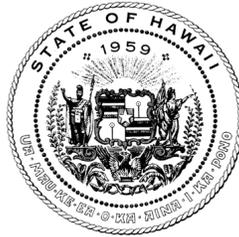


REPORT TO THE THIRTY-FIRST LEGISLATURE  
STATE OF HAWAII  
2022 REGULAR SESSION

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

**November 2021**

**REPORT TO THE THIRTY-FIRST LEGISLATURE  
STATE OF HAWAII  
REGULAR SESSION OF 2022**

**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 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: flash floods, 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 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 and as such there is no need to convene a working group or task force to determine locations.

Legislation during the 2021 Legislative Session (House Bill 823 – Relating To Public Land Liability) was introduced and subsequently had a hearing and was passed by the House Committee on Judiciary & Hawaiian Affairs with a House Draft 1 noting 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. The bill is currently with the House Committee on Finance and the Department will continue to urge that this bill be heard and passed.