

SB-2537-SD-1

Submitted on: 3/9/2020 6:09:56 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Puanani Rogers	Ho`okipa Network - Kauai	Support	No

Comments:

I support the intent of this measure, however, my I ask a consideration of raising the fines for violations. \$1,000 per day for 1st offense, \$1,000 more per day for 2nd offense. to be increased for each further violations incurred.

Mahalo for your consideration of my amendments on this measure.

Respectfully,

Puanani Rogers

Ahupua`a o Kealia, Moku o Puna, Island of Kauai

SB-2537-SD-1

Submitted on: 3/9/2020 12:50:24 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dyson Chee	Hawaii Youth Climate Coalition	Support	No

Comments:



Pono Hawai'i Initiative

Josh Frost - President • Patrick Shea - Treasurer • Kristin Hamada
Nelson Ho • Summer Starr

Wednesday, March 11, 2020

Relating to Access to Public Property
Testifying in Support with Amendments

Aloha Chair and members of the committee,

The Pono Hawai'i Initiative (PHI) **supports with amendments SB2537, SD1 Relating to Access to Public Property**, which prohibits the obstruction of access to beaches and lowers the fines for violation from \$1,000 to \$100.

PHI strongly supports the inclusion of beaches into the statute but disagrees with the changes made to the fines section. Lowering the fine down to \$100 for the first violation is essentially a slap on the wrist to wealthy landowners. Changing the fines to a per day model would help to not only hold those accountable for obstructing access but it would hold them accountable to fixing the obstruction and allowing access in a timely manner.

PHI proposes the fines be amended to:

- (1) "Up to \$1,000 per day for the first conviction"
- (2) "Mandatory \$1,000 per day for the second conviction"
- (3) "Mandatory \$2,000 per day for the third conviction"

PHI additionally requests that the measure be given a **clean effective date**.

For all these reasons, we urge you to vote in favor of this measure with amendments.

Mahalo for the opportunity,
Gary Hooser
Executive Director
Pono Hawai'i Initiative



Website

www.hawaiiikaihui.org
www.kaiwicoast.org

Like us on Facebook

Livable Hawaii Kai Hui
Aloha 'Aina 'O Kamilo Nui
Ka Iwi Coast

Like us on Instagram

@livablehawaiiikaihui

Like us on Twitter

@hawaiiikaihui



Ka Iwi Coalition

Mauka to Makai



A COMMUNITY DRIVEN, VOLUNTEER-BASED RESTORATION PROJECT.

*Hāneva Heiaū Complex
& Keawāwāwa Wetland*

CELEBRATE THE CULTURAL AND NATURAL RESOURCES OF YOUR COMMUNITY!

Livable Hawaii Kai Hui is a 501c(3) non-profit, community organization serving East Honolulu since 2004. We strive to promote sensible growth, respect for cultural & natural resources and upholding the integrity of the East Honolulu Sustainable Communities Plan.

March 10, 2020

Committee on Water, Land, & Hawaiian Affairs

Hearing on March 11, 2020 at 9:00 a.m.

Conference Room 325, Hawai'i State Capitol

Aloha Chair Yamane, Vice Chair Todd, and respected Committee Members,

Livable Hawaii Kai Hui is committed to securing adequate shoreline and beach access to public lands and waters — especially those forming Maunalua Bay — as evident in our campaigns to protect public rights of way at Hanapepe Brow, Portlock Beach, Paiko Beach, and Niu Valley. This is a crucial part of our mission to uphold the East Honolulu Sustainable Communities Plan.

SB2537 does a good job of protecting every person's right to access public beaches and shorelines by amending HRS §115-9. However, we feel that the proposed fine amendments to subsection (d) lack the force to seriously discourage the obstruction of public access points. As such, Livable Hawaii Kai Hui stands in **strong support of SB 2537, with amendments.**

The Hui suggests the following:

- (1) \$100 for a first conviction, and \$250 per day that conviction goes unresolved;
- (2) \$1,000 per day following a second conviction; and
- (3) \$2,000 per day for any conviction after the second conviction.

Livable Hawaii Kai Hui appreciates this Committee's time and consideration in support of SB2537.

Mahalo nui loa,

Dylan Ramos

Communications Coordinator, Livable Hawaii Kai Hui



AMERICANS FOR DEMOCRATIC ACTION

OFFICERS	DIRECTORS			MAILING ADDRESS
John Bickel, President	Melodie Aduja	Chuck Huxel	Stephen O'Harrow	P.O. Box 23404
Alan Burdick, Vice President	Juliet Begley	Jan Lubin	Lyn Pyle	Honolulu
Marsha Schweitzer, Treasurer	Ken Farm	Jenny Nomura		Hawai'i 96823
Doug Pyle, Secretary	Stephanie Fitzpatrick	Dave Nagaji		

March 9 , 2020

TO: Honorable Chair Yamane and Members of the WLH Committee

RE: SB 2537 SD1 Relating to Access to Public Property

Support for hearing on March 11

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We support SB 2537 SD1 as it would prohibit the obstruction of access to beaches. It imposes a \$100 fine. We would support an amendment to raise that fine. It is important that our public beaches have public access.

Thank you for your favorable consideration.

Sincerely,

John Bickel President



SB-2537-SD-1

Submitted on: 3/9/2020 10:07:32 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephen Paselk	Individual	Support	No

Comments:

I support this bill to protect public beach access but the fine must be increased to \$1000 per day.

A lesser fine is not a deterrent and makes the enforcement more costly than the penalty especially

as the owners of oceanfront and beachfront properties are usually extremely wealthy estates or resorts. We have lost far too many designated beach accesses over the years. Often barriers

or vegetative barriers are created to try to eliminate traditional access by wealthy estates.

SB-2537-SD-1

Submitted on: 3/9/2020 9:29:17 AM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dwamoto	Individual	Support	No

Comments:

Please support SB2537. The beaches of Hawaii belong to everyone. Individuals that restrict access must be held accountable. Mahalo -Dr. Daniel Amato

SB-2537-SD-1

Submitted on: 3/9/2020 12:40:58 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
David Dinner	Individual	Support	No

Comments:

Please amend this bill. I believe that when the blockage is intentional, even Gary Hosser's recommendation is insufficient. It should be a true deterrent. At a minimum though, the I recommend the following:

- 1) "Up to \$1,000 per day for first conviction"
- 2) "Mandatory \$1,000 per day for second conviction"
- 3) "Mandatory \$2,000 per day for third conviction"

SB-2537-SD-1

Submitted on: 3/9/2020 12:44:08 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Blair	Individual	Support	No

Comments:

Fine should be increased \$1000/day to be effective.

SB-2537-SD-1

Submitted on: 3/9/2020 12:57:20 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Judith Perino	Individual	Support	No

Comments:

I feel the fines are much too low. I would recommend a fine of up to \$1000 for a first conviction offense. A mandatory \$1000 fine for a second conviction, and a mandatory \$2000 fine for a third conviction.

SB-2537-SD-1

Submitted on: 3/9/2020 1:15:35 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela Polland	Individual	Support	No

Comments:

All Hawai'i beaches are supposed to be open to the public and have clear access. But this is not always the case. I think the fine should be even higher for individuals and corporations who block public access to beaches. Please pass this Bill and then let's get one with even stronger fines.

Mahalo, Pamela

SB-2537-SD-1

Submitted on: 3/9/2020 1:40:03 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Fern Anuenue Holland	Individual	Support	No

Comments:

Aloha Chair Yamane, Vice Chair Todd & Members of the Committee,

Please support SB2537 (prohibiting the obstruction of access to beaches. It creates a one hundred dollar penalty for the first conviction of obstructing access to public property). I respectfully ask that you please amend the fines section to read as follows:

- 1) "Up to \$1,000 per day for first conviction"
- 2) "Mandatory \$1,000 per day for second conviction"
- 3) "Mandatory \$2,000 per day for third conviction"

Mahalo!

Fern A Holland

SB-2537-SD-1

Submitted on: 3/9/2020 1:51:12 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Ware	Individual	Support	No

Comments:

This measure is near and dear to my heart as a long time Sierra Club leader and hiker. We have been threatened using traditional trails to access beaches.

I suggest supporting the measure but only if the fine section is amended as follows:

- 1) "Up to \$1,000 per day for first conviction"
- 2) "Mandatory \$1,000 per day for second conviction"
- 3) "Mandatory \$2,000 per day for third conviction"

Respectfully,

Diane Ware, 7815 Kapoha, Volcano HI 96785

SB-2537-SD-1

Submitted on: 3/9/2020 2:30:04 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lorn	Individual	Support	No

Comments:

Our beaches are our beaches... Please support..thanks!

SB-2537-SD-1

Submitted on: 3/9/2020 2:39:35 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Randy Ching	Individual	Support	No

Comments:

Aloha Chair Yamane, Vice Chair Todd, and members of the committee,

I support SB2537 SD1. Preserving public access, especially to our beaches, is one of the things that make Hawaii special. This should be a fundamental right for all residents and visitors.

The bill would be even better if the fine section is amended as follows:

- 1) "Up to \$1,000 per day for first conviction"
- 2) "Mandatory \$1,000 per day for second conviction"
- 3) "Mandatory \$2,000 per day for third conviction"

Please pass SB2537 SD1. Mahalo for the opportunity to testify.

Randy Ching

SB-2537-SD-1

Submitted on: 3/9/2020 2:52:08 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Samantha Berberich	Individual	Support	No

Comments:

Beach access is a right for all, not just for the wealthy. The beach is where we spend our lives, our time with family and friends and where we play. It's everything to the people that live here.

SB-2537-SD-1

Submitted on: 3/9/2020 2:59:57 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael deYcaza	Individual	Support	No

Comments:

The fine should be set in proportion to the wealth/income of the offender. As we do with income tax and as Finland does with traffic tickets.

SB-2537-SD-1

Submitted on: 3/9/2020 3:02:58 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dawn Morais Webster Ph.D.	Individual	Support	No

Comments:

I support the intent of the bill but ask that it be amended. Prohibiting the obstruction of access to beaches is wonderful. But for the prohibition to be meaningful, the fines must be made much more substantial.

SB-2537-SD-1

Submitted on: 3/9/2020 3:52:18 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
James Logue	Individual	Support	No

Comments:

SB-2537-SD-1

Submitted on: 3/9/2020 3:52:49 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Steven Costa	Individual	Support	No

Comments:

SB-2537-SD-1

Submitted on: 3/9/2020 4:24:23 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tony Radmilovich	Individual	Support	No

Comments:

This measure is near and dear to my heart as I sponsored the original bill “protecting beach and mountain access” - that created the underlying law this bill seeks to amend. Adding in the word “beach or beaches” is a good thing, however making the fine only \$100 is not good.

I suggest supporting the measure but only if the fine section is amended as follows:

- 1) “Up to \$1,000 per day for first conviction”
- 2) “Mandatory \$1,000 per day for second conviction”
- 3) “Mandatory \$2,000 per day for third conviction”

SB-2537-SD-1

Submitted on: 3/9/2020 4:40:17 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Marion McHenry	Individual	Support	No

Comments:

I support this bill but only of the section on the fines is admended as follows

- 1) "Up to \$1,000 per day for first conviction"
- 2) "Mandatory \$1,000 per day for second conviction"
- 3) "Mandatory \$2,000 per day for third conviction"

This is important to protect our beach and mountain access.

Marion McHenry

Princeville, Kauai

SB-2537-SD-1

Submitted on: 3/9/2020 4:40:25 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa Landreau	Individual	Comments	No

Comments:

Please make effective 2020; ridiculous to delay until 2033. Fine should be maximum \$5000 for deterrence.

SB-2537-SD-1

Submitted on: 3/9/2020 4:50:51 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Henri Etta Schmitz	Individual	Comments	No

Comments:

I agree with this bill except for the amount of the fine....which should be at least \$1000.00.

SB-2537-SD-1

Submitted on: 3/9/2020 5:10:27 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
M. Llanes	Individual	Support	No

Comments:

I support this bill but I beleive the fine is inconsequential unless it is raised to amount closer to \$1,000.00 and higher fines after that for repeated offences.

Mahalo for your service and for considering my testimony.

Aloha

SB-2537-SD-1

Submitted on: 3/9/2020 6:02:10 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Janik	Individual	Support	No

Comments:

Do not let the wealthy take away access to our beaches.

Richard Janik Lihue, HI 96766

SB-2537-SD-1

Submitted on: 3/9/2020 6:40:20 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Angus Raff-Tierney	Individual	Support	No

Comments:

Good morning, State Representatives

I support the measure SB2537 SD1 because noone should be blocking access to our public beaches.

However, the fine section should be amended as follows:

- 1) "Up to \$1,000 per day for first conviction"
- 2) "Mandatory \$1,000 per day for second conviction"
- 3) "Mandatory \$2,000 per day for third conviction"

Mahalo for reading my testimony.

Angus Raff-Tierney

SB-2537-SD-1

Submitted on: 3/9/2020 7:39:44 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joan Heartfield PhD	Individual	Support	No

Comments:

The beaches should be open to everyone, and beach access should be a right to all. We need to protect mountain and beach access.

SB-2537-SD-1

Submitted on: 3/9/2020 8:09:30 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tina Taniguchi	Individual	Support	No

Comments:

SB-2537-SD-1

Submitted on: 3/9/2020 8:50:27 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments:

Strongly support - although fines should be MUCH, MUCH higher.

“Up to \$1,000 per day for first conviction”

“Mandatory \$1,000 per day for second conviction”

“Mandatory \$2,000 per day for third conviction”

SB-2537-SD-1

Submitted on: 3/9/2020 9:48:06 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Don Aweau	Individual	Support	No

Comments:

SB-2537-SD-1

Submitted on: 3/9/2020 9:55:30 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ben Robinson	Individual	Support	No

Comments:

Aloha!

I support this bill, but with the comment to incorporate higher fines. The current fines listed in SD1 are no deterrent; especially to wealthy individuals and organizations who can simply pay small fines continuously to block access to these defined areas.

An example of a tiered and on-going structure that would serve as a strong deterrent could look like

- 1) Up to \$1,000 per day for first conviction at discretion of local judiciary for exact amount
- 2) Mandatory \$1,000 per day for second conviction
- 3) Mandatory \$2,000 per day for third conviction

Mahalo!

Ben Robinson

SB-2537-SD-1

Submitted on: 3/10/2020 3:39:36 AM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Noreen Dougherty	Individual	Support	No

Comments:

Senators,

As a resident in Hawaii for almost 45 years I have seen access to public property increasingly restricted over the years. In particular, the beaches. I strongly support this bill, however the fines must be a larger penalty and enforced.

- 1) "Up to \$1,000 per day for first conviction"
- 2) "Mandatory \$1,000 per day for second conviction"
- 3) "Mandatory \$2,000 per day for third conviction"

PLease pass SB 2537 into law this legislative session.

Mahalo,

Noreen Dougherty

Kapaa, Hawaii

SB-2537-SD-1

Submitted on: 3/10/2020 8:14:07 AM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
pamela burrell	Individual	Support	No

Comments:

Aloha...

I support this bill but think the fine needs to be more substantial!

regards,

pamela Burrell, Kalihiwai Kaua'i

SB-2537-SD-1

Submitted on: 3/10/2020 12:47:11 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Justin Salisbury	Individual	Comments	No

Comments:

Kauai Senator Gary Hooser sponsored the original bill, "Protecting Beach and Mountain Access," that created the underlying law that this bill seeks to amend. Adding the word "beach" or "beaches" is a good thing, but I believe the fine needs to be increased to be effective.

I suggest supporting the measure but only if the fine section is amended as follows:

- 1) "Up to \$1,000 per day for first conviction"

- 2) "Mandatory \$1,000 per day for second conviction"

- 3) "Mandatory \$2,000 per day for third conviction"

SB-2537-SD-1

Submitted on: 3/11/2020 7:40:06 AM

Testimony for WLH on 3/11/2020 9:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Lawrence Ford	Individual	Support	No

Comments:

Heartily support this measure. The fine, however, should be \$500.00 for the first offense and \$1000.00 for any additional offense.