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## SENATE 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  
31 girl suffered critical injuries when a falling rock hit her head  
32 while she stood under another climber fifty feet above her; and  
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1 WHEREAS, the preferred action is not to close off sites,  
2 prohibit access, or impose fines when the public access a  
3 prohibited area; however, there may not be much choice if the  
4 State can be sued for every injury that occurs as a result of  
5 these climbing activities; now, therefore,

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7 BE IT RESOLVED by the Senate of the Twenty-seventh  
8 Legislature of the State of Hawaii, Regular Session of 2013,  
9 that the Department of Land and Natural Resources, in  
10 consultation with the Department of the Attorney General, is  
11 urged to:

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- 13 (1) Evaluate the feasibility of establishing that no  
14 public entity or public employee shall be liable to  
15 any person for injury or damage sustained on  
16 government land when engaged in mountain climbing,  
17 rock climbing, rappelling, and bouldering;
  - 18
  - 19 (2) Identify and evaluate laws of other state  
20 jurisdictions that have similar limited liability  
21 statutes;
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  - 23 (3) Identify and determine the areas within the  
24 jurisdiction of the Department of Land and Natural  
25 Resources that are safe or unsafe for mountain  
26 climbing, rock climbing, rappelling, and bouldering;
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  - 28 (4) Explore and identify options that will ensure safety  
29 without closing sites within the jurisdiction of the  
30 Department of Land and Natural Resources for mountain  
31 climbing, rock climbing, rappelling, and bouldering;
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  - 33 (5) Consult with various stakeholders related to mountain  
34 climbing, rock climbing, rappelling, and bouldering;  
35 and
  - 36
  - 37 (6) Examine the possibility of requiring those engaging in  
38 mountain climbing, rock climbing, rappelling, and  
39 bouldering to obtain insurance through a rock climbing  
40 organization to protect the State from liability; and  
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42 BE IT FURTHER RESOLVED that the Department of Land and  
43 Natural Resources is requested to submit a report of its  
44 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 Resolution be transmitted to the Chairperson of the Board of  
6 Land and Natural Resources and Attorney General.

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