

MAR 13 2013

SENATE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, IN
CONSULTATION WITH THE DEPARTMENT OF THE ATTORNEY GENERAL,
TO EXPLORE FEASIBLE OPTIONS RELATING TO LIABILITY FOR
INJURY OR DAMAGE SUSTAINED WHILE MOUNTAIN CLIMBING, ROCK
CLIMBING, RAPPELLING, AND BOULDERING ON PUBLIC LAND.

1 WHEREAS, there is an increasing trend in public recreation
2 throughout the United States and Hawaii to pursue the activities
3 of bouldering, rock climbing, mountain climbing, rappelling, and
4 related activities that require special skills and equipment and
5 specific geologic features with unique qualities; and
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7 WHEREAS, the Department of Land and Natural Resources has
8 jurisdiction of approximately two million acres of land and does
9 not have the staff to monitor all potential locations of
10 climbing, which could literally be anywhere in any park; and
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12 WHEREAS, these climbing areas are often in remote areas,
13 sometimes only accessible through private property; and
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15 WHEREAS, it would not be possible, feasible, or desirable
16 for the State to erect fences, post signs, or limit access to
17 all of the potential remote and unmanaged areas that members of
18 the public may use to engage in climbing activities; and
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20 WHEREAS, because of the dangers inherent in climbing
21 activities, injuries and accidents are inevitable, and the State
22 will continually be open to lawsuits; and
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24 WHEREAS, the best option following an accident or injury is
25 often to permanently close off the area and prevent any access
26 by the public because there is no other way for the State to
27 eliminate risk of injury; and
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29 WHEREAS, last June, the Department of Land and Natural
30 Resources closed a hillside in Mokuleia after a twelve-year-old



1 girl suffered critical injuries when a falling rock hit her head
2 while she stood under another climber fifty feet above her; and
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4 WHEREAS, the preferred action is not to close off sites,
5 prohibit access, or impose fines when the public access a
6 prohibited area; however, there may not be much choice if the
7 State can be sued for every injury that occurs as a result of
8 these climbing activities; now, therefore,
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10 BE IT RESOLVED by the Senate of the Twenty-seventh
11 Legislature of the State of Hawaii, Regular Session of 2013, the
12 House of Representatives concurring, that the Department of Land
13 and Natural Resources, in consultation with the Department of
14 the Attorney General, is urged to:
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- 16 (1) Evaluate the feasibility of establishing that no
17 public entity or public employee shall be liable to
18 any person for injury or damage sustained on
19 government land when engaged in mountain climbing,
20 rock climbing, rappelling, and bouldering;
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- 22 (2) Identify and evaluate laws of other state
23 jurisdictions that have similar limited liability
24 statutes;
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- 26 (3) Identify and determine the areas within the
27 jurisdiction of the Department of Land and Natural
28 Resources that are safe or unsafe for mountain
29 climbing, rock climbing, rappelling, and bouldering;
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- 31 (4) Explore and identify options that will ensure safety
32 without closing sites within the jurisdiction of the
33 Department of Land and Natural Resources for mountain
34 climbing, rock climbing, rappelling, and bouldering;
35 and
36
- 37 (5) Consult with various stakeholders related to mountain
38 climbing, rock climbing, rappelling, and bouldering;
39 and
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41 BE IT FURTHER RESOLVED that the Department of Land and
42 Natural Resources is requested to submit a report of its
43 findings and recommendations, including any proposed



1 legislation, to the Legislature no later than twenty days prior
2 to the convening of the Regular Session of 2014; and

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4 BE IT FURTHER RESOLVED that certified copies of this
5 Concurrent Resolution be transmitted to the Chairperson of the
6 Board of Land and Natural Resources and Attorney General.

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OFFERED BY:



