

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS**

**Thursday, February 3, 2022
1:10 PM
State Capitol, Via Videoconference**

**In consideration of
SENATE BILL 2616
RELATING TO SEARCH AND RESCUE**

Senate Bill 2616 requires government entities to seek reimbursement for search and rescue expenses for persons who require rescue after leaving a hiking trail to enter a prohibited area or hiking on a trail closed to the public. **The Department of Land and Natural Resources (Department) offers the following comments and proposed amendment.**

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 vastly proliferated due to social media that now promotes activities and features that are subject to closure or warning signage.

As an example, if you search Sacred Falls on the internet (which has been closed for two decades due to rockfall safety issues), there are 133,000,000 results. The first site leads with: Sacred Falls - The Most Beautiful but kapu Waterfall in Oahu. The Department's law enforcement division continuously cites people for ignoring the closed area signs and proceeding to hike to one of them most dangerous features on Oahu.

However, it is primarily the role of the respective County Fire Rescue staff to engage in the costly and dangerous action of responding to distressed hikers who need aid or retrieval, so the cost burden rests with these municipal fire rescue agencies. The Department's law enforcement division does collaborate on occasion for remote and complex searches, so in these instances staff costs are increased due to overtime and hazard duty pay.

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

Previous legislation proposing the notion of the public bearing the cost of search and rescue has not been supported by various County Fire Rescue due to the concern that a member of the public in dire need may not call 911 for support knowing that the cost of the aid would be their burden. The Department defers to the respective counties on this potential adverse effect.

This bill does strictly apply this cost if the public knowingly goes out of bounds into a closed area, which is a fair balance of gratis rescue service for incidents in managed and open trails and applying a rescue fee for incidents in trails and park areas and locations that are off limits. These out of bounds locations tend to be more dangerous for both the public and the Fire Rescue staff due to remote locations and topography. In this case, the cost may become a deterrent to reducing the violations, improving public safety, and mitigating the need for costly and dangerous rescue.

The Department offers this amendment to Section 137-2(b), Hawaii Revised Statutes, to clarify the intent of when the cost is applied:

- (1) Ignoring reasonably posted warnings and closures;
- (2) Leaving a managed and authorized hiking trail and park boundary or entering a closed area or trail on state, county, or private property that is closed to the public, and reasonable notice of the closure is posted; or
- (3) Entering a hiking trail or park that is closed to the public and reasonable notice of the closure is posted.

Thank you for the opportunity to comment on this measure.

DAVID Y. IGE
GOVERNOR OF
HAWAII



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- (3) Entering a hiking trail or park that is closed to the public and reasonable notice of the closure is posted.

Thank you for the opportunity to comment on this measure.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honoluluupd.org



RICK BLANGIARDI
MAYOR

RADE K. VANIC
INTERIM CHIEF

OUR REFERENCE SP-BKG

February 3, 2022

The Honorable Clarence K. Nishihara, Chair
and Members
Committee on Public Safety, Intergovernmental, and Military Affairs
State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Nishihara and Members:

SUBJECT: Senate Bill No. 2616, Relating to Search and Rescue

I am Major Shellie Paiva of the Specialized Services Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes Senate Bill No. 2616, Relating to Search and Rescue. This bill requires government agencies to seek reimbursement for search or rescue expenses from certain persons if the need for the search or rescue was caused by the person's disregard of posted warnings and closure signage. The HPD opposes this bill as there is no existing mechanism to seek reimbursement for these situations. In addition, it may deter or delay prompt notification of first responder agencies by persons who may need to be rescued. Such a delay in request for assistance could make the situation worse and further endanger the lives of those persons as well as first responders.

The HPD respectfully opposes Senate Bill No. 2616, Relating to Search and Rescue.

Thank you for the opportunity to testify.

Sincerely,


Shellie Paiva, Major
Specialized Services Division

APPROVED:


Rade K. Vanic
Interim Chief of Police

HONOLULU FIRE DEPARTMENT
CITY AND COUNTY OF HONOLULU

636 South Street
Honolulu, Hawaii 96813-5007
Phone: 808-723-7139 Fax: 808-723-7111 Internet: www.honolulu.gov/hfd

RICK BLANGIARDI
MAYOR



SHELDON K. HAO
FIRE CHIEF

JASON SAMALA
DEPUTY FIRE CHIEF

February 1, 2022

The Honorable Clarence Nishihara, Chair
Committee on Public Safety, Intergovernmental,
and Military Affairs
The State Senate
State Capitol, Room 214
Honolulu, Hawaii 96813

Dear Chair Nishihara:

Subject: Senate Bill (SB) 2616 Relating to Search and Rescue

My name is Sheldon K. Hao, Fire Chief of the Honolulu Fire Department (HFD), and I would like to offer comments regarding SB 2616, which requires government entities to seek reimbursement for all or a portion of search and rescue expenses for persons requiring rescue assistance after leaving a hiking trail to enter a prohibited hiking area on a trail closed to the public.

The HFD believes the reimbursement requirement specified by SB 2616 may deter or delay prompt notification of first responder agencies by persons in the aforementioned situation. Such a delay in requesting for assistance will exacerbate the situation, further endangering the lives of persons involved and their potential rescuers.

In addition, there is no existing mechanism to seek reimbursement for these situations. Development and implementation of a reimbursement mechanism will require significant administrative effort by our department to establish and maintain.

Life safety and property protection remain priorities of the HFD.

Should you have questions, please contact Administrative Specialist Gary Lum at 808-723-7169 or glum@honolulu.gov.

Sincerely,

A handwritten signature in blue ink that reads "Sheldon K. Hao".

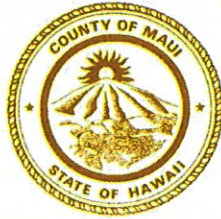
SHELDON K. HAO
Fire Chief

SKH/GL:cn

MICHAEL P. VICTORINO
Mayor

BRADFORD K. VENTURA
Fire Chief

GAVIN L.M. FUJIOKA
Deputy Fire Chief



DEPARTMENT OF FIRE & PUBLIC SAFETY

COUNTY OF MAUI
200 DAIRY ROAD
KAHULUI, HI 96732

January 31, 2022

The Honorable Clarence Nishihara, Chair
Committee on Public Safety, Intergovernmental,
and Military Affairs
The State Senate
State Capitol, Room 214
Honolulu, Hawaii 96813

Dear Chair Nishihara:

Subject: Senate Bill (SB) 2616 Relating to Search and Rescue

I am Bradford Ventura, member of the State Fire Council (SFC) and Fire Chief of the Maui Fire Department (MFD). The SFC offers comments regarding SB 2616, which requires government entities to seek reimbursement for all or a portion of search and rescue expenses for persons who require rescue after leaving a hiking trail to enter a prohibited hiking area on a trail closed to the public.

The SFC believes the reimbursement requirement specified by SB 2616 may deter or delay prompt notification of first responder agencies by persons in the aforementioned situation. Such a delay in requesting for assistance will exacerbate the situation, further endangering the lives of persons involved and their potential rescuers.

In addition, there is no existing mechanism to seek reimbursement for these situations. Development and implementation of a reimbursement mechanism will require a significant administrative effort by the four county fire departments to establish and maintain.

Public safety and property protection remain priorities of the SFC.

Should you have questions, please contact SFC Administrative Specialist Gary Lum at (808) 723-7169 or lrogers@honolulu.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brad Ventura".

BRADFORD K. VENTURA
Fire Chief

SB-2616

Submitted on: 2/1/2022 10:12:21 AM

Testimony for PSM on 2/3/2022 1:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shannon Rudolph	Individual	Support	No

Comments:

Support!