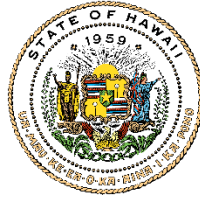


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



DEPT. COMM. NO. 71

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
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AQUATIC RESOURCES
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CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA**

P.O. BOX 621
HONOLULU, HAWAII 96809

November 27, 2023

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/2024/SP24-Public-Land-Liability-and-Beach-Safety-Report-FY23.pdf>.

Sincerely,

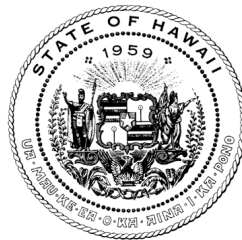
A handwritten signature in black ink, appearing to read "Dawn N.S. Chang".

DAWN N.S. CHANG
Chairperson

Enclosure

REPORT TO THE THIRTY-SECOND LEGISLATURE
STATE OF HAWAII
2024 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

November 2023

**REPORT TO THE THIRTY-SECOND LEGISLATURE
STATE OF HAWAII
REGULAR SESSION OF 2024**

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

PURPOSE

This report is submitted pursuant to Sections 663-1.56, 663-52, and 171-8.6, Hawaii Revised Statutes.

BACKGROUND INFORMATION

The Task Force on Beach and Water Safety was established 27 years ago pursuant to Act 190, Session Laws of Hawaii (SLH) 1996, and created a process for the State and counties to provide legally adequate warning signs to warn the public of potentially dangerous ocean conditions adjacent to state beach parks and county beach parks. 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, and was established 20 years ago. Recommendations are periodically made to the Board of Land and Natural Resources 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 of Land and Natural Resources (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 adequately warn people of ocean dangers at public beaches and 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 HAR which clearly describes the legal signs standards, the process is now a fundamental and institutional action by staff who are experts in design, placement and maintenance of public warning signs. As such, there is no need to convene a working group or task force to determine locations. The current priority is predominantly sign monitoring and replacement due to deleterious sign conditions rather than determining sign locations as it is rare that a new trail, park, or beach location is identified as needing warning signage.

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 beaches and lands has become well-established and standardized within State and County agencies, thereby eliminating the need for the Task Force on Beach and Water Safety and RAWG. However, the bill failed to move forward during each session.

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