

TESTIMONY
SB 1088
LATE



LATE TESTIMONY

TESTIMONY OF THE STATE ATTORNEY GENERAL TWENTY-FIFTH LEGISLATURE, 2009

ON THE FOLLOWING MEASURE:

S.B. NO. 1088, RELATING TO PUBLIC ACCESS.

BEFORE THE:

SENATE COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

DATE: Wednesday, February 11, 2009 **TIME:** 2:45 PM

LOCATION: State Capitol, Room 229

TESTIFIER(S): Mark J. Bennett, Attorney General
or William J. Wynnhoff, Deputy Attorney General

Dear Chair Hee and Members of the Committee:

The Department of the Attorney General opposes this bill.

The bill provides that any "person aggrieved" by a violation of section 115-9, Hawaii Revised Statutes, has the right to bring a civil action for injunctive relief and the right to recover attorneys' fees and costs.

Chapter 115, Hawaii Revised Statutes, was originally enacted in 1974. It directed counties to purchase land for public access to the shoreline, the sea, and inland recreational areas under certain circumstances and confirmed the public's right of transit along the shorelines.

In 2004, the chapter was amended to make obstructing access a misdemeanor punishable by a fine.

The Department is concerned that the proposed private right of action is overly broad and vague. There is no standard for when a "physical, visual, or other impediment" in fact "prevents" a person from traversing a right of way, as opposed to merely making it more difficult to traverse. The term "public right of way" is defined to include roads, paths, and passages "established" by "dedication . . . customary use, or open and continuous public use." The question of

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whether such a right has come into existence is extremely complex. See for example, section 520-7, Hawaii Revised Statutes, which provides: "No person shall gain any rights to any land by prescription or otherwise, as a result of any usage thereof for recreational purposes."

The bill may actually end up decreasing access because it subjects persons voluntarily providing access to an increased threat of suit. In this respect, the bill conflicts with chapter 520, Hawaii Revised Statutes, which limits liability of landowners who allow others to use their property for recreational use.

It is especially troublesome that any person "bringing" such an action is entitled to an award of attorneys' fees and costs. As worded the bill does not even require the person to prevail. Experience teaches that the possibility of receiving fees and costs is a powerful inducement to litigation. This inducement will doubtless be increased by the absence of a requirement to prevail and the absence of any provision allowing a successful defendant to recover his or her fees and costs.

We respectfully request that the Committee hold this bill.

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

Wednesday, February 11, 2009,
2:45 p.m.
State Capitol, Conference Room 229

In consideration of
SENATE BILL 1088
RELATING TO PUBLIC ACCESS

Senate Bill 1088 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 would be concerned with any 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.

LATE TESTIMONY

LAURA H. THIELEN
CHAIRPERSON
LAND AND NATURAL RESOURCES
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
STATEPARKS



Sierra Club Hawai'i Chapter

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

LATE TESTIMONY

SENATE COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

February 11, 2009, 2:45 P.M.

(Testimony is 1 pages long)

TESTIMONY IN SUPPORT OF SB 1088

The Sierra Club, Hawai'i Chapter, with 5500 dues paying members statewide, strongly 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 would strengthen 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.

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.

From: Dave Kisor [panther_dave@yahoo.com]
Sent: Tuesday, February 10, 2009 3:20 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/~~H.B. 971~~

LATE TESTIMONY

Senate Committee on Water, Land, Ocean, and Hawaiiia Aloha Senators and Representatives,,
They were having a similar problem in Florida when I lived there.

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,

Dave Kisor
3993 Iowa Ave.
611
Riverside, CA 92507

LATE TESTIMONY

From: Fran Calvert [fcalvert@hawaiiantel.net]
Sent: Tuesday, February 10, 2009 3:46 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

Fran Calvert
151681 14th St
Keaau, HI 96749

LATE TESTIMONY

LATE TESTIMONY

From: Bobbi Lempert [earthchild4ever@yahoo.com]
Sent: Tuesday, February 10, 2009 3:53 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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Bobbi Lempert
PO Box 791881
Paia, HI 96779

LATE TESTIMONY

From: Marti Townsend [marti.townsend@gmail.com]
Sent: Tuesday, February 10, 2009 3:54 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

Marti Townsend
Kaneohe
Kaneohe, HI 96744

LATE TESTIMONY

From: Caroline Ginnane [floralaloha@yahoo.com]
Sent: Tuesday, February 10, 2009 4:08 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

Caroline Ginnane
1505 Kewalo Street #301A
Honolulu, HI
Honolulu, HI 96822

LATE TESTIMONY

From: Zachary Klaja [zklaja@hotmail.com]
Sent: Tuesday, February 10, 2009 4:08 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

Zachary Klaja
3230 Eastlake Ave E #204
Seattle, WA 98102

LATE TESTIMONY

LATE TESTIMONY

From: Laurens Laudowicz [lau@100pg.com]
Sent: Tuesday, February 10, 2009 4:28 PM
To: Sen. Clayton Hee; Sen. Jill Tokuda; WTLTestimony
Subject: Strong support for SB 1088 -- Public Beach Access

Clayton Hee
Jill N. Tokuda
Committee on Water, Land, Agriculture and Hawaiian Affairs

Laurens Laudowicz
lau@100pg.com
4224 Waiialae Ave #5255
Honolulu, HI 96816

Wednesday, February 11, 2009 02:14 PM

Strong support for SB 1088 -- Public Beach Access

I strongly support this bill because I believe that making public beach access a high priority is good for community development and the economy. I also think that it should be a right for all citizens to have adequate access to the beach. Please pass this bill for the future of the development of our islands.

The beaches of Hawaii are one of it's true values to the people of Hawaii and all of us living on these wonderful islands. My 3 children all of whom were born here should be able to access a beach anywhere they like, even if it is state of military property.

aloha

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 10, 2009 4:36 PM
To: WTLTestimony
Cc: rick.pacific@gmail.com
Subject: Testimony for SB1228 on 2/13/2009 3:30:00 PM

LATE TESTIMONY

Testimony for WTL 2/13/2009 3:30:00 PM SB1228

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Rick Gaffney
Organization: Individual
Address:
Phone:
E-mail: rick.pacific@gmail.com
Submitted on: 2/10/2009

Comments:

SB 1228 is important to Hawaii's commercial fishermen, especially in these tough economic times. The bill simply seeks to reaffirm the original intent of the Legislature.

After 10+ years of DOBOR administrative practice allowing transfers of commercial fishing corporations in our Small Boat Harbors, based on Hawaii Revised Statutes (HRS 200), the new DOBOR Administrator stopped allowing the practice.

Many of us believe he is wrong, and we are looking for the Legislature to confirm that, and reaffirm that all the previous administrators had correctly interpreted HRS 200, allowing the transfers. It is our feeling that the statute clearly does not prohibit transfers of commercial fishing corporations.

We believe that the language included in the statute about allowing transfers of ownership of corporations that have commercial operators (charter) permits was inserted because such corporations were considered to be of a higher order of privilege, and thus the new language was needed so that there could be a specific mechanism of imposing a transfer fee.

Since the legislature did not see a need to impose a transfer fee on commercial fishing corporations, there was no specific language included about them not being able to transfer ownership unless they pay a fee. The fact that earlier in the statute commercial fishermen are specifically allowed to incorporate, supports the conclusion that the original legislative intent in allowing them to incorporate was to give them a way of transferring ownership of their commercial fishing business and mooring permits, otherwise why would the legislature have even allowed them to incorporate in the first place?

SB1228 is intended to reaffirm legislative intent, so it is very important that it be heard and passed.

From: Stacy Job [stacyjob@gmail.com]
Sent: Tuesday, February 10, 2009 4:45 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

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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

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Mahalo for your support,

Stacy Job
2280 Kuhio Ave
2280 Kuhio Ave
Honolulu, HI 96815

(971) 226-1432

LATE TESTIMONY

From: Gemma Lila [gemmaloha@hawaiiintel.net]
Sent: Tuesday, February 10, 2009 4:55 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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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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Mahalo for your support,

Gemma Lila
P.O. Box 143
Pahoa, HI 06778

LATE TESTIMONY

From: Michelle Baydo [michellebaydo@hotmail.com]
Sent: Tuesday, February 10, 2009 5:01 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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LATE TESTIMONY

Mahalo for your support,

Michelle Baydo
P.O. Box 6240
Kamuela, HI 96743

From: Elisha Belmont [e@samuda.com]
Sent: Tuesday, February 10, 2009 5:05 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

Elisha Belmont
10491 Cunningham
Westminster, CA 92683

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 10, 2009 5:09 PM
To: WTLTestimony
Cc: kolea91@aol.com
Subject: Testimony for SB1088 on 2/11/2009 2:45:00 PM

LATE TESTIMONY

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

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Marcia Harter
Organization: Individual
Address: 4950 Kuhio HWY Anahola, HI
Phone: 808-635-6562
E-mail: kolea91@aol.com
Submitted on: 2/10/2009

Comments:

Hawaii is a place of inclusion and sharing. Public access to beaches is part of this culture. It is also inappropriate to reserve beaches for the wealthy and privileged at the expense of locals and visitors who are not able to stay on a "private" beach. What a message it sends to the world that in Hawaii we share our beaches with everyone.

LATE TESTIMONY

From: Adele Henkel [ahenkel11@yahoo.com]
Sent: Tuesday, February 10, 2009 5:28 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,

Adele Henkel
POB 4344
Kailua Kona, HI 96745

LATE TESTIMONY

From: Momi Kaikala [mkaikala@vipfoodservice.com]
Sent: Tuesday, February 10, 2009 5:30 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

Momi Kaikala
285 Liliuokalani Street
Pukalani, HI 96768

LATE TESTIMONY

From: Emily Yeh [emily.yeh@alumni.usc.edu]
Sent: Tuesday, February 10, 2009 5:47 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

Emily Yeh
1821 Kumakani Place
Honolulu, HI 96821

LATE TESTIMONY

From: Anandra George [ageorge108@hotmail.com]
Sent: Tuesday, February 10, 2009 6:33 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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Mahalo for your support,

Anandra George
PO Box 922
Kilauea, HI 96754

LATE TESTIMONY

LATE TESTIMONY

From: Cristian Ellauri [see@ongking.com]
Sent: Tuesday, February 10, 2009 6:47 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

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Cristian Ellauri
184 North King St.
honolulu, HI 96817

LATE TESTIMONY

From: Robert Frutos [rfphoto@jps.net]
Sent: Tuesday, February 10, 2009 6:54 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

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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 "public access to the shorelines is restricted on all islands of the State. Urban development, especially tourism development, is having a limiting effect o accessibility to the shorelines." 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,

Robert Frutos
po box 1214
Volcano, HI 96785

LATE TESTIMONY

hee4 - Katherine

From: Jeff Haun [jeff@outofthesea.com]
Sent: Tuesday, February 10, 2009 7:30 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

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

Please pass S.B 1088/H.B. 971 and help improve enforcement of the public's longstanding right to beach access. 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.

Mahalo,

Jeff Haun

Jeff Haun
PO Box 248
Hakalau, HI 96710

From: Denise Lytle [squishyart@moose-mail.com]
Sent: Tuesday, February 10, 2009 7:23 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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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

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Mahalo for your support,

Denise Lytle
73 Poplar St.
Fords, NJ 08863

LATE TESTIMONY

From: Tim Tybuszewski [surfrideroahu@gmail.com]
Sent: Tuesday, February 10, 2009 7:57 PM
To: Sen. Clayton Hee; Sen. Jill Tokuda; WTLTestimony
Subject: Strong support for SB 1088 -- Public Beach Access

LATE TESTIMONY

Clayton Hee
Jill N. Tokuda
Committee on Water, Land, Agriculture and Hawaiian Affairs

Tim Tybuszewski
surfrideroahu@gmail.com
1871 Paula Drive
Honolulu, HI 96816

Wednesday, February 11, 2009 02:14 PM

Strong support for SB 1088 -- Public Beach Access

I strongly support this bill because I believe that making public beach access a high priority is good for community development and the economy.

I also think that it should be a right for all citizens to have adequate access to the beach.

Would you feel that it would be fair and just for people who live adjacent to public parks to be the only ones allowed to use them? That is what is happening to our beaches.

Tim Tybuszewski
Co-Chair Surfrider Foundation Oahu Chapter

From: Miguel Godinez [kayakkauai@earthlink.net]
Sent: Tuesday, February 10, 2009 8:46 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

Miguel Godinez
P.O. 508
Hanalei, HI 96714

From: A. Ku`ulei Snyder [kuuleinani@earthlink.net]
Sent: Tuesday, February 10, 2009 8:48 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

A. Ku`ulei Snyder
3931 Pili Pl
Honolulu, HI 96816

LATE TESTIMONY

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 10, 2009 8:58 PM
To: WTLTestimony
Cc: kekahabarb@msn.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: Barbara Childers
Organization: Individual
Address: P.O.Box 1252 Kekaha, HI 96752
Phone: 808-337-9932
E-mail: kekahabarb@msn.com
Submitted on: 2/10/2009

Comments:

From: noel al-khatib [teachsped63@msn.com]
Sent: Tuesday, February 10, 2009 8:58 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

noel al-khatib
po box 343
hilo, HI 96721

LATE TESTIMONY

ithe.

From: Bryan Milne [bryan_cmilne@hotmail.com]
Sent: Tuesday, February 10, 2009 9:33 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

Bryan Milne
486 Rodney St.
Apt. #2
Brooklyn, NY 11211

LATE TESTIMONY

LATE TESTIMONY

From: Mary Lu Kelley [mkelley@java.net]
Sent: Tuesday, February 10, 2009 9:43 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,

Mary Lu Kelley
P. O. Box 670
P. O. Box 289
Kalaheo, HI 96741

LATE TESTIMONY

LATE TESTIMONY

From: Helen anne Schonwaller [maui_jewels@yahoo.com]
Sent: Tuesday, February 10, 2009 9:58 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,

Helen anne Schonwalter
P.O. Box 791082
Haiku, HI 96708

LATE TESTIMONY

From: Joy bannon [joy.bannon@gmail.com]
Sent: Tuesday, February 10, 2009 10:08 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

Joy bannon
423 Morton St Ashland, Or
ashland, OR 97520

LATE TESTIMONY

From: Shadi Faridi [smfaridi@gmail.com]
Sent: Tuesday, February 10, 2009 10:34 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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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,

Shadi Faridi
445 Nene Street
Hilo, HI 96720

LATE TESTIMONY

LATE TESTIMONY

From: Mahina Patterson [pohaip@hawaii.edu]
Sent: Tuesday, February 10, 2009 10:24 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,

Mahina Patterson
141 Kualima Place Hilo, HI 96720
Kamuela, HI 96743

LATE TESTIMONY

From: Vickie Innis [vickiebliss@yahoo.com]
Sent: Tuesday, February 10, 2009 10:57 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

Vickie Innis
538 Poipu Drive
Honolulu, HI 96825

LATE TESTIMONY

From: Mimi Forsyth [forsythm001@hawaii.rr.com]
Sent: Wednesday, February 11, 2009 12:48 AM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

Mimi Forsyth
POBox 970968
Waipahu, HI 96797

LATE TESTIMONY

From: Ron Whitmore [whitmo17@msu.edu]
Sent: Wednesday, February 11, 2009 5:08 AM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

Ron Whitmore
113 Alae Street
Hilo, HI 96720

From: John Stillman [jestillman@embarqmail.com]
Sent: Wednesday, February 11, 2009 5:42 AM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

John Stillman
2 Three Acre Lane
Princeton, NJ 08540

LATE TESTIMONY

From: Carolyn Moore [lealeahula@earthlink.net]
Sent: Wednesday, February 11, 2009 6:04 AM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

Carolyn Moore
5402 E. McKellips, #289
Mesa, AZ 85215

LATE TESTIMONY

From: Jamie Mooney [mooney.jamieerin@gmail.com]
Sent: Wednesday, February 11, 2009 6:26 AM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/~~H.B. 974~~

LATE TESTIMONY

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

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LATE TESTIMONY

Jamie Mooney
1552 NW 51st Street Apt 101
Seattle, WA
Ventura, CA 98107

From: Mary C. Goodman [marygonmaui@aol.com]
Sent: Wednesday, February 11, 2009 6:31 AM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

Mary C. Goodman
1322 Kaupakalua Road
Haiku, HI 96708

LATE TESTIMONY

From: Joyce Marvel-Benoist [marvelbenoist@yahoo.com]
Sent: Wednesday, February 11, 2009 7:17 AM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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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 "public access to the shorelines is restricted on all islands of the State. Urban development, especially tourism development, is having a limiting effect o accessibility to the shorelines." 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,

Joyce Marvel-Benoist
47-4505 Waipio Rd
Honoka'a, HI 96727

LATE TESTIMONY

From: donnalene sing [donnalenes@hotmail.com]
Sent: Wednesday, February 11, 2009 7:48 AM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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.

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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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Mahalo for your support,

donnalene sing
pob 10305
honolulu, HI 06816

LATE TESTIMONY

LATE TESTIMONY

From: Patricia Kean [psmckean@mac.com]
Sent: Wednesday, February 11, 2009 8:09 AM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

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Mahalo for your support,

Patricia Kean
P.O. Box 682
Kilauea, HI 96754

LATE TESTIMONY

From: Katie Winchell [writer@katiwinchell.com]
Sent: Tuesday, February 10, 2009 8:36 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

Katie Winchell
16942 Lynn St., Unit E
Huntington Beach, CA 92649

From: jennifer jensen [junglovn@maui.net]
Sent: Wednesday, February 11, 2009 8:37 AM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

jennifer jensen
1436 w. Kuiaha RD.
HAiku, HI 96708

LATE TESTIMONY

From: Aura Velarde [chxwhorip@yahoo.com]
Sent: Wednesday, February 11, 2009 8:37 AM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

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Mahalo for your support,

Aura Velarde
4341 Fitzwilliam Street
Dublin, CA 94568

LATE TESTIMONY

LATE TESTIMONY

From: Amy Wiecking [onoa@hawaii.edu]
Sent: Wednesday, February 11, 2009 8:39 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,,

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Mahalo for your support,

Amy Wiecking
P.O. Box 4526
Kaneohe, HI 96744

LATE TESTIMONY

From: Toni A. Wolfson, RN [hummingdeer@yahoo.com]
Sent: Tuesday, February 10, 2009 8:48 PM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

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Mahalo for your support,

Toni A. Wolfson, RN
hummingdeer@yahoo.com
Felton, CA 95018

LATE TESTIMONY

LATE TESTIMONY

From: Linda Kahana
Sent: Wednesday, February 11, 2009 8:53 AM
To: WTLTestimony
Subject: FW: Strong support for SB 1088 -- Public Beach Access

-----Original Message-----

From: Stuart Coleman [mailto:scolem34@aol.com]
Sent: Tuesday, February 10, 2009 10:03 AM
To: Sen. Clayton Hee; Sen. Jill Tokuda; testimony
Subject: Strong support for SB 1088 -- Public Beach Access

Clayton Hee
Jill N. Tokuda
Committee on Water, Land, Agriculture and Hawaiian Affairs

Stuart Coleman
scolem34@aol.com
2121 Algaroba St., #1107
Honolulu, HI 96826

Wednesday, February 11, 2009 02:14 PM

Strong support for SB 1088 -- Public Beach Access

My name is Stuart Coleman, and I am the new Hawaii Regional Coordinator for the Surfrider Foundation. We have more than 1500 dues-paying members in Hawaii and more than 60,000 nation-wide. Maintaining beach access is one of Surfrider's most important goals, along with water quality and coastal preservation, and we ask you to protect the public's right of way to beaches.

I strongly support this bill because I believe that making public beach access a high priority is good for community development and the economy. I also think that it should be a right for all citizens to have adequate access to the beach. Please pass this bill for the future of the development of our islands. We appreciate your support of this bill and look forward to testifying for its passing.

Aloha, Stuart Coleman

LATE TESTIMONY

From: Linda Kahana
Sent: Wednesday, February 11, 2009 8:53 AM
To: WTLTestimony
Subject: FW: Strong support for SB 1088 -- Public Beach Access

-----Original Message-----

From: Robert Barreca [mailto:rob@electronicinsight.com]
Sent: Tuesday, February 10, 2009 10:41 AM
To: Sen. Clayton Hee; Sen. Jill Tokuda; testimony
Subject: Strong support for SB 1088 -- Public Beach Access

Clayton Hee
Jill N. Tokuda
Committee on Water, Land, Agriculture and Hawaiian Affairs

Robert Barreca
rob@electronicinsight.com
3535 Maluhia St
Honolulu, HI 96816

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From: Noa Napoleon [freeoceanaxs@yahoo.com]
Sent: Wednesday, February 11, 2009 9:14 AM
To: WTLTestimony
Subject: Fw: Senate bill 1088 Amends definition of obstruction etc.

LATE TESTIMONY

--- On Mon, 2/9/09, Noa Napoleon <freeoceanaxs@yahoo.com> wrote:

From: Noa Napoleon <freeoceanaxs@yahoo.com>

Subject: Senate bill 1088 Amends definition of obstruction etc.

To: senhee@capitol.hawaii.com

Cc: sentokuda@capitol.hawaii.gov

Date: Monday, February 9, 2009, 8:08 PM

**Noa Napoleon
1750 Kalakaua Ave #103
Hon HI 96815**

Date Feb 11, 2009

Testimony in **Support** of SB 1088

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

Capacity studies done in 2006 reveal that user conflicts between commercial companies and the general public are increasing as commercial operators learn to exploit loop holes in the law that city and state agencies have said they cannot enforce. The CSV consultant study concludes by calling for improved regulations on Blue Cards etc.

The Waikiki Problem

The 1928 Waikiki Beach Agreement is a land deed agreement between the State and the shoreline hotels in Waikiki. This agreement contains specific prohibitions about commercialism on Waikiki beach where the word **obstruction** is used in conjunction with commercialism. On Waikiki beach the **no obstruction rule** is simply not enforced by DLNR because of a loop hole that DLNR officials have used over the years to exempt certain hotels from having to apply for special use permits. As long as Waikiki hotels are allowed to violate the law in this manner, DLNR will continue to treat all other areas with equal skepticism and reluctance in terms of requiring permitting and or enforcing the **no obstruction** rule. I challenge legislators to examine the Waikiki situation to see for themselves how DLNR has used faulty logic to refused to enforce the law on beach commercialism, and how this is being viewed by DLNR officials as the prototype for what is used across the state in terms of the obstruction and commercialism rule. DLNR Chairperson Peter Young, in an attempt to answer the Kailua Neighborhood Board on the question of increasing problems related to the roving commercialism, has said that the Waikiki rules regarding beach commercialism are what DLNR applies statewide. This is extremely confusing.

A Legislative fix is needed for preventing beach obstructions

Division Administrators in DOBOR and DOCARE are responsible for enforcing commercial prohibitions on a

public beach, but because they have said they feel this rule should not be enforced in certain cases, the rule is then totally ignored everywhere. In areas for example where public access corridors are being used as staging areas for commercial kayak, wind surf, and kite schools, they too are being ignored along the same lines as the Waikiki hotels. I would request that Senators attempt to amend SB 1088 to specifically prohibit commercialism on a public beach, including public access corridor's, in order to force DLNR to enforce the rules. I realize that the law already requires permitting for commercialism on a public beach but since DLNR has not enforced this law with any consistency, I feel state Legislators should help them close the loop holes that (in their minds) make the rules unenforceable. This sort of inconsistency is responsible for the problems that roving companies are posing to State and County agencies. Last year BLNR approved a rule change proposal that essentially put the responsibility on the public for filing civil resource complaints with BLNR, further removing the enforcement responsibility from DOCARE and DOBOR in my view. This was a December 12, 2008 submittal (H-CO-submittal H1). Re: "Amending Civil Resource Violation System."

Mahalo, Noa Napoleon

LATE TESTIMONY

From: Russell Cutler [kealii903@hotmail.com]
Sent: Wednesday, February 11, 2009 9:33 AM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

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

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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

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Revised Statutes sec. 115. This law was passed in 1974 because legislators recognized that "public access to the shorelines is restricted on all islands of the State. Urban development, especially tourism development, is having a limiting effect o accessibility to the shorelines." 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,

Russell Cutler
HinaHina
P.O.Box 1994
Keaau, HI 96749

LATE TESTIMONY

From: JANICE BRENCICK [jbrencick@aol.com]
Sent: Wednesday, February 11, 2009 9:42 AM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

JANICE BRENCICK
PO BOX 7038
64-5308 PUU NANI DRIVE
KAMUELA, HI 96743

LATE TESTIMONY

From: Frances Pitzer [iam4joy@hotmail.com]
Sent: Wednesday, February 11, 2009 9:50 AM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

Frances Pitzer
14 Hakoi Hema Place
Kihei, HI 96753

LATE TESTIMONY

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2009 10:10 AM
To: WTLTestimony
Cc: captjohn@pacificboatsales.com
Subject: Testimony for SB1228 on 2/13/2009 3:30:00 PM

Testimony for WTL 2/13/2009 3:30:00 PM SB1228

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: John Jordan
Organization: Individual
Address: 73-4345 Wai Nana Pl. Kailua-Kona Hawaii
Phone: 808-936-1405
E-mail: captjohn@pacificboatsales.com
Submitted on: 2/11/2009

Comments:

I am a charter boat skipper, I have a valid commercial fishing license and work as a yacht broker in Kona. The practice of transferring commercial fishing corporations has been going on for over 10 years and these businesses should be allowed to continue to sell and transfer their corporations with the permits in place. By not allowing these transfers to take place, more businesses will go under.

LATE TESTIMONY

From: Ravi Grover [avatar11@rediffmail.com]
Sent: Wednesday, February 11, 2009 10:58 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,

Ravi Grover
POB 802103
Chicago, IL 60680

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2009 10:12 AM
To: WTLTestimony
Cc: krn1124@yahoo.com
Subject: Testimony for SB378 on 2/11/2009 2:45:00 PM

LATE TESTIMONY

Testimony for WTL 2/11/2009 2:45:00 PM SB378

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: karen wetmore
Organization: Individual
Address: 4748 Lower Honoapiilani Lahaina, HI
Phone: 808-665-0353
E-mail: krn1124@yahoo.com
Submitted on: 2/11/2009

Comments:

From: Desdra Dawning [Desdradawning@yahoo.com]
Sent: Wednesday, February 11, 2009 11:07 AM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

Desdra Dawning
25626
Sun Lakes, AZ 85248

From: Stephahine Eike [stephanieeike@aol.com]
Sent: Wednesday, February 11, 2009 11:27 AM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

Stepahine Eike
Orinda
Orinda, CA 94563

LATE TESTIMONY

LATE TESTIMONY

From: Cathy Robinson [cathiding@gmail.com]
Sent: Wednesday, February 11, 2009 11:41 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,

Cathy Robinson
774 Willow Springs Drive
Mobile, AL 36695

LATE TESTIMONY

From: sandra phillips [san1jp@msn.com]
Sent: Wednesday, February 11, 2009 11:44 AM
To: WTLTestimony
Subject: Improve Beach Access, Pass S.B. 1088/H.B. 971

LATE TESTIMONY

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

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Mahalo for your support,

sandra J phillips
15751 s eaden rd
OREGON CITY, OR 97045

LATE TESTIMONY

9712235712

LATE TESTIMONY

From: Linda Kahana
Sent: Wednesday, February 11, 2009 11:48 AM
To: WTLTestimony
Subject: FW: Strong support for SB 1088 -- Public Beach Access

-----Original Message-----

From: Marvin Heskett [mailto:mhesketts@mac.com]
Sent: Monday, February 09, 2009 8:43 PM
To: Sen. Clayton Hee; Sen. Jill Tokuda; testimony
Subject: Strong support for SB 1088 -- Public Beach Access

Clayton Hee
Jill N. Tokuda
Committee on Water, Land, Agriculture and Hawaiian Affairs

Marvin Heskett
mhesketts@mac.com
419A Atkinson Dr. #1207
Honolulu, HI 96814

Wednesday, February 11, 2009 02:14 PM

Strong support for SB 1088 -- Public Beach Access

I strongly support this bill as a long standing active member of the Surfrider Foundation and as a resident of Hawaii. The beach is a critical place for us to come and enjoy ourselves and maintain healthy family relationships. With the high cost of living and generally small individual home and lot sizes, we as residents of Hawaii have the need to free and easy access to our outdoor public resources. The beach must remain accessible and open for all to enjoy for our quality of life and for a quality experience for those visiting us and supporting us with their resources.

LATE TESTIMONY

From: Linda Kahana
Sent: Wednesday, February 11, 2009 11:48 AM
To: WTLTestimony
Subject: FW: Strong support for SB 1088 -- Public Beach Access

-----Original Message-----

From: Jeff Phillips [mailto:Ljefe00@gmail.com]
Sent: Monday, February 09, 2009 9:11 PM
To: Sen. Clayton Hee; Sen. Jill Tokuda; testimony
Subject: Strong support for SB 1088 -- Public Beach Access

Clayton Hee
Jill N. Tokuda
Committee on Water, Land, Agriculture and Hawaiian Affairs

Jeff Phillips
Ljefe00@gmail.com
61-561 Pohaku Loa Way
Haleiwa, HI 96712

Wednesday, February 11, 2009 02:14 PM

Strong support for SB 1088 -- Public Beach Access

I strongly support this bill because I believe that making public beach access a high priority is good for community development and the economy. I also think that it should be a right for all citizens to have adequate access to the beach. Please pass this bill for the future of the development of our islands.

From: Linda Kahana
Sent: Wednesday, February 11, 2009 11:48 AM
To: WTLTestimony
Subject: FW: Strong support for SB 1088 -- Public Beach Access

LATE TESTIMONY

-----Original Message-----

From: Steven Mazur [mailto:steven.mazur@gmail.com]
Sent: Monday, February 09, 2009 9:26 PM
To: Sen. Clayton Hee; Sen. Jill Tokuda; testimony
Subject: Strong support for SB 1088 -- Public Beach Access

Clayton Hee
Jill N. Tokuda
Committee on Water, Land, Agriculture and Hawaiian Affairs

Steven Mazur
steven.mazur@gmail.com
3356 Francis Street
Honolulu, HI 96815

Wednesday, February 11, 2009 02:14 PM

Strong support for SB 1088 -- Public Beach Access

I strongly support this bill because I believe that making public beach access a high priority is good for community development and the economy. I also think that it should be a right for all citizens to have adequate access to the beach. Having beach access for everyone allows everyone to use a free, natural resource that no one should rightfully be able to deny another of. Please pass this bill for the future of the development of our islands.

LATE TESTIMONY

From: Linda Kahana
Sent: Wednesday, February 11, 2009 11:49 AM
To: WTLTestimony
Subject: FW: Strong support for SB 1088 -- Public Beach Access

-----Original Message-----

From: John Simmerman [mailto:jsimmer@alumni.usc.edu]
Sent: Monday, February 09, 2009 10:18 PM
To: Sen. Clayton Hee; Sen. Jill Tokuda; testimony
Subject: Strong support for SB 1088 -- Public Beach Access

Clayton Hee
Jill N. Tokuda
Committee on Water, Land, Agriculture and Hawaiian Affairs

John Simmerman
jsimmer@alumni.usc.edu
PO Box 2053
Kamuela, HI 96743

Wednesday, February 11, 2009 02:14 PM

Strong support for SB 1088 -- Public Beach Access

I strongly support this bill because I believe that making public beach access a high priority is good for community development and the economy. I also think that it should be a right for all citizens to have adequate access to the beach. Please pass this bill for the future of the development of our islands.

LATE TESTIMONY

From: Linda Kahana
Sent: Wednesday, February 11, 2009 11:49 AM
To: WTLTestimony
Subject: FW: Strong support for SB 1088 -- Public Beach Access

-----Original Message-----

From: Matt Dunlap [mailto:mattdunl@gmail.com]
Sent: Monday, February 09, 2009 10:59 PM
To: Sen. Clayton Hee; Sen. Jill Tokuda; testimony
Subject: Strong support for SB 1088 -- Public Beach Access

Clayton Hee
Jill N. Tokuda
Committee on Water, Land, Agriculture and Hawaiian Affairs

Matt Dunlap
mattdunl@gmail.com
1480 Pukele Ave
Honolulu, HI 96816

Wednesday, February 11, 2009 02:14 PM

Strong support for SB 1088 -- Public Beach Access

I strongly support this bill because I believe that making public beach access a high priority is good for community development and the economy. I also think that it should be a right for all citizens to have adequate access to the beach. Please pass this bill for the future of our islands.

Good public beach access is good for the economy because it creates an environment that is socially inclusive. We want beaches modeled after the North Shore, not Hawaii Kai.

Proactive policy on preserving and expanding public beach access will lessen the conflict and expense of future arguments over beach access and private property rights.

From: Linda Kahana
Sent: Wednesday, February 11, 2009 11:50 AM
To: WTLTestimony
Subject: FW: Strong support for SB 1088 -- Public Beach Access

LATE TESTIMONY

-----Original Message-----

From: Scott Werny [mailto:clearwater@hawaii.rr.com]
Sent: Tuesday, February 10, 2009 6:31 AM
To: Sen. Clayton Hee; Sen. Jill Tokuda; testimony
Subject: Strong support for SB 1088 -- Public Beach Access

Clayton Hee
Jill N. Tokuda
Committee on Water, Land, Agriculture and Hawaiian Affairs

Scott Werny
clearwater@hawaii.rr.com
1917 Kuapapa Place
Honolulu, HI 96819

Wednesday, February 11, 2009 02:14 PM

Strong support for SB 1088 -- Public Beach Access

I am an active member of the Surfrider Foundation Oahu Chapter and I strongly support this bill because I believe that making public beach access a high priority is vital for community development and the economy.

Beach access is a right, and with continued development on our islands, it is our responsibility to make sure that access is preserved and improved.

Please pass this bill for the future of the development of our islands.

LATE TESTIMONY

From: Linda Kahana
Sent: Wednesday, February 11, 2009 11:50 AM
To: WTLTestimony
Subject: FW: Strong support for SB 1088 -- Public Beach Access

-----Original Message-----

From: Jenna Ishii [mailto:jenna.ishii@gmail.com]
Sent: Tuesday, February 10, 2009 7:06 AM
To: Sen. Clayton Hee; Sen. Jill Tokuda; testimony
Subject: Strong support for SB 1088 -- Public Beach Access

Clayton Hee
Jill N. Tokuda
Committee on Water, Land, Agriculture and Hawaiian Affairs

Jenna Ishii
jenna.ishii@gmail.com
2175 Halakau St.
Honolulu, HI 96821

Wednesday, February 11, 2009 02:14 PM

Strong support for SB 1088 -- Public Beach Access

I strongly support this bill because I believe that making public beach access a high priority is good for community development and the economy. I also think that it should be a right for all citizens to have adequate access to the beach. Please pass this bill for the future of the development of our islands.

HO'OKAHI NO KA 'ĀINA A ME NA KĀNAKA



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LATE TESTIMONY

**S.B. 1088 Public Beach Access
Room 229, 2:45 pm
February 11, 2009**

Aloha Chairman Hee and members of the Committee on Water, Land, Agriculture, and Hawaiian Affairs,

KAHEA: The Hawaiian-Environmental Alliance strongly supports S.B. 1088 to improve enforcement of the public's existing right to access the beach and inland recreational areas. With this bill, the Legislature will help to ensure the public's longstanding right to access, which is quickly being eroded by increasing development pressure 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 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."¹ 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."²

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 public access. Unfortunately, in that same timeframe, 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 public's rights. In a comprehensive review of citizen suit provisions throughout the

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

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

TESTIMONY
SB 1088
LATE
(END)