

# HONOLULU ADVERTISER

## Beach-access accord needed at Iroquois Point

Protecting shoreline access is no small matter in the Islands. It's enshrined in Hawai'i statute but originated in kingdom law.

In 1968, the Hawai'i Supreme Court ruled that the boundary defining the public beaches should be established as "the upper reaches of the wash of the waves," sometimes described as the vegetation line or the debris line.

The one important exception to the law: military-owned property. To ensure that the military can secure their property for defense purposes, this exemption was carved out, and it makes sense.

Despite the precedent and long tradition of public beaches, population growth and tourism has brought pressure to bear on the issue, and public-access disputes persist.

Most recently, a story by Advertiser writer Gordon Pang highlighted the development of Iroquois Point Island Club, a civilian subdivision built in place of the former Pu'uloa Naval Housing.

The Navy still owns the 363-acre club property, but signed a 65-year lease with Fluor Hawaii LLC, which has since partnered with the Hawai'i division of the Hunt Development Group to form Ford Island Housing. Hunt has maintained that because the property is still military-owned, the club is not bound by state beach-access laws.

But clearly the intent of the military exemption to the state beach-access law wasn't to provide a civilian subdivision with a private beach.

Even in military installations in active use, accommodations have been made. Bellows, for example, is primarily used as an Air Force-run military recreation area accommodating some civilian access. But occasionally the site of Marine Corps training exercises, and on those occasions, obviously, civilian access must be restricted.

Similarly, there is limited shoreline access at the Pacific Missile Range Facility at Barking Sands, Kaua'i.

U.S. Rep. Neil Abercrombie, long an advocate for civilian access at shoreline properties controlled by the military, rightly argues that some kind of accommodation can be made at Iroquois Point as well. Discussions with the developer on the issue have begun, and these talks, including the Navy, should continue until a settlement can be reached.

There are a few knotty issues to resolve. Liability is surely a concern in an area known for a strong shoreline undertow, and there are ongoing military activities in surrounding areas that need to be safeguarded.

Finally, provisions for public access must be made anticipating that the Navy retains ownership and may opt in the future to resume a military use for this property.

It's surely worth the effort, however, to work through these complications. Public ownership of the shoreline is a value Hawai'i has worked hard to maintain, and it should not be allowed to erode, needlessly, in the case of Iroquois Point.