

HCR-76

Submitted on: 4/4/2022 9:44:12 AM

Testimony for JHA on 4/5/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
William Stormont	DLNR	Comments	Remotely Via Zoom

Comments:

I am available for questions to DLNR. Please allow me Zoom access.

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committee on
JUDICIARY & HAWAIIAN AFFAIRS

Tuesday, April 5, 2022
2:00 PM
State Capitol, Conference Room 325, Via Videoconference

In Consideration of
**HOUSE CONCURRENT RESOLUTION 76/HOUSE RESOLUTION 69
CONVENING A WORKING GROUP TO DETERMINE ANY CIRCUMSTANCES
UNDER WHICH GOVERNMENT ENTITIES SHOULD BE REIMBURSED FOR
SEARCH AND RESCUE SERVICES ON LAND FOR TRAIL USERS AND WHAT
CONSTITUTES PROPER PUBLIC NOTICE OF A TRAIL USER'S ILLEGAL
PRESENCE ON LAND FOR PURPOSES OF IMPOSING PENALTIES FOR
VIOLATIONS OF LAW.**

House Concurrent Resolution 76/House Resolution 69 propose to convene a working group to determine any circumstances under which government entities should be reimbursed for search and rescue services on land for trail users and what constitutes proper public notice of a trail user's illegal presence on land for purposes of imposing penalties for violations of law. **The Department of Land and Natural Resources (Department) offers comments on these measures.**

There is a large segment of members of the public, both in-state residents and out-of-state visitors, ignoring warning and closed area signs and the hours of operation for managed public access at the terminus of trails and park area boundaries. This behavior has proliferated due to social media that now promotes activities and features that are subject to closure or warning signage. Due to both the number of people recreating on public lands and those not adhering to closures and warning signs, there has been an increase in the need for rescue services for both lawful and unlawful activity and behavior in recent years.

It is primarily the role of the respective county emergency response agencies to engage in the costly and dangerous action of responding to distressed hikers who need aid or retrieval, so the bulk of the cost burden rests with the county agencies. In fact, the County of Kaua'i has enacted

an ordinance enabling them to pursue cost recovery given certain conditions. The Department's law enforcement and other resource management divisions do collaborate on occasion for remote and complex searches. In these instances, staff overtime costs are incurred, and work duty time is affected.

The working group called for in these resolutions would convene various government agencies at the state and county level, including legal counsel, land management agencies, and county emergency response agencies. In addition, public recreational advocacy interests, i.e., hunting and hiking, would be represented. As the agency responsible for management of public trust lands across the state that host use of recreation resources, the Department agrees that it should participate in this working group to determine feasibility, advisability, sufficiency, and responsibility when it comes to recreational land use and search and rescue issues on public lands.

Thank you for the opportunity to comment on these measures.