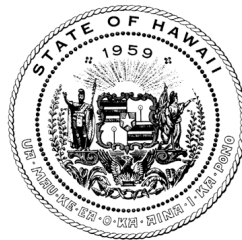


REPORT TO THE THIRTY-SECOND LEGISLATURE  
STATE OF HAWAII  
2024 REGULAR SESSION

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.