

JOSH B. GREEN, M.D.
GOVERNOR OF HAWAII



DEPT. COMM. NO. 220

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
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

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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

December 13, 2022

The Honorable Ronald D. Kouchi,
President
And Members of the Senate
Thirty-Second Legislature
State Capitol, Room 409

The Honorable Scott K. Saiki, Speaker
and Members of the House of
Representatives
Thirty-Second Legislature
State Capitol, Room 431

Dear President Kouchi, Speaker Saiki, and the Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Relating to Public land liability and Recommendations of the Task Force on Beach and Water Safety report, as required by Act 86, Session Laws of Hawaii 2014. In accordance with Section 93-16, Hawaii Revised Statutes, a copy of this report has been transmitted to the Legislative Reference Bureau and the report may be viewed electronically at <https://files.hawaii.gov/dlnr/reports-to-the-legislature/2023/SP23-Public-Land-Liability-and-Beach-Safety-Report-FY22.pdf>.

Sincerely,

A handwritten signature in cursive script that reads "Suzanne D. Case".

SUZANNE D. CASE
Chairperson

Enclosure

REPORT TO THE THIRTY-SECOND LEGISLATURE
STATE OF HAWAII
2023 REGULAR SESSION

RELATING TO PUBLIC LAND LIABILITY
AND
RECOMMENDATIONS OF THE
TASK FORCE ON BEACH AND WATER SAFETY



PREPARED BY THE:

DEPARTMENT OF LAND AND NATURAL RESOURCES

IN RESPONSE TO:

Act 86, Session Laws of Hawaii 2014

In Conjunction with the

Task Force on Beach and Water Safety

IN RESPONSE TO:

Act 190, Session Laws of Hawaii, 1996,
As Amended by Act 101, Session Laws of Hawaii, 1999,
As Amended by Act 170, Session Laws of Hawaii, 2002,
As Amended by Act 152, Session Laws of Hawaii, 2007,
As Amended by Act 81, Session Laws of Hawaii, 2009

December 2022

**REPORT TO THE THIRTY-SECOND LEGISLATURE
STATE OF HAWAII
REGULAR SESSION OF 2023**

**RELATING TO PUBLIC LAND LIABILITY AND
RECOMMENDATIONS OF THE
TASK FORCE ON BEACH AND WATER SAFETY**

PURPOSE

This report is submitted pursuant to Section 171-8.6, Hawaii Revised Statutes.

BACKGROUND INFORMATION

Section 171-8.6, Hawaii Revised Statutes, provides for a Risk Assessment Working Group (RAWG) that is comprised of state and county officials, and a person knowledgeable in signs. Recommendations are periodically made to the Board of Land and Natural Resources (Board) as needed that authorizes the strategic placement of warning signs, devices, and systems on improved public lands. The signs are designed to warn the public of the potential exposure to inherent risks and hazards associated with natural conditions on public lands.

Chapter 13-8 Hawaii Administrative Rules (HAR) was promulgated in 2006 and a process was created for warning sign design and placement that warns the public of potential danger related to exposure to five natural occurring conditions: flashfloods, falling rocks, submerged objects in streams, cliffs, and at a site specific geographic location on Maui – falling trees. Chapter 13-8-9 to 13-8-11, HAR directs the Department to design and place warning signs to warn the public of the potential danger and risks of the natural conditions on public lands. Locations across the State are periodically evaluated for potentially hazardous natural conditions and related exposure in both State and County parks and along Na Ala Hele trails.

CONCLUSION

There continues to be a critical need to inform the public on exposure to natural hazards in authorized areas and deter the illegal transiting and occupation of park land and trails. The continued vigilance by staff to post, maintain and manage warning, closure and regulatory signage is an essential element of management.

Since the promulgation of the Hawaii Administrative Rules which clearly describes the legal signs standards, the process is now a fundamental and institutional action by staff and as such there is no need to convene a working group or task force to determine locations.

The Department has supported previous legislation starting with the 2021 legislative session in which it was noted that the process for determining the design and placement of warning signs, devices, and systems of known hazards on certain public lands has become well-established and standardized, thereby eliminating the need for the Task Force on Beach and Water Safety and Risk Assessment Working Group. However, the bill failed to move forward during each session.

The Department continues to support legislation to eliminate the Task Force on Beach and Water Safety and Risk Assessment Working Group.