

REPORT TO THE TWENTY-SIXTH LEGISLATURE  
2012 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  
Division of Forestry and Wildlife  
Na Ala Hele Trail and Access Program  
In response to Section 4 of Act, 82, Session Laws of Hawai'i 2003,  
As Amended by Act 152, Session Laws of Hawai'i 2007,  
As Amended by Act 81, Session Laws of Hawai'i 2009

And

DEPARTMENT OF LAND AND NATURAL RESOURCES  
In Conjunction With The  
Task Force On Beach and Water Safety

IN RESPONSE TO:  
Act 190, Session Laws of Hawai'i, 1996,  
As Amended by Act 101, Session Laws of Hawai'i, 1999,  
As Amended by Act 170, Session Laws of Hawai'i, 2002,  
As Amended by Act 152, Session Laws of Hawai'i, 2007,  
As Amended by Act 81, Session Laws of Hawai'i, 2009

Honolulu, Hawaii  
November 2011

## **RELATING TO PUBLIC LAND LIABILITY**

### **Purpose**

This report is prepared to address Section 4 of Act 82, Session Laws of Hawaii (SLH) 2003. Act 82, SLH 2003, established a risk assessment-working group that is comprised of state and county officials, and a person knowledgeable in signs. Recommendations were made to the Board of Land and Natural Resources (Board) authorizing the strategic placement of warning signs, devices, and systems on improved or unimproved public lands. The signs are designed to warn the public of the potential risks and hazardous conditions involved while visiting Hawaii's scenic vistas and natural resources.

### **Past Actions**

Members of the Risk Assessment Working Group (RAWG) completed statewide public informational meetings to gather information on the proposed design of the signs. With public input in 2006, the Department of Land and Natural Resources (Department) promulgated Chapter 13-8, Hawaii Administrative Rules (HAR), for the Design and Placement of Warning Signs on Improved Public Lands. Between 2006 and 2011, the Board has approved warning signs for numerous locations throughout the State. The Department will maintain and keep an update of the placement and inventory of warning signs, devices, or systems on an annual basis.

### **Application**

A process for natural hazard evaluation and warning sign design was created to warn the public of potential danger to five natural occurring conditions: flashfloods, falling rocks, submerged objects in streams, cliffs, and on-site specific locations – hazardous trees. Chapter 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. 63 public locations across the State have been evaluated for potentially hazardous natural conditions. In general, these areas are located in state and county parks, and Na Ala Hele Trails.

The Na Ala Hele (NAH) Program staff has adopted and incorporated the natural hazard evaluation criteria to install, maintain and record all warning signs placed along Na Ala Hele features statewide. Staff will remain extremely vigilant to maintain an active inventory of warning signs by type, location and island which is attached to this report.

Public safety is a major priority with the Department. The Department recommends that the 2014 "sunset" date on Act 82, SLH 2003, as amended by Act 81, SLH 2009, be repealed, (similarly as did the Legislature to Act 190, SLH 1996, relating to beach warning signs in 2008) and that Act 82, SLH 2003, be codified into the Hawaii Revised Statutes as permanent law.

## Summary of Act 82 NAH Signs Installed By Type and Island

Sign Description	Oahu	Kauai	Maui	Hawaii	Totals
Falling Rocks	5	0	2	21	28
Hazard Cliffs	15	12	8	25	60
Flash Flood	12	5	5	41	63
No Dive/Jump	2	5	5	2	14
Falling Trees	0	0	42	0	42
End Trail	14	2	0	4	20
End Road	0	0	0	0	0
Area Closed	2	0	0	5	7
End of Maintained Trail	6	0	0	1	7
Total Signs Installed	56	24	62	99	241
No. NAH Features	19 NAH Features	4 NAH Features	6 NAH Features	8 NAH Features	37 Total NAH Features
Average Signs Installed Per NAH Feature	2.90 Signs Per NAH Feature	6.25 Signs Per NAH Feature	10 Signs Per NAH Feature	12.37 Signs Per NAH Feature	6.51 Total Signs Per Feature

### **Location, Number and Type of Act 82 Installed Signs: Na Ala Hele Program Features**

Note: *Italic Font* identifies – 1) Newly added NAH feature with installed Act 82 signs, and 2) Amend the number of installed Act 82 signs from last year NAH feature. The regular font describes last year’s Act 82 Legislature Inventory Annual Report.

#### **Oahu NAH Features**

*Hawaii Loa Ridge*

*1 Warning Hazardous Cliffs  
1 Notice End of Trail*

Judd Trail/Jackass Ginger Pool

2 Warning Flash Flood  
1 Danger – No Diving

*Kaiwa Ridge*

*2 Warning Hazardous Cliffs  
1 Notice End of Trail*

<i>Kamananui Road</i>	<i>2 Warning Flash Flood</i> <i>1 Notice End of Road</i>
<i>Kealia Trail</i>	<i>2 Warning Falling Rocks</i>
<i>Kulana'ahane Trail</i>	<i>1 Warning Flash Flood</i> <i>1 Warning Hazardous Cliffs</i> <i>1 Caution End of Maintained Trail</i> <i>1 Notice End of Trail</i>
<i>Kuliouou Ridge</i>	<i>1 Warning Hazardous Cliffs</i> <i>1 Notice End of Trail</i>
<i>Maakua Gulch</i>	<i>1 Warning Flash Flood</i> <i>1 Danger Falling Rocks</i> <i>1 Notice Area Closed</i>
<i>Manana Trail</i>	<i>1 Warning Hazardous Cliffs</i> <i>1 Notice End of Trail</i> <i>1 Caution End of Maintained Trail</i>
<i>Manoa Cliff Trail</i>	<i>3 Warning Hazardous Cliffs</i>
<i>Manoa Falls</i>	<i>2 Warning Flash Flood</i> <i>2 Warning Falling Rocks</i> <i>1 Notice End of Trail</i> <i>1 Notice Area Closed</i>
<i>Maunawili Falls</i>	<i>2 Warning Flash Flood</i> <i>1 Danger, No Diving</i>
<i>Pauoa Flats Trail</i>	<i>1 Warning Hazardous Cliffs</i> <i>1 Notice End of Trail</i>
<i>Poamoho Trail</i>	<i>1 Warning Hazardous Cliffs</i> <i>1 Notice End of Trail</i> <i>1 Caution End of Maintained Trail</i>
<i>Puu Pia Trail</i>	<i>1 Notice End of Trail</i>
<i>Schofield-Waikane</i>	<i>1 Warning Hazardous Cliffs</i> <i>1 Notice End of Trail</i> <i>1 End of Maintained Trail</i>

<i>Waahila Ridge</i>	<i>1 Notice End of Trail</i> <i>1 Caution End of Maintained Trail</i>
<i>Waimano Trail</i>	<i>2 Warning Flash Flood</i> <i>2 Warning Hazardous Cliffs</i> <i>1 Notice End to Trail</i> <i>1 Caution End of Maintained Trail</i>
<i>Wiliwilinui Trail</i>	<i>1 Warning Hazardous Cliffs</i> <i>1 Notice End of Trail</i>

**Kauai NAH Features**

<i>Awa'awapuhi Trail</i>	<i>3 Warning Hazardous Cliff</i> <i>1 Notice End of Trail</i>
<i>Keahua Arboretum</i>	<i>5 Warning Flash Flood</i> <i>5 Danger – No Diving or Jumping</i>
<i>Nounou East/West Trail</i>	<i>4 Warning Hazardous Cliff</i> <i>1 Notice End of Trail</i>
<i>Nu'alolo Cliff Trail</i>	<i>5 Warning Hazardous Cliffs</i>

**Hawaii NAH Features**

<i>Kapaloa Falls</i>	<i>1 Notice End of Trail</i> <i>2 Warning Hazardous Cliffs</i> <i>2 Warning Falling Rocks</i> <i>2 Danger – No Diving or Jumping</i>
<i>Manuka Loop Trail</i>	<i>3 Warning Hazardous Cliffs</i> <i>2 Notice End of Trail</i>
<i>Mauna Loa Obs. Road</i>	<i>1 Caution End of Maintained Trail</i>
<i>Mauumae Trail</i>	<i>5 Warning Flash Flood</i> <i>2 Notice Area Closed</i>
<i>Muliwai Trail</i>	<i>12 Warning Falling Rocks</i> <i>26 Warning Flash Flood</i> <i>9 Warning Hazardous Cliffs</i> <i>1 Notice Area Closed</i>

*Onomea* 4 Warning Falling Rocks  
5 Warning Hazardous Cliffs  
8 Warning Flash Flood

*Pololu Trail* 3 Warning Falling Rocks  
3 Warning Hazardous Cliffs  
2 Warning Flash Flood  
1 Notice End of Trail

*Puakea Bay Trail* 3 Warning Hazardous Cliffs  
2 Notice Area Closed

**Maui NAH Features**

*Keanae Arboretum* 3 Danger – No Diving or Jumping  
3 Warning Flash Floods

*Kula Forest Reserve* 42 Warning Falling Trees

*Ohai Loop Trail and Overlook* 2 Warning Hazardous Cliffs

*Piilani Trail* 1 Warning Hazardous Cliffs

*Puohokamoa Stream* 2 Warning Flash Flood  
2 Warning Falling Rocks  
2 Danger – No Diving or Jumping

*Waianapanapa Section* 5 Warning Hazardous Cliffs

## TASK FORCE ON BEACH AND WATER SAFETY

### BACKGROUND

This report has been prepared pursuant to Act 190, Session Laws of Hawai'i (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 mandating annual reporting by the Task Force on Beach and Water Safety.

Act 190, SLH 1996, established a process for the State and Counties to provide both meaningful and legally adequate warnings to the general public of extremely dangerous natural conditions in ocean areas adjacent to their respective public beach parks. The Act recognized a duty to warn specifically of dangerous shorebreak or strong current in the ocean fronting a beach park, if either condition exists, is extremely dangerous, is typical for that beach park, and poses a risk of serious injury or death. Act 190, SLH 1996, clarified that the State and Counties have no duty to warn of dangerous natural conditions at beaches, beach/coastal accesses or areas that are not public beach parks.

Act 190, SLH 1996, provided for a process, including record keeping, to replace vandalized, removed or illegible warning signs. In addition, Act 190, SLH 1996, called for the formation of a Task Force on Beach and Water Safety to advise the Chairperson of the Board of Land and Natural Resources prior to the Chairperson making a decision on the design and placement of warning signs erected pursuant to this Act. The Task Force on Beach and Water Safety was convened after water safety officer participants were solicited via their respective county mayors and formally appointed by Governor Benjamin Cayetano pursuant to Act 190, SLH 1996. Other Task Force members were seated by their government position as provided in the Act and had their appointment continued in August 2002.

Act 101, SLH 1999, amended Act 190, SLH 1996, by extending its mandate through June 30, 2003. Act 170, SLH 2002, subsequently amended Act 101, SLH 1999, by extending its mandate through June 30, 2007. The 2007 Legislature passed out legislation that was signed into law as Act 152, SLH 2007, which among other things, removed the sunset date for Act 190, SLH 1996, making it permanent.

### TASK FORCE ON BEACH AND WATER SAFETY MEMBERS

The current 5 members of the Task Force on Beach and Water Safety are as follows:

William J. Aila, Jr., (Task Force Chairperson), Chairperson, Board of Land and Natural Resources

Richard Lim, Director, Department of Business, Economic Development, and Tourism

Chris Measures, Chair, Department of Oceanography, University of Hawai'i

Marian Feenstra, Chief, Aquatics Division, Department of Parks and Recreation, County of Maui

David Kalani Vierra, Ocean Safety Bureau, Kaua'i Fire Department, County of Kaua'i

Ralph Goto, Director, Ocean Safety & Lifeguard Services Division, Department of Emergency Services, City and County of Honolulu

Gerald Kosaki, Battalion Chief, Fire Department, County of Hawai'i

Designees are:

Daniel S. Quinn (for the Chairperson, Department of Land and Natural Resources), Administrator, Division of State Parks, Department of Land and Natural Resources

Richard Grigg (for the Chair, Department of Oceanography, University of Hawaii) Marine Biologist, Department of Oceanography, University of Hawai'i

In 2011, William J. Aila, Jr. was confirmed as the Chairperson of the Board of Land and Natural Resources. By virtue of that position, Mr. Aila, became the Task Force Chairperson. All other members of the Task Force, came on with the exception of Gerald Kosaki, Battalion Chief, County of Hawaii Fire Department who was appointed to represent Hawaii County.

### ACCOMPLISHMENTS

Since late 1996, as reported previously, the Task Force on Beach and Water Safety has accomplished the following:

- Designed signs to warn of “strong current” and “dangerous shorebreak”;
- Prepared guidelines for permanent sign placement;
- Placed “strong current” and “dangerous shorebreak” signs, where warranted, at State and County beach parks;
- Designed signs to warn of other extremely dangerous natural conditions in the ocean adjacent to a public beach park:

high surf	waves break on ledge
sudden drop-off	slippery rocks
man-o-war	jellyfish
sharp coral	shark sighted
rip currents	

- Prepared guidelines for temporary sign placement



## SUMMARY OF TASK FORCE ACTIVITIES

The Task Force met on July 1, 2011 and approved the posting of Strong Current and Waves Break on Ledge signs at the Ka Iwi Scenic Shoreline, Oahu.