LATE TESTIMONY SB 2836





Legislative Testimony SB 2836, RELATING TO PUBLIC ACCESS Senate Committee on Water and Land 2008 2:45 p.m.

February 15, 2008 Room: 414

The Office of Hawaiian Affairs **SUPPORTS** SB 2836, which modifies the definition of "public recreational area" and the offense of obstructing access to public property.

This bill seeks to prevent anyone from obstructing any public right-of-way, transit area, or public transit corridor itself, access to the sea, access to or along the shoreline, access to any inland public recreational area, or access to any government road or road that is not privately owned. It expands the areas that cannot be obstructed to prevent access to public shoreline areas, including beaches, parks, trails and inland recreation 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 projects in those areas that cut off 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 in 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 will address. Native Hawaiian gathering practices are recognized as protected traditional and customary rights under the Hawaiÿi Constitution article XII, section 7. The 2000 Hawaiÿi State Legislature found, through Act 50, Session Laws of Hawaii, 2000, that a cultural impact assessment should be made as part of any environmental review for projects in this state as a way to properly analyze and protect effects to Native Hawaiian rights. These findings and laws have been further strengthened via caselaw, and this bill would enhance your past legislative efforts, these court holdings and existing law.

Therefore, OHA urges the Committees to PASS SB 2836. Thank you for the opportunity to testify.

testimony

From:Jonathan Boxold [jtboxold@yahoo.com]Sent:Thursday, February 14, 2008 4:57 PMTo:testimonyCc:roxanne@barefeetstudios.comSubject:Public Beach Access

LATE TESTIMUNY

2-14-08

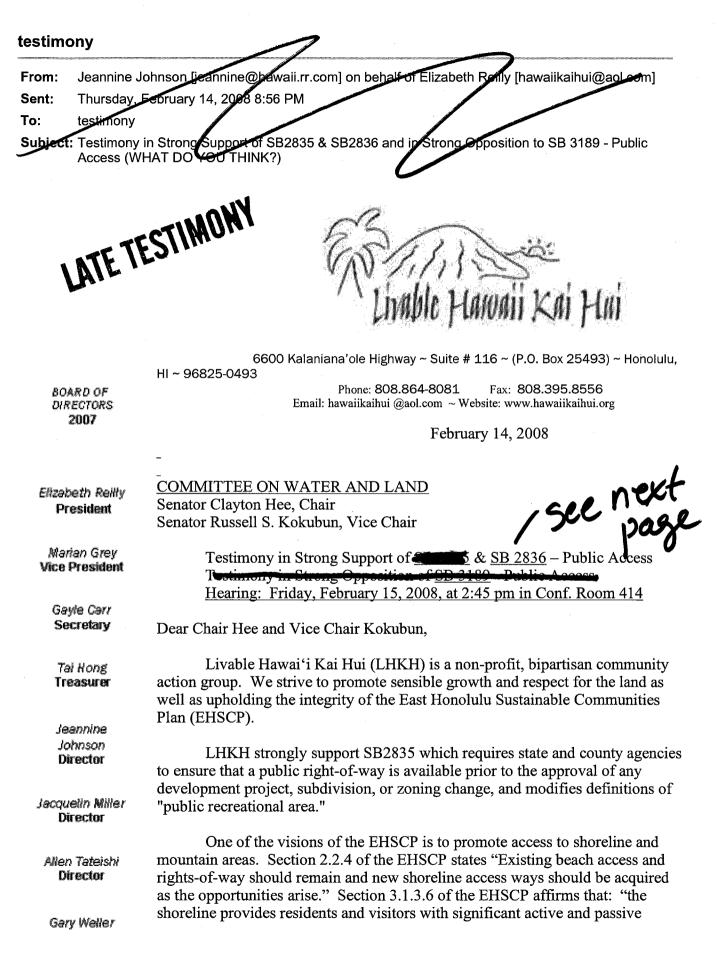
To: Committee on Water and Land

My name is Jonathan Toby Boxold and I am addressing issues covered in the three bills (SB-2866, SB-2869) and SB2836). I was born and raised in Kailua and have written this testimony as a member of Beach Access Hawaii(BAH) and am hereby declaring my stand in support of its main objectives that include establishing public beach rights of way within a minimum distance of a quarter mile along shoreline statewide.

There are many important issues relating to open public beach access paths which affect quality of life, safety, as well as cultural practices (which have been elaborated on through BAH as well as Surfrider and Kahea Organizations). It is vital that we do our best to see that public beach access is restored in areas where it has been restricted and to ensure it is maintained for future generations.

Sincerely, Jonathan Toby Boxold

Be a better friend, newshound, and know-it-all with Yahoo! Mobile. Try it now.



recreational value. Thus public access both mauka-makai and lateral should be obtained, maintained and improved to the maximum extent possible." Section 3.3.3.6 further states: "acquisition of additional pedestrian easements to the shoreline may still be possible as properties are redeveloped or subdivided."

LHKH also support SB2836 which modifies definitions of "public recreational area" and the offense of obstructing access to public property and defines "public right-of-way."

LHKH strongly opposes SB3189. Hawai'i Revised Statutes Chapter 115 guarantees 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. SB3189 would set a very bad precedent for the residents of O'ahu and the State.

Sincerely,

Elizabeth Reilly, President

LATE TESTIMONY SB 2836 (END)