intent of this resolution to study disability access.

The Americans with Disabilities Act (ADA) prohibits discrimination against people with disabilities in public accommodations, communications and access to state and local government' programs and services. The ADA act requires state & local governments to provide reasonable accommodations to adhere to those who have medial conditions. It is the responsibility of the law to fight for the disabled's right to access. The provisions are to adhere to medical conditions.

This resolution is well researched. There is already a similar resolution from DLNR's report to "Improve Public Beach Access for Persons with Disabilities in Hawaii." The report includes analyzing beaches to improve access. The rating categories included considerations for emergency assistance, showers, parking, beach safety & hazards, national environmental policy act, endangered species act, historical and cultural sensitivity. These are all important factors when deliberating beach access. Beach access routes should avoid affecting these elements.

This is very technical and yet it'd be better to get a resolution to educate the public about disabilities and how to help disabled people. Reports are so technical and disabled people still have to fight for access because medical equity is not being disseminated.

Blessings,

CARES

SCR-218

Submitted on: 3/29/2024 11:53:57 AM

Testimony for WTL on 4/1/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacqueline S. Ambrose	Individual	Support	Written Testimony Only

Comments:

Aloha,

Yes to:- REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A FEASIBILITY STUDY TO ASSESS REASONABLE ACCOMMODATIONS FOR BEACH ACCESS FOR PERSONS WITH DISABILITIES