

REPORT TO THE TWENTY-FOURTH LEGISLATURE
2008 REGULAR SESSION

RECOMMENDATIONS OF THE
TASK FORCE ON BEACH AND WATER SAFETY



PREPARED BY THE:

DEPARTMENT OF LAND AND NATURAL RESOURCES
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

DECEMBER 2007

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TASK FORCE ON BEACH AND WATER SAFETY

BACKGROUND

This report has been prepared for submission to the Twenty-Fourth Legislature, 2008 Regular Session, pursuant to Act 190, Session Laws of Hawai'i (SLH) 1996, as amended by Act 101, SLH 1999, as amended by Act 170, SLH 2002, as amended by Act 152, SLH 2007, mandating annual reporting by the Task Force on Beach and Water Safety.

Act 190, SLH 1996, established a process for the State and Counties to provide both meaningful and legally adequate warnings to the general public of extremely dangerous natural conditions in ocean areas adjacent to their respective public beach parks. The Act recognized a duty to warn specifically of dangerous shorebreak or strong current in the ocean fronting a beach park, if either condition exists, is extremely dangerous, is typical for that beach park, and poses a risk of serious injury or death. Act 190, SLH 1996, clarified that the State and Counties have no duty to warn of dangerous natural conditions at beaches, beach/coastal accesses or areas that are not public beach parks.

Act 190, SLH 1996, provided for a process, including record keeping, to replace vandalized, removed or illegible warning signs. In addition, Act 190, SLH 1996, called for the formation of a Task Force on Beach and Water Safety to advise the Chairperson of the Board of Land and Natural Resources prior to the Chairperson making a decision on the design and placement of warning signs erected pursuant to this Act. The Task Force on Beach and Water Safety was convened after water safety officer participants were solicited via their respective County Mayors and formally appointed by Governor Benjamin Cayetano pursuant to Act 190, SLH 1996. Other Task Force members were seated by their government position as provided in the Act and had their appointment continued in August 2002.

Act 101, SLH 1999, amended Act 190, SLH 1996, by extending its mandate through June 30, 2003. Act 170, SLH 2002, subsequently amended Act 101, SLH 1999, by extending its mandate through June 30, 2007. The 2007 Legislature passed out legislation that was signed into law as Act 152, SLH 2007, which among other things, removed the sunset date for Act 190, SLH 1996, making it permanent.

TASK FORCE ON BEACH AND WATER SAFETY MEMBERS

At the beginning of 2007, the members of the Task Force on Beach and Water Safety were as follows:

Peter T. Young, (Task Force Chairperson), Chairperson, Board of Land and Natural Resources

Ted Liu, Director, Department of Business, Economic Development, and Tourism

Chris Measures, Chair, Department of Oceanography, University of Hawai'i

Marian Feenstra, Chief, Aquatics Division, Department of Parks and Recreation, County of Maui

David Kalani Vierra, Ocean Safety Bureau, Kaua'i Fire Department, County of Kaua'i

Ralph Goto, Director, Ocean Safety & Lifeguard Services Division, Department of Emergency Services, City and County of Honolulu

Larry Davis, Program Administrator, Aquatics Division, Department of Parks and Recreation, County of Hawai'i

Designees were:

Daniel S. Quinn (for the Chairperson, Department of Land and Natural Resources), Administrator, Division of State Parks, Department of Land and Natural Resources

Richard Grigg (for the Chair, Department of Oceanography, University of Hawaii) Marine Biologist, Department of Oceanography, University of Hawai'i

In October 2007, Laura Thielen was confirmed as the Chairperson of the Board of Land and Natural Resources. By virtue of that position, Ms. Thielen is now the Task Force Chairperson. All other members of the Task Force were reappointed, with the exception of Larry Davis who was replaced by Clint Coloma, Battalion Chief, as the ocean safety responsibilities for the County of Hawaii have been transferred from the Department of Parks and Recreation to the Fire Department.

ACCOMPLISHMENTS

Since late 1996, as reported previously, the Task Force on Beach and Water Safety has accomplished the following:

- Designed signs to warn of “strong current” and “dangerous shorebreak”;
- Prepared guidelines for permanent sign placement;
- Placed “strong current” and “dangerous shorebreak” signs, where warranted, at State and County beach parks;
- Designed signs to warn of other extremely dangerous natural conditions in the ocean adjacent to a public beach park:

high surf
sudden drop-off
man-o-war
sharp coral
rip currents

waves break on ledge
slippery rocks
jellyfish
shark sighted

- Prepared guidelines for temporary sign placement

The Task Force on Beach and Water Safety met on July 25, 2007. The minutes of September 28, 2006 were adopted at the July 25 meeting, and are attached as Appendix 1

SUMMARY OF TASK FORCE ACTIVITIES

The purpose of the Task Force on Beach and Water Safety is primarily to advise the Chairperson of the Board of Land and Natural Resources prior to the Chairperson making a decision on the design and placement of warning signs erected pursuant to Act 190, SLH 1996. The Task Force on Beach and Water Safety is also mandated to prepare an annual report on its recommendations. For this reporting period, no signs required recommendations by the Task Force on Beach and Water Safety to the Chairperson.

Another focus of effort for the Task Force on Beach and Water Safety is the development of comprehensive plans. Act 190, SLH 1996, provides for development of comprehensive plans to further enhance ocean safety at beach parks. The Comprehensive Plan for Sandy Beach on O'ahu, prepared by the Ocean Safety and Lifeguard Services Division, Department of Emergency Services, City and County of Honolulu, continues to be refined. The Task Force on Beach and Water Safety considers this plan to be the template for other comprehensive plans.

Act 190, SLH 1996, provides meaningful warning to the general public of extremely dangerous natural conditions in ocean area adjacent to public parks. Act 190, SLH 1996, also establishes legally adequate and defensible standards for those warnings. Stated another way, once the warning signs are approved and installed, the public has been adequately warned of those hazards, and the State and Counties are protected from lawsuits which allege a failure of duty to warn. While the standardization of ocean hazard signs at public beach parks statewide affords greater liability protection, it is even more valuable from the resident/visitor beachgoer perspective, as they are meaningful, consistent, more and more recognizable, and, therefore, results in promoting greater understanding, respect, and enjoyment of the otherwise inviting ocean. It should be noted that signs developed through the Act 190, SLH 1996, process have been used by other agencies throughout the country and are being considered for adoption by at least one international organization. In addition, the format of the Act 190, SLH 1996, signs has been used by a joint State/County working group as a template for signs to warn people of natural hazards on land.

Act 170, SLH 2002, provides liability immunity for counties and county lifeguards while providing rescue, resuscitative or other lifeguard services. The State does not have lifeguards and contracts with the counties for lifeguard services at State Parks. Liability concerns prevented Maui and Kauai counties from participating. Act 170, SLH 2002, clears up these concerns and will allow the State to contract with all counties for lifeguard services at State Park beaches.

In 2007, the Legislature appropriated funds which will allow the State to enter into contracts with the County of Maui for Makena State Park, and with the County of Kauai for Kee Beach at Haena State Park. Providing lifeguard services at those beaches will enhance public safety in a

number of ways. In addition, to the preventative actions and rescue services provided by the lifeguards, they will be able to post Act 190, SLH 1996, signs warning of temporary dangerous conditions such as rip currents.