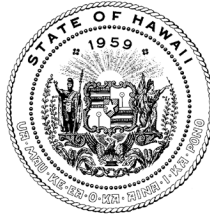


DAVID Y. IGE
GOVERNOR OF
HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
JUDICIARY**

**Wednesday, February 24, 2021
9:45 AM
State Capitol, Via Videoconference**

**In consideration of
SENATE BILL 700, SENATE DRAFT 1
RELATING TO SEARCH AND RESCUE**

Senate Bill 700, Senate Draft 1 proposes to require government entities that engage in search and rescue operations to seek reimbursement when the rescued person required search and rescue efforts due to intentional disregard of their own safety, including, but not limited to, disregarding a warning or notice. **The Department of Land and Natural Resources (Department) offers comments on this measure.**

The Department is in support of any strategy that will incentivize the general public to behave safely in the backcountry, and not endanger themselves or others. The Department produces materials on backcountry and hiker safety and etiquette, and installs signs warning of backcountry hazards. Despite all this, people still manage to get themselves into trouble, either through negligence or ignorance, and the pattern will probably continue. Better hiker data, as provided by a new app in development by the Department, may provide insights on what can be done to help minimize rescue situations.

It should be noted that that county is primarily responsible for search and rescue activities, and the Department defers to the county fire and rescue agencies in regard to the charging of people for rescue. While this may be an incentive for people to obey the rules, it could also discourage people from calling for help when they really need it. What is really needed is a disincentive for people calling for help frivolously, but that would be very hard to enforce.

Thank you for the opportunity to comment on this measure.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

DAVID Y. IGE
GOVERNOR



ANNE E. PERREIRA-EUSTAQUIO
DIRECTOR

JOSH GREEN
LIEUTENANT GOVERNOR

JOANN A. VIDINHAR
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
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February 22, 2021

The Honorable Karl Rhoads, Chair
Committee on Judiciary
The State Senate
State Capitol, Room 204
Honolulu, Hawaii 96813

Dear Chair Rhoads:

Subject: Senate Bill (SB) 700, Senate Draft (SD) 1 Relating to Search and Rescue

I am Manuel P. Neves, Chair of the State Fire Council (SFC). The SFC offers comments regarding SB 700, SD1, which requires government entities to seek reimbursement for all or a portion of search and rescue expenses for persons who require rescue after leaving a hiking trail to enter a prohibited hiking area on a trail closed to the public.

The SFC believes the reimbursement requirement specified by SB 700, SD1 may deter or delay prompt notification of first responder agencies by persons in the aforementioned situation. Such a delay in requesting for assistance will exacerbate the situation, further endangering the lives of persons involved and their potential rescuers.

In addition, there is no existing mechanism to seek reimbursement for these situations. Implementation of a reimbursement mechanism will require a significant administrative effort by the four county fire departments to establish and maintain.

Public safety and property protection remain priorities of the SFC.

Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at 723-7176 or lrogers@honolulu.gov.

Sincerely,

MANUEL P. NEVES
Chair

MPN:GL:cs

MICHAEL P. VICTORINO

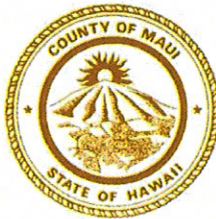
Mayor

DAVID C. THYNE

Fire Chief

BRADFORD K. VENTURA

Deputy Fire Chief



DEPARTMENT OF FIRE & PUBLIC SAFETY

COUNTY OF MAUI
200 DAIRY ROAD
KAHULUI, HI 96732

February 22, 2021

The Honorable Karl Rhoads, Chair
Committee on Judiciary
The State Senate
State Capitol, Room 204
Honolulu, Hawaii 96813

Dear Chair Rhoads:

Subject: Senate Bill (SB) 700, Senate Draft (SD) 1 Relating to Search and Rescue

I am David C. Thyne, member of the State Fire Council (SFC) and Fire Chief of the Maui Fire Department (MFD). The SFC offers comments regarding SB 700, SD1, which requires government entities to seek reimbursement for all or a portion of search and rescue expenses for persons who require rescue after leaving a hiking trail to enter a prohibited hiking area on a trail closed to the public.

The SFC believes the reimbursement requirement specified by SB 700, SD1 may deter or delay prompt notification of first responder agencies by persons in the aforementioned situation. Such a delay in requesting for assistance will exacerbate the situation, further endangering the lives of persons involved and their potential rescuers.

In addition, there is no existing mechanism to seek reimbursement for these situations. Implementation of a reimbursement mechanism will require a significant administrative effort by the four county fire departments to establish and maintain.

Public safety and property protection remain priorities of the SFC.

Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at (808) 723-7176 or lrogers@honolulu.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "David C. Thyne".

DAVID C. THYNE
Fire Chief

SB-700-SD-1

Submitted on: 2/19/2021 11:12:15 AM

Testimony for JDC on 2/24/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl B.	Individual	Support	No

Comments:

Supporting with the question: How and who will enforce the receipt of funds?

Will it be charged directly to the person? Their insurance?

SB-700-SD-1

Submitted on: 2/20/2021 8:50:02 AM

Testimony for JDC on 2/24/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Wendy Arbeit	Individual	Support	No

Comments:

Please support this measure. How many times must the general population pay for the rescue of persons who recklessly leave a trail and have to be rescued? Enough. People must be liable for their irresponsible actions.

SB-700-SD-1

Submitted on: 2/21/2021 8:44:16 AM

Testimony for JDC on 2/24/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ellen Godbey Carson	Individual	Support	No

Comments:

Please pass SB700, to help us deter illegal hiking adventures in Hawaii. The public should not have to pay the costs for search and rescue for hikers who enter areas illegally. They put our first responders at risk and to incur substantial costs to rescue them.

Thank you.

SB-700-SD-1

Submitted on: 2/21/2021 11:38:38 AM

Testimony for JDC on 2/24/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
KENNETH E MORRISON	Individual	Oppose	No

Comments:

This legislation is inappropriate for the following reasons:

- We are not applying liability reasonably or fairly. Everyday the majority of our population, in their vehicles, speed, follow too closely, and make improper lane changes. And the majority of our vehicle collisions are the result of this negligence. And this is negligence that actually kills about 130 people a year, puts thousands in the hospital, and causes millions in damage and lost productivity. Logically if we're going to make people that do anything the government doesn't approve of liable for all costs associated with rescue and other governmental services, we need to have that apply to everyone. So don't pass this bill unless you'd do the same for people who do any of the above criminal acts. As you know, that probably includes every senator in this room.

- We are creating a situation where people have to choose between their health and their financial security and future, all while being in an emergency situation. Nothing about that is okay and that's why we administer aid without signatures in the event of a more common automobile collision. This bill serves to undermine our status as a civilized society.

- We don't actually have a widespread problem with rescuing people on illegal hikes. Most of our rescues occur on legal hikes. Many times they are our visitors, the same people who power our economy and allow us to have the lifestyles we all enjoy. So this really is a non-issue and the costs associated with tourism are investments in our own financial security.

- Our larger problem with illegal hikers is our lack of liability protection for the state. And our legislature turned down a bill seeking to protect that protect about 5 years ago. Instead of worrying about the symptoms, let's address the actual problem and work on bills that protect the state from frivolous lawsuits so the Board of Water Supply can breathe easy. In the end, unimproved and unincorporated land that's owned by state or county entities should be free to access by all people unless there's a very specific reason it shouldn't be. That reason should not be "because we're afraid of getting sued." It is time to stop criminalizing hikers, not increase our attacks.

- This won't deter hikers if that's the goal, it will only serve to add administrative costs to

any serves rendered as the people with liability will simply refuse to pay or work a deal. This will also be great at creating lots of articles making worldwide circulation that will show how petty Hawaii is, potentially reducing our visitor counts. This may very well cost our state lot and lots of money in tourism income.

This bill probably won't stand up to judicial review anyways, so let's save ourselves the time, money, and trouble associated with passing poor legislation; vote no on this bill.

SB-700-SD-1

Submitted on: 2/22/2021 8:53:06 AM

Testimony for JDC on 2/24/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Malia Marquez	Individual	Support	No

Comments:

I STRONGLY SUPPORT SB 700 SD1. Our tax dollars should NOT be paying for the rescue of people that purposely decide to holoholo OFF of the trails and hiking paths. Everyone that hikes has a kuleana to take care of themselves and follow the rules. I just witnessed yet another rescue by HFD in their helicopter here in Kamilonui Valley over the weekend. Its beyond time to charge people for unnecessary rescues. Maybe then they will think before they decide to venture off the paths.

Aloha mai kakou,

I am a lineal descendant of 'ohana who trace our mo'okū'auhau to Pololū valley which has in recent years reached its max capacity of visitors and therefore, a steady increase in traffic resulting in massive search and rescue efforts. In just this calendar year of 2021, there have been no less than five (5) extrication efforts made by the County of Hawai'i Fire Department for individuals and families in Pololū and beyond. I also write to you as the wife of a Rescue Fire Personnel who has intimate knowledge of the valley trails since he grew up just ma uka of the valley. More often than not residents of this area will advise tourists who then decide to pursue their hike despite posted placards, warnings, and verbal instructions to not go down into the valley because they are unprepared to deal with sudden flash floods, rip tides, strong currents, and big surf. Moreover, when tourists and residents alike access other valleys through Pololū they are in fact trespassing onto private property and should be fined for not only their extrication but also, violating state and county laws. It is extremely frustrating in my position to have to educate visitors who do not take the necessary time to read through the possible dangers and potential threats to their lives when they undertake their hikes thereby, putting their rescuers in a perilous position too.

I want to articulate that legal hunting that has been granted to individuals permitted by leaseholders and property owners to eradicate invasive species, kanaka maoli entering wao nahele realm to gather plants for cultural practices, and clean up the trail paths are an entirely separate faction of people that have expert knowledge of these spaces. The law should take into consideration how to pursue their reimbursement when it comes to these folks who do their best to malama 'aina, incorporate conservation practices, and cultural ideologies that are essential to the kanaka way of life. All human life is sacred and no one should be treated as a special case but, I think that this law neglects the existence of people in the aforementioned context who have permission to go beyond the trails and require assistance.

Me ka ha'a ha'a,



Brittney Kehaulani Hedlund

February 22, 2021

The Honorable Karl Rhoads, Chair,
The Honorable Jarrett Keohokalole, Vice Chair, and
Members
Senate Committee on Judiciary

SUBJECT: Comments on Senate Bill 700, Senate Draft 1
RELATING TO SEARCH AND RESCUE
Hearing – Senate Committee on Judiciary
Wednesday, February 24, 2021, 9:45 am

Dear Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee on Judiciary:

Thank you for the opportunity to submit testimony on SB 700, SD1, RELATING TO SEARCH AND RESCUE. I appreciate the intent of the bill and advocate having the state and counties seek reimbursement from those who enter "state, county, or private property that is closed to the public and marked with a sign giving notice of a closure", and need to be rescued. I also support the additional language in Section 137-2, Hawaii Revised Statutes.

My comments are as follows:

- The bill should be broadened to include search or rescue for those who engage in ocean recreation (swimming, surfing, stand-up paddleboarding, kayaking, SCUBA diving, free-diving, cliff-jumping, spearfishing, etc.). China Walls, a treacherous surf break in East Oahu, has been the site of numerous deaths and serious injuries. Many inexperienced and weak swimmers often underestimate their abilities or the existing dangers and ignore warnings to stay out of the water, resulting in ocean rescues by lifeguards and/or bystanders.
- The bill needs to include adequate resources for outreach and education of visitors about the safety and potential dangers on land and at sea. Such dangers include flash floods, strong winds, strong currents, and high surf. Although there are safety videos online, there is no assurance that these videos are actually viewed by people.
- There are various mobile phone apps that may be used to communicate and educate outdoor enthusiasts.
- The bill needs to include a means for the state and counties for enforcement of the law and reimbursement of expenses. If a visitor is rescued, but does not have an ID on his/her person at the time of the rescue, how can that person or his/her estate be properly billed for the rescue?

Thank you for the opportunity to provide comments on this bill.

Sincerely,

Ruth Baker

SB-700-SD-1

Submitted on: 2/23/2021 12:58:58 AM

Testimony for JDC on 2/24/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Brinker	Individual	Support	No

Comments:

Support

LATE

SB-700-SD-1

Submitted on: 2/23/2021 10:27:43 AM

Testimony for JDC on 2/24/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dana Keawe	Individual	Support	No

Comments:

I support sb700 sd1

LATE

SB-700-SD-1

Submitted on: 2/23/2021 1:14:44 PM
Testimony for JDC on 2/24/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Ogawa	Individual	Support	No

Comments:

This bill is long overdue, especially in light of strained budgets due to COVID-19. Hawaii taxpayers should not be paying for the willful negligence of those who disregard no entry signs. A warning of the consequences of knowingly trespassing on private lands or closed trails (including rescues) should be clearly posted on all pertinent state and county websites.

LATE

SB-700-SD-1

Submitted on: 2/23/2021 2:49:43 PM

Testimony for JDC on 2/24/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Roddy	Individual	Support	No

Comments:

I am writing in full support of SB700.

I believe that when people are knowingly hiking on trails that are illegal they should assume the risk and responsibility that comes with it. Lack of judgement and disregard for personal safety should not be the responsibility of the state or the tax payers.

LATE

SB-700-SD-1

Submitted on: 2/24/2021 5:19:20 PM

Testimony for JDC on 2/24/2021 9:45:00 AM

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

Comments:

This bill is common sense to assist the counties in the enormous costs created by people with no common sense!

Sincerely,

Marion McHenry

Princeville

LATE

SB-700-SD-1

Submitted on: 2/24/2021 7:44:16 PM

Testimony for JDC on 2/24/2021 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
MaryAnn Omerod	Individual	Support	No

Comments:

I SUPPORT SB 700 and the reimbursement for all or a portion of search and rescue expenses for persons who require rescue after leaving a hiking trail to enter a prohibited area or hiking on a trail closed to the public.