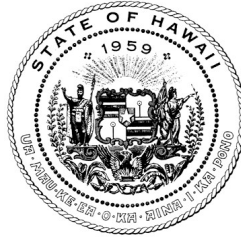


REPORT TO THE THIRTY-THIRD LEGISLATURE
STATE OF HAWAII
2026 REGULAR SESSION

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

December 2025

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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. As such, there is no need to convene the RAWG to determine sign locations.

The Department has supported previous legislation introduced in the 2021 and 2024 legislative sessions to disband the RAWG and require the chairperson of the Department and respective county mayors to approve the design and placement of warning signs, devices, and systems of known hazards on certain public lands. However, the bills have not been enacted.

Given the evolving nature of beach and water safety concerns and the passage of time, it is recommended that the Department, in partnership with the Hawaiian Lifeguard Association, reconvene the Beach and Water Safety Task Force. The main purpose of this initiative is to thoroughly assess whether the existing language and provisions of Act 190 are still adequate and effective in addressing the challenges presented by current conditions on Hawaii's beaches and surrounding waters.

In addition, the Task Force will work to clarify and define the appropriate areas of responsibility for both state and county resources, ensuring there is a clear understanding of each entity's role in promoting and maintaining public safety. The provisions of Act 190 will be evaluated, and the Task Force will examine potential amendments to optimize both public safety and the methods of review and approval for warning signage or other methods of informing the public.

By adopting this collaborative approach, stakeholders can work together to identify gaps, recommend necessary updates to legislation or policy, and strengthen coordination among agencies and organizations involved in water safety. Ultimately, these efforts will help to ensure that Hawaii's water safety policies and practices continue to meet all legal requirements, remain responsive to new and emerging risks, and provide the highest possible level of protection to residents and visitors enjoying the state's beaches and aquatic environments.