Public Shoreline Access Policies and Programs in Hawaiʻi

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In Hawai‘i, visiting the shoreline to enjoy coastal resources is as natural as the flow of stream water to the ocean. Whether it’s for a family event, a surf, paddle or dive, to put food on the table or to just sit and appreciate the natural beauty, local residents and people from all over the world are drawn towards Hawai‘i’s shorelines. Residents of this island state have had a natural, cultural and spiritual connection to the ocean and coastal areas, which has been present for generations (Mueller, 166).

The Ahupua‘a land division system of ancient Hawai‘i allowed residents of that particular area unrestricted access to the shoreline to harvest natural resources for subsistence purpose (Mueller, 165). Ahupua‘a residents didn’t own the land, but rather considered themselves to be caretakers of it (Mueller, 167). However, by the mid 19th century this land tenure system transformed into our current modern westernized land tenure system, under which private ownership of land was possible (Watumall, 216). The ability to purchase land along with Hawai‘i’s natural scenic beauty accelerated the modern development of the islands, placing an extremely high demand on coastal property. Today, constant rapid coastal development heavily influences the accessibility of Hawai‘i’s shorelines (ORMP, 30).

A 1973 University of Hawai‘i Sea Grant report on public access to the O‘ahu shoreline states that of 107 access locations, 33% are privately owned. Occasionally, private land owners, in fear of theft and vandalism, obstruct these access points, resulting in public conflict about access (Herrick and Rooney, 11). This issue is still present today and a lack of publicly available
information about public and private access locations and roads further complicates this issue (Figel, Dec. 24th).

Fortunately in Hawai‘i the beaches and shorelines extending to the upper reaches of the waves are high tide are public property (HRS 205 A-1)). Additionally, court cases and public policy have historically favored extension of public use and ownership of the shoreline (Feder Lee, 161 and Lam, 67). However, Lam argues, “Hawai‘i’s emphasis on the importance of public ownership and use of beaches has meaning only if there is a corresponding public access to the beach and an availability of public access paths” (Lam, 68). Therefore, access to these public areas is just as critical as the law which establishes them. Furthermore, as the state’s population increases, these amenity accesses will become more critical (Lam, 65).

The purpose of this paper is to identify and analyze existing federal, state and county policies programs, organizations, funding mechanisms and information influencing public beach and shoreline access in Hawai‘i. Additionally, this paper also aims to increase the level of understanding of public shoreline access issues of the general public in Hawai‘i.

Federal Policies and Programs influencing Public Access

Presently, public access\(^1\) in Hawai‘i is influenced by federal, state and county government policies and programs. The federal Coastal Zone Management Act (CZMA) of 1972 recognizes the increasing pressures of coastal areas and resources are due to population growth and economic development. Additionally, CZMA recognizes the environmental and scenic

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\(^1\) Herein “public access” will refer to public beach and shoreline access.
The significance of coastal areas and provides opportunities for states to receive financial and technical support from NOAA’s Office of Ocean and Coastal Resource Management to develop programs, which encourage the “wise use” and development of coastal resources (CZMA, 1-4). Section 303 of the CZMA, declares that it is national policy to encourage the enhancement of access to the coast for recreational enjoyment (CZMA, 3). Section 309 provides grant opportunities to states for coastal zone enhancement, including increasing current and future opportunities of public access to the coast for recreational, historical, aesthetic, ecological, or cultural purposes (CZMA, 27). Furthermore, Section 312 requires continuous reviews and evaluations by NOAA’s Office of Ocean and Coastal Resource Management (OCRM), which require public participation of state coastal zone management (CZM) programs.

In Hawai‘i’s 2009 section 312 review, comments from the public centered on three main issues: 1) encouragement of coastal vegetation, such as naupaka, to extend their property line seawards, obstructing lateral shoreline access; 2) erection of gates on vertical access points on private roads and 3) lack of funding to acquire additional access in the state (Final Evaluation Findings 2010, 13-14). As a result, OCRM, who conducted the review, made the following suggestions to the state CZM Program: 1) take steps to address the removal of encroaching vegetation; 2) monitor issues related to gating of access ways and find new ways to encourage vertical access; 3) add a public shoreline access section to the state CZM website list funding sources for access acquisition, links to access guides, list of county contacts for issues related to public shoreline access and 4) develop a state-wide public shoreline access guide (Final Evaluation Findings 2010, 14-15). While no necessary actions were required following the review, a House Bill was
introduced this legislative season, which aims to stop legal planting of coastal vegetation to extend private property lines and obstruct lateral access along the shoreline (Aguiar, 1).

**State Policies and Programs influencing Public Access**

Hawai‘i’s state government has numerous policies and programs related to public beach access that fall under the responsibility of several agencies. Hawai‘i Revised Statute (HRS) 205A establishes the state Coastal Zone Management Program, which is based in the state Office of Planning’s Department of Business Economic Development and Tourism. This statute requires the state to “provide and manage adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value” (HRS 205 A-2(1) (B) (iii)). This statute is also the main reference for the state’s definition of the shoreline, which is defined as being, “the upper reaches of the wash of the waves, other than storm and seismic waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or the upper limit of debris left by the wash of the waves” (HRS 205A-1).

Section 205A-3 (11) requires the state Office of Planning to implement ocean resource management plans (ORMP). The current ORMP also recognizes the threat to vertical and lateral public shoreline access is manifested through coastal development and shoreline hardening activities, which can erode beaches (ORMP, 30.) The ORMP calls for the enhancement and restoration of existing public shoreline access areas, as well as the establishment of new public
shoreline access areas (ORMP, 46). Likewise, the plan calls for the Department of Land and Natural Resources (DLNR) and Counties to develop agreements “to acquire, preserve, and restore priority areas” for public use (ORMP, 37). Also, the ORMP proposes to evaluate changes in access by counting the number of new access sites and enhanced public shoreline access sites (ORMP, 46).

The state shoreline setback policy, which influences the public’s ability to access and laterally traverse across the coastal land, also resides within HRS 205-A. Section 205A-41 defines the shoreline setback line as, “a line established in this part or by the county running inland from the shoreline at a horizontal plane.” Section 205A-43 establishes the line to be “of not less than twenty feet and not more than forty feet inland from the shoreline.” Generally, this requires any coastal development to be set back from the shoreline by twenty to forty feet. This set back minimizes any structural interference with the natural flow of sand, conserving beaches and also provides the public with lateral access of the coastal line.

Special Management Areas (SMA) may also influence public shoreline access and are shaped by HRS 205 –A. Although HRS 205-A establishes a state policy for SMA’s and SMA permits, each of the four counties independently implement this policy. SMA's are areas which require a SMA permit in order to conduct any development activities (HRS 205A-22). Depending on the county, these areas may range from 100 yards to several miles inland from the coastal line (CZM SMA website). Section 205A-26(1)(A) requires all development conducted within SMA’s to ensure, “adequate access, by dedication or other means, to publicly owned or used beaches, recreation
areas, and natural reserves is provided to the extent consistent with sound conservation principles.”

HRS 171 addresses the state management and disposition of public lands, as well as public shoreline access. Section 171-26 requires the board of land and natural resources to establish a reasonable number of rights-of-way from highways to the public beaches prior to the disposition of any public lands (HRS 171-26). Additionally, section 171-11 gives power to the governor to set aside lands for public use, which may also influence public access to the shoreline.

HRS 115 is the state’s primary law addressing public beach access. The findings and purpose of HRS 115; “Public Access to Coastal and Inland Recreation Area,” recognizes public frustration with the inaccessibility to recreation areas and the increasing hostility towards private land owners because of the lack of coastal and inland right-of-ways and attempts to take steps to guarantee the public’s right to access these areas (HRS 115). HRS 115-2 states that the counties shall purchase land for public rights-of-ways to the shoreline. HRS 115-3 vaguely sets the criteria for public rights-of-way as a “distance at reasonable intervals taking into consideration the topography and physical characteristics of the land the public is desirous of reaching is established as the maximum between public rights-of-way.” The public’s right to transit the along the shoreline, also known as lateral or parallel shoreline access is under HRS 115-4. Additionally, HRS 115-5 establishes the boundaries of the transit corridor to be the just below the private property line, where the upper reaches of the waves are evidenced by a marine debris or vegetation line. This section also gives counties the responsibility to condemn property to establish corridors, which are at least six feet wide, where topography doesn’t permit a natural
corridor (HRS 115-5). Section seven of HRS 115 mandates the Department of Land and Natural Resources (DLNR) and county agencies to collaborate and match funds for acquiring access and states that the counties are responsible for the development and maintenance of the rights-of-way and public transit corridors. The penalty for obstructing access to public property with physical impediment including, but limited to: gates, fences, walls, constructed barriers, rubbish, security or guard dogs is a misdemeanor and $1000 for a second conviction and $2000 for any subsequent convictions (HRS 115-9).

HRS 198 D establishes the Hawaii Statewide Trail and Access System, known as The Na Ala Hele (NAH) Program, which is managed by DLNR’s Division of Forestry and Wildlife. Under this chapter an “access” is defined as an “easement or way which is used by the general public or intended for use by the general public primarily to reach or depart a public beach, shore, park, trail, or other public recreational area” (HRS 198 D-1). Section two of this chapter provides DLNR the ability to use funds from a portion of the highway fuel taxes, federal grants, private contribution, commercial user fees, and transient accommodations tax revenues to manage, develop and maintain trails and access for the NAH Program. Section three of 198 D requires NAH to establish, maintain, and amend, as required, an inventory of all trails (public and private) and accesses in the state. These inventories are inclusive of the following: “(1) maps and lists of all trails and accesses; (2) name and length of each trail or access; (3) the person or agency having management responsibility for each trail or access; (4) the predominant transportation mode for each trail or access; (5) the development standard, condition, and grade of each trail and access; (6) the description of amenities or other features on or in close proximity to each trail or access; (7) the status of availability to the general public of each trail or access; and (8)
other information for each trail or access deemed necessary or desirable by the department.” NAH is also required to periodically publish and update these document so they are available to the general public (HRS 198 D-3). Additionally, 198 D-5 requires DLNR NAH to include with the inventories, identification of proposed, potential, and needed trails and accesses, including “public beach, shore, park, trail, and other recreational areas to which access is unavailable or inadequate” (HRS 198D-5(4)). Legal research on theories for dedicating or retaining access and trails for public use and liability associated public and private parities is required under section seven of this chapter (HRS 198 D-7). Section 7.6 limits the State’s liability for any injury to anyone that resulted from their use of state land under section 198 D-6, unless injuries were due to gross negligence of the state (HRS 198 D-7.6) Section nine states that DLNR shall be the central information and coordinating state agency related to the trail and access program. This section also permits DLNR NAH to create advisory councils to assist with the implementation of the program (HRS 198 D-9).

While DLNR and the NAH Program has a fairly strong mandate under HRS 198D to manage shoreline access, according to the information on the NAH website and a past Program manager, Curt Contrell, the program’s actual involvement seems fairly limited. Virtually no information about shoreline access is contained within the NAH website. The information section on the website provides information about the program’s history, purpose, legal authority, administrative directives, primary management activities, trail safety information and commercial hiking tour companies, but never mentions the word “shoreline” (NAH website). Although the website suggests NAH primary duties revolve around hiking trail access, maintenance and management, the program is involved in shoreline access issues, however, on a
very limited basis. In 1990, the NAH Program conducted an inventory of shoreline access points on O’ahu. The study includes tax map keys and photographs of publicly and privately owned open beach and shoreline right-of-ways and parks as of September 1990, which complies with only one of the eight inventory requirements of 198 D-3 (NAH, 1990). Curt Contrell, who was the NAH Program manager, provided a paper copy of the O’ahu inventory, which was located in the NAH office. Ideally, this information could be more publicly available on-line at the NAH or other website. Unfortunately, similar inventories for other islands have not been conducted by NAH since the program was established in 1988.

In addition to the O’ahu inventory, the past three NAH reports to legislature indicate that NAH has had additional, while limited, involvement with shoreline access. The 2008 report states the program conducted grading, brushing, water diversion related to the Hulopoe-Huawai Fisherman Trail on Lana‘i (NAH-2008, 13). In the 2009 report the work on the Hulopoe-Huawai Fisherman Trail on Lana‘i was repeated (NAH-2008, 13). In 2010, the only shoreline related work NAH Program reported was the discussion of the potential inclusion of a 175-mile shoreline Ala Kahakai National Historic Trail, under the Examples of Pertinent Ancient and Historic Trail Projects Pending section (NAH 2010, 12). Although, NAH Program has a strong legal responsibility to manage shoreline access and related information, their involvement seems very limited and the majority of the 13 permanent NAH staff positions and the program’s 1.6 million dollar budget have been dedicated to inland and historical trail related activities. Additionally, information available from older reports to the Legislature indicates that the interest of many of the members of the Advisory Councils seems to focus on inland and historical trails and off-road vehicle usage (NAH 2006, 15, NAH 2005, 9 and NAH 2004, 9). The specific agendas and
minutes of the meetings are on file at DOFAW Branch offices and were not reviewed for this paper.

Another state statute related to public shoreline access is 46-6.5. This statute is arguably the state’s most substantial statute related to public shoreline access and places a significant responsibility on counties to provide public shoreline access. HRS 46-6.5 requires all counties to adapt ordinances requiring developers to provide access to the shoreline as a prerequisite for the final approval of a subdivision (HRS 46-6.5).

**County Policies and Programs influencing Public Access**

In addition to the state level statutes, all counties have ordinances related to public shoreline access and have the primary authority and duty to develop and maintain public access to and along the shorelines (HRS Secs. 46-6.5, 115-5 & 115-7). Most county ordinances recognize increasing coastal development is impacting public access to the shoreline and as a result, all counties have ordinances requiring developers to ensure public access as part of the permitting process for the subdivision of land. However, the requirements of frequency and width of access points varies by county.

Kaua‘i County’s Planning Commission requires an access width standard of a minimum of 10 feet. Depending upon the district (residential, commercial, resort etc...), access intervals are required to be not less than 300 feet and not greater than 1500 feet (Kauai County Code 1987, Ch. 9 article s section 9-2.9). In Hawai‘i County, the Department of Planning has also set the
minimum width at 10 ft and the desired shoreline access spacing ranges from 800-2500 ft and is also dependent upon the district (Hawai‘i County: 34, 34-2-34-4). The City and County of Honolulu’s Director of Land Utilization, in consultation with the Department of Parks and Recreation and other affected agencies, determine the location and alignment of the public access. The access width standard is 12 ft (Revised Ordinance of Honolulu Ch. 22 Sec. 22-6.4 (b)). The interval guideline is to have a shoreline access location every half mile in rural areas and every quarter mile in urban areas (Lam, 69). Maui County’s subdivision ordinance requires access at intervals of not greater than 1500 ft and at a minimum width of 15 ft (OceanIt, 6).

The Ko‘Olina Resort Development, on the island of O‘ahu, offers a good example of the implementation of the Revised Ordinance of Honolulu Ch. 22 Sec. 22-6.4 (b). The Ko‘Olina Resort Development currently occupies approximately 1.2 miles of coastline on O‘ahu’s south west coast. In the absence of public access requirements of the City and County of Honolulu’s subdivision ordinance, this shoreline may be currently inaccessible. However, as a result of the implementation of HRS 46-6.5 and Revised Ordinance of Honolulu Ch. 22 Sec. 22-6.4 (b), there are six separate access location, including a 9.18 acre beach park, showers, bathrooms, which are in excellent condition and approximately 180 public parking stalls (NOAA Fisheries unpublished data and C&C Beach Park Database). There are however, some restrictions on access. Parking lots are open from sunrise to sunset and because parking is limited, once lots are full, resort security can turn cars away (NOAA Fisheries unpublished data).

Financing Mechanisms for Public Access at the County Level
With Hawai‘i’s projected population approaching 1.3 million, compounded with approximately 6.5 million visitors annually, it is likely that coastal development as well as the demand for coastal access will both increase (DBEDT). Due to this increasing competition for coastal space it is critical for counties to have the ability to acquire additional access and coastal space where necessary. Fortunately, each County has a special fund and associated commission which has the ability to acquire coastal land for public access.

**Hawai‘i County**

Hawai‘i County has a Public Access, Open Space, and Natural Resources Preservation Fund, which was established by article 42 section 2-217 of the Hawai‘i County Code, 1983, 2005 Edition. The fund is administered and managed by the County Finance Department. The fund is comprised of monies from: (1) proceeds from the sale of any general obligation bonds, (2) council appropriations; (3) any source of revenue dedicated by the Hawai‘i County Charter or the Hawai‘i County Code; (4) grants and private contributions; and (5) two percent of Hawai‘i County real property tax revenues. The monies in this fund can be used for acquiring lands or property entitlements in the County of Hawai‘i the following purposes:

1. Public outdoor recreation and education, including access to beaches and mountains;
2. Preservation of historic or culturally important land areas and sites;
3. Protection of natural resources, including buffer zones;
4. Preservation of forests, beaches, coastal areas, natural beauty and agricultural lands; and
5. Protection of watershed lands to preserve water quality and water supply.

(Hawaii County Code Article 42 Section 2-214)
Accompanying Hawai‘i County ‘s Public Access, Open Space, and Natural Resources Preservation Fund is an associated commission. This Commission is comprised of nine members, one from each county council district, who are selected by the mayor and confirmed by the council. The members serve staggered terms of five years (Hawai‘i County Code Article 42 Section 2-215). Section 2-217 describes the duties and responsibilities of the commission as being:

“(1) To develop and submit to the mayor, an initial island-wide prioritized list of qualifying lands worthy of preservation within six months of being confirmed to the commission by the council. Priorities shall be listed on an island-wide rather than district basis. The list shall include the significance of each parcel or entitlement identified, the reason for its priority, and its anticipated use after acquisition;

(2) To update this list at any time, but at least annually by December 31 of each year;

(3) To explore methods of funding land acquisition and make recommendations to the mayor;

(4) The commission shall give emphasis to land acquisitions where the County’s contribution can be leveraged to obtain State, Federal, and/or private funds”.

The reports to the mayor, as well as the commission’s agendas, meeting minutes and financial data are available on-line at the commission’s website-

http://www.co.hawaii.hi.us/finance/ponc.htm.

Kaua‘i County
Kaua‘i County also has a Public Access, Open Space, and Natural Resources Preservation Commission and Fund. The fund was established in 2002 by a county charter amendment and receives a minimum of one half of one percent of the County’s certified real property taxes. Additionally, the charter amendment stated that the fund will be used to acquire land and property for the following purposes: (1) public outdoor recreation and education, including access to beaches and mountains; (2) preservation of historic or culturally important land areas and sites; (3) protection of significant habitats or ecosystems, including buffer zones; (4) preserving forests, beaches, coastal areas, and agricultural lands; (5) protecting watershed lands to preserve water quality and water supply; (6) conserving land in order to reduce erosion, floods, landslides, and runoff; (7) improving disabled and public access to, and enjoyment of, public land and open space; and (8) acquiring disabled and public access to public land and open space (Kauai County Open Space Fund and Commission website).

The following year, in 2003, the County Council passed Ordinance 812, under the new article 14 added to Title III, Chapter 6 of Kaua‘i County Code 1987, establishing the Public Access, Open Space, and Natural Resources Preservation Commission. The Commission has two major roles. First, they are tasked with developing an annual list of recommended priority lands and properties to be acquired using funds under the purpose of the ordinance. Secondly, the Commission is required to develop and use a community participatory process to receive input for prioritizing project. The Commission is comprised of nine members, who are appointed by the mayor, the Council or other members and represent various development plan areas on the island. Terms of appointment vary from one to three years (Kauai Open Space Commission 2005 Report, Appendix A-1).
Maui County

Maui County has an Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund. This fund was established under chapter 3.88 of the Maui County Code and is intended to be used to acquire land or property for land conservation for the following purposes: “(1) Public outdoor recreation and education; (2) Preservation of historic or culturally important land areas; (3) Protection of significant habitat or ecosystems, including buffer zones; (4) Preserving forests, beaches, coastal areas and agricultural lands; (5) Protecting watershed lands to preserve water quality; (6) Conserving land for the purpose of reducing erosion, floods, landslides, and runoff; and (7) Improving disabled and public access to, and enjoyment of, public land, open space, and recreational facilities” (Maui County code Ch. 3.88.020). The monies for this fund are appropriated from a minimum one percent of the certified real property tax revenues. The county council can appropriate monies from this fund for the acquisition of property, including, but not limited to conservation easements. Additionally, funds may be awarded to any 501(c) non-profit land conservation organization for the purpose of acquiring land or property for land conservation.

Unlike other counties Maui County does not have a commission, which makes prioritization decisions regarding the use of this fund. This fund is administered by the Mayor and the County Council. Once land is acquired by a non-profit organization, Chapter 3.88.070 B-1 requires the organization to convey the property to the County of Maui or another qualified land conservation organization or agency approved by the Maui county council.
Additionally, although not currently in existence, in 1992 and in 1994, when Governor Linda Lingle was the Mayor of Maui County, she appointed an eight member “Beach Access Advisory Committee. This committee advised the county on how to best use allocated appropriations for improving shoreline access in the county.

**City and County of Honolulu**

In 2007, the City and County of Honolulu established Clean Water and Natural Lands Commission and Fund. Similar to other counties, the purpose of the fund is to provide money for the purchase or acquisition of real estate or any interest of land conservation for the following purposes: (1) Protection of watershed lands to preserve water quality and water supply; (2) Preservation of forests, beaches, coastal areas and agricultural lands; (3) Public outdoor recreation and education, including access to beaches and mountains; (4) Preservation of historic or culturally important land areas and sites; (5) Protection of significant habitats or ecosystems, including buffer zones; (6) Conservation of land in order to reduce erosion, floods, landslides, and runoff; and (7) Acquisition of public access to public land and open space. The money for this fund comes from the deposit of “an amount equal to one-half of the appropriation by the city council of a minimum of one percent of the estimated real property tax revenues, plus any interest earned on deposits in this fund (Revised Ordinances of Honolulu, Ch. 6 section 6). This fund is administered by the Director of Budget and Fiscal Services.
The Clean Water and Natural Lands Commission advises and assists the City Council to set
priorities and policies for fund expenditures and also is responsible for approval of expenditures
of the Clean Water and Natural Lands. The commission is comprised of nine members, who
must be a city registered voters, selected by the Council chair and is required to have the
following representation: (1) one member must have an environmental related academic degree;
(2) one member must be from an environmental or land conservation organization; (3) one
member must possess a membership to a state agricultural organization; (4) one member must be
knowledgeable about preserving freshwater quality and supply; (5) one member must be
knowledgeable about public outdoor recreation and education; (6) one member must be
knowledgeable about Hawaiian culture and (7) one member must be knowledgeable about the
preservation of historically and culturally important land areas and site. Member appointments
range from one to three years (http://www.honolulu.gov/council/cbc/cwnlbd.htm).

In addition to the above mentioned bodies, there are additional public and private organizations,
trusts and plans dedicated to land acquisition. A list can be viewed at the State Resource Land
Acquisition Planning website: http://hawaii.gov/dlnr/dofaw/llep/resource-land-acquisition-
planning.

**Shoreline Access Information Availability among Counties**

Physical access to the approximate 750 miles shoreline in Hawai‘i, in most locations, is a fairly
simple task. Most islands have a number of parks, right-of-ways and other accessible shoreline
areas, as well as some parking and other amenities, such as restrooms and showers, available for
public use. The City and County of Honolulu tries to maintain a shoreline access point every half mile in rural areas and every quarter mile in urban areas. Maui County and Kauai County require access at least every 1500 ft and Hawai‘i County’s requirement ranges from 800-2500 ft depending on the planning district. However, due to the state’s increasing population and coastal development, shoreline accessibility is dynamic. The strong connection Hawai‘i residents and visitors have with the shoreline and coastal resources indicates that it is critical to monitor and maintain the necessary level of shoreline accessibility. Thus, obtaining information about the quality and quantity of public shoreline access on each island is vital. However, the amount of information that exists and to what extent it is publicly available varies by county.

**Kaua‘i County**

Two studies on shoreline access on Kaua‘i were found using internet searches. Both studies were included in Kaua‘i’s Open Space, Public Access and Natural Resources Preservation Commission’s 2005 Report to the Kaua‘i County Council. The first study listed was the 1991 *Kauai Beach Access Inventory Update*, which was prepared for Kaua‘i County by Keith & Companies. This report lists existing, potential, desirable and excluded beach accesses on Kaua‘i from 1991. Existing access were defined as established and legally permitted access location. Potential accesses were accesses which legal permit documentation was incomplete or not required as of 1991. Desirable access was stated to be access which was being used by the public with or without permission or restriction. Excluded access was listed as access which was recommended to not be included in the inventory list for various reasons, such as hazardous conditions. All four access lists included names, an identification code, TMK numbers, other
names and the parcel owner, be it private or public. The existing access list contains 105 entries; the potential access list, 35; the desirable list, 60 and the excluded list contains 6 entries (OSCOMMISSION 2005, Appendix G 1-9).

The second study is titled “Follow-Up to the 1991 Kauai Beach Access Inventory Update” and was prepared in 2003 by individual members of the community. This study consists of information regarding the status of beach access on east Kauai (Kapaa area) and West Kauai (Mana to Waimea). The east section, completed by Laura Marsh and Pat Tingley contains information about the status of 32 accesses, including names, TMK’s and status codes (existing, potential desirable, excluded and accessible). The west section contains identical information for 23 accesses (OSCOMMISSION 2005, Appendix H 1-3)

Additionally, in 2004 the County of Kauai initiated the Kaua‘i Beach Access GIS Project. This project also updated information from the 1991 inventory, but more importantly, it put the inventory data and approximate location of access points into a spatial form using Geographic Information System (GIS), making this data more easily interpretable by the public. However, according to the report, beach access data was not available because it had not yet been validated by ground-truthing. Currently, the access data and location is in the form a point on the mauka-end of the access. Furthermore, the reports states, that these points will need to be displayed as lines, which have been ground-truthed, to be valid.

The City and County of Honolulu
Currently, the City and County of Honolulu’s (C&C) shoreline access information is managed by the Department of Design and Construction in partnership with the Department of Parks and Recreation (personal communication with Terry Hildebrand, C&C Department of Design and Construction). There have been several studies on shoreline access on the island of O‘ahu by different agencies.

In 1973, the University of Hawai‘i Sea Grant Program prepared “An Evaluation of Public Access to the Oahu Shore” (Herrick and Rooney, 1-16). This study was based upon an inventory from a 1968 C&C Long Range Plan (Vol. II), which listed all the points of access, including beach and island parks and right-of-ways that existed on O‘ahu for the five major districts during that time (Herrick and Rooney, 3). The purpose of this study was to evaluate the status of points of public access on the island of O‘ahu and provide reliable data that will perpetuate the present and future use of marine recreational areas. Points of access of this study included beach parks, both those which are owned by C&C or intended to be purchased, as well as right-of-ways (r/w), which were private, federal, public (state or C&C) or other (any area classified other than as a r/w) (Herrick and Rooney, 5-6). The study reports, in the summer of 1973, 43 beach parks; 36 private r/w; 71 public r/w and 86 other (undefined access points). Additionally, the study reports problems having negative impacts on r/w include poor maintenance, inadequate parking, public ignorance of r/w locations, and public aggravation with private roads obstructing shoreline access (Herrick and Rooney, 8). The report concludes with recommendations to improve existing accesses and acquire addition access locations (Herrick and Rooney, 13-14). This study can be acquired through the University of Hawai‘i Sea Grant Program’s coastal access website—http://seagrant.soest.hawaii.edu/coastal-access-hawaii.
The next source of shoreline access information was acquired from the C&C Department of Planning and Permitting and is titled, ”Beach Parks and Beach Right of Ways, The Long Range Plan.” This document was intended to update the 1968 Long Range Plan. This plan states that it is the policy of C&C General plan to,” increase the opportunity of residents and visitors to enjoy the natural environment by providing convenient access to all beaches and inland recreation areas”. The prime focus of this plan is to identify desirable locations and estimate costs for beach park and beach r/w development. An additional purpose is stated to be,” to provide an updated source of information on existing beach parks and r/w (DPR Beach Parks & Right of Ways, 1). The plan lists a total of 62 existing public beach parks and parcels (57 County and 7 State owned). A total of 59 (37 County and 22 State owned) public existing r/w and 65 privately owned existing r/w are also listed. Furthermore, although not list as beach parks or r/w, Federal Department of Defense beach property is reported to be: 60.32 acreage of beach, 7.66 miles of beach, 5+ beach vacation centers and 5 + recreational beach sites (DPR Beach Parks & Right of Ways, 3). In addition to the information on existing access, the plan contains detailed summaries and map locations for 30 proposed r/w and 46 proposed beach parks (DPR Beach Parks & Right of Ways, 7-110). This document is available on the available of University of Hawai‘i Sea Grant Program’s coastal access website.

The Na Ala Hele (NAH) Program, consistent with HRS 198 D-3, conducted an inventory of publicly owned and privately owned beach r/w and parks in 1990. This document was provided by the NAH program manager, Curt Contrell (Curt is no longer with NAH). The document is in paper form and consists of TMK maps and pictures of all of the access locations, which are
distinguished between public and private with different colors. Additionally, continuous
walkable shorelines are distinguished. This report is available at the NAH Office (Oahu TMK
Picture Book 1&2) and is also available of University of Hawai‘i Sea Grant Program’s coastal
access website.

Lastly, NOAA Fisheries Service’s Habitat Conservation Division, in collaboration with C&C,
the State CZM Program and DLNR, recently completed an inventory of public shoreline access
on O’ahu. For the inventory, all access locations were photographed with a digital camera,
ground truthed using a GPS and the following categories of information was collected:

- Tax Map Key (TMK)
- Planning Region
- Parcel Ownership
- Number of Signs
- Access Type (Vertical, Lateral)
- Surface Type
- Access Width
- Number of dedicated Parking
- Shoreline Type
- Restroom (Yes/No)
- Showers (Yes/No)
- Picnic Facility (Yes/No)
- Trash Receptacles (Yes/No)
- Water (Yes/No)
- Phone (Yes/No)
- Lifeguard (Yes/No)
- a. Notice Posted
- Features
- Alternative Name
- Latitude & Longitude
- District
- Sign Condition (if any)
- Sign Visibility
- Sign Wording
- Restroom Condition (if any)
- Shower Condition (if any)
- Parking Condition (if any)
- Picnic Facilities (Yes/No)
- Accessibility and general comments
Approximately 214 locations were documented, but the C&C is still in the process of reviewing this data at the time of this report (NOAA Fisheries Service unpublished data). Upon completion of the review, the data is planned to be posted on a Hawai‘i Coastal Access website, as well as others, such as the C&C GIS website, to be more public available. A Power Point presentation describing this project’s methods is available at: http://www.slideshare.net/higicc/gisbased-approach-to-shoreline-access.

**Maui County**

In March 2005, OceanIt completed a “Shoreline Access Inventory Update” for the Maui County Department of Planning. This was an update to a 1986 inventory conducted for the Maui County Shoreline Access Management Plan and includes information on public and private access locations (Oceanit, 1). Additionally, this report contains the following information:

- “Background research on policies and changes in laws since 1986, which may affect existing and future access;”
- “A map database and methodology used in identifying and reviewing existing access points;”
- “Recommended site assessment criteria standards to analyze existing and future access points;”
- “Policy approach and considerations that can be used as tools to analyze existing or acquire future access;”
- “Population and density analyses;”
- “Access priorities;”
- “Analysis of results and recommendations;”

The report is very thorough and it identifies access locations, resources and activities available for accesses on Maui, Molaka‘i and Lana‘i. The methodology from this study was applied to the study NOAA conducted on O‘ahu, which used identical variables (TMK, access width, restroom,
etc…) for data collection, and should be used as a standard for future inventories on other islands to permit easy inter-island comparison of access (OceanIt, 8). However, a part of this report is problematic, as it does not show the variable information and photographs collected. Although the report itself is available on Maui County’s Department of Planning website, it would best serve the public to have all maps, variable tables and photographs available on-line.

Hawai‘i County

Hawai‘i County has a convenient user-friendly Shoreline Public Access Guide website: http://www.co.hawaii.hi.us/planning/spa/index.html, which was originally posted in 2006. This website contains a map of Hawai‘i Island, which is divided into districts. Within the map of each district, there are smaller scale maps displaying the location of public access points. Each access point contains information about the location including, the name, roads and trails leading to the access, parcel ownership, hazards and a contact number for information. While Hawai‘i County’s website provides readily accessible information to internet users, it is not clear whether or not the information on the website is current and exhaustive of all publicly accessible shoreline access locations.
Policy Analysis and Recommendation

In Hawai‘i, a considerable number of policies related to public shoreline access exist, however, the prioritization of this issue varies from agency to agency and is dependent upon human and financial resources. While DLNR agencies and Hawai‘i CZM Program are mandated by several laws to manage, monitor, inventory and acquire access, a review of program and agency websites, research studies and annual reports to legislature, as well as discussions with staff, indicates the level of accessibility of information could be improved. County “Public Access and Open Space” commissions that have ability of improve access. However, their focus is not solely on public shoreline access and their ability to influence this area relies upon the motivation of a members of diverse backgrounds and interests and arguably insufficient funds for the purchase and acquisition of Hawaii’s extremely high value coastal property. A State Department, such as DLNR or CZM needs to accept responsibility as the lead agency managing public access issues and be a coordinating body with counties.

The definitions and language of state and county laws and ordinances related to public shorelines access needs to be reviewed and potentially strengthened. HRS 115-3 epitomizes the weak non-binding language of some of Hawaii’s public shoreline access policies. It sets the criteria for public rights-of-way as a “distance at reasonable intervals taking into consideration the topography and physical characteristics of the land the public is desirous of reaching is established as the maximum between public rights-of-way” (HRS 115-3). Although access intervals are more clearly specified within county ordinances, more binding language may hold agencies more accountable to this consistently avoided and publicly important issue.
A state public shoreline access coordinator should be established within DLNR or CZM. This position should be the state point of contact for public shoreline access issues and be responsible for educating the public, monitoring access data and coordinating with county agencies and commissions. The Hawai‘i CZM Program could potentially receive annually federal funding for this position (personal communication with John Parks NOAA CZM Specialist). Furthermore, increased coordination among state and county agencies and commissions would aid in increasing knowledge and awareness about problems related to public shoreline access and improving funding availability for the acquisition of more access locations. Moreover, this coordinator could manage a centralized Coastal Access website. DLNR’s Office of Conservation and Coastal Lands (OCCL), in coordination with Sea Grant is currently developing such a website, which also will address education, coordination and information availability regarding public access to the shoreline (personal communication with Dolan Eversole- DLNR Coastal Geology Extension Agent).
References


City & County of Honolulu. Beach Park Database. Unpublished data. Date unknown.

City and County of Honolulu. CLEAN WATER & NATURAL LANDS COMMISSION BACKGROUND DOCUMENTS. 02/12/2009. Viewed on-line on 03/14/2010.

City and County of Honolulu Department of Parks and Recreation.” Beach Park Parks and Beach Right of Ways: The Long Range Plan”, 1980.

City and County of Honolulu. Revised Ordinances of Honolulu.” Clean Water and Natural Lands Fund”. Ch. 6 article 62; section 6-62.1-6-62.6. Viewed on-line on 03/12/2010.


HRS §46-6.5. Viewed on 03/14/2010.
HRS 115. Viewed on 03/14/2010.

HRS 198 D. Viewed on 03/14/2010.

HRS 205 A-2(1) (A)(iii)). Viewed on 03/14/2010.
Kauai County Code 1987 Chapter 9, Article 2, Section 9-2.9. Viewed on 03/22/2010.


