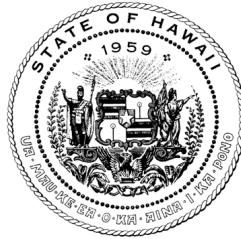


REPORT TO THE THIRTY-THIRD LEGISLATURE
STATE OF HAWAII
2025 REGULAR SESSION

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

October 2024

**REPORT TO THE THIRTY-THIRD LEGISLATURE
STATE OF HAWAII
REGULAR SESSION OF 2025**

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

PURPOSE

The Department of Land and Natural Resources (Department) submits this report pursuant to Section 171-8.6, Hawaii Revised Statutes.

RELATING TO PUBLIC LAND LIABILITY

Act 82, Session Laws of Hawaii 2003, as amended by section 5 of Act 152, Session Laws of Hawaii 2007, as amended by section 3 of Act 81, Session Laws of Hawaii 2009, as amended by Act 86, Session Laws of Hawaii 2014.

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 (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. Sections 13-8-9 to 13-8-11, HAR, directs the 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 Nā 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 Chapter 13-8, 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.

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 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. However, the bill has failed to move forward during each of the last four sessions.

While the Department still believes that the RAWG is not needed, the concerns raised during the Legislative Committee Hearings will be reviewed and revised, as needed, and a potential bill may be submitted for the 2026 Legislative Session.