

DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU

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LATE

THE HONORABLE GLENN WAKAI, CHAIR
SENATE COMMITTEE ON ENERGY AND
INTERGOVERNMENTAL AFFAIRS

AND

THE HONORABLE CAROL FUKUNAGA, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY AND
MILITARY AFFAIRS

Thirty-Third State Legislature
Regular Session of 2026
State of Hawai'i

February 10, 2026

REGARDING S.B. 2363— RELATING TO THE COUNTIES

Chair Wakai and Chair Fukunaga, Vice Chair Chang and Vice Chair Lee, and Members of the Committee, the Department of the Prosecuting Attorney, City and County of Honolulu, **supports** S.B. 2363. We appreciate the opportunity to testify on this matter.

The purpose of this measure is to authorize counties to regulate, restrict, or close public lands under their jurisdiction when necessary to protect public health and safety, or to preserve natural and cultural resources. The bill further clarifies that counties may establish ordinances regulating public access to streams, drainage ways, and storm drain systems.

I. Need for Local Authority to Protect Public Safety

County agencies frequently encounter situations where immediate action is required to keep the public safe—such as hazardous conditions, flooding, wildfire risks, landslides, erosion, or contamination. Without clear statutory authority, response efforts can be slowed by uncertainty, jurisdictional questions, or challenges to local authority.

This bill provides counties the explicit legal tools they need to act swiftly to protect residents and visitors.

II. Protection of Natural and Cultural Resources

Many county-managed lands contain culturally significant sites, fragile ecosystems, and natural resources that can be damaged by overuse, trespassing, illegal dumping, or unsafe activities. Allowing counties to temporarily or permanently restrict access when necessary ensures these spaces are preserved for future generations.

III. Clarity for Law Enforcement and Public Users

By defining “encumbered” and “unencumbered” county property and outlining specific forms of permissible closures or restrictions, the bill creates consistency and transparency. Clear notice requirements—such as signage or online posting—ensure members of the public understand when and why access is restricted.

Providing this clarity supports enforcement actions when necessary and protects both county employees and community members.

IV. Support for County Infrastructure and Drainage Systems

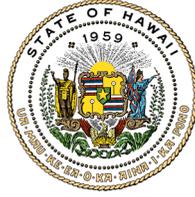
The inclusion of streams, drainage ways, and storm drain systems is especially important. Unauthorized entry into these systems poses major risks, including injuries, drownings, and interference with critical storm water infrastructure. This bill supports counties in preventing dangerous conduct and maintaining public safety and infrastructure integrity.

For these reasons, the Department respectfully **urges the Committee to pass this measure.**

Thank you for the opportunity to testify.

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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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

Before the Senate Committees on
ENERGY AND INTERGOVERNMENTAL AFFAIRS
and
PUBLIC SAFETY AND MILITARY AFFAIRS

Tuesday, February 10, 2026
3:07 PM
State Capitol, Conference Room 224

In consideration of
SENATE BILL 2363
RELATING TO THE COUNTIES

Senate Bill 2363 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.



JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



EDWIN H. SNIFFEN
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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

Tuesday, February 10, 2026
3:02 PM
State Capitol, 229



SB2363
RELATING TO THE COUNTIES

Senate Committees on Energy & Intergovernmental Affairs
and Public Safety & Military Affairs

The Department of Transportation supports S.B. No. 2363, which authorizes counties to temporarily or permanently close or restrict public access to county-controlled lands when necessary to protect public health, ensure public safety, or preserve natural and cultural resources. Providing counties with clear statutory authority to manage access to lands under their jurisdiction will improve the ability of local governments to respond quickly and effectively to hazardous conditions such as wildfires, flooding, erosion, infrastructure damage, or other safety risks that may affect surrounding transportation facilities and public access routes.

This measure also supports coordinated state and county emergency response efforts by allowing timely closures, modified operating hours, or activity restrictions when conditions warrant, while requiring reasonable public notice to ensure residents and visitors remain informed. By strengthening counties' ability to proactively manage public lands during emergencies or safety events, S.B. No. 2363 enhances overall public safety, protects natural and cultural resources, and helps maintain safe and reliable access to transportation systems statewide.

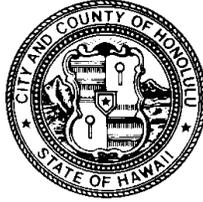
Thank you for the opportunity to testify in support of this bill.

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

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LATE

RICK BLANGIARDI
MAYOR
MEIA



February 9, 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:
26-043

The Honorable Senator Glenn Wakai, Chair
The Honorable Senator Stanley Chang, Vice Chair
and Members of the Committee on Energy and Intergovernmental Affairs
State Senate
415 South Beretania Street, Room 224
Honolulu, Hawai'i 96813

Dear Chair Wakai, Vice Chair Chang, 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.

Sincerely,

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