

**TESTIMONY**  
**SB 1088**

# BEACH ACCESS HAWAII

www.beachaccesshawaii.org

Contact: Rich Figel  
801 Kainui Drive, Kailua, HI 96734

Phone: (808) 262-5073  
Email: richfigel@gmail.com

Date: Feb. 9, 2009

To: Senate WTL Committee

Re: TESTIMONY IN SUPPORT OF SB1088

Aloha,

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. 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

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 09, 2009 6:48 PM  
**To:** WTLTestimony  
**Cc:** alohamelissag@hotmail.com  
**Subject:** Testimony for SB1088 on 2/11/2009 2:45:00 PM

Testimony for WTL 2/11/2009 2:45:00 PM SB1088

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Melissa Anderson  
Organization: Individual  
Address: 1984 haleukana st lihue HI  
Phone:  
E-mail: [alohamelissag@hotmail.com](mailto:alohamelissag@hotmail.com)  
Submitted on: 2/9/2009

Comments:

Aloha

Beach access is so important to me. I am a surfer and ocean lover. I know of a few beaches where access has been cut off or made very difficult or dangerous to get to due to greedy people trying to keep it to themselves. Please protect our access so everyone young and old can use them Mahalo Melissa

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 09, 2009 7:19 PM  
**To:** WTLTestimony  
**Cc:** lorensr11@webtv.net  
**Subject:** Testimony for SB1088 on 2/11/2009 2:45:00 PM

Testimony for WTL 2/11/2009 2:45:00 PM SB1088

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: LOREN  
Organization: Individual  
Address: 3600 WAHA RD. KALAHEO, HI 96741  
Phone: 808-332-7401  
E-mail: [lorensr11@webtv.net](mailto:lorensr11@webtv.net)  
Submitted on: 2/9/2009

Comments:

Please lets do what we can to keep our beach access. I strongly support this bill. Loren Johnson

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 09, 2009 7:58 PM  
**To:** WTLTestimony  
**Cc:** sylpartridge@yahoo.com  
**Subject:** Testimony for SB1088 on 2/11/2009 2:45:00 PM

Testimony for WTL 2/11/2009 2:45:00 PM SB1088

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Sylvia Partridge  
Organization: Individual  
Address: 3800 Kamehameha Rd. #22 Princeville, HI  
Phone: 808-826-4020  
E-mail: [sylpartridge@yahoo.com](mailto:sylpartridge@yahoo.com)  
Submitted on: 2/9/2009

Comments:

I support protecting public access to all shorelines! Please pass this bill! Mahalo.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 10, 2009 6:47 AM  
**To:** WTLTestimony  
**Cc:** scalh@earthlink.net  
**Subject:** Testimony for SB1088 on 2/11/2009 2:45:00 PM

Testimony for WTL 2/11/2009 2:45:00 PM SB1088

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Trudy Bauman  
Organization: Individual  
Address: 4300 Momi Kilauea, HI  
Phone: 828-0977  
E-mail: [scalh@earthlink.net](mailto:scalh@earthlink.net)  
Submitted on: 2/10/2009

**Comments:**

Please do not allow continued erosion of our public beaches by private homeowners. This is detrimental to our people and our 'aina.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 10, 2009 8:42 AM  
**To:** WTLTestimony  
**Cc:** scottmijares@yahoo.com  
**Subject:** Testimony for SB1088 on 2/11/2009 2:45:00 PM

Testimony for WTL 2/11/2009 2:45:00 PM SB1088

Conference room: 229  
Testifier position:  
Testifier will be present: No  
Submitted by: Scott Mijares  
Organization: Individual  
Address: po box 1222 kilauea, HI  
Phone: 808-652-7113  
E-mail: [scottmijares@yahoo.com](mailto:scottmijares@yahoo.com)  
Submitted on: 2/10/2009

Comments:

Please preserve beach and coastal access for all residents of Hawaii. It is so important for families to have the ability to enjoy the coastline. This coastline belongs to all of us and we should always remember that.

Mahalo,  
Scott Mijares.  
808-652-7113

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 10, 2009 8:48 AM  
**To:** WTLTestimony  
**Cc:** tyandjul@mac.com  
**Subject:** Testimony for SB1088 on 2/11/2009 2:45:00 PM

Testimony for WTL 2/11/2009 2:45:00 PM SB1088

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Julia Devrell  
Organization: Individual  
Address: 6428 Kalama Rd Kapaa, HI 96746  
Phone: 822-9598  
E-mail: [tyandjul@mac.com](mailto:tyandjul@mac.com)  
Submitted on: 2/10/2009

**Comments:**

Maintaining public access is of ultimate importance in Hawaii. Enjoying our shoreline is probably the the main source of recreation in this state for most families and for many, the reason why they continue to live here instead of moving to the mainland where the cost of living is so much less. Even with public access paths it is sometimes difficult to use them due to lack of parking, such as on the north shore of Kaua`i. Please do everything possible to keep our public access intact! Thank you!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 10, 2009 8:51 AM  
**To:** WTLTestimony  
**Cc:** Kauaipat@aol.com  
**Subject:** Testimony for SB1088 on 2/11/2009 2:45:00 PM

Testimony for WTL 2/11/2009 2:45:00 PM SB1088

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Patricia Tingley  
Organization: Individual  
Address: Kapaa, HI  
Phone: 808-822-1029  
E-mail: [Kauaipat@aol.com](mailto:Kauaipat@aol.com)  
Submitted on: 2/10/2009

Comments:

Public access to Hawaii's shores is as important and necessary as public access is to the Grand Canyon and other like attractions. It's what brings people to a destination. It's a well-known fact that residents in general, and locals in particular in Hawaii, are family-oriented. And where do we congregate for family time? The beaches, of course. And then there's the tourists. They come all the way to Hawaii primarily for the beaches. To deny public access to even one beach in Hawaii is to erode a life style and a vacation destination that's been a part of these islands for the ages.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 10, 2009 9:28 AM  
**To:** WTLTestimony  
**Cc:** tracey@kauaioutcallmassage.com  
**Subject:** Testimony for SB1088 on 2/11/2009 2:45:00 PM

Testimony for WTL 2/11/2009 2:45:00 PM SB1088

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Tracey Schavone  
Organization: Individual  
Address: POBox 676 Anahola, HI  
Phone: 808-822-4465  
E-mail: [tracey@kauaioutcallmassage.com](mailto:tracey@kauaioutcallmassage.com)  
Submitted on: 2/10/2009

**Comments:**

Please support this bill to ensure public access to our beaches. Far too many areas have been "closed off" in recent years.

Aloha,  
Tracey Schavone  
Anahola, Kaua'i

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**From:** Tracey Schavone [tracey@kauaioutcallmassage.com]  
**Sent:** Tuesday, February 10, 2009  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/H.B. 971

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

I strongly support every effort to uphold the public's right to access the shoreline. Current protections for beach access are threatened by poor enforcement. Please pass S.B 1088/H.B. 971 and help improve enforcement of the public's longstanding right to beach access.

#### PUBLIC ACCESS TO THE BEACH IS CRUCIAL TO HAWAII'S FUTURE

For generations, the people of Hawaii have lived and thrived by the beach. Our unique beaches are a source of health and revitalization for everyone who considers Hawaii home. Ensuring access to the beach is a basic element of maintaining a high quality of life for Hawaii's residents.

Many Native Hawaiian cultural practitioners actively visit the beach at dusk, dawn, and throughout the day as part of traditional and customary practices, including surfing, gathering, and religious observances. As access to the beach becomes more difficult, so too will it become more difficult to perpetuate our unique Hawaiian culture.

Moreover, Hawaii's economy earns more than \$700 million a year from ocean-based recreational activities. According to Hawaii's comprehensive "Ocean Resources Management Plan, 80% of all visitors to Hawaii engage in shore-based activities that generates over \$360 million every year. This has spawned over 1,000 ocean-related tourism companies. Impeding access to the beach undermines this vital, sustainable aspect of our islands economy.

#### PUBLIC ACCESS TO THE SHORELINE IS IN JEOPARDY

Although Hawaii's Supreme Court has repeatedly upheld the public's right to access the shoreline and inland recreational areas based on our unique political and cultural history as an independent nation, it is increasingly difficult for people to actually use those rights. Beach-front developments, military installations, private gates, no trespassing signs, and high parking fees all stand where paths once invited people to the shore.

Conflicts between beach-front property owners and the general public are on the rise. Major protests were held throughout the islands last year to demonstrate residents' frustration with the lack of enforcement of shoreline protections - including public rights-of-way and shoreline setbacks. These conflicts can only be expected to grow, as Hawaii's population is anticipated to expand by another 30% over the next 20 years.

Adding to the pressures of shoreline development is the loss of beach front to erosion. At least 17 miles of beach on Oahu and 8 miles of beach on Maui have been lost to shoreline armoring and sea level rise. According to the State of the Beach Report published annually by the Surfrider Foundation, beaches in front of seawalls are 50-70% narrower than natural beaches.

#### SUPPORT IMPROVED ENFORCEMENT OF EXISTING PROTECTIONS

This is why I strongly urge you to please pass S.B. 1088/H.B. 971. This bill improves enforcement of existing shoreline access protections currently provided for under Hawaii

Revised Statutes sec. 115. This law was passed in 1974 because legislators recognized that "development pressures were undermining the public's right to access the shoreline and inland recreational areas." Unfortunately, today those pressures have only gotten stronger, while the ability of the Department of Land and Natural Resources to enforce these rights has gotten weaker. Passage of this bill will help to fulfill the public's right to beach access, while lessening the burden on state enforcement officers.

Mahalo for your support,

Tracey Schavone  
POBox 676  
Anahola, HI 96703

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 10, 2009 9:55 AM  
**To:** WTLTestimony  
**Cc:** billchrisq@hawaii.rr.com  
**Subject:** Testimony for SB1088 on 2/11/2009 2:45:00 PM

Testimony for WTL 2/11/2009 2:45:00 PM SB1088

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Christine Queen  
Organization: Individual  
Address: 1936 Pu'u Ka'a St KAPAA  
Phone: 8088225707  
E-mail: [billchrisq@hawaii.rr.com](mailto:billchrisq@hawaii.rr.com)  
Submitted on: 2/10/2009

**Comments:**

Historic accesses to beaches like Secret Beach have been closed off by development. What used to be an easy walk to the beach is now a 15 or 20 minute hike. This denies access to anyone but the young and agile, and that is a violation of many people's rights. This is only one example of beaches that used to be easy to reach but are now blocked by development. If all beaches in Hawai'i are truly public, then that should mean any historic route to that beach is also still available to the public. Mahalo for your time, Christine Queen

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**From:** Mina Dods [mina@hawaii.rr.com]  
**Sent:** Tuesday, February 10, 2009 11:02 AM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/H.B. 971

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

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Moreover, Hawaii's economy earns more than \$700 million a year from ocean-based recreational activities. According to Hawaii's comprehensive "Ocean Resources Management Plan, 80% of all visitors to Hawaii engage in shore-based activities that generates over \$360 million every year. This has spawned over 1,000 ocean-related tourism companies. Impeding access to the beach undermines this vital, sustainable aspect of our islands economy.

#### PUBLIC ACCESS TO THE SHORELINE IS IN JEOPARDY

Although Hawaii's Supreme Court has repeatedly upheld the public's right to access the shoreline and inland recreational areas based on our unique political and cultural history as an independent nation, it is increasingly difficult for people to actually use those rights. Beach-front developments, military installations, private gates, no trespassing signs, and high parking fees all stand where paths once invited people to the shore.

Conflicts between beach-front property owners and the general public are on the rise. Major protests were held throughout the islands last year to demonstrate residents' frustration with the lack of enforcement of shoreline protections - including public rights-of-way and shoreline setbacks. These conflicts can only be expected to grow, as Hawaii's population is anticipated to expand by another 30% over the next 20 years.

Adding to the pressures of shoreline development is the loss of beach front to erosion. At least 17 miles of beach on Oahu and 8 miles of beach on Maui have been lost to shoreline armoring and sea level rise. According to the State of the Beach Report published annually by the Surfrider Foundation, beaches in front of seawalls are 50-70% narrower than natural beaches.

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Mahalo for your support,

Mina Dods  
Hoowalea  
Ewa Beach, HI 96706

---

**From:** miwa tamanaha [mee.waah@gmail.com]  
**Sent:** Tuesday, February 10, 2009 11:03 AM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/H.B. ~~971~~

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

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Moreover, Hawaii's economy earns more than \$700 million a year from ocean-based recreational activities. According to Hawaii's comprehensive "Ocean Resources Management Plan, 80% of all visitors to Hawaii engage in shore-based activities that generates over \$360 million every year. This has spawned over 1,000 ocean-related tourism companies. Impeding access to the beach undermines this vital, sustainable aspect of our islands economy.

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Conflicts between beach-front property owners and the general public are on the rise. Major protests were held throughout the islands last year to demonstrate residents' frustration with the lack of enforcement of shoreline protections - including public rights-of-way and shoreline setbacks. These conflicts can only be expected to grow, as Hawaii's population is anticipated to expand by another 30% over the next 20 years.

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Mahalo for your support,

miwa tamanaha  
9999 9st  
999, HI 96817

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**From:** Katherine Ross [kcross@hawaii.rr.com]  
**Sent:** Tuesday, February 10, 2009 11:05 AM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/H.B. 971

Senate Committee on Water, Land, Ocean, and Hawaii Aloha Senators and Representatives,,

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Mahalo for your support,

Katherine Ross  
PO Box 603  
Papaikou, HI 96781

---

**From:** Teri Skillman [hautree77@aol.com]  
**Sent:** Tuesday, February 10, 2009 11:10 AM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/H.B. 971

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Mahalo for your support,

Teri Skillman  
1720 Perry St.  
Honolulu, HI 96819

841-5011

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**From:** Lehua Kaulukukui [kananilehua@hawaii.rr.com]  
**Sent:** Tuesday, February 10, 2009 11:10 AM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/H.B. 971

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

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Mahalo for your support,  
Lehua Kaulukukui

Lehua Kaulukukui  
68-1756 Puwalu St.  
68-1756 Puwalu St. Waikoloa, HI 96738  
Waikoloa, HI 96738

---

**From:** Mahealani Jones [amyj@hawaii.edu]  
**Sent:** Tuesday, February 10, 2009 11:11 AM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/~~H.B. 971~~

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

I strongly support every effort to uphold the public's right to access the shoreline. Current protections for beach access are threatened by poor enforcement. Please pass S.B 1088/H.B. 971 and help improve enforcement of the public's longstanding right to beach access.

#### PUBLIC ACCESS TO THE BEACH IS CRUCIAL TO HAWAII'S FUTURE

For generations, the people of Hawaii have lived and thrived by the beach. Our unique beaches are a source of health and revitalization for everyone who considers Hawaii home. Ensuring access to the beach is a basic element of maintaining a high quality of life for Hawaii's residents.

Many Native Hawaiian cultural practitioners actively visit the beach at dusk, dawn, and throughout the day as part of traditional and customary practices, including surfing, gathering, and religious observances. As access to the beach becomes more difficult, so too will it become more difficult to perpetuate our unique Hawaiian culture.

Moreover, Hawaii's economy earns more than \$700 million a year from ocean-based recreational activities. According to Hawaii's comprehensive "Ocean Resources Management Plan, 80% of all visitors to Hawaii engage in shore-based activities that generates over \$360 million every year. This has spawned over 1,000 ocean-related tourism companies. Impeding access to the beach undermines this vital, sustainable aspect of our islands economy.

#### PUBLIC ACCESS TO THE SHORELINE IS IN JEOPARDY

Although Hawaii's Supreme Court has repeatedly upheld the public's right to access the shoreline and inland recreational areas based on our unique political and cultural history as an independent nation, it is increasingly difficult for people to actually use those rights. Beach-front developments, military installations, private gates, no trespassing signs, and high parking fees all stand where paths once invited people to the shore.

Conflicts between beach-front property owners and the general public are on the rise. Major protests were held throughout the islands last year to demonstrate residents' frustration with the lack of enforcement of shoreline protections - including public rights-of-way and shoreline setbacks. These conflicts can only be expected to grow, as Hawaii's population is anticipated to expand by another 30% over the next 20 years.

Adding to the pressures of shoreline development is the loss of beach front to erosion. At least 17 miles of beach on Oahu and 8 miles of beach on Maui have been lost to shoreline armoring and sea level rise. According to the State of the Beach Report published annually by the Surfrider Foundation, beaches in front of seawalls are 50-70% narrower than natural beaches.

#### SUPPORT IMPROVED ENFORCEMENT OF EXISTING PROTECTIONS

This is why I strongly urge you to please pass S.B. 1088/H.B. 971. This bill improves enforcement of existing shoreline access protections currently provided for under Hawaii

Revised Statutes sec. 115. This law was passed in 1974 because legislators recognized that "development pressures were undermining the public's right to access the shoreline and inland recreational areas." Unfortunately, today those pressures have only gotten stronger, while the ability of the Department of Land and Natural Resources to enforce these rights has gotten weaker. Passage of this bill will help to fulfill the public's right to beach access, while lessening the burden on state enforcement officers.

Mahalo for your support,

Mahealani Jones  
24 Alae Street  
Hilo, HI 96720

..

---

**From:** Kathleen Carr [kcarr@kathleencarr.com]  
**Sent:** Tuesday, February 10, 2009 11:04 AM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/H.B. 971

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

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Mahalo for your support,

Kathleen Carr  
Keala O Keawe  
Honaunau, HI 96726

---

**From:** CarolLee Averill [hynmahi@yahoo.com]  
**Sent:** Tuesday, February 10, 2009 11:04 AM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/H.B. 971

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

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Mahalo for your support,

CarolLee Averill  
538 Pohai St  
Kahului, HI 96732

**From:** Odette Rickert [odette@numerologyreadings.com]  
**Sent:** Tuesday, February 10, 2009 11:16 AM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/H.B. 971

Senate Committee on Water, Land, Ocean, and Hawaii Aloha Senators and Representatives,,

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Mahalo for your support,

Odette Rickert  
PO Box 12  
Hilo, HI 96721

---

**From:** Chasity Cadaoas [chasity@mauiids.org]  
**Sent:** Tuesday, February 10, 2009 11:23 AM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/H.B. 971

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

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Mahalo for your support,

Chasity Cadaoas  
146 Ehilani St.  
Pukalani, HI 96768

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**From:** Janet Codispoti [alohajan@hawaiiantel.net]  
**Sent:** Tuesday, February 10, 2009 11:36 AM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/H.B. 971

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

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Mahalo for your support,

Janet Codispoti  
RR-3 Box 1354  
Pahoa, HI 96778



*Hawaii's Thousand Friends*

25 Maluniu Ave., Suite 102., PMB 282 • Kailua, HI 96734 • Phone/Fax: (808) 262-0682 E-mail: [huf@java.net](mailto:huf@java.net)

February 11, 2007

COMMITTEE ON WATER, LAND, AGRICULTURE AND HAWAIIAN AFFAIRS

Senator Clayton Hee, Chair  
Senator Jill Tokuda, Vice Chair

SB 1088  
RELATING TO PUBLIC ACCESS

Committee Chair and members:

Hawaii's Thousand Friends, a statewide non-profit land and water use organization, supports SB 1088 that amends the definition of obstruction for access to public property and creates a private right of action for a person to enforce the prohibition of obstruction.

As more developments are approved near and along the shoreline of each island the tension between owners of those shoreline properties and people who want to access the ocean has drastically increased. As SB 1088 points out all types of obstructions have been erected or grown across traditional and known public access areas in hopes of discourage residents from accessing the ocean.

Since public access to beaches and shorelines is assured through various state statutes, HRS 115 (Public Access to Coastal and Inland Recreational Areas, HRS 46 (Counties General Jurisdiction and Powers), and HRS 264 (Highways in limited circumstances) it is extremely frustrating to have county and state agencies turn a blind eye and deaf ear to the pleas of Hawaii's residents as they fight to retain the dwindling number of public accesses to the shoreline.

If the state and county agencies mandated to uphold laws that provide/assure and maintain public access to the shoreline ignore those laws and the cries for help then it is incumbent upon residents to take action to enforce the laws that protect public access.

We urge you to support Hawaii's residents and pass SB 1088 out of committee.

---

**From:** Scott Jarvis [sjarvis22@hotmail.com]  
**Sent:** Tuesday, February 10, 2009 11:20 AM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/~~H.B. 971~~

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

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Mahalo for your support,

Scott Jarvis  
PO Box 1664  
Hanalei, HI 96714

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 10, 2009 11:37 AM  
**To:** WTLTestimony  
**Cc:** andrea@malamakauai.org  
**Subject:** Testimony for SB1088 on 2/11/2009 2:45:00 PM

Testimony for WTL 2/11/2009 2:45:00 PM SB1088

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Andrea Brower  
Organization: Malama Kaua`i  
Address: 4900 Kuawa Road Kilauea, HI.  
Phone: 808-828-0685  
E-mail: [andrea@malamakauai.org](mailto:andrea@malamakauai.org)  
Submitted on: 2/10/2009

Comments:

Public access, especially to culturally significant shoreline areas, has become a major issue of contention throughout the state. It has led to frustration and community division, especially between "newcomers" and "locals". We must clarify, in law, our state's dedication to preserving public access ways by clearly defining "obstructions" to public property. We must insure protection of access over private interest's to obstruct community use of a public space. This law upholds the greatest public good and is in the spirit of aloha.

---

**From:** Shannon Rudolph [shannonkona@gmail.com]  
**Sent:** Tuesday, February 10, 2009 11:39 AM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/~~H.B. 971~~

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

Aloha,

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Mahalo for your support,

Shannon renee Rudolph  
P.O. Box 243  
P.O. 243  
Holualoa, HI 96725

808-322-6604

---

**From:** Kyle Ruetner [ruetner@hawaii.edu]  
**Sent:** Tuesday, February 10, 2009 11:48 AM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/~~H.B. 971~~

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This is why I strongly urge you to please pass S.B. 1088/H.B. 971. This bill improves enforcement of existing shoreline access protections currently provided for under Hawaii

Revised Statutes sec. 115. This law was passed in 1974 because legislators recognized that "development pressures were undermining the public's right to access the shoreline and inland recreational areas." Unfortunately, today those pressures have only gotten stronger, while the ability of the Department of Land and Natural Resources to enforce these rights has gotten weaker. Passage of this bill will help to fulfill the public's right to beach access, while lessening the burden on state enforcement officers.

Mahalo for your support,  
Kyle Reutner

Kyle Ruetner  
1400 Pensacola St  
Makiki, HI 96822

**From:** Alison Hartle [ahartle@hawaii.edu]  
**Sent:** Tuesday, February 10, 2009 11:54 AM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/H.B. ~~971~~

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

I strongly support every effort to uphold the public's right to access the shoreline. Current protections for beach access are threatened by poor enforcement. Please pass S.B 1088/H.B. 971 and help improve enforcement of the public's longstanding right to beach access.

#### PUBLIC ACCESS TO THE BEACH IS CRUCIAL TO HAWAII'S FUTURE

For generations, the people of Hawaii have lived and thrived by the beach. Our unique beaches are a source of health and revitalization for everyone who considers Hawaii home. Ensuring access to the beach is a basic element of maintaining a high quality of life for Hawaii's residents.

Many Native Hawaiian cultural practitioners actively visit the beach at dusk, dawn, and throughout the day as part of traditional and customary practices, including surfing, gathering, and religious observances. As access to the beach becomes more difficult, so too will it become more difficult to perpetuate our unique Hawaiian culture.

Moreover, Hawaii's economy earns more than \$700 million a year from ocean-based recreational activities. According to Hawaii's comprehensive "Ocean Resources Management Plan, 80% of all visitors to Hawaii engage in shore-based activities that generates over \$360 million every year. This has spawned over 1,000 ocean-related tourism companies. Impeding access to the beach undermines this vital, sustainable aspect of our islands economy.

#### PUBLIC ACCESS TO THE SHORELINE IS IN JEOPARDY

Although Hawaii's Supreme Court has repeatedly upheld the public's right to access the shoreline and inland recreational areas based on our unique political and cultural history as an independent nation, it is increasingly difficult for people to actually use those rights. Beach-front developments, military installations, private gates, no trespassing signs, and high parking fees all stand where paths once invited people to the shore.

Conflicts between beach-front property owners and the general public are on the rise. Major protests were held throughout the islands last year to demonstrate residents' frustration with the lack of enforcement of shoreline protections - including public rights-of-way and shoreline setbacks. These conflicts can only be expected to grow, as Hawaii's population is anticipated to expand by another 30% over the next 20 years.

Adding to the pressures of shoreline development is the loss of beach front to erosion. At least 17 miles of beach on Oahu and 8 miles of beach on Maui have been lost to shoreline armoring and sea level rise. According to the State of the Beach Report published annually by the Surfrider Foundation, beaches in front of seawalls are 50-70% narrower than natural beaches.

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Mahalo for your support,

Alison Hartle  
2646 Pamoia Road  
Honolulu, HI 96822

---

**From:** isobel storch [istorch@peoplepc.com]  
**Sent:** Tuesday, February 10, 2009 11:20 AM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/H.B. 971

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

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Mahalo for your support,

isobel storch  
1105 DeVictor Place  
Pittsburgh, PA 15206-1704

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**From:** Tristen Wanke [bluu1@yahoo.com]  
**Sent:** Tuesday, February 10, 2009 11:44 AM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/H.B. 971

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

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Mahalo for your support,

Tristen Wanke  
P.O. Box # 2  
makawao, HI 96768

**From:** Janice palma-glennie [palmtree7@earthlink.net]  
**Sent:** Tuesday, February 10, 2009 11:54 AM  
**To:** WTLTestimony  
**Subject:** Make Fair, Safe Public Beach Access, Pass S.B. 1088/~~H.B. 971~~

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

☐The public's right to shoreline is protect by the Public Trust Doctrine and should be taken seriously. I strongly support d the public's right to access the shoreline fairly and meaningfully (i.e., limiting parking spaces while other access is severely limited is not pono). Current protections for beach access are especially threatened by poor enforcement.

S.B 1088/H.B. 971 would help provide needed enforcement of the public's longstanding right to beach access.

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#### SUPPORT IMPROVED ENFORCEMENT OF EXISTING PROTECTIONS

This is why I strongly urge you to please pass S.B. 1088/H.B. 971. This bill improves enforcement of existing shoreline access protections currently provided for under Hawaii Revised Statutes sec. 115. This law was passed in 1974 because legislators recognized that "development pressures were undermining the public's right to access the shoreline and inland recreational areas." Unfortunately, today those pressures have only gotten stronger, while the ability of the Department of Land and Natural Resources to enforce these rights has gotten weaker. Passage of this bill will help to fulfill the public's right to beach access, while lessening the burden on state enforcement officers.

Mahalo for helping to protect the public's right to fair shoreline access,

Janice palma-glennie  
Pobox 4849  
Kailua-kona, HI 967454849

---

**From:** Bobbie Alicen [kaiwahine@hawaiiantel.net]  
**Sent:** Tuesday, February 10, 2009 12:07 PM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/~~H.B. 971~~

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

I strongly support every effort to uphold the public's right to access the shoreline. Current protections for beach access are threatened by poor enforcement. Please pass S.B. 1088/H.B. 971 and help improve enforcement of the public's longstanding right to beach access.

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Mahalo for your support,

Bobbie Alicen  
HCR 2, Box 6824  
Kea'au, HI 96749

---

**From:** Sara McCay [mcnoone@hawaiiantel.net]  
**Sent:** Tuesday, February 10, 2009 12:14 PM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/H.B. 971

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

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Mahalo for your support,

Sara McCay  
62-2219 Ouli Street  
Kamuela, HI 96743

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 10, 2009 12:19 PM  
**To:** WTLTestimony  
**Cc:** kauairider@gmail.com  
**Subject:** Testimony for SB1088 on 2/11/2009 2:45:00 PM

Testimony for WTL 2/11/2009 2:45:00 PM SB1088

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: R. E. Flora  
Organization: Individual  
Address: 3906 Ho'ohuki St. Lihue, Hi  
Phone: 639-3888  
E-mail: [kauairider@gmail.com](mailto:kauairider@gmail.com)  
Submitted on: 2/10/2009

Comments:

We on Kauai have public access to beaches that have been hidden by structures and vegetation. It is so important that we all get to share all the beaches. Thank you. Rich

---

**From:** Curt Sumida [hokulea78@hotmail.com]  
**Sent:** Tuesday, February 10, 2009 11:32 AM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/~~H.B. 971~~

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

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Mahalo for your support,

Curt Sumida  
41-1009 Kalaniana'ole Hwy  
41-1009 Kalaniana'ole Hwy  
Waimanalo, HI 96795

783-2440

**From:** Duane Choy [duanechoy@yahoo.com]  
**Sent:** Tuesday, February 10, 2009 11:36 AM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/H.B. 971

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

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Mahalo for your support,

Duane Choy  
2019 Laukahi Street  
Honolulu, HI 96821

---

**From:** Cat Malovic [catmalovic@gmail.com]  
**Sent:** Tuesday, February 10, 2009 12:32 PM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/H.B. 971

Senate Committee on Water, Land, Ocean, and Hawaii Aloha Senators and Representatives,,

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Mahalo for your support,

Cat Malovic  
PO Box 1052  
PO Box 1052  
Kailua-Kona, HI 96745

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**From:** Miranda Camp [mauimiranda4@yahoo.com]  
**Sent:** Tuesday, February 10, 2009 11:54 AM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/~~H.B. 971~~

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

I strongly support every effort to uphold the public's right to access the shoreline. Current protections for beach access are threatened by poor enforcement. Please pass S.B. 1088/H.B. 971 and help improve enforcement of the public's longstanding right to beach access.

#### PUBLIC ACCESS TO THE BEACH IS CRUCIAL TO HAWAII'S FUTURE

For generations, the people of Hawaii have lived and thrived by the beach. Our unique beaches are a source of health and revitalization for everyone who considers Hawaii home. Ensuring access to the beach is a basic element of maintaining a high quality of life for Hawaii's residents.

Many Native Hawaiian cultural practitioners actively visit the beach at dusk, dawn, and throughout the day as part of traditional and customary practices, including surfing, gathering, and religious observances. As access to the beach becomes more difficult, so too will it become more difficult to perpetuate our unique Hawaiian culture.

Moreover, Hawaii's economy earns more than \$700 million a year from ocean-based recreational activities. According to Hawaii's comprehensive "Ocean Resources Management Plan, 80% of all visitors to Hawaii engage in shore-based activities that generates over \$360 million every year. This has spawned over 1,000 ocean-related tourism companies. Impeding access to the beach undermines this vital, sustainable aspect of our islands economy.

#### PUBLIC ACCESS TO THE SHORELINE IS IN JEOPARDY

Although Hawaii's Supreme Court has repeatedly upheld the public's right to access the shoreline and inland recreational areas based on our unique political and cultural history as an independent nation, it is increasingly difficult for people to actually use those rights. Beach-front developments, military installations, private gates, no trespassing signs, and high parking fees all stand where paths once invited people to the shore.

Conflicts between beach-front property owners and the general public are on the rise. Major protests were held throughout the islands last year to demonstrate residents' frustration with the lack of enforcement of shoreline protections - including public rights-of-way and shoreline setbacks. These conflicts can only be expected to grow, as Hawaii's population is anticipated to expand by another 30% over the next 20 years.

Adding to the pressures of shoreline development is the loss of beach front to erosion. At least 17 miles of beach on Oahu and 8 miles of beach on Maui have been lost to shoreline armoring and sea level rise. According to the State of the Beach Report published annually by the Surfrider Foundation, beaches in front of seawalls are 50-70% narrower than natural beaches.

#### SUPPORT IMPROVED ENFORCEMENT OF EXISTING PROTECTIONS

This is why I strongly urge you to please pass S.B. 1088/H.B. 971. This bill improves enforcement of existing shoreline access protections currently provided for under Hawaii

Revised Statutes sec. 115. This law was passed in 1974 because legislators recognized that "development pressures were undermining the public's right to access the shoreline and inland recreational areas." Unfortunately, today those pressures have only gotten stronger, while the ability of the Department of Land and Natural Resources to enforce these rights has gotten weaker. Passage of this bill will help to fulfill the public's right to beach access, while lessening the burden on state enforcement officers.

Mahalo for your support,

Miranda Camp  
29 Kuponono St  
Paia, HI 96779

---

**From:** Gwendolyn Hill [gwen@bikevolcano.com]  
**Sent:** Tuesday, February 10, 2009 11:57 AM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/~~H.B. 971~~

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Mahalo for your support,

Gwendolyn Hill  
P.O. Box 7474  
HIlo, HI 96720

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**From:** Kathy-Lyn Allen [naiaomanoa@yahoo.com]  
**Sent:** Tuesday, February 10, 2009 12:14 PM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/~~H.B. 971~~

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

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Mahalo for your support,

Kathy-Lyn Allen  
2702 High Street  
Pueblo, CO 81003

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**From:** Alana Bryant [alanaisforlovers@aol.com]  
**Sent:** Tuesday, February 10, 2009 12:47 PM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/~~H.B. 971~~

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Mahalo for your support,

Alana Bryant  
2746 Kahawai St.  
Honolulu, HI 96822

429-0479

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**From:** Robert Wagner [rtwagner@bellsouth.net]  
**Sent:** Tuesday, February 10, 2009 12:55 PM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/~~H.B. 971~~

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

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Mahalo for your support,

Robert Wagner  
3100 Sweetwater Rd  
Apt. 3112  
Lawrenceville, GA 30044

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**From:** Kamuela Meheula Naihe [akmeheula@hawaii.rr.com]  
**Sent:** Tuesday, February 10, 2009 1:09 PM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/~~H.B. 971~~

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Mahalo for your support,

Kamuela Meheula Naihe  
76-436 Kealoha ST  
Kailua Kona, HI 96740

**February 11<sup>th</sup>, 2008.**

**S.B.1088 - Relating to Public Access**

**Senate Committee on Water, Land, Agriculture and Hawaiian Affairs.**

**Testimony by: Evan Silberstein, 3315 East Manoa Road, Honolulu, Hawai'i, 96822**

Chairman Hee, Vice Chair Tokuda and Distinguished Members:

Thank you for taking the time to read this testimony. I am in strong support of S.B. 1088. This bill presents a tremendous opportunity for you to support the people of Hawai'i in accessing our natural and cultural resources for health, recreation, family time, spiritual communion and many other coastal and open space activities. I strongly urge you to please pass S.B. 1088 to uphold and improve access to our most treasured resources while granting the citizens of Hawai'i an opportunity to enforce the laws that are designed to protect their rights.

S.B. 1088 improves enforcement of existing shoreline access protections currently provided for under H.R.S. § 115. This law was passed in 1974 because legislators recognized that "development pressures were undermining the public's right to access the shoreline and inland recreational areas." It is clear that those development pressures have only grown stronger, while the ability of the State to protect the rights of our citizens has waned due to population expansion, administrative burden, and the increase of the very same development pressures H.R.S. § 115 was designed to alleviate. Passage of this bill will help to fulfill the public right to beach access, while lessening the burden on state enforcement officers.

Beach-front developments, military installations, private gates, no trespassing signs, and high parking fees all stand where paths once invited people to the shore. The time is now to insure that the rights that have been granted to the people of Hawai'i are protected for many generations to come. In places where access has been ongoing, access should be maintained and more importantly, protected. Our Hawai'i Constitution has established this precedent which has repeatedly been upheld by our State's Supreme Court and supported by previous and numerous actions of this Legislature.

These amendments to H.R.S. § 115 are fair. There is a clear need and well established government purpose in protecting rights of public access. They are in proportion to the needs for public access that have been created by development pressure described above. They affect all property owners equally and they protect the rights of the public whose ability to reach the coast and inland recreation areas have been significantly impaired and need additional safeguards and enforcement mechanisms.

I thank you for your time and support of this issue and urge you to please pass S.B. 1088.

Sincerely,

Evan Silberstein

William S. Richardson School of Law

2009 Juris Doctorate Candidate

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**From:** chaunnel salmon [pake777@mail.com]  
**Sent:** Tuesday, February 10, 2009 12:23 PM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

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Mahalo for your support,

chaunnel salmon  
84-849 Fricke St.  
Waianae, HI 96792

---

**From:** Mahealani Carvalho [maheam@hotmail.com]  
**Sent:** Tuesday, February 10, 2009 12:33 PM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/~~H.B. 971~~

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Mahealani Carvalho  
P.O. Box 612  
Volcano, HI 96785

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**From:** Skye Loe [mauiskye1@yahoo.com]  
**Sent:** Tuesday, February 10, 2009 12:49 PM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/~~H.B. 971~~

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,  
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This is why I strongly urge you to please pass S.B. 1088/H.B. 971. This bill improves enforcement of existing shoreline access protections currently provided for under Hawaii Revised Statutes sec. 115. This law was passed in 1974 because legislators recognized that "development pressures were undermining the public's right to access the shoreline and inland recreational areas." Unfortunately, today those pressures have only gotten stronger, while the ability of the Department of Land and Natural Resources to enforce these rights has gotten weaker. Passage of this bill will help to fulfill the public's right to beach access, while lessening the burden on state enforcement officers.

Mahalo for your support,

Skye Loe

xxx

Kihe'i, HI 96753

---

**From:** Ron Dixon [xidnor@yahoo.com]  
**Sent:** Tuesday, February 10, 2009 1:19 PM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/H.B. ~~971~~

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

I strongly support every effort to uphold the public's right to access the shoreline. Current protections for beach access are threatened by poor enforcement. Please pass S.B 1088/H.B. 971 and help improve enforcement of the public's longstanding right to beach access.

#### PUBLIC ACCESS TO THE BEACH IS CRUCIAL TO HAWAII'S FUTURE

For generations, the people of Hawaii have lived and thrived by the beach. Our unique beaches are a source of health and revitalization for everyone who considers Hawaii home. Ensuring access to the beach is a basic element of maintaining a high quality of life for Hawaii's residents.

Many Native Hawaiian cultural practitioners actively visit the beach at dusk, dawn, and throughout the day as part of traditional and customary practices, including surfing, gathering, and religious observances. As access to the beach becomes more difficult, so too will it become more difficult to perpetuate our unique Hawaiian culture.

Moreover, Hawaii's economy earns more than \$700 million a year from ocean-based recreational activities. According to Hawaii's comprehensive "Ocean Resources Management Plan, 80% of all visitors to Hawaii engage in shore-based activities that generates over \$360 million every year. This has spawned over 1,000 ocean-related tourism companies. Impeding access to the beach undermines this vital, sustainable aspect of our islands economy.

#### PUBLIC ACCESS TO THE SHORELINE IS IN JEOPARDY

Although Hawaii's Supreme Court has repeatedly upheld the public's right to access the shoreline and inland recreational areas based on our unique political and cultural history as an independent nation, it is increasingly difficult for people to actually use those rights. Beach-front developments, military installations, private gates, no trespassing signs, and high parking fees all stand where paths once invited people to the shore.

Conflicts between beach-front property owners and the general public are on the rise. Major protests were held throughout the islands last year to demonstrate residents' frustration with the lack of enforcement of shoreline protections - including public rights-of-way and shoreline setbacks. These conflicts can only be expected to grow, as Hawaii's population is anticipated to expand by another 30% over the next 20 years.

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Mahalo for your support,

Ron Dixon  
po box 223403  
Princeville, HI 96722

---

**From:** Shawn White [kaleimakamae@hotmail.com]  
**Sent:** Tuesday, February 10, 2009 1:22 PM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/H.B. 971.

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

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Mahalo for your support,

Shawn White  
PO Box 2502  
Honolulu, HI 96804

---

**From:** Forest Shomer [inypass@whidbey.net]  
**Sent:** Tuesday, February 10, 2009 1:46 PM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/~~H.B. 971~~

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

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Mahalo for your support,

Forest Shomer  
PO Box 639  
Port Townsend , WA 98368

---

**From:** Julia Morgan [jimmorgan@hawaii.edu]  
**Sent:** Tuesday, February 10, 2009 1:56 PM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/~~H.B. 971~~

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

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Mahalo for your support,

Julia Morgan  
254 Hualili Street, Apt 6  
Honolulu, HI 96813

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**From:** Tiare Nichols [tiaremata@gmail.com]  
**Sent:** Tuesday, February 10, 2009 2:10 PM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/H.B. 971

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

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Mahalo for your support,

Tiare Nichols  
P.O. Box 203 Waimanalo, HI 96795  
Waimanalo, HI 96795

**From:** normand dufresne [normandgorby@aol.com]  
**Sent:** Tuesday, February 10, 2009 2:13 PM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/~~H.B. 971~~

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

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Mahalo for your support,

normand dufresne  
p.o. box 587  
pahoa, HI 96778

---

**From:** Diane Texidor [deetex123@hawaii.rr.com]  
**Sent:** Tuesday, February 10, 2009 2:16 PM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/~~H.B. 971~~

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,  
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Mahalo for your support,

Diane Texidor  
814 Kinau Street #308  
Honolulu, HI 96813

i

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 10, 2009 2:19 PM  
**To:** WTLTestimony  
**Cc:** ssf@hawaii.edu  
**Subject:** Testimony for SB1088 on 2/11/2009 2:45:00 PM

Testimony for WTL 2/11/2009 2:45:00 PM SB1088

Conference room: 229  
Testifier position: support  
Testifier will be present: No  
Submitted by: Sinclair Salas-Ferguson  
Organization: Individual  
Address: Ala Wai Blvd. Honolulu, Hawaii  
Phone: 808-388-6969  
E-mail: [ssf@hawaii.edu](mailto:ssf@hawaii.edu)  
Submitted on: 2/10/2009

Comments:

As a resident of the Big Island studying and living in Honolulu I firmly support SB1008. Big Island shorelines are being bought, sold, and developed at an increasing rate often with disregard towards local customary uses. Hakalau Beach is a fine example. For generations, the North Hilo community has been using Hakalau beach for surfing, fishing, diving, camping, picknicking, swimming, relaxing, etc. A while back someone bought the surrounding property and gated the entrance. Although the community has solved the Hakalau problem it is inevitable that there will be similar situations in the future. In conclusion, I support SB1088 as it empowers the local community to enforce their cultural and recreational rights. Thank you for the opportunity to testify. Sinclair Salas-Ferguson.

---

**From:** Corey Ann Lewin [koliana8@yahoo.com]  
**Sent:** Tuesday, February 10, 2009 2:39 PM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/H.B. 971

Senate Committee on Water, Land, Ocean, and Hawaii Aloha Senators and Representatives,,

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Corey Ann Lewin  
923 N. San Vicente Blvd #7  
West Hollywood, CA 90069

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**From:** Frederika Ebel [lapuma7@hotmail.com]  
**Sent:** Tuesday, February 10, 2009 1:57 PM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/H.B. 971

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Revised Statutes sec. 115. This law was passed in 1974 because legislators recognized that "development pressures were undermining the public's right to access the shoreline and inland recreational areas." Unfortunately, today those pressures have only gotten stronger, while the ability of the Department of Land and Natural Resources to enforce these rights has gotten weaker. Passage of this bill will help to fulfill the public's right to beach access, while lessening the burden on state enforcement officers.

Mahalo for your support,

Frederika E Ebel  
PO Box 701  
Flemington, NJ 08822

908-391-0949

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**From:** Richard Powers [konaskye@yahoo.com]  
**Sent:** Tuesday, February 10, 2009 2:42 PM  
**To:** WTLTestimony  
**Subject:** Improve Beach Access, Pass S.B. 1088/~~H.B. 971~~

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,

I strongly support every effort to uphold the public's right to access the shoreline. Current protections for beach access are threatened by poor enforcement. Please pass S.B 1088/H.B. 971 and help improve enforcement of the public's longstanding right to beach access.

#### PUBLIC ACCESS TO THE BEACH IS CRUCIAL TO HAWAII'S FUTURE

For generations, the people of Hawaii have lived and thrived by the beach. Our unique beaches are a source of health and revitalization for everyone who considers Hawaii home. Ensuring access to the beach is a basic element of maintaining a high quality of life for Hawaii's residents.

Many Native Hawaiian cultural practitioners actively visit the beach at dusk, dawn, and throughout the day as part of traditional and customary practices, including surfing, gathering, and religious observances. As access to the beach becomes more difficult, so too will it become more difficult to perpetuate our unique Hawaiian culture.

Moreover, Hawaii's economy earns more than \$700 million a year from ocean-based recreational activities. According to Hawaii's comprehensive "Ocean Resources Management Plan, 80% of all visitors to Hawaii engage in shore-based activities that generates over \$360 million every year. This has spawned over 1,000 ocean-related tourism companies. Impeding access to the beach undermines this vital, sustainable aspect of our islands economy.

#### PUBLIC ACCESS TO THE SHORELINE IS IN JEOPARDY

Although Hawaii's Supreme Court has repeatedly upheld the public's right to access the shoreline and inland recreational areas based on our unique political and cultural history as an independent nation, it is increasingly difficult for people to actually use those rights. Beach-front developments, military installations, private gates, no trespassing signs, and high parking fees all stand where paths once invited people to the shore.

Conflicts between beach-front property owners and the general public are on the rise. Major protests were held throughout the islands last year to demonstrate residents' frustration with the lack of enforcement of shoreline protections - including public rights-of-way and shoreline setbacks. These conflicts can only be expected to grow, as Hawaii's population is anticipated to expand by another 30% over the next 20 years.

Adding to the pressures of shoreline development is the loss of beach front to erosion. At least 17 miles of beach on Oahu and 8 miles of beach on Maui have been lost to shoreline armoring and sea level rise. According to the State of the Beach Report published annually by the Surfrider Foundation, beaches in front of seawalls are 50-70% narrower than natural beaches.

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Mahalo for your support,

Richard Powers  
P.O. Box244  
Naalehu, HI 96772

**TESTIMONY**

**SB 1088**

**(END)**