

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

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**Testimony of  
WILLIAM J. AILA, JR.  
Chairperson**

**Before the House Committee on  
TRANSPORTATION**

**February 1, 2012  
9:00AM  
State Capitol, Conference Room 309**

**In consideration of  
HOUSE BILL 2702  
RELATING TO BEACHES**

House Bill 2702 proposes to amend Chapter 200, Hawaii Revised Statutes (HRS), for the purpose of prohibiting the operation of motorized vehicles on beaches. While acknowledging the intent, the Department of Land and Natural Resources (Department) nonetheless does not support this measure for the following reason.

The term "beach" as used in the bill is undefined and ambiguous. If the bill intends to prohibit vehicles from traveling seaward of the shoreline, then the land seaward of the shoreline may already be under the Department's jurisdiction<sup>1</sup> and if classified as unencumbered land<sup>2</sup>, then the operation of motor vehicles is already prohibited by Section 13-221-26, Hawaii Administrative Rules. Furthermore, Chapter 200, HRS, already defines those lands as "ocean waters". If the bill intends to prohibit vehicles from traveling on land mauka of the shoreline, then the land may well be under the jurisdiction of another government agency or privately owned.

<sup>1</sup> Land seaward of the shoreline is held by the State in trust for the use and enjoyment of the general public. County of Hawaii v. Sotomura, 517 P.2d 57 (1973).

<sup>2</sup> Not otherwise set aside to another government agency such as for a County Park or for the Boating and Ocean Recreation program/Division.

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI  
FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
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