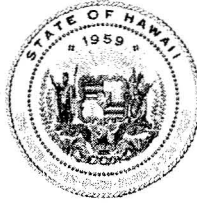
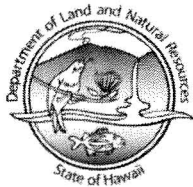


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Late Testimony of
WILLIAM J. AILA, JR.
Chairperson**

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

**Monday, February 14, 2011
9:00 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 548, HOUSE DRAFT 1
RELATING TO TRESPASS**

House Bill 548, House Draft 1 holds the authors and publishers of visitor websites and publications liable to readers who suffer injury and death as a result of being enticed to onto private lands that are not open to the public. The Department of Land and Natural Resources (Department) strongly supports this measure, and offers the following amendment.

The Department supports this measure because it may discourage the publishers of these types of websites and publications from promoting areas that are either culturally or environmentally too sensitive for public use, or that are potentially detrimental to public safety due to the physical conditions and are absent of any type of feature that is in place and maintained for public access and use.

As such, the Department is requesting the Committee to also consider adding "public land" to the measure. The Department has numerous locations throughout the state that are also subject to this type of promotion, and has determined that the authors should share in the potential liability of areas that are not promoted, managed or suitable, as determined by the Department, for public use, but that are still being promoted by the various private websites and publications. The Department supports this measure and appreciates the committee's consideration of this late testimony and our request.



LATE TESTIMONY

KAMEHAMEHA SCHOOLS

TESTIMONY TO THE HOUSE COMMITTEE ON WATER, LAND AND OCEAN RESOURCES

Hearing Date: Monday, February 14, 2011
9:00 a.m., Conference Room 325

Dear Chair Chang, Vice Chair Har and Committee Members:

RE: Testimony in Support of House Bill No. HB 548 HD 1 - Relating to Trespass

I am Kapu C. Smith, Senior Land Asset Manager for Kamehameha Schools' Kawaihoa Plantation in Waialua, Oahu. I am here to testify in support of HB 548 HD 1. As with many other landowners in Hawaii, we face daily trespass by those who ignore our private property signs. Unfortunately, there is a new category, "the visitor" who is provided specific directions to reach hiking trails, historic sites, and other cultural resources on private property.

In the case of Kawaihoa Plantation, one hiking guide book provides detailed directions on how to access two trails on Kamehameha Schools' property which is located six miles above Haleiwa Town. Although the author notes that these trails are on private property, his directions encourage the reader to follow his instructions and attempt access. It would have been far more appropriate for the author to note the existence of the trail and stop there.

By doing otherwise, the author has led the visitor to the site and unfairly placed the liability for injury on the landowner. HB 548 HD1 correctly shifts the burden of this liability to the visitor publication by requiring the defense and indemnification of the landowner when this occurs.

Thank you for the opportunity to testify in support of HB 548 HD 1.

567 SOUTH KING STREET HONOLULU, HAWAII 96813 TELEPHONE (808) 523-6200 FAX (808) 523-6374

Founded and Endowed by the Legacy of Princess Bernice Pauahi Bishop

Kaupo Ranch Ltd.
35 Kapuahi Street
Makawao HI 96768

TESTIOMNY

February 8, 2011

Submitted via email: WLOtestimony@ Capital. Hawaii.gov

FROM: Kaupo Ranch Ltd.

TO: HOUSE COMMITTEE ON WATER, LAND, AND OCEAN
RESOURCES

Rep. Jerry L. Ching, Chair
Rep. Sharon E. Har, Vice Chair

Hearing Date: Monday, February 14, 2011

Hearing Time: 9:00 a.m., Conference Room 325

MEASURE: HB 548, HD1 RELATED TO TRESPASS

We SUPPORT HB 548, HD1 RELATING TO TRESPASS.

My name is Alex Franco I manage Kaupo Ranch Ltd. and is the Vice President of Hawaii Cattlemen's Council.

Trespass is a problem, it takes away the needed time to conduct business to deal with people that maliciously cut fences to gain entry for hunting, motor bike riding, surfing, hiking along with uninvited tourist that are following maps from a recently purchased guide book. In addition, property owners should be exempted from liability if these individuals are injured on the property while trespassing.

All of this takes valuable time away from our operation, which is what pays the bills. As we look at the growing demand for locally produced food we need to stay focus on our core business of farming and ranching and develop policy that continues to support this. This is why I ask for your support of HB 548, HD1 which relates to trespass.

Thank you for giving me the time to testify in support of this very important issue.

Sincerely,

Alex Franco
Kaupo Ranch Ltd.