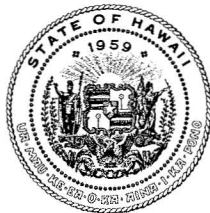
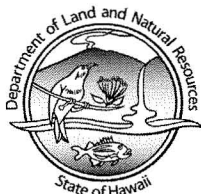


LINDA LINGLE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**LAURA H. THIELEN**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**RUSSELL Y. TSUJI**  
FIRST DEPUTY

**KEN C. KAWAHARA**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**TESTIMONY OF THE CHAIRPERSON  
OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES**

**On Senate Bill 1891, Senate Draft 1 – RELATING TO PUBLIC LANDS**

**BEFORE THE HOUSE COMMITTEE ON  
WATER, LAND, OCEAN RESOURCES AND HAWAIIAN AFFAIRS**

March 19, 2008

Senate Bill 1891, Senate Draft 1 would authorize petty misdemeanor penalties for persons found guilty of a violation of Chapter 171, Hawaii Revised Statutes (HRS), or any rule adopted thereunder. The Department of Land and Natural Resources (Department) supports this bill, which would authorize these criminal penalties in addition to existing civil administrative penalties.

Currently, persons found to be in violation of Chapter 171, HRS, or administrative rules adopted thereunder, could be penalized in a civil process. The proposed language in this measure authorizes the use of criminal citations or arrest in order to prosecute an individual found to be in violation of this chapter. In addition, the proposed criminal penalties allow for escalating fines for individuals who are found to be repeat offenders while preserving the Department's right to seek restitution and recover damages in a civil process.

Joseph Brescia  
P.O. Box 1080, 7350 Alealea Road, Hanalei, HI 96714  
Phone (510) 333-6100 Fax (510) 444-6160

17 March 2008

Committee on Water, Land, Ocean Resources and Hawaiian Affairs  
Representative Ken Ito, Chair  
Representative Jon Riki Karamatsu, Vice Chair  
c/o Senate Sergeant of Arms  
Fax +1 (808) 535-3859 [wlhtestimony@capitol.hawaii.gov](mailto:wlhtestimony@capitol.hawaii.gov)

Copy to:

Senator Mike Gabbard  
Hawaii State Capitol  
Room 204  
415 South Beretani Street  
Honolulu HI 96813  
fax +1 808 586-6679 [sengabbard@capitol.hawaii.gov](mailto:sengabbard@capitol.hawaii.gov), [r.riggs@capitol.hawaii.gov](mailto:r.riggs@capitol.hawaii.gov)

Re: Senate Bill 1891 SD1  
Hearing Date: March 19, 2008  
Hearing Time: 9:00 a.m.  
Hearing Place: Conference Room 312, Hawaii State Capitol

Please make 30 copies and accept this as my testimony (I am overseas on business).

Dear Committee:

I am the owner of a beachfront property on the north shore of Kauai who has suffered with repeated vandalism of the beach fronting dune for years. I have attached two pictures of damage that was done by some uncaring person around February of last year of this extremely fragile State property. I am writing to express full support of the Senate Bill (SB1891) which proposes to add criminal penalties to enforce the laws forbidding the use of private ATV's and motor vehicles on our state beaches.

The police are frustrated in their duty as they have no clear sense of where the shoreline is – in other words, they don't know where their jurisdiction ends and the State's begins. Due to this confusion and the lack of meaningful penalties, the enforcement efforts have been frustrated for both State and local law enforcement officials

I urge you in the strongest terms to set meaningful penalties that will give the enforcement personnel the tools they need to stop the destruction of our State's precious beach resources. I also urge you in your further considerations to provide funding for the BLNR sufficient to see that they can field and effective force of enforcement personnel.

Joseph Brescia  
P.O. Box 1080, 7350 Alealea Road, Hanalei, HI 96714  
Phone (510) 333-6100 Fax (510) 444-6160

The combined forces of uncaring ATV riders and "eco-terrorists" who are removing beach vegetation and lowering dune crests promises to have devastating effects to our beach resources. Please provide funding, leadership and legislation to protect them for the people of Hawaii. I hope you will pass the legislation and that the Department will vigorously enforce the resulting law.

Respectfully submitted,



Joseph A. Brescia

Joseph A. Brescia  
PO Box 1080, 7350 Alealea Road, Hanalei, HI 96714  
Phone (510) 333-6100 Fax (510) 444-6160



Joseph A. Brescia  
PO Box 1080, 7350 Alealea Road, Hanalei, HI 96714  
Phone (510) 333-6100 Fax (510) 444-6160



Peter Courture P.O. Box 1455, 7312 Alealea Road, Hanalei HI 96714  
fon (650) 968-8855; fax (650) 968-8885

17 March 2008

Committee on Water, Land, Ocean Resources and Hawaiian Affairs  
Representative Ken Ito, Chair  
Representative Jon Riki Karamatsu, Vice Chair  
c/o Senate Sergeant of Arms  
Fax +1 (808) 535-3859 [wlhtestimony@capitol.hawaii.gov](mailto:wlhtestimony@capitol.hawaii.gov)

Copy to:

Senator Mike Gabbard  
Hawaii State Capitol  
Room 204  
415 South Beretani Street  
Honolulu HI 96813  
fax +1 808 586-6679 [sengabbard@capitol.hawaii.gov](mailto:sengabbard@capitol.hawaii.gov), [r.riggs@capitol.hawaii.gov](mailto:r.riggs@capitol.hawaii.gov)

Re: Senate Bill 1891 SD1  
Hearing Date: March 19, 2008  
Hearing Time: 9:00 a.m.  
Hearing Place: Conference Room 312, Hawaii State Capitol

Please make 30 copies and accept this as my testimony (I am overseas on business).

Dear Committee:

I am a shoreline property owner on Kauai's north shore. I am writing to express full support of the Senate Bill (SB1891) which proposes to add criminal penalties to enforce the laws forbidding the use of private ATV's and motor vehicles on our state beaches.

My property is fronted by a dune crest, with native and natural growing plants on the mauka side. In the past, ATV's, motorcycles and other vehicles have used the dune crest for recreational frolics, digging away at the crest and crushing the plants. This not only detracts from the natural beach preservation abilities of the dune (eroding the shoreline), it also destroys the plants which help to preserve the dune.

ATV's and motor vehicles also present a safety hazard to people (walking, sitting or lying) and wildlife (i.e., monk seals) on the beach. ATV's and motor vehicles are noisy and smelly; their pollution seems so contrary to what the beach is intended for.

I am not sure why the legislative process has been slow to remedy this situation. I suspect if you were to come to our beaches, and see for yourself the destruction caused. What can justify these ATV's tearing across the beach, weaving between the children and swerving to avoid fishermen walking out to cast their nets on the reef?

In my view, ATV's and motor vehicles are inconsistent with the intended enjoyment of our beaches and the beauty of their natural state. They should be kept off.

I understand that past enforcement efforts have been hampered by the lack of any meaningful penalties. As I understand it, this bill would allow the Department of Land and Natural Resources' Enforcement Division to make arrests, confiscate vehicles, and issue criminal citations. With this help, the damage, such as illustrated in the attached photo I took of the disruption caused by some inconsiderate and unlawful person, can be ended.

I hope you will pass the legislation and that the Department will vigorously enforce the resulting law.

Mahalo,

A handwritten signature in cursive script that reads "Peter Courtire".

Attachment: photo showing damage from ATV/motorcycles





---

**From:** Moms Going Green [mailto:info@momsgoinggreen.com]

**Sent:** Monday, March 17, 2008 6:49 PM

**To:** WLHtestimony

**Subject:** Testimony on SB 1891 SD1

**To:**               **Chair Ken Ito**  
                      **Vice Chair Jon Riki Karamatsu**  
                      **House Committee on Water, Land, Ocean Resources, and**  
                      **Hawaiian Affairs**

**From:**           **Michael and Christine Bond – Kailua, HI (808-262-7646)**

**Date:**           **Monday March 17, 2008**

**Subject:**       **Support of Senate Bill 1891 SD1**

We're writing in support of Senate Bill 1891 SD1. We feel that the 4x4 situation here in Hawaii is way out of hand. It's one thing to drive "off-road", but when people drive recklessly on the beaches where there are families with kids playing, something needs to be done before someone is injured or even killed.

We've been out to the beach numerous times with 4x4's driving recklessly in the public area. Many times they don't even slow down to make way for people walking on the paths. Several times we've seen them racing up and down the beach. That's when we packed it up to leave, rather than worrying about our 3 year old running down to beach and getting run over.

This is a serious concern, there is a time and place for everything, but bystanders shouldn't have to fear for their safety when the 4-wheelers come onto the scene.

Please consider and pass SB 1891 SD1.

Thank you for allowing us to testify.

**Representative Ken Ito, Chair  
Representative Jon Riki Karamatsu, Vice Chair  
Committee on Water, Land, Ocean Resources & Hawaiian Affairs**

**Support of Senate Bill 1891 SD1, Relating to Public Lands**

**Wednesday, March 19, 2008  
9:00am, Conference Room 312**

I, Patsy Lorain Rumfield, strongly support SB 1891 SD1, which would establish criminal penalties for riding ATVs and other vehicles on the beaches, allow the Department of Land and Natural Resources' Enforcement Division police officers to confiscate said vehicles, give DLNR enforcement police officers the authority to make arrests, and give DLNR enforcement officers the authority to issue criminal citations.

The driving of ATVs and other vehicles in areas that are not meant for driving such as our beaches and wilderness endangers the lives of our people and wrecks our aina. The roads are meant for vehicles not parks, beaches, or wilderness areas which are shrinking everyday as it is due to commercial development. Hawaii is still a beautiful place, and it is nice to go to the beach or the parks, etc. and enjoy a day with family and friends without worrying whether we will be ran over by someone.

Just as people who like to race cannot just race up and down our highways and streets for such action endangers the lives of others, those who like to ride big trucks and all terrain vehicles should not be allowed to drive wherever and whenever they feel like it for such action is dangerous to others and to the land. Preserve our lands and keep us safe.

Please make it so that these vehicles will be off of the beaches and out of the parks. Please vote in favor of Senate Bill 1891 SD1 and make it illegal for people to destroy our land and scare us half to death, or kill us even, while we eat our mac-salad.

Thank you for allowing me to testify.

Patsy Lorain Rumfield  
Kailua  
Phone: 808-728-4804

Representative Ken Ito, Chair  
Representative Jon Riki Karamatsu, Vice Chair  
Committee on Water, Ocean Resources, and Hawaiian Affairs

From: Evette Shannon

Date: Wednesday, March 19, 2008

Re: Support of SB 1891 SD1

Aloha Chair Ito,

Thank you for the opportunity to voice my support of SB 1891 SD1. I moved to Hawaii nine years ago from Chicago, mainly because of the weather and the beautiful beaches. On many occasions I have seen pick-up trucks racing up and down the beaches.

I like to go to the beach to relax, get some exercise and unwind from the stresses of my life. But when there are people racing up and down the beaches in large trucks, it defies the purpose of my going there. It actually scares me.

It is one thing if there is a cop on an ATV on the beach doing his job, but it's a completely different story if it's a group of guys racing ATV's or trucks for the fun of it. Please protect the community from these beach racers. They are dangerous and their vehicles dirty the beaches.

I hope that you will support this bill. Hawaii is known for its beautiful beaches, so please help keep them beautiful, clean and peaceful.

Kind regards,

Evette Shannon  
808.282.0060  
PO Box 4627  
Honolulu, HI 96812

---

**From:** janet bishop [mailto:jagiebishop@gmail.com]

**Sent:** Tuesday, March 18, 2008 2:02 PM

**To:** WLHtestimony

**Subject:** Testimony on SB 1891 SD1

**Representative Ken Ito, Chair**

**Representative Jon Riki Karamatsu, Vice Chair**

**Committee on Water, Land, Ocean Resources & Hawaiian Affairs**

**Support of Senate Bill 1891 SD1, Relating to Public Lands**

**Wednesday, March 19, 2008**

**9:00am, Conference Room 312**

Please accept my testimony on this important bill.

I am very much in support of SB 1891 SD1 and hope it will get passed. I have been at Bellows Beach on numerous occasions and experienced having to get off the beach in fear of being run over by speeding 4 wheel drive trucks and ATVs. I don't understand why the state allows trucks and ATVs on public beaches where children are playing and people are lying in the sand. It is only a matter of time before someone is hurt or killed. Also there is the environmental aspect to consider. These off road vehicles cause damage to our beaches.

Hawaii has the best beaches in the world and they need protection as well as all of us and our families who love to be on them. This bill will help ensure that those individuals who want to make our beaches unsafe with their off-roading and speeding will have to face the law.

Thank you,

Janet Bishop