



Via E-Mail: JUDtestimony@Capitol.hawaii.gov

February 4, 2010

House Committee on Judiciary

Hearing Date: Thursday, February 4, 2010, 2:20 p.m. in CR 325

**Opposition and Comments to HB 1808: Relating to Coastal Areas
(Maintaining public beach access by adjacent landowners)**

Honorable Representative Chair Jon Riki Karamatsu, Vice Chair Ken Ito
and Members of the House Committee on Judiciary:

I am Dave Arakawa, the Executive Director of the Land Use Research Foundation of Hawaii (LURF), a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF's missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources and public health and safety.

LURF appreciates the opportunity to provide testimony regarding HB 1808, which would require maintenance of public beach accesses by adjacent landowners and impose penalties for non-compliance; establishes shoreline access as an objective of the coastal zone management program; and requires the Department of Land and Natural Resources to provide written notice to property owners affected by this act.

LURF's Position. LURF generally supports the intent and purpose of HB 1808, however we must respectfully **oppose** the provisions which change the definition of the transit area and public transit corridor; **requirements that private property owners maintain public areas belonging to the State of Hawaii; and requirements that landowners to pay reimbursements to the State for maintenance of state lands.**

The shoreline access and maintenance issues are important issues that affect the State's coastal lands and the public's right to enjoy the shoreline. Likewise, we believe that landowners who live along the shoreline also have important property rights, and the right not to be charged fees or prosecuted by the State for responsibilities which should be performed by the State.

Understanding the importance of the shoreline issues raised by HB 1808, LURF would respectfully request that the bill be **deferred** to allow stakeholders, including, but not limited to government agencies, the public, private landowners, legal experts and other interested parties to meet and work together to come to a consensus regarding the provisions of SB 1808.

Thank you for the opportunity to express our views on this matter.