

<b>NAME</b>	<b>ORGANIZATION/INDIVIDUAL</b>	<b>SUPPORT/OPOSE</b>
CARTY S CHANG	DLNR	COMMENTS
DEBBIE JACKSON	STATE AGENCY - DCAB	SUPPORTS
RONALD WILLIAMS	HAWAII TOURISM AUTHORITY	SUPPORT
RON HAN	DOD-OFFICE OF VETERAN SERVICES	SUPPORT
DAINTRY BARTOLDUS	STATE COUNCIL ON DEVELOPMENTAL DISABILITIES	SUPPORT
LOIS ERTESCHIK	HAWAII DISABILITY RIGHTS CENTER	SUPPORT
WILLIAM HOSHIJO	HAWAII CIVIL RIGHTS COMMISSION	SUPPORT
JAVIER MENDEZ-ALVAREZ	UH BIOLOGY ALUMNI ASSOCIATION	SUPPORT
BEVERLY J GALARZA	INDIVIDUAL	SUPPORT
LORELEI ZABANAL	INDIVIDUAL	SUPPORT

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**Subject:** Submitted testimony for HCR141 on Apr 20, 2015 14:55PM  
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**Attachments:** [HCR141HD1\\_LNR\\_04-20-15\\_WTL.pdf](#)

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## **HCR141**

Submitted on: 4/17/2015

Testimony for WTL on Apr 20, 2015 14:55PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carty S. Chang	DLNR	Comments Only	Yes

Comments: DLNR appreciates the intent of this resolution and respectfully offers comments to provide beach access for people with disabilities.

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DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**CARTY S. CHANG**  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**KEKOA KALUHIWA**  
FIRST DEPUTY

**W. ROY HARDY**  
ACTING 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  
STATE PARKS

**Testimony of  
CARTY S. CHANG  
Interim Chairperson**

**Before the Senate Committee on  
WATER AND LAND**

**Monday, April 20, 2015  
2:55 PM  
State Capitol, Conference Room 224**

**In consideration of  
HOUSE CONCURRENT RESOLUTION 141, HOUSE DRAFT 1  
RELATING TO REQUESTING THE DEPARTMENT OF LAND AND NATURAL  
RESOURCES AND THE COUNTIES TO PROVIDE BEACH ACCESS FOR  
PERSONS WITH DISABILITIES IN HAWAII.**

House Concurrent Resolution 141, House Draft 1 requests that the Department of Land and Natural Resources (Department) and the Counties that maintain beach transit corridors, provide reasonable accommodations for access to the shoreline for persons with a disability at any beach that has a public restroom facility and is within an ocean recreation management area. **The Department of Land and Natural Resources appreciates the intent of this resolution and respectfully offers the following comments to provide beach access for people with disabilities.**

The Department request that the language of this resolution be clarified to prevent unintended consequences. Vague language could affect the natural resources and safety of the public.

The current Americans with Disabilities Act Accessibility Guidelines does not provide scoping and technical requirements for accessible beach access. The Disability and Communication Access Board (DCAB) formed a working group, consisting of representatives from the Department and the four counties, to propose accessibility guidelines for the outdoor developed area, which included beach access. During the working group discussions, beach access presented a multitude of concerns and a realization of the numerous and complexity of technical requirements to consider. The working group voted to defer beach access scoping and technical requirements until another time.

The Department defers to DCAB to adopt guidelines, under Section 348F-3(1), Hawaii Revised Statutes, that will establish scoping and technical requirements to achieve access for people with disabilities, with considerations for the unique natural environments, conditions, restrictions, and terrain of Hawai'i.

The Department recommends removing the effective date of July 1, 2016 to allow DCAB to adopt beach access guidelines and the Department and counties to provide access.

Lastly, the Department request that fiscal appropriations are budgeted for capital improvement projects to provide accessible beach access for people with disabilities.

Thank you for the opportunity to respectfully submit this testimony on this resolution.

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## **HCR141**

Submitted on: 4/17/2015

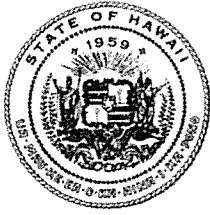
Testimony for WTL on Apr 20, 2015 14:55PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Debbie Jackson	State Agency - DCAB	Comments Only	Yes

Comments: DCAB supports the intent of the bill and offers comments which are included in our written testimony.

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## DISABILITY AND COMMUNICATION ACCESS BOARD

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919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814  
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

April 20, 2015

### TESTIMONY TO THE SENATE COMMITTEE ON WATER AND LAND

House Concurrent Resolution 141, House Draft 1 – Requesting the Department of Land and Natural Resources and the Counties to Provide Reasonable Accommodations for Disabled Persons to Access Beaches

The Disability and Communication Access Board (DCAB) supports the intent of House Concurrent Resolution 141 to increase access to persons with disabilities to Hawaii's beaches. We acknowledge that House Draft 1 incorporated several suggestions made in our previous testimony.

This resolution arose as a result of a specific situation at Kapalua Bay where a beach that was once accessible via a hotel is now inaccessible. That situation is unresolved and has raised the issue of beach access statewide; hence, this resolution.

For a State such as Hawaii, the beach is not only the focal point for leisure of residents and visitors, but it is also the host location for many recreational activities that receive a state or county permit to operate activities such as tours and beach weddings. These are activities to which the general public is invited and should be inclusive of persons with disabilities.

Accessible design has evolved in its standards and design guidelines from indoor buildings and facilities to outdoor recreation areas, public rights-of-way, and other features of the exterior environment.

We offer suggestions to the resolution as follows:

- (1) Page 1, lines 22-28, change the wording to read: "BE IT RESOLVED by the House of Representatives of the Twenty-eighth Legislature of the State of Hawaii, Regular Session of 2015, the State Senate concurring, that the Department of Land and Natural Resources and the counties [~~that maintain beach transit corridors~~] are requested to provide beach access to the shoreline for persons with a disability at beaches that have a public restroom facility or are in an ocean management area; and..."

- (2) Delete page 2, lines 6–9 [~~BE IT FURTHER RESOLVED that the Department of Land and Natural Resources and the responsible counties shall provide access no later than July 1, 2016; and~~]
- (3) Replace wording with BE IT FURTHER RESOLVED that the Department of Land and Natural Resources and the counties are requested to assess those beaches that have a public restroom facility or an ocean recreation management area as to their accessibility to persons with disabilities with recommendations for improved access, considering the topography and physical characteristics of the beach no later than June 30, 2016. This task is more reasonable to complete by June 30, 2016, than providing access to all state and county beaches by July 1, 2016.

DCAB is willing to assist with this effort through the examination of appropriate beach access design guidelines.

Thank you for the opportunity to testify.

Respectfully submitted,



BARBARA FISCHLOWITZ-LEONG  
Chairperson  
Legislative Committee



FRANCINE WAI  
Executive Director

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**Subject:** Submitted testimony for HCR141 on Apr 20, 2015 14:55PM  
**Date:** Friday, April 17, 2015 3:25:39 PM  
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**HCR141**

Submitted on: 4/17/2015

Testimony for WTL on Apr 20, 2015 14:55PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ronald Williams	Hawaii Tourism Authority	Support	No

Comments:

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Hawai'i Convention Center  
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**kelepa'i** fax 808 973 2253  
**kahua pa'a** web [hawaii tourism authority.org](http://hawaii tourism authority.org)

**David Y. Ige**  
*Governor*

**Ronald Williams**  
*Chief Executive Officer*

Testimony of  
**Ronald Williams**  
President and Chief Executive Officer  
Hawai'i Tourism Authority  
on  
**H.C.R. No. 141, H.D.1**  
**Requesting the Department of Land and Natural Resources and the  
Counties to Provide Beach Access for Persons with Disabilities  
in Hawaii.**

Senate Committee on Water and Land  
Monday, April 20, 2015  
2:55 p.m.  
Conference Room 224

The Hawaii Tourism Authority (HTA) supports H.C.R. 141, H.D.1, which requests the Department of Land and Natural Resources and the counties to provide beach access for persons with disabilities in Hawaii.

A goal of the HTA's strategic plan is the provision of a diverse and quality tourism product that is unique to Hawaii. This includes the various elements that contribute to the overall experience of our visitors, including access, accommodations, and public infrastructure.

H.C.R. 141, requests the Department of Land and Natural Resources and the counties to maintain transit corridors to provide beach access for persons with disabilities at beaches that have a public restroom facility or are in an ocean management area. HTA is committed to working with DLNR for the operation and maintenance of public lands in connection with enhancing the visitor experience.

We defer to the Department and the counties for the expertise in identifying the beaches with the appropriate topography and characteristics that will facilitate the development of the beach transit corridor in compliance with the requirements of the Americans with Disabilities Act.

For these reasons we support H.C.R. 141.

Mahalo for the opportunity to offer these comments.

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**Subject:** Submitted testimony for HCR141 on Apr 20, 2015 14:55PM  
**Date:** Sunday, April 19, 2015 11:06:56 PM  
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## **HCR141**

Submitted on: 4/19/2015

Testimony for WTL on Apr 20, 2015 14:55PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ron Han	DOD-OVS	Support	No

### Comments:

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STATE OF HAWAII  
OFFICE OF VETERANS SERVICES  
TESTIMONY ON HCR 141, HD 1, REQUESTING THE DEPARTMENT OF  
LAND AND NATURAL RESOURCES AND THE COUNTIES TO PROVIDE  
REASONABLE ACCOMODATIONS FOR DISABLED PERSONS TO ACCESS  
BEACHES

COMMITTEE ON WATER & LAND

AND

COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

April 20, 2015

Chair Thielen, Vice-Chair Galuteria and Members of the Committee,

I'm Ron Han, Director of the State Office of Veterans Services (OVS) and I appreciate this opportunity to testify in support of HCR 141, HD 1 that urges the Department of Land and Natural Resources and the Counties to provide reasonable accommodations for disabled persons to access beaches.

Access to the shoreline for persons with a disability at any beach that has a public restroom facility and is within an ocean recreation management area will aid immeasurably for those in our community with special needs and our physically challenged visitors who come to vacation in Hawaii from around the world. For our disabled Veterans, being able to safely access the shoreline may also be therapeutic and provide a venue that can be shared with family, friends, and colleagues to help heal the physical, psychological, and emotional wounds of combat and the rigors of military service.

The OVS supports the intent expressed in this resolution as long as its implementation does not impact or replace the priorities set forth in the Executive Budget.

Thank you for this opportunity to speak on behalf of Hawaii's Veteran community.

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**Subject:** Submitted testimony for HCR141 on Apr 20, 2015 14:55PM  
**Date:** Friday, April 17, 2015 11:35:27 AM  
**Attachments:** [HCR0141 HD1\\_HTH\\_04-20-15\\_WTL.doc](#)

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**HCR141**

Submitted on: 4/17/2015

Testimony for WTL on Apr 20, 2015 14:55PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Daintry Bartoldus	State Council on Developmental Disabilities	Support	No

**Comments:**

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**STATE OF HAWAII**  
STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES  
919 ALA MOANA BOULEVARD, ROOM 113  
HONOLULU, HAWAII 96814  
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543  
April 20, 2015

The Honorable Laura H. Thielen, Chair  
Senate Committee on Water and Land  
Twenty-Eighth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

Dear Senator Thielen and Members of the Committee:

**SUBJECT: HCR 141 HD1- REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE COUNTIES TO PROVIDE BEACH ACCESS FOR PERSONS WITH DISABILITIES IN HAWAII**

The State Council on Developmental Disabilities (DD) **SUPPORTS THE INTENT OF HCR 141 HD1**. The resolution request that the Department of Land and Natural Resources and the Counties that maintain beach transit corridors be requested to provide beach access to the shoreline for persons with disabilities at beaches that have a public restroom facility or are in an ocean management area.

The Council appreciates the changes reflected within HCR 141 HD1 to include people-first language as suggested by the Council and Disability and Communications Access Board (DCAB) to the Joint House Committee on Water and Land and House Committee on Ocean, Marine Resources, and Hawaiian Affairs.

The intent of HCR 141 HD1 seems to address accessibility in public accommodations. DCAB is responsible for providing technical assistance regarding the Americans with Disabilities Act (ADA) to State and County Government agencies, as well as private businesses. As such, the Council respectively defers to DCAB for any proposed amendments they may have that would strengthen the resolution regarding accommodations for persons with disabilities to access beaches, as well as being consistent with ADA.

Thank you for the opportunity to submit testimony **supporting the intent of HCR 141 HD1**.

Sincerely,

Waynette K.Y. Cabral, M.S.W.  
Executive Administrator

Rosie Rowe  
Chair



## **HAWAII DISABILITY RIGHTS CENTER**

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### **THE SENATE THE TWENTY-EIGHTH LEGISLATURE REGULAR SESSION OF 2015**

#### **Committee on Water and Land Testimony on HCR 141 HD1**

**Monday, April 20, 2015, 2:55 P.M.  
Conference Room 224**

Chair Thielen and Members of the Committee:

We believe this is an important issue. Hawaii has lagged behind many other places when it comes to beach access for individuals with disabilities. We believe the law suggests that these individuals are entitled to the use and enjoyment of these resources and we would like to see the State and the counties make progress on this issue.

Thank you for the opportunity to testify on this measure.



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**Subject:** Submitted testimony for HCR141 on Apr 20, 2015 14:55PM  
**Date:** Friday, April 17, 2015 6:37:07 PM  
**Attachments:** [HCR 141 HD1 HCRC test Senate WTL 4-20-15.pdf](#)

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**HCR141**

Submitted on: 4/17/2015

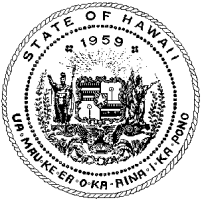
Testimony for WTL on Apr 20, 2015 14:55PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
William Hoshijo	Hawai`i Civil Rights Commission	Support	No

Comments: Please contact me if there is any problem with the submission of this testimony.

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# HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

April 20, 2015  
Rm. 224, 2:55 p.m.

To: The Honorable Laura H. Thielen, Chair  
and Members of the Senate Committee on Water and Land

From: Linda Hamilton Krieger, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.C.R. No. 141, H.D.1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

H.C.R. No. 141, H.D.1, requests the Department of Land of Natural Resources and the Counties to provide beach access for disabled persons to the shoreline at beaches that have public restroom facilities or are in an ocean management area.

The HCRC supports H.C.R. No. 141, H.D.1. We note that our state public accommodations law, HRS chapter 489, does not require the reconstruction of any facility or part thereof to comply with its prohibition against discriminatory practices in public accommodations. However, HRS § 368-1.5 prohibits the exclusion from participation in, denial of the benefits of, or subjection to discrimination by state agencies or any program or activity receiving state financial assistance of any otherwise qualified individual because of his or her disability. Accordingly, state agencies and county programs or activities that receive state funds should not exclude persons with disabilities from participation in, denial of benefits of, or discrimination by programs and activities because of their disabilities. This prohibition against discrimination covers state and state-funded beach programs and activities.

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**Subject:** \*Submitted testimony for HCR141 on Apr 20, 2015 14:55PM\*  
**Date:** Thursday, April 16, 2015 12:19:37 PM

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**HCR141**

Submitted on: 4/16/2015

Testimony for WTL on Apr 20, 2015 14:55PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	UH Biology Alumni Association	Support	No

Comments:

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**From:** [Beverly Galarza](#)  
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**Subject:** HCR141 - Testimony attached for Monday, April 20, 2015, 2:55 p.m. hearing before Senate Water & Land Committee  
**Date:** Friday, April 17, 2015 9:46:35 PM  
**Attachments:** [TestimonyHCR141.HR84.txt](#)

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To the Clerk of the Water and Land Committee

Re: HCR141 - Requesting DLNR and Counties to provide beach access for persons with disabilities

I am attaching my testimony for Monday's hearing scheduled before the Senate Water & Land Committee, set for 2:55 p.m. in Conference Room 224.

We will also email two sets of photographs which we would ask be included with our testimony to the Committee and its members.  
One set of photos is that of two families trying to navigate stairs at Kapalua Bay and the other set is photos of Kapalua Bay

Thank you in advance for forwarding our testimony and photos to the Senate Committee on Water and Land for the April 20, 2015 hearing on this Concurrent Resolution.

Respectfully,  
Beverly J. Galarza

Beverly J. Galarza

April 20, 2015

The Honorable Laura H. Thielen, Chair  
Senate Committee on Water & Land  
and  
The Honorable Brickwood Galuteria, Vice Chair  
Senate Committee on Water & Land  
Twenty-Eighth Legislature  
State Capitol  
State of Hawai'i  
Honolulu, Hawai'i 96813

Dear Senator Thielen, Senator Galuteria, and Members of the Committee

Re: HCR 141 - Requesting the Department of Land and Natural Resources and the Counties to provide beach access for persons with disabilities

My name is Beverly Galarza. I am in STRONG SUPPORT of HCR141. We respectfully ask this Committee and its Members to support the passage of HCR141. The House gave full support of HCR141/HR84, by unanimous approval. We believe full support of HCR141 by this Committee is key to achieving the meaningful and equal access we have been seeking in behalf of all.

Thank you for the opportunity to submit testimony in support of HCR 141, in behalf of my son, Steven Galarza. I am Steven's mom and legal guardian.

I am also here for the individuals and families we've met over the course of nearly six years - since June of 2009, who strongly support equal access to our beach programs as well. I will tell you a little bit about a few people we've met along the way later in my testimony and will also provide you with photographs of a couple of families, as well as our neighborhood beach.

Our hope is that when you hear the example of just one single beach in Hawai'i that would benefit from the passage of HCR141, each member will concur that passing HCR141 will help facilitate accessibility to similar beaches, beach parks, and those beach parks where various types of outdoor fun and recreational opportunities occur on a daily basis.

In late 2008, I purchased property in Maui. Our neighborhood beach is Kapalua Bay. Years ago, it was called just Flemings. It was renamed Kapalua Bay, after the old Kapalua Bay Hotel was torn down and new development came in. When they tore down the hotel, they also took away the existing accessible route to the beach and chose not to replace nor create another accessible route.

The following is just a few of the program opportunities Kapalua Bay has to offer:

Kapalua Bay has been named number one beach in the world. Kapalua Bay has been rated in the top 10 Beaches in America. On a local television station which provides visitors and others information on activities to participate in while on Island of Maui, Kapalua Bay is promoted as a

beach for the "entire family". Ideal for little ones because of the known calm waters at Kapalua Bay.

Kapalua Bay has restroom facilities, showers, and a water fountain at its main entrance. A modest size public parking lot is provided for the shoreline, beach park, and coastal trail. A large map of the for public benefit coastal trail helps direct those accessing these program opportunities. Dogs are invited to come along, except for some areas which are protected because of nesting Seabirds.

Kapalua Bay is the second most permitted beach in Maui for beach weddings. With his permission, Mr. Steve Molmen, Supervising Land Agent, Land Division of Hawaii Department of Land and Natural Resources, said I could share with this Committee that DLNR's statistics show that just from the period from March 1, 2013, to February 28, 2015, a total of 1,560 access permits were issued for Kapalua Bay. The largest percentage over 95% are for beach weddings and the remaining percentage he said are typically marriage renewals. Mr. Molmen pointed out that some have suggested so many weddings are taking place at Kapalua, some feel it's getting a bit crowded at the beach.

The rules that accompany these permits provide for certain accommodations for individuals with physical disabilities who may need chairs on the state lands while they are using these paid for permits. There is a built-in assumption from the rules which suggest a person with physical disabilities can actually get to the public beach so the accommodation in the rules can occur.

There is a beach activity center on Kapalua Bay. The general public can rent chairs and umbrellas. Snorkel gear can be rented. Kayak tours taken, SUP lessons, and other recreational activities.

Maui whales come through this channel across Kapalua Bay in winter. Rainbows appear over Kapalua Bay in the mornings. People gather for sunsets at night. There are places of public accommodation along the paved portions of the for public benefit Kapalua Coastal Trail.

Kapalua Bay is one of the most beautiful beaches in West Maui and in our neighborhood. The problem? Not one single accessible route if you cannot navigate stairs or are a wheelchair user. Zero. If you cannot navigate stairs or are a wheelchair user you do not see the beach park. You do not see the sandy beach. You do not see nor feel the sand nor ocean waters. Many are stuck in the parking lot and are excluded. My son, Steven, is one of millions of Americans who cannot safely navigate stairs, even with my assistance now. Steven is now an adult male and has very, very poor balance. He was born with significant developmental disabilities, all neurologically related. It is physically impossible for me to haul him in his wheelchair up and down stairs, nor can I safely try and get him to navigate the stairs with his depth perception, uneven gait, and poor balance. Steven does love to look at the ocean waves and our Maui whales.

I was told by the U.S. Access Board in 2009, that if persons are recreating on the sandy beach, our public beach, Steven should be able to be sitting on that same sandy beach like anyone else. We all just need to work towards providing the access so he can equally participate like anyone else. Period.

I'm certain this Committee knows the statistics on tourism, but a study last year showed that the number one activity those who live and visit the State of Hawaii is: Go to the beach! Percentage was broken down by island. O'ahu 90%, Big Island 94%, Maui & Kaua'i both 97%. Both residents

and visitors who come and who may not be able to navigate stairs or other barriers want to go to the beach as well.

From a tourist and economic standpoint, Hawaii does the best job of any state in persuading people to come from all over the world for a visit.

When we invite someone to come, they should actually be able to get to where they are invited.

We've met people from all over the world trying to get past the staircases at Kapalua Bay. All want and had an expectation of equal access. From the neighbor who lives in Napili Hau who played at Flemings/Kapalua Bay as a child and is now a wheelchair user as an adult who can't take his daughter to his childhood beach because of human barriers, to a former naval officer who recently passed away from ALS whose goal was to get into the calm ocean waters at Kapalua Bay because he said he could feel the energy from the sea life and that it made him feel good. His name was Ford Mudgett from San Diego. He had family ties to Hawai'i. He also used to swim on a relay team and said they would swim 10 miles across from Lana'i to Ka'anapali. He wanted in the ocean - not a parking lot. And his goal was not to sit in a corner on a platform watching others. He could still swim, he just needed barriers removed so he could get there. Ford gave me permission to share his story with anyone we needed to in order to help gain access for all. I've kept his vision and goal of access into the calm waters at Kapalua Bay in my heart as we continue to advocate for equal access to beaches such as Kapalua Bay. We also met a young girl from Alaska. Approximately 10 years old. She comes every year with her family. She uses a walker to get to where she wants to go. I met her as the family was trying to come down the staircase at the public parking lot. Her name is Faith. Faith Walker. Faith gave us permission to share her picture and wanted to help advocate for equal access. Her dad carried her down the staircase for safety reasons. We also met an adorable couple from Utah. Tim Daynes is a rehabilitation counselor with the State of Utah. He's a wheelchair user and he felt very strongly that the lack of ADA access at Kapalua Bay, given the surroundings, was very purposeful. And, he is correct. All those we've met have given permission to share photos and stories, but will limit the photos and stories so as to not be duplicative. All seek equal access.

In 2003, the State of Hawai'i, through Hawai'i Tourism, contracted PBR Hawaii, a Honolulu Consulting firm, to do a study on certain beaches throughout the state. The evaluation was to include whether a beach was ADA accessible or not. PBR Hawai'i was to make recommendation based on its evaluation, which it did and which was of public record at HTA's website.

The vice-president from PBR Hawai'i who oversaw this project, advised me the reason for the study was two-fold. In 2003, the Transient Accommodation Tax was coming down the pike and in the regulations that come along with TAT, a certain percentage of the tax was to be set aside "specifically" for beach park improvements. The beach parks could be any beach park, it did not have to be specifically state, private, or county operated. And, within the criteria of using the money for beach park improvements, a priority was accessibility. ADA accessibility. Kapalua Bay and its beach park was among those PBR Hawai'i evaluated. In its evaluation of Kapalua Bay, one of several recommendations was that a ramp be built and that the state partner with the hotel to provide the recommended access and improvements. PBR Hawaii also noted in its study that Kapalua Bay is known for its calm waters and that it would be ideal (believe is the word they used) for those with physical disabilities or limitations.

The vice president from PBR Hawai'i said the study was also done so when a request is made for monies from this special fund for beach park improvements, the state would already have a guide

of those beaches which the state selected to be studied, evaluated, and recommendations made for ADA accessibility.

We have learned that by mutual agreement between DLNR and Hawai'i Tourism Authority, they may be the two agencies who determine allocation of these special funds.

In July of this year - 2015, our nation will be celebrating the 25th year Anniversary of the passage of the Americans with Disabilities Act.

As this Committee well knows, we have millions of Americans with disabilities. Some of these individuals have served our country and because of their service are now dependent on others to follow the spirit of our civil rights laws to ensure equal access to home, work, and play.

Recently, DLNR has implemented a rule where permits must be sought for certain business activities occurring on public beaches. The underlying reason given was some in the community were being kept from favorite surfing breaks. And, now we're hearing some are getting a bit concerned over certain beaches being crowded at beach weddings. DLNR has taken action in the first instance.

My hope is that this Committee and the State of Hawai'i will hear the raised voices saying we're being excluded and we want equal access to even get to these same beaches others can access without giving any thought to access whatsoever. I can't help but wonder what most residents and visitors would think if the State of Hawaii closed its beaches for even a month to everyone. No one goes unless all can go. It doesn't take much of an imagination how that might play out. What if you couldn't go to your neighborhood beach for over 6 years but hundreds of others went every moment of the day? And the only reason was a human made barrier and someone purposefully chose not to provide another way for you to have equal access as required by civil rights laws?

My hope is that with HCR141, this Committee will encourage and invite participation by those who have known expertise in the latest best practices, as well as new guidelines for beaches on federal lands which others may wish to use as a guide, and who embrace the spirit of our civil rights laws for equal access. DCAB as well as other experts are available, including the National Center on Accessibility at Indiana University, who have provided guidance to National Parks Service. We would respectfully ask this Committee should it determine a working group would be appropriate that persons HCR141 is intended to provide equal access to beaches be included. "Nothing about us without us".

We thank the Committee members again for providing us with an opportunity to advocate for equal access to our neighborhood and community beaches and ask that each of you agree to the passage of HCR141.









**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WTLTestimony](#)  
**Cc:** [izabanal@hawaii.edu](mailto:izabanal@hawaii.edu)  
**Subject:** Submitted testimony for HCR141 on Apr 20, 2015 14:55PM  
**Date:** Sunday, April 19, 2015 2:17:23 PM  
**Attachments:** [Zabanal Testimony - HCR 141 HD1.pdf](#)

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## **HCR141**

Submitted on: 4/19/2015

Testimony for WTL on Apr 20, 2015 14:55PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lorelei Zabanal	Individual	Support	Yes

### Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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To: The Honorable Laura Thielen, Chair  
and Senate Committee on Water and Land

RE: H.C.R. 141 HD1  
Monday, 20 April 2015  
Room 224, 2:55 PM

I would like to thank the committee for this opportunity to provide testimony on this important issue. I am testifying in **strong support** of this bill, H.C.R 141 HD1. My name is Lorelei Zabanal, and I am an Economics student at the University of Hawaii at Manoa.

The measures that this bill will put in place will be extremely beneficial to our community. One of the most common pastimes in the state of Hawaii is going to the beach: however, many of our peers cannot participate in these gatherings because they do not have the ability to make their way down to the sea. My uncle is an example of this: since he suffers from ALS, also known as amyotrophic lateral sclerosis, he cannot move any of his muscles. He cannot enjoy the simple act of being by the water and enjoying the views on the beach. This bill can help him: with boardwalks or other constructed venues of access, he and many other persons with disabilities will have the opportunity to finally visit the ocean.

This bill will also support the economic growth of Hawaii. Tourists from all over the world fuel our economy, and people with disabilities visit us as well. They should have the opportunity to see the Waikiki beaches that are renown all over the world, and to stroll along the coastline with their loved ones. In order to share the aloha spirit, we should ensure that these visitors have full access to public areas, including our beaches. With a happy and enjoyable experience, they are sure to return and encourage their loved ones to visit as well.

There are areas all over the nation that have provided beach access to people with disabilities, and it is time that Hawaii has followed their lead. I urge you to remember your friends and relatives with disabilities, and consider giving them the opportunity to enjoy Hawaii's natural beauty. Once again, I thank you for the opportunity to submit testimony **in full support of H.C.R. 141 HD1.**

Sincerely,

A handwritten signature in black ink that reads "Lorelei Zabanal". The signature is written in a cursive, flowing style.

Lorelei Zabanal