

STAND. COM. REP. NO. 139

Honolulu, Hawaii

FEB 11 2021

RE: S.B. No. 178  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 178 entitled:

"A BILL FOR AN ACT RELATING TO DRIVING ON BEACHES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish within the Department of Land and Natural Resources (Department) a two-year beach protection pilot program under which no vehicles are authorized to drive on any beaches in Polihale State Park or on any state beaches in Kekaha, Kauai, without a permit;
- (2) Fund maintenance of and improvements to Polihale State Park and state beaches in Kehaka, Kauai with the permit fees collected;
- (3) Require the Department to work with the County of Kauai to determine the feasibility of establishing a similar pilot program for the county beaches in Kekaha, Kauai; and
- (4) Require an annual report regarding the pilot program be submitted to the Legislature.



Your Committee received testimony in support of this measure from Hui Malama Polihale and ten individuals. Your Committee received testimony in opposition to this measure from Bonilla Enterprises, Inc.; Lawai Market; Little Fish Coffee; Kelley's Surf School; and three hundred fifty-five individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources, County of Kaua'i, and six individuals.

Your Committee finds that Polihale State Park is a remote, multi-mile stretch of beach with one unimproved dirt road for access. Your Committee notes that Polihale State Park contains sensitive cultural and natural resources, as well as a recent history of illicit and destructive uses, including that of reckless driving through the dunes and other areas of the park that contain Hawaiian burial sites or critically endangered plants. According to testimony received by your Committee, the Department took the unprecedented step of closing Polihale State Park for several months in 2020 due to public health and safety concerns following a marked increase in these damaging activities. Your Committee further finds that the Department has no jurisdiction over any beaches in Kekaha, Kauai.

Your Committee has amended this measure by:

- (1) Deleting all references to the beaches in Kekaha, Kauai and any relevant language;
- (2) Specifying that the fees collected shall be deposited into the state parks special fund to be used for maintenance of and improvements to Polihale State Park; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 178, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 178, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on  
behalf of the members of the  
Committee on Water and Land,

  
LORRAINE R. INOUE, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

2/3/21

Bill / Resolution No.:* <b>SB 178</b>	Committee Referral: <b>WTL, JDC</b>	Date: <b><del>1/29/21</del> 2/3/21</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
INOUE, Lorraine R. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
MISALUCHA, Bennette E.		X		
RIVIERE, Gil	X			
FEVELLA, Kurt		X		
<b>TOTAL</b>	<b>3</b>	<b>2</b>		
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original                              Yellow                              Pink                              Goldenrod File with Committee Report            Clerk's Office                              Drafting Agency                              Committee File Copy				

\*Only one measure per Record of Votes