

REPORT TO THE THIRTIETH LEGISLATURE
STATE OF HAWAII
2020 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:

Section 171-8.6, Hawaii Revised Statutes

And

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,
As Amended by Act 86, Session Laws of Hawaii 2014

November 2019

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

This report is submitted pursuant to Section 171-8.6, Hawaii Revised Statutes (HRS), and Act 190, Session Laws of Hawaii (SLH) 1996, as amended by Act 101, SLH 1999, as amended by Act 170, SLH 2002, as amended by Act 152, SLH 2007, as amended by Act 81, SLH 2009, as amended by Act 86, SLH 2014, and addresses the reporting requirements for activities conducted in the past year.

I. PUBLIC LAND LIABILITY - RISK ASSESSMENT WORKING GROUP

Section 171-8.6, HRS, 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 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.

Actions Taken in 2019

1. The Department's Division of Forestry and Wildlife (DOFAW) identified and placed signs at the following locations:

DOFAW ACT 86 WARNING SIGN INVENTORY			
Sign Descriptions	STATEWIDE		
	NAH	other DOFAW	total
Entrance			
Warning- Falling Rocks	11	2	13
Warning- Hazardous Cliffs	20	6	26
Warning- Flash Flood	13	2	15
Warning- Falling Trees	6	0	6
Warning- EXPLOSIVE HAZARD	3	0	3
Danger- No Diving or Jumping	2	4	6
Site Specific			
Warning- Falling Rocks	16	2	18
Warning- Hazardous Cliffs	44	2	46
Warning- Flash Flood	43	2	45
Warning- Falling Trees	6	0	6
Danger- Falling Rocks	3	0	3
Danger- Flash Flood	0	0	0
Danger- No Diving or Jumping	2	5	7
Danger- Hazardous Cliffs Ent	1	0	1
Danger- Hazardous Cliffs Site	4	0	4
Site Specific Management			
Notice End of Trail	11	1	12
Notice End of Road	0	0	0
Notice Area Closed	9	2	11
Caution End of Maintained Trail	3	0	3
Total	197	28	225

2. Features managed or under the jurisdiction of the Department's Division of State Parks and Land Division

The Division of State Parks has institutionalized the process via Hawaii Administrative Rules and has completed the sign design and management process. On occasion, a new hazard is observed and the steps per the process are initiated.

3. Features Managed by the Statewide Counties

As no new signs were proposed by a county, no activity was necessary during 2019.

II. TASK FORCE ON BEACH AND WATER SAFETY

There are no recommendations from the Task Force on Beach and Water Safety. The task force has not met since December 12, 2012.

III. CONCLUSIONS

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 HARs 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 is considering legislation to repeal Section 171-8.6, HRS - *Risk assessment working group*.