

**KAREN EIDELMAN**  
**OPPOSING BILL 5469**  
**914-391-4597**

June 17, 2021

I am writing to document my opposition to House Bill 5469

**House Bill No. 5469 BY Cortvriend, Filippi, Handy, Tanzi, Fogarty, McGaw, McEntee, Carson, Craven ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- TRESPASS AND VANDALISM {LC676/1} (Prevents a person from being prosecuted for fishing, gathering seaweed, swimming or passage along the sandy or rocky shoreline within ten feet (10') of the most recent high tide line.)**

**02/10/2021 Introduced, referred to House Judiciary**

**02/18/2021 Scheduled for hearing and/or consideration**

**02/23/2021 Committee recommended measure be held for further study**

**06/16/2021 Scheduled for consideration**

My name is Karen Eidelman. I am a full time resident and property owner in the Green Hill area of South Kingstown and I am a member of the Mautucket By the Sea Beach Association. This association is a comprised of property owners, with deeded rights that grant the property owners within the Mautucket By-the-Sea plat the ability to join the association, which affords members beach parking, and beach property for the pleasure of our members. While I do not represent the Association, as a member I have a vested interest in protecting our rights as property owners.

I have followed the hearings on this Bill and am concerned to see that it has been scheduled for reconsideration. Particularly, since this was only made public in the late hours of Wednesday, June 16<sup>th</sup>, for a hearing for Friday, June 18<sup>th</sup>. At the last hearing, I understood that the Bill was referred back for additional review. The version of Bill 5469 posted for discussion on Friday, June 18, 2021 is identical to the one that has been discussed previously, there have been no revisions. I respectfully submit that the verbiage of Bill 5469 continues to be written in a way that is far to broad and ambiguous. I agree that all Rhode Islanders, and visitors to Rhode Island should have the right to our shores. Our shores are a large part of why I live in Rhode Island. The right to traverse the shore, collect seaweed, fish and swim are not in question. **In question is the broad verbiage of the bill, which in its current state is vague, ambiguous and will be unenforceable.**

*In reference to Section 11-44-28 Paragraph (b).*

*First:*

*(b) No person shall be prosecuted, punished or subject to any penalty or forfeiture for or on account of conduct or an attempt to engage in conduct protected in the Rhode Island Constitution, Art., 1 Sec 17 when the conduct or attempted conduct occurs on a sandy or rocky shore and within ten feet (10') feet of the most recent high tide line. **Protected conduct shall include, but not be limited to, fishing, gathering seaweed, swimming, and passage along the shore.***

Stating "...shall include, but not be limited to..." allows for broad interpretation of what is allowable. I propose changing this particular language to "**is limited to** fishing, gathering seaweed, swimming, and passage along the shore."

Nowhere in this Bill do you address the allowability to occupy space on a private beach area. If a family walks down the shore, which they have every right to do, and then decides to place their chairs, coolers, tents, volleyball net etc., 10 feet past the most recent high tide line, anywhere along the shore, even though the tide was high 11 hours ago, is that trespass? They are not traversing, or collecting seaweed, they are “occupying” space on the beach, which most likely is private property. What recourse will a private association, or any other private property owner have to enforce a trespassing violation?

Secondly:

1. *“This act would prevent a person from being prosecuted for fishing, gathering seaweed, swimming or passage along the sandy or rocky shoreline within **ten feet (10’) of the most recent high tide line.**”*

As was discussed during multiple hearings, enforcing where ten feet above the most recent high tide line is will prove to be difficult if not impossible to identify and enforce at any given time. Do you expect police officers to come to the shoreline hourly and monitor high tide lines? I suggest you consider changing that language to use the current water line, meaning: **“a person can fish, gather seaweed, swim or pass along the sandy or rocky shoreline within 10 feet of the current water line”**. **That would be a specific, measurable and enforceable line.**

I appreciate the ability to submit this testimony, and truly hope you will all consider the ramifications of this ambiguous language and work to make the Bill more specific and beneficial to all your constituents. All parties here are entitled to your fair representation, both property owners, as well as the residents and visitors of the State of Rhode Island.

Respectfully submitted,  
Karen A Eidelman  
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