

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
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DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
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CONSERVATION AND RESOURCES
ENFORCEMENT
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson

Before the House Committee on
JUDICIARY & HAWAIIAN AFFAIRS

Wednesday, March 25, 2026
2:00 PM
State Capitol, Conference Room 325

In consideration of
SENATE BILL 2363, HOUSE DRAFT 1
RELATING TO THE COUNTIES

Senate Bill 2363, House Draft 1 would authorize the counties to temporarily or permanently restrict or close public access to county-controlled lands when necessary to protect public health, ensure public safety, or preserve natural or cultural resources. The measure provides the counties with flexibility to respond to hazardous conditions such as flooding, erosion, wildfire risk, and other threats, while also requiring reasonable public notice of any closure or restriction. **The Department of Land and Natural Resources (Department) supports this bill.**

The Department appreciates the intent of this measure to clarify county authority and provide an additional tool to manage public access during unsafe conditions. Ensuring that counties can act promptly to address hazards is important for protecting residents and visitors.

The Department respectfully defers to the counties regarding implementation and looks forward to continued coordination on matters involving public access and safety.

Mahalo for the opportunity to comment on this measure.



TESTIMONY PROVIDING COMMENTS ON SENATE BILL 2363 HD1
RELATING TO THE COUNTIES

Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i
(House Committee on Judiciary & Hawaiian Affairs)

Ke Kapitala ‘o Hawai‘i
(Hawai‘i State Capitol)

Malaki 25, 2026

2:00 PM

Lumi 325

Aloha e Chair Tarnas, Vice Chair Poepoe, and Members of the Committee on Judiciary and Hawaiian Affairs:

The Office of Hawaiian Affairs (OHA) provides the following **COMMENTS on SB2363 HD1**, which authorizes the counties to close or restrict access to public lands when necessary to protect public health, ensure public safety, or preserve natural or cultural resources.

OHA is the constitutionally established body responsible for protecting and promoting the rights of Native Hawaiians.¹ In carrying out its mandates, OHA regularly assesses the policies and practices of other agencies that may impact Native Hawaiian traditional and customary rights, including rights related to resource gathering and the stewardship of lands and natural resources.²

OHA understands that counties may already exercise a degree of implicit authority under their general powers which provide broad health, safety, and maintenance authority.³ In this respect, OHA understands this measure to clarify and make explicit an authority that counties may already exercise in practice to an extent. Accordingly, OHA takes no position on the measure, but offers the following comments regarding its implementation.

¹ Haw. Const. Art. XII § 5.

² See HRS § 10-3(4).

³ See HRS §§ 46-1.5.

SB2363 authorizes counties to close or restrict public lands to protect public health, ensure public safety or preserve natural or cultural resources. While such closures may sometimes be necessary to protect sensitive resources, decisions affecting culturally significant lands should also consider the protected rights of Native Hawaiians to access and use lands and natural resources for traditional and customary practices under Article XII, Section 7 of the Hawai‘i Constitution and HRS Section 1-1.

Further, Native Hawaiians possess deep genealogical and cultural connections to specific places, and many Native Hawaiian practitioners and cultural descendants maintain longstanding knowledge of the proper stewardship and management of those lands. To help ensure that closures are culturally informed and appropriately tailored, OHA recommends incorporating a consultation provision into the bill. Specifically, OHA suggests adding language such as the following at line 1, page 3 as a new subsection (c):

“Prior to implementing a closure, or as soon thereafter as practicable, the county shall consult with Native Hawaiian organizations, including the office of Hawaiian affairs, the relevant island burial council established pursuant to section 6E-43.5, and the relevant aha moku advisory committee established pursuant to section 171-4.5, to minimize adverse impacts to the exercise of traditional and customary practices in the area.”

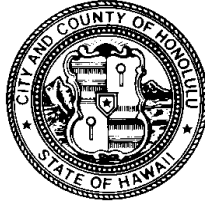
Mahalo for the opportunity to testify. We appreciate the careful consideration of our **COMMENTS on SB2363 HD1**.

LATE

**DEPARTMENT OF FACILITY MAINTENANCE
KA 'OIHANA MĀLAMA HALE
CITY AND COUNTY OF HONOLULU**

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RICK BLANGIARDI
MAYOR
MEIA



March 25, 2026

GENE C. ALBANO, P.E.
DIRECTOR AND CHIEF ENGINEER
PO'O A ME LUNA NUI 'ENEKINIA

WARREN K. MAMIZUKA
DEPUTY DIRECTOR
HOPE PO'O

IN REPLY REFER TO:
26-080

The Honorable Representative David A. Tarnas, Chair
The Honorable Representative Mahina Poepoe, Vice Chair
and Members of the Committee on Judiciary & Hawaiian Affairs
House of Representatives
415 South Beretania Street, Room 325
Honolulu, Hawai'i 96813

Dear Chair Tarnas, Vice Chair Poepoe, and Committee Members:

Subject: Testimony in Support of Senate Bill 2363

On behalf of the City and County of Honolulu, Department of Facility Maintenance, we strongly **support** SB2363 to restrict or close unencumbered public lands under County's jurisdiction when necessary to protect public health, ensure public safety, and preserve natural and cultural resources.

The Bill allows for the City and County of Honolulu the ability to post Closed Area signs at County streams and other public areas vulnerable to public access that pose a risk to the public. Risks may cause injuries including falls due to uneven terrain, drownings, and other hazards. Critical storm water infrastructure may also be jeopardized by the trash and debris brought into the areas not intended for public access leading to possible flooding and unhealthy runoff into the ocean.

In light of the City's current priority with the island's disaster recovery from the Kona low storms, it was my intention to also testify in person given the paramount importance of this Bill.

Sincerely,

Gene C. Albano, P.E.
Director and Chief Engineer

SB-2363-HD-1

Submitted on: 3/23/2026 2:45:48 PM

Testimony for JHA on 3/25/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Godfrey Akaka	Individual	Oppose	Written Testimony Only

Comments:

I oppose this draconious bill. Allowing government too much power for control over the people as has been exercised during covid lockdowns. A'ole!

SB-2363-HD-1

Submitted on: 3/23/2026 3:04:13 PM

Testimony for JHA on 3/25/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
cheryl burghardt	Individual	Comments	Written Testimony Only

Comments:

Aloha Chair and committee members,

While I SUPPORT the intent of this bill, I am concerned that there needs to be accountability or guidelines put in place in the actual case that a county would need to restrict or close lands. Mahalo

Cheryl Burghardt

Nuuanu Oahu

SB-2363-HD-1

Submitted on: 3/23/2026 6:35:59 PM

Testimony for JHA on 3/25/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Comments	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Comment including OHA testimony dated 3/17/26

The Office of Hawaiian Affairs (OHA) provides the following COMMENTS on SB2363, which authorizes the counties to close or restrict access to public lands when necessary to protect public health, ensure public safety, or preserve natural or cultural resources. OHA is the constitutionally established body responsible for **protecting and promoting the rights of Native Hawaiians.**¹ In carrying out its mandates, OHA regularly assesses the policies and practices of other agencies that may impact Native Hawaiian traditional and customary rights, including rights related to resource gathering and the stewardship of lands and natural resources.² OHA understands that counties may already exercise a degree of implicit authority under their general powers which provide broad health, safety, and maintenance authority.³ In this respect, OHA understands this measure to clarify and make explicit an authority that counties may already exercise in practice to an extent. Accordingly, OHA takes no position on the measure, but offers the following comments regarding its implementation. ¹Haw. Const. Art. XII § 5. ²See HRS § 10-3(4). ³See HRS §§ 46-1.5. SB2363 authorizes counties to close or restrict public lands to protect public health, ensure public safety or preserve natural or cultural resources. While such closures may sometimes be necessary to protect sensitive resources, decisions affecting culturally significant lands should also consider the protected rights of Native Hawaiians to access and use lands and natural resources for traditional and customary practices under Article XII, Section 7 of the Hawai‘i Constitution and HRS Section 1-1. Further, Native Hawaiians possess deep genealogical and cultural connections to specific places, and many Native Hawaiian practitioners and cultural descendants maintain longstanding knowledge of the proper stewardship and management of those lands. To help ensure that closures are culturally informed and appropriately tailored, OHA recommends incorporating a consultation provision into the bill. Specifically, OHA suggests adding language such as the following at line 1, page 3 as a new subsection (c): “Prior to implementing a closure, or as soon thereafter as practicable, the county shall consult with Native Hawaiian organizations, including the office of Hawaiian affairs, the relevant island burial council established pursuant to section 6E-43.5, and the relevant aha moku advisory committee established pursuant to section 171-4.5, to minimize adverse impacts to the exercise of traditional and customary practices in the area.” Mahalo for the opportunity to testify.

2363 SB RELATING TO THE COUNTIES.

