

COMPARATIVE STATUTORY MODELS: PUBLIC USE, COASTAL ACCESS, EMINENT DOMAIN, and PERPETUAL EASEMENT

Jurisdiction / Source	Citation / Policy Instrument	Key Provisions	Relevance to USVI
Hawaii	HRS § 115-5	Requires public access to beaches and recreational areas through dedicated easements; protects customary and traditional rights of native Hawaiians.	Legal basis for requiring perpetual easements ; supports preservation of traditional access routes in island contexts.
California	Cal. Coastal Act §§ 30210–30214	Guarantees public access to coastline; mandates that development preserve scenic, cultural, and environmental resources; encourages access through easements.	Supports broad definition of “ public use ”; provides a model for mandatory transparency and public access management .
Florida	Florida Constitution, Art. X, § 11	Declares that lands beneath navigable waters are held by the state in trust for the public; prohibits privatization unless clearly in the public interest.	Grounds for public trust doctrine ; reinforces limits on privatization of shoreline and commons .
Puerto Rico	Ley de Costas (Law No. 23 of 1972)	Protects public access to coastal and maritime zones; mandates public right-of-way; emphasizes cultural and environmental preservation.	Emphasizes coastal resilience and access to cultural sites ; validates use of easements and trails.
United States Supreme Court	<i>Kelo v. City of New London</i> , 545 U.S. 469 (2005)	Expanded definition of “public use” under the Fifth Amendment but led to widespread reforms restricting speculative takings.	Supports inclusion of repurposing clauses and time-bound use requirements to avoid unjustified takings.
Federal CZMA	16 U.S.C. § 1451 et seq. (NOAA)	Encourages states and territories to develop coastal plans that protect access, natural resources, and promote sustainable development.	Endorses integrating CZM goals into eminent domain policy; reinforces need for inter-agency coordination and stakeholder engagement.