

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the House Committee on  
WATER, LAND, & HAWAIIAN AFFAIRS**

**Friday, January 31, 2020  
9:00 AM  
State Capitol, Conference Room 325**

**In consideration of  
HOUSE BILL 2026  
RELATING TO THE RISK ASSESSMENT WORKING GROUP**

House Bill 2026 proposes to require the risk assessment working group to meet no less than twice each fiscal year. **The Department of Land and Natural Resources (Department) appreciates the intent of this measure.**

**BACKGROUND INFORMATION**

Section 171-8.6, HRS, 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.

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.

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

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 the HARs (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 risk assessment working group to determine locations.

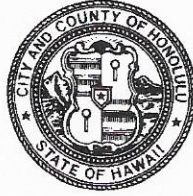
However, when the RAWG was active, they only met once at their inception and all subsequent action was simply the circulation of sign locations for their review and approval in a specific amount of time. No comment indicated approval and typically, there were no comments. Upon that point, the BLNR would be presented the sign locations for final approval.

In our report to the legislature, *Relating To Public Land Liability And Recommendations Of The Task Force On Beach And Water Safety*, the Department's recommendation was that the Hawaii Revised Statute, Section 171-8.6, Risk Assessment Working Group be repealed in the 2021 legislative session.

Thank you for the opportunity to comment on this measure.

HONOLULU EMERGENCY SERVICES DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL  
MAYOR

JAMES D. HOWE, JR.  
DIRECTOR

IAN T.T. SANTEE  
DEPUTY DIRECTOR

January 29, 2020

The Honorable Ryan Yamane, Chair  
The Honorable Chris Todd, Vice Chair  
and Members of the Committee on Water, Land & Hawaiian Affairs  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

Dear Chair Yamane, Vice Chair Todd, and Members of the Committee:

SUBJECT: House Bill No. 2026  
Relating to the Risk Assessment Working Group

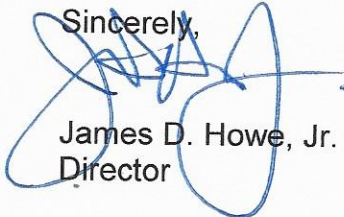
The City and County of Honolulu supports HB 2026, which requires the risk assessment working group to meet no less than twice each fiscal year.

City and County of Honolulu has utilized the provision of Act 152 from the 2007 Legislative session to meet the requirements of "duty to warn" at City Beach Parks.

On November 1, 2019 the City and County of Honolulu took ownership of Kakaak'o and Kewalo Basin Beach Parks from the State of Hawaii. The City and County of Honolulu wants to ensure that the legal provisions found in HRS S.663-1.56 regarding a conclusive presumption relating to duty of public entities to warn of dangers at public beach parks are afforded to the City and County of Honolulu by the Department of Land and Natural resources in a timely manner.

Thank you for the opportunity to testify on this measure.

Sincerely,

  
James D. Howe, Jr.  
Director