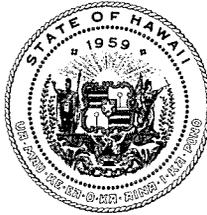


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GOVERNOR OF HAWAII



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

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WILLIAM M. TAM
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

**Before the City Council of the
City and County of Honolulu**

**Wednesday, April 17, 2013
Kapolei Hale**

**In consideration of
Bill 8 (2013), CD1
RELATING TO PUBLIC PARKS**

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Bill 8 (2013), CD1, proposes to allow persons to legally enter and traverse through a public park during closed hours by the most direct route for the purpose of reaching the shoreline. **While the State Department of Land and Natural Resources (Department) appreciates the overall concept of this bill, the Department is nonetheless concerned about the unintended consequences that may occur as a result of the broad language that is currently included in the Bill.**

The Department manages the State's unencumbered lands that generally include shoreline areas such as beaches and submerged lands. The language in the Bill as currently written would allow anyone to enter and traverse a closed city park to reach a shoreline that may be managed by the Department. The Department believes that the Bill would provide a means for individuals to easily access and occupy unencumbered state lands, which may promote illegal activities such as camping without a permit as well as other prohibited activities that are contrary to the Hawaii Administrative Rules.

The Department would also point out the following unintended consequences of passing this measure:

- The bill would allow fishermen to transit the closed park to cast their fishing poles but not allow fishermen to place their fishing poles in the park. Most fishermen will not leave their fishing poles in the unencumbered state lands which exist in the wash of the waves because they do not want their poles to be washed into the sea, as they sit outside of the park waiting for a fish to take their bait.
- In addition if a person is stopped by a police officer in a closed park, said person could simply state that "I am transiting the park...to get to the beach" and after the officer leaves, said person return to the closed park.

Recommendation on a simple solution is for the City and County to offer fishing permits to fishermen so that they can remain in the park during “closed” hours.

The Department stands ready to assist the Council in crafting legislation that would allow public access of the shoreline, but also addresses the Department’s concerns. The Department appreciates the Council’s consideration of our concerns.