

LINDA LINGLE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
LAURA H. THIELEN  
Chairperson**

**Before the House Committee on  
WATER, LAND AND OCEAN RESOURCES**

**Monday, February 9, 2009  
9:00 AM  
State Capitol, Conference Room 325**

**In consideration of  
HOUSE BILL 1040  
RELATING TO TORT LIABILITY**

House Bill 1040 proposes to make permanent the law that provides the state and county governments with liability protection for lifeguard services at state and county beaches. The Department of Land and Natural Resources (Department) strongly supports this Administration bill as it provides a permanent exception from liability for county lifeguards while carrying out their duties and responsibilities.

This bill amends Act 170 Session Laws of Hawaii (SLH) 2002 (Act 170), as amended by Section 4 of Act 152, SLH 2007, by repealing the June 30, 2010 sunset date.

Act 170 provides liability immunity for counties and county lifeguards while providing rescue, resuscitative or other lifeguard services. The State does not have lifeguards and contracts with the Counties for lifeguard services at its State Parks. Liability concerns had prevented some counties from participating. Act 170 cleared up these concerns and has allowed the State to contract with all counties for lifeguard services at State Park beaches when funding becomes available. Kauai county lifeguards have been on duty at Kee Beach, Haena since July 1, 2008, and Maui County is hiring and training lifeguards for Makena State Park.

For the reasons stated in this testimony, the Department strongly supports House Bill 1040 in its objective to continue the partnership of the State and the Counties to enhance safety of public park users while promoting a greater understanding, respect, and enjoyment of the otherwise inviting ocean that we are blessed with. The sunset provision in Act 170 needs to be removed.

LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
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  
KAIHOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS



## TESTIMONY OF THE STATE ATTORNEY GENERAL TWENTY-FIFTH LEGISLATURE, 2009

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1040, RELATING TO TORT LIABILITY.

**BEFORE THE:**

HOUSE COMMITTEE ON WATER, LAND AND OCEAN RESOURCES

**DATE:** Monday, February 9, 2009 **TIME:** 9:00 AM

**LOCATION:** State Capitol, Room 325  
*Deliver to: State Capitol, Room 438, 1 Copy*

**TESTIFIER(S):** Mark J. Bennett, Attorney General  
or Caron Inagaki, Deputy Attorney General

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Chair Ito and Members of the Committee:

The Department of the Attorney General strongly supports this measure.

The purpose of this bill is to make permanent the liability protections for lifeguard services on the beach or in the ocean, except for gross negligence or wanton acts or omissions. At present, the liability protections provided in Act 170, Session Laws of Hawaii (SLH) 2002, will sunset on June 30, 2010.

This limited liability protection was necessary because some counties would not provide lifeguard services at State beach parks, due to fear of potential liability that might ensue. Thus, Act 170 created a climate in which lifeguard services could be provided by the counties with less fear of liability.

Under Act 152, Session Laws of Hawaii (SLH) 2007, the Legislature found that the limitations on state and county liability have proven to be beneficial to the state and county governments, as well as the public. The liability protections of Act 170, as well as Act 82, SLH 2003, and Act 190, SLH 1996, as amended, have reduced the exposure of the state and county governments to substantial damages and, as a result, have allowed the state and county governments to keep recreational areas and public beach parks with

potentially dangerous natural conditions open to the public. The Legislature further found that state and county compliance with the statutorily required public warning of dangerous conditions at recreational areas and public beach parks have contributed to an improvement in public safety in these areas, which justified making the current liability exemptions for state and county governments relating to recreational areas (Act 82) and public beach parks (Act 190) and actions of county lifeguards (Act 170) permanent or extending their protections.

Act 152 also established a task force to examine the effectiveness of, collect data, and provide information to the legislature on, Acts 170, 190, and 82. The report submitted by the task force to the 2009 Legislature found nearly unanimously that Act 170 was effective and promotes and increases public safety. The task force, again, nearly unanimously recommended that Act 170 be made permanent. The lone dissenter was the representative of Consumer Lawyers of Hawaii, who believed that lifeguards had not been on the beaches, specifically on Kauai, long enough to determine the efficacy of Act 170.

Following the enactment of Act 170, there have been a total of 131 lifeguard rescues on Oahu's previously unguarded beaches. In 2007-2008 alone, Kauai's water safety officers prevented at least 312 drowning deaths. At Hapuna Beach Park, the only state beach park on the island of Hawaii, approximately 267 individuals were rescued during the fiscal years of 2006-2007 and 2007-2008. In 2008, Maui lifeguards performed approximately 120 rescues.

This is a life-saving measure that deserves to be made permanent. We therefore respectfully request that the Committee pass this measure.



Testimony of the

**Hawaii Council of Mayors**

Bernard P. Carvalho, Jr., Mayor of Kauai

Mufi Hannemann, Mayor of Honolulu

Billy Kenoi, Mayor of Hawaii

Charmaine Tavares, Mayor of Maui

**House Committee on Water, Land & Ocean Resources**

February 9, 2009

**House Bill 1040: Relating to Tort Liability**

**House Bill 848: Relating to Government Liability**

We—the mayors of Hawaii, Honolulu, Kauai, and Maui—support House Bill 1040 and House Bill 848, both of which repeal the sunset date on liability statutes covering county lifeguards.

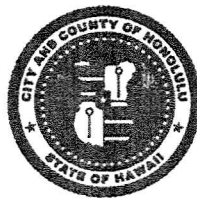
The immunities granted by the Legislature in Act 152 (2007) to the counties for dangerous natural conditions on public lands (referred to as the “Sacred Falls law”) and the provision of lifeguard services have been very beneficial to the county governments and the public by reducing the liability exposure of the counties to substantial damages, which, as a result, has enabled the counties to keep open to the public those recreational areas and beach parks with potentially dangerous conditions. The counties’ compliance with the posting of signs warning of dangerous conditions at these recreational areas has contributed to an improvement in public safety, which justifies making permanent the existing immunities.

These measures—specifically House Bill 848—were included in the Hawaii Council of Mayors’ legislative package for 2009, and we would be very grateful to the members of the Legislature for your continued support of these proposals.

Mahalo.



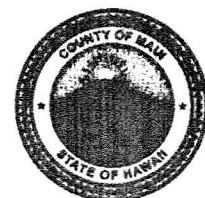
Mayor Billy Kenoi  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720



Mayor Mufi Hannemann  
City and County of Honolulu  
530 South King Street  
Honolulu, Hawaii 96813



Mayor Bernard Carvalho, Jr.  
County of Kauai  
444 Rice Street  
Lihue, Hawaii 96766



Mayor Charmaine Tavares  
County of Maui  
200 South High Street, 9th Floor  
Wailuku, Hawaii 96793

William P. Kenoi  
Mayor



Lincoln S.T. Ashida  
Corporation Counsel

Katherine A. Garson  
Assistant Corporation  
Counsel

**COUNTY OF HAWAII**  
**OFFICE OF THE CORPORATION COUNSEL**

101 Aupuni Street, Suite 325 • Hilo, Hawaii 96720-4262 • (808) 961-8251 • Fax (808) 961-8622

February 6, 2009

The Honorable Ken Ito, Chair,  
and Members  
Committee on Water, Land and Ocean Resources  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Ito and Members of the Committee:

*Re: Testimony in Support of House Bill No. 1040  
Hearing: Monday, February 9, 2009, at 9:00 a.m.  
Conference Room 325*

The County of Hawaii's Office of the Corporation Counsel and Fire Department (collectively as "County") support HB 1040 because it seeks to make permanent the liability exemptions for state and county governments providing county lifeguard services. The bill repeals the sunset date of Act 170, Session Laws of Hawaii 2002 ("Act 170") that shields county lifeguards from liability. Passage of the bill will provide more access to the counties' beaches and increase safety to the beachgoers by allowing the counties to place lifeguards at county and state beach parks, without the threat of costly, unnecessary and unwanted litigation arising from dangerous natural conditions in the beach parks, ocean and public recreational areas.

Act 170 protected lifeguards from liability when they provide rescue, resuscitative or other lifeguard services. Removal of the sunset date will provide public benefits that have been well documented in the findings of the Report of the Task Force Established by Act 152 ("Task Force Report"), submitted to the Twenty-Fifth State Legislature, Regular Session 2009. The Act 152 Task Force was established to advise the Legislature of the effectiveness of three acts (Act 82 (SLH 2003), Act 170 (SLH 2002) and Act 190 (SLH 1996)) that were enacted to balance the interest of protecting the safety of residents and visitors at public parks and beaches, with that of the interest of providing the counties and state protection from liability arising from dangerous natural conditions or events that are outside their control. Where funding has been

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The Honorable Ken Ito, Chair  
and Members  
Committee on Water, Land and Ocean Resources  
February 6, 2009  
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appropriated, counties have stationed lifeguards at certain state beach parks. The Task Force Report concluded that various programs have been effective in increasing public safety, and that both the state and counties adopted uniform signage design and installed appropriate signage. The Task Force recommended repeal of the 2010 sunset date, and codification of Act 170 as permanent law.

The County's statistics concerning the lifeguards' services on the beaches provide substantial objective basis for passage of the bill. For example, from December 2003 to December 2008, for the four (4) beaches on West Hawai'i, there were 5,423,405 beachgoers, with 3,109,598 of those beachgoers utilizing Hāpuna, which is the only state beach on the island of Hawai'i where the County provides lifeguard services. Even though Hāpuna is the most widely used beach on the island, with more than 600,000 visitors per year, there has been only two (2) drownings. In addition, at Hāpuna, 594 beachgoers were rescued, 6 were resuscitated, and 329 were provided first aid by lifeguards. In addition, lifeguards took 59,112 preventive actions for beachgoers, which could have resulted in more injuries or death. The east side beaches show the same trend of the actions of the lifeguards who save lives, give first aid, and prevent injuries and deaths.

Thank you for your consideration of our testimony.

Sincerely,



JOSEPH K. KAMELAMELA  
Deputy Corporation Counsel,  
Litigation Supervisor  
County of Hawai'i

JKK:fc

c via email only: Kevin Dayton, Executive Assistant  
Bobby Jean Leithead-Todd, Acting Deputy Planning Director  
Darryl Oliveira, Fire Chief

DEPARTMENT OF THE CORPORATION COUNSEL  
**CITY AND COUNTY OF HONOLULU**

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MUFI HANNEMANN  
MAYOR

CARRIE K. S. OKINAGA  
CORPORATION COUNSEL

DONNA M. WOO  
FIRST DEPUTY CORPORATION COUNSEL

February 5, 2009

The Honorable Ken Ito, Chair  
and Members of the Committee  
on Water, Land and Ocean Resources  
State House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Ito and Members:

Subject: House Bill No. 1040  
Relating to Tort Liability

The City and County of Honolulu ("City") strongly supports HB No. 1040 which seeks to make permanent the liability exemptions for State and County governments providing county lifeguard services. Passage of HB No. 1040 would make our beaches more accessible and safer by allowing the Counties to continue the placement of lifeguards at State beach parks, without the threat of costly litigation for conditions or events that are outside the Counties' control.

The City supports the findings and recommendations contained in the Report of the Task Force Established by Act 152, Sessions Laws of Hawaii, 2007 ("Act 152 Task Force"), filed with the Twenty-Fifth State Legislature, Regular Session 2009. The Act 152 Task Force was established to advise the Legislature of the effectiveness of, and collect sufficient data relating to, Act 82, SLH 2003; Act 170, SLH 2002; and Act 190, SLH 1996, as amended. All three acts were adopted to strike a balance between protecting the safety of residents and visitors at public parks and beaches and providing government with protection from liability arising from dangerous natural conditions in the ocean and public recreational areas.

In its report, the Act 152 Task Force concludes that the various programs developed under Acts 82, 170, and 190 have been effective in increasing public safety, that the procedures contained therein have been implemented, and

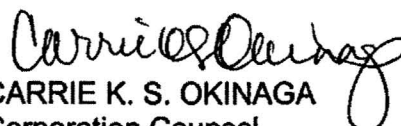
The Honorable Ken Ito, Chair and Members of the  
Committee on Water, Land and Ocean Resources  
State House of Representatives  
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continue to be implemented by the State and the Counties. Both the State and the Counties have adopted uniform signage design and installed signage compliant with the requirements of Act 82. Where funding has been appropriated, counties have stationed lifeguards at certain State beach parks. The report further discusses the benefits of posting Act 190 and Act 82 signage to the public and how lives have been saved as a result of the posting of County lifeguards at State beach parks. Based upon its review of the various County programs for the implementation of Act 82 and Act 170, the Act 152 Task Force concludes with the recommendation that the sunset dates of Act 82 and Act 170 be repealed.

The City fully supports the recommendations of the Act 152 Task Force, and requests your support in passing HB No. 1040 to make Act 170 permanent.

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

Very truly yours,

  
CARRIE K. S. OKINAGA  
Corporation Counsel

CKSO:ey

09-00744/59983



HONOLULU EMERGENCY SERVICES DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

3375 KOAPAKA STREET, SUITE H-450 • HONOLULU, HAWAII 96819-1869  
Phone: (808) 723-7800 • Fax: (808) 833-3934

MUFI HANNEMANN  
MAYOR



ELIZABETH A. CHAR, M.D.  
DIRECTOR

February 6, 2009

The Honorable Ken Ito, Chair  
and Members  
The Honorable Sharon Har, Vice-Chair  
and Members  
Committee on Water, Land and Ocean Resources  
House of Representatives  
Hawaii State Capitol  
Honolulu, HI 96813

Dear Chair Ito, Vice-Chair Har, and Committee Members:

Re: HB 1040 Relating to Tort Liability

The Honolulu Emergency Services Department, through its Ocean Safety and Lifeguard Services Division, City and County of Honolulu, provides a comprehensive program of ocean safety for the residents of and visitors to the island of Oahu, and strongly urges your support of HB 1040.

As you may be aware, the State of Hawaii, Department of Land and Natural Resources (DLNR) contracts with the City and County of Honolulu to provide lifeguard services at Kaena Point State Park. The provision of these services has occurred since the early 1990's, and has resulted in hundreds of rescues, first aids, and other lifesaving incidents that would surely have resulted in poor outcomes had there not been lifeguards stationed there. Because the State of Hawaii does not have a lifeguard service, DLNR contracts with the counties to provide lifeguards at certain state beach parks. (Kaena Point State Park on Oahu, Ke'e Beach on Kauai, Hapuna Beach on Hawaii Island, and Makena Beach on Maui.)

Act 170, Session Laws of Hawaii 2002, provides the necessary protection from liability for lifeguards and their respective county employers while acting in their normal course of duties. Act 170 does not provide for complete immunity, as gross negligence, wanton acts or omissions are specifically excluded from the statute, however, it does provide for protection without which the counties would not be able to staff these beaches.

The Honolulu Emergency Services Department strongly supports making Act 170 permanent and urges your favorable consideration of HB 1040.

Thank you for the opportunity to present this testimony.

Sincerely,

A handwritten signature in black ink, appearing to read "E.A. Char, M.D.", written in a cursive style.

Elizabeth A. Char, M.D., Director  
Honolulu Emergency Services Department

Bernard P. Carvalho, Jr.  
Mayor



Robert F. Westerman  
Fire Chief

John T. Blalock  
Deputy Fire Chief

COUNTY OF KAUAI  
Fire Department  
Mo'ikeha Building  
4444 Rice Street, Suite 295  
Lihu'e, Kaua'i, Hawaii 96766

February 4, 2009

The Honorable Ken Ito, Chair  
Committee on Water, Land and Ocean Resources  
House of Representatives  
State Capitol, Room 420  
Honolulu, Hawaii 96813

Dear Chair Ito:

**Subject: H.B. 1040 Relating to Tort Liability**

My name is Robert F. Westerman, Fire Chief for the Kauai County Fire Department, testifying in support of the Bill, with amendment. The Bill repeals the sunset date and makes permanent Act 170, Session Laws of Hawai'i 2002 (Act 170). Act 170 shields county lifeguards from liability.

Act 170 has provided needed protection to lifeguards from liability when they provide rescue, resuscitative, or other lifeguard services. We support removal of the sunset date so that the public benefits of the Act can continue. The benefits of the Act were documented in the findings of the Report of the Task Force Established by Act 152 (Task Force Report), submitted to this Legislature this session. In the Task Force Report, all task force members, with the exception of the member representing the Consumer Lawyers of Hawai'i (CLH), recommend repeal of the 2010 sunset date, and codification of Act 170 as permanent law.

The Task Force, with the exception of the CLH member, also that Act 82, Session Laws of Hawai'i 2003 (Act 82) be made permanent. Act 82 protects the State and counties from unlimited liability from recreational activities on public lands, including trails. Act 82 also provides protection to the public, because the State and counties are required to implement a system of warning signs. We request that this Bill be amended to include repeal of the June 20, 2010 sunset date of Act 82, which would make the Act permanent. Alternatively, we advocate passage of House Bill No. 848, which would accomplish the same purpose, since it proposes to amend Act 152, Session Laws of Hawai'i 2007, by repealing the sunset dates of Acts 82 and 170.

We also request that this Legislature continue the funding to the County for providing lifeguards on certain state beach parks. On Kaua'i, the funding allows the County to provide lifeguards for Kee Beach on Kaua'i, which is a State beach. Lifeguarding began at Kee Beach last year, with significant positive results. Between July 1, 2008, and November, 2008, approximately 48 beachgoers were rescued, two were assisted, and 282 provided first aid by lifeguards. In addition, lifeguards took 4,989 preventive actions, which might have resulted in injuries or deaths. The State funding provided by this Legislature prevented tragedies from occurring because of these incidents. We urge you to provide sufficient funding to continue lifeguarding at Kee Beach.

We thank the Committee for the opportunity to present testimony on this matter.

Sincerely,

Robert F. Westerman  
Fire Chief

HAWAIIAN LIFEGUARD ASSOCIATION  
PMB 271, 758 KAPAHULU AVE., SUITE A  
HONOLULU, HAWAII 96816

February 7, 2009

The Honorable Ken Ito, Chair,  
The Honorable Sharon Har, Vice-Chair, and Members  
Committee on Water, Land, and Ocean Resources  
House of Representatives  
The Twenty Fifth Legislature  
Regular Session of 2009

Dear Chair Ito, Vice-Chair Har, and Members:

Re: HB 1040 and HB 848

The Hawaiian Lifeguard Association (HLA) is the non profit organization that represents the 400 professional ocean lifeguards in the State of Hawaii. The mission of the HLA is to promote the advancement of professional lifeguarding and to reduce drownings in the ocean surrounding our island state. The HLA attempts to accomplish this mission by supporting the efforts of Hawaii's lifeguards through fundraising and educational programs and by partnering with the government agencies in delivering the statewide Junior Lifeguard Program.

The HLA strongly supports the intent of both H.B 1040 and H.B. 848, which seek to make permanent the protection from liability provided by Act 170 (2002) and Act 82 (2003). This protection is necessary for the individual lifeguards as well as the counties to be able to provide services for the State of Hawaii at Kaena Point State Park on Oahu, Hapuna Beach on Hawaii Island, Makena Beach on Maui, and Ke'e Beach on Kauai. These four beaches are popularly used by the public and would be where drownings and serious injuries occur if lifeguard services were not provided.

The United States Lifesaving Association, the national organization of professional open water lifeguard agencies, has collected data over a twenty

year period that shows that the chances of drowning at a lifeguarded beach in the United States is one in 18 million. According to the State Department of Health's Injury Prevention and Control Program, drownings that occur at unguarded beaches in the State of Hawaii far outnumber those at guarded beaches by at least 20 to one.

The necessity of providing trained lifeguards at Hawaii's beaches is obvious, a "no brainer." We urge you to acknowledge this fact by moving to remove the sunset provisions from Act 170 and thereby making it permanent.

Thank you for the opportunity to present this testimony. I am available to answer any questions you may have. Aloha nui loa.

Sincerely,

Ralph S. Goto  
For the Board of Directors



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**  
AFSCME Local 152, AFL-CIO

**RANDY PERREIRA**  
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The Twenty-Fifth Legislature, State of Hawaii  
Hawaii State House of Representatives  
Committee on Water, Land and Ocean Resources

Testimony by  
Hawaii Government Employees Association  
February 9, 2009

H.B. 1040 – RELATING TO  
TORT LIABILITY

The Hawaii Government Employees Association strongly supports the purpose and intent of H.B. 1040. This legislation provides state and county governments with a permanent exception from liability for the acts of county lifeguards while acting within the scope of their duties and responsibilities, except for gross negligence or wanton acts of omissions. At present, the liability protections afforded to lifeguards under Act 170, SLH 2002, will expire on June 30, 2010.

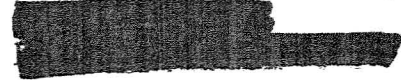
This liability protection enables lifeguard services to be provided by the counties without fear of liability. Making the lifeguard immunity permanent ensures that the maximum number of beach parks are guarded, thereby limiting the potential liability for drowning deaths and other injuries sustained at public parks.

Thank you for the opportunity to testify in support of H.B. 1040.

Respectfully submitted,

Nora A. Nomura  
Deputy Executive Director

Dr. Monty Downs  
E.R. Physician, Wilcox Hospital &  
Co-Chair, Kauai Water Safety Task Force



2/5/09

Testimony for: State of Hawaii House of Representatives  
Committee on Water, Land, and Ocean Resources  
Ken Ito, Chair

Subject: Hearing on 2/9/09 regarding HB 1040 and HB 848

Dear Mr. Ito and Committee Members:

A prefacing comment: As you can tell from my title, my interest and expertise is in ocean safety issues. My testimony will therefore focus on HB 1040 and that part of HB 848 which concerns Lifeguard Immunity (i.e. Act 170). I am in favor of the part of HB 848 that deals with Act 82, but I have no expertise in that Act nor in what is covered by that Act, and I will leave it to others who do have that expertise to testify on the Act 82 portion of 848.

\* \* \* \* \*

Act 170 – That is very near and dear to me. As you know, this Act provides County Lifeguards with immunity (except in the case of gross negligence) when they are guarding State Beaches. This Act, along with State funding, is what has allowed Kauai County Lifeguards to cover Ke’e Beach, our very busy State Park that is at the northern end of the road. (The beach is so busy that if you want to go there you will be lucky to find a parking place within 1/4 mile of the beach.) After years of lobbying for Act 170 and for funding, our Lifeguard service began on July 1, 2008 and County Lifeguards are at work there as you read this testimony. We Kauaians are extremely grateful to the State for accepting this responsibility for Ke’e State Beach Park.

Ke’e is very popular for snorkeling because of an outer protective reef that keeps the inside lagoon quite calm and placid appearing. But I’m sure you all are aware of how a protective reef can be a double-edged sword. When there are conditions, as there frequently are, wherein the waves break onto and over the reef, you now have the set-up for a strong Rip Current, the avenue by which the incoming water equilibrates itself back out to sea. Many unsuspecting people have been caught in this Ke’e rip current, and out they go down along the wild cliffs and waters of the NaPali coast. Only ½ the bodies are ever recovered. Our last death was 2 years ago, the pilot of a U.S. Airways flight that was on 24 hour crew layover. His wife and 4 year old son (and a back-up airline crew) flew in the next day to try and deal with this.

For me personally, I feel a happiness every single day knowing that Lifeguards are at Ke'e and that now we almost certainly won't have to endure another family catastrophe there. Look at these Ke'e numbers, compiled by the Lifeguards since 7/1/08:

Rescues	49
First Aid Assistance	333
Preventions	7,548
Public contacts	18,882
Total # of beachgoers	71,428

By these astonishing numbers you can see that this is very much of a "Prevention" tower, and the Lifeguards have to be good conversationalists/communicators as well as water-people! The Tower is right where you walk onto the beach, and you can see how many snorkelers and beachgoers stop and talk with our Lifeguards. Terrific stuff in our challenged visitor-industry economy. How many deaths would there have been had there not been a Lifeguard? Well, even if the answer is One, I ask you to imagine if that one was your family member.

One other comment about the preventions at this Tower: Ke'e Beach is the starting point for the NaPali Coast trail, which takes you to a couple of extremely dangerous beaches called Hanakapiai and Kalalau. I believe our Ke'e Lifeguards have a significant impact on these dangers, since hikers regularly stop to chat with them about conditions before heading up the trail. Cell-phone communication from these beaches is impossible because of the Pali's, but we are looking into (via the private sector) setting up a satellite-technology Personal Radio Beacon that can be activated into our 911 system in an emergency. With this and with Jetskis, it's conceivable that our Ke'e Lifeguards may one day become able to actually have a meaningful shot at making rescues at these remote State/DLNR beaches. We did suffer a young man drowning at Hanakapiai in 2008, his friends had to run out the 2 miles of trail before any rescue could be attempted, and by then it was much too late.

Please do not take away our Ke'e Lifeguards. Please do not let any more unsuspecting snorkelers die at Ke'e. Please repeal the sunset of Act 170 and please support HB 1040 (and 848).

Respectfully Submitted,



Dr. Monty Downs  
Kapaa, Kauai