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DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendments to Chapters 13-146 Hawaii Administrative Rules

December 11, 2009

SUMMARY

1. Subchapter 2 of Chapter 146, titles for §13-146-11 and 13-146-40 are amended.
2. §§13-146-2 and 13-146-3 are amended.
3. §13-146-5 is amended.
4. §13-146-7 is amended.
5. §§13-146-10 and 13-146-11 are amended.
6. §13-146-19 is amended.
7. §13-146-32 is amended.
8. §13-146-35 is amended.
9. §13-146-40 is amended.
10. §§13-146-50, 13-146-51, 13-146-52 are amended.
11. §13-146-54 is amended.

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HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 6 STATE PARKS

CHAPTER 146

HAWAII STATE PARK SYSTEM

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Historical Note: Chapter 146 of Title 13, Administrative Rules, is based substantially upon Chapter 145, Title 13, Administrative Rules entitled "Rules of the Hawaii State Park System." Chapter 145 of Title 13, Administrative Rules, was based substantially upon the Division of State Parks Regulation 1 entitled, "Relating to the Regulation and Control of the State Parks System." [Eff 6/22/81; R 4/16/90; am and comp 6/08/99; am 1/22/2010]

Subchapter 1 General Provisions

§13-146-1 Purpose. The purpose of this chapter is to govern the use and protection of all lands, and historical and natural resources within the state park system. [Eff. 4/16/90; comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-2 Definitions. As used in this chapter unless otherwise provided:

"Abandoned property" means any and all property, including personal property, items, materials, equipment, fixtures, motor vehicles or vessels that have been left unattended on land owned or controlled by the State for a continuous period of more than twenty-four hours without the written permission of the board or its authorized representative.

"Authorized representative" means any person authorized by the board of land and natural resources to act for the board including the chairperson, deputy directors, park administrators, park superintendents, park managers, and conservation enforcement officers.

"Board" means the board of land and natural resources.

"Camper" means any person engaged in a camping activity.

"Camping" means remaining within a designated camping area during closed hours or remaining within a state park while in possession of a sleeping bag, tent, tarpaulin, or other camping paraphernalia within the state park one hour after sunset until sunrise.

"Chairperson" means the chairperson of the board of land and natural resources.

"Commercial activity" means the use of or activity in a state park for which compensation is received by any person for goods or services or both

rendered to customers or participants in that use or activity. Display of merchandise, demanding or requesting gifts, money, or services, except as allowed by chapter 13-7, shall be considered commercial activity. Commercial activities include activities whose base of operations are outside the boundaries of the state park, or provide transportation to or from the state park.

"Compensation" includes, but is not limited to monetary fees, barter, or services-in-kind.

"Department" means the department of land and natural resources.

"Lodging" means cabin or shelter units available in certain parks for rental to the public as temporary living quarters.

"Motorized vehicle" means a motor vehicle of any type, including, but not limited to, automobiles, trucks, off highway vehicles such as all terrain vehicles, motorcycles, motor bikes, go-carts, motorcycles, motor scooters, mopeds, and dune buggies whether the vehicle is licensed or unlicensed.

"Nude" means uncovered post-pubertal human genitals, pubic areas, or the nipple or areola of post-pubertal human female breast.

"Picnic" means an outing with food provided by members of the group and eaten in the open.

"Premises" means any lands within the state park system.

"Recreational trailer" means a vehicle propelled by its own power or by some independent power and used as a dwelling.

"State park system" means those public lands or lands under the control and management of the division of state parks.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported

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or drawn upon a roadway or highway, including mopeds, but excluding bicycles and devices other than bicycles moved by human power. [Eff 4/16/09; am and comp 6/08/99; am 12/09/02; am 1/22/2010] (Auth: HRS §184-5) (Imp: HRS §§171-1, 184-5)

§13-146-3 Penalties. Any person violating any provision of this chapter, or any term or condition of any permit issued hereunder, shall be subject to administrative, civil and criminal penalties, and any materials, tools, equipment, or vehicles used in the violation may be seized and forfeited as provided by HRS section 184-5, section 199-7 and chapter 712A. [Eff 4/16/97; comp 6/08/99; am 1/22/2010] (Auth: HRS §§171-6, 171-6.4, 171-31.6, 184-5, 184-5.5, 199-7, 712A-4) (Imp: §§171-6, 171-6.4, 171-31.6, 184-5, 184-5.5, 199-7, 712A-4)

§13-146-4 Closing of areas. (a) The board or its authorized representative may establish a reasonable schedule of visiting hours for all or portions of the premises and close or restrict the public use of all or any portion thereof, when necessary for the protection of the area or the safety and welfare of persons or property, by the posting of appropriate signs indicating the extent and scope of closure. All persons shall observe and abide by the officially posted signs designating closed areas and visiting hours.

(b) Vehicles left unattended in closed areas may be impounded by the board or its authorized representative at any time.

(c) All impounded vehicles shall be towed to a place of storage. Towing, storage and other related 13-146-7 costs shall be assessed pursuant to section 290-11, HRS. [Eff. 4/16/90; am and comp 6/08/99]

(Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-5 User Fees. Fees, as set by the board may be charged for:

- (1) Permits as noted in sections 13-146-50; 13-146-51; 13-146-52; 13-146-54; 13-146-66; 13-146-67; 13-146-68;
- (2) Parking, and;
- (3) Entrance. [Eff 6/08/99; am and comp 6/08/99; am 1/22/2010] (Auth: HRS §184-3)
(Imp: HRS §184-3)

§13-146-6 (Reserved)

Subchapter 2 Permitted and Prohibited Uses of the Premises

§13-146-7 Abandonment and unattended property.

(a) No person shall abandon motor vehicles or other property. All such property may be confiscated or impounded by the board or its authorized representative.

(b) In the event vehicles or other property left unattended interferes with the safe or orderly management of the premises, it may be impounded by the board or its authorized representative at any time.

(c) All impounded vehicles shall be towed to a place of storage. Towing, storage, and other related costs shall be assessed pursuant to section 290-11, HRS.

(d) All impounded or confiscated property, other than vehicles, shall be moved to a place of storage, and the owner shall be assessed moving, storage, and other related costs. Additionally, the owner of this

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property shall bear the responsibility for the risk of any loss or damage to their property.

(e) Abandoned vehicles may be sold at public auction pursuant to section 290-11, HRS. All other impounded or confiscated property shall be disposed of pursuant to section 171-31.5, HRS. [Eff 4/16/90; am and comp 6/08/99; am 1/22/2010] (Auth: HRS §184-5) (Imp: HRS §§184-5, 290-11, 171-31.5)

§13-146-8 Agricultural use of premises. No person shall run at large, herd, drive across, or graze animals or use the premises for any other agricultural purpose except under a valid lease, contract, or special use permit issued by the board. [Eff 4/16/90; comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-9 Aircraft. No person shall land or launch aircraft, as defined in section 261-1, HRS, including airplanes, airships, balloons, gliders, hang gliders, helicopters, parachutes, dirigibles, and other similar means of conveyance except with the written permission of the board or its authorized representative or in the case of an emergency. [Eff 4/16/90; am and comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-10 Animals. (a) No person shall enter the premises with dogs, cats, and other animals unless they are crated, caged, on a leash which shall not exceed six feet in length, or otherwise under physical restrictive control at all times.

(b) No person shall enter public eating places, food stores, designated swimming areas, or beaches with animals. The board or its authorized representative may also designate, by the posting of

appropriate signs, any portion of the premises where animals shall not be allowed. This section shall not apply to guide, signal, or service animals accompanying their masters.

(c) Persons responsible for any animal on the premises shall also be responsible for the clean up and proper disposal of animal droppings, for restoration or restitution for any damages caused by the animal, and, if the animal is loose, for restitution for any costs incurred in trapping and removing the animal.

(d) No person shall have, possess, or ride horses except in areas designated for this purpose by the board or its authorized representative, by permit or appropriate signs. [Eff 4/16/90; am and comp 6/08/99; am 1/22/2010] (Auth: HRS §184-5) (Imp: HRS §§ 184-5)

§13-146-11 Historic property and burial sites.
No person, natural or corporate or other legal entity, shall knowingly take appropriate, excavate, injure, destroy, or alter any historic property or burial site in the state park system, provided, however, that:

- (1) The board or its authorized representative may permit a person to conduct activities that would alter historic properties or burial sites; and
- (2) The person issued the permit meets professional qualifications established in accordance with chapter 6E, Hawaii Revised Statute, and its implementing administrative rules; and
- (3) The person issued the permit possesses an annual permit to conduct archaeological activities in Hawaii when archaeological activities will be undertaken; and

- (4) The work undertaken shall comply with all applicable requirements of chapter 6E, Hawaii Revised Statutes, and its implementing administrative rules. [Eff 4/16/90; comp 6/08/99; am 1/22/2010] (Auth: HRS §184-5) (Imp: HRS §§ 184-5, 6E-3, 6E-7, 6E-8, 6E-11, 6E-43, 6E-43.6)

§13-146-12 Audio devices. (a) No person shall operate or use any audio device including, but not limited, to radios, tape recorders, television sets musical instruments, compact disc players, and noise producing devices such as electric generating plants, or other equipment driven by motors or engines in a manner and at times which creates excessive noise or annoyance to park users or others outside the premises except with the written permission of the board or its authorized representative.

(b) No person shall operate or use public address systems whether fixed, portable, or vehicle mounted, on land, water, and roadways except when the use or operation is in connection with public gatherings or special events for which permits have been issued by the board or its authorized representative or when the use is in conjunction with emergency or rescue operations. [Eff 4/16/90; comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-13 Boating. (a) No person shall operate, leave unattended, beach, park, or launch vessels, as defined in section 200-6, HRS, including but not limited to boats, motorboats, houseboats, rowboats, powerboats, jet skis, sailboats, fishing boats, towboats, scows, flatboats, cruisers, motor vessels, ships, barges, tugs, floating cabanas, party boats, charter boats, windsurfers, catamarans,

ferryboats, canoes, rafts, kayaks, or any similar buoyant devices permitting or capable of free flotation where prohibited by the posting of appropriate signs, except with the written authorization of the board or its authorized representative, or in cases of emergency.

(b) No person shall moor or anchor vessels as defined in subsection (a) without the written permission of the board or its authorized representative, except anchoring in cases of emergency. [Eff 4/16/90; am and comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-14 Camping. No person shall camp or use recreational trailers or other camper units, except with the prior written authorization of the board or its authorized representative. [Eff 4/16/90; am and comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-15 Communication equipment. No person shall install or operate aerials, antennas, transmitters or other radio, telephone, television, or other communication equipment except hand held devices or equipment installed within vehicles without the written permission of the board or its authorized representative. [Eff 4/16/90; am and comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-16 Disorderly conduct. No person shall engage in disorderly conduct, as defined in section 711-1101, HRS, within the premises. [Eff 4/16/90; am and comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §§184-5, 711-1101)

§13-146-17 Explosives. No person shall use or possess fireworks, firecrackers, or explosives, except

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with the written permission of the board or its authorized representative and subject to federal, state, and county laws, ordinances, rules and regulations. [Eff 4/16/90; am and comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-18 False report. No person shall give a false or fictitious report or other information to any authorized representative investigating an accident or any violation of law or administrative rule. [Eff 4/16/90; comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-19 Firearms and other weapons. (a) No person shall use or possess bow and arrows, crossbows, firearms, pellet or BB guns, paintball guns, slingshots, or other implements designed to discharge missiles except as provided herein.

(b) Firearms and other weapons may be used or possessed if in accordance with section 13-146-41. The use and possession of firearms, and other weapons, when permitted, shall be subject to all federal, state, and county laws, ordinances, rules and regulations. Firearms and other weapons shall be unloaded when transported through nonhunting areas of the premises. [Eff 4/16/90; am and comp 6/08/99; am 1/22/2010] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-20 Fires. (a) Fires are permitted only:

- (1) In picnicking and designated camping grounds where the fire will be confined in fireplaces or in grills;
- (2) In other locations, including backcountry, wilderness, and remote sections of the premises when a written permit has been

secured from the board or its authorized representative;

(3) On portions of the premises designated by the board or its authorized representative for fires. No permit is required for fires in the designated areas, which shall be posted; or

(4) In stoves or lanterns using gasoline, kerosene, propane, butane, wood, charcoal, briquettes, gas, alcohol or other fuels.

(b) No person shall allow a fire to burn in a manner that surrounding shrubs, grasses, trees, or other combustible matter, or structures will be burned, scorched, or damaged.

(c) When no longer needed, fires shall be completely extinguished. No person shall leave a fire unattended.

(d) No person shall discard unextinguished cigarettes, cigars, pipe heels, matches, live coals, or other burning material, provided, however that live coals may be deposited in ash pits wherever they are provided. [Eff 4/16/90; am and comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-21 Fishing. Unless specifically restricted herein or by other administrative rule, a person may fish or take mollusks and crustaceans, subject to all applicable federal, state, and county laws, ordinances, rules and regulations. [Eff 4/16/90; am and comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-22 Gambling. No person shall gamble or operate gambling devices. [Eff 4/16/90; comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-23

§13-146-23 Geological features. No person shall destroy, disturb, or mutilate any geological features or dig or remove sand, earth, gravel, mineral, rock, fossil, coral, or any other substance except for digging in sand areas of beaches or as provided in section 13-146-32(f). No person shall excavate or quarry any stone, or lay, set, or cause any blast or explosion, or assist in these acts, except as provided by law or with the written permission of the board or its authorized representative. [Eff 4/16/90; am and comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-24 Golfing. No person shall play golf, or hit or drive golf balls except in areas designated for those activities. [Eff 4/16/90; comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-25 Intoxication; drug incapacitation.

(a) No person shall use or possess narcotics, or drugs, provided that a person may use or possess drugs legally prescribed by a physician. No person shall enter or remain within the premises when manifestly under the influence of alcohol, narcotics, or drugs.

(b) No person shall use or possess alcohol except with written permission of the board or its authorized representative. [Eff 4/16/90; comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-26 Lost and found articles. Any person finding lost articles shall deposit them at the nearest police station, leaving their name and address. [Eff 4/16/90; comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-27 Memorialization. No person shall install any monument, memorial, tablet, or other commemorative installation, except with the written permission of the board or its authorized representative. [Eff 4/16/90; comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-28 Modelcraft operation; kite flying. No person shall operate motorized aircraft, automobile, watercraft and other similar models except with the, written permission of the board or its authorized representative. Kites shall not be flown where kite flying is specifically prohibited by the posting of appropriate signs. [Eff 4/16/90; comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-29 Parking. (a) No person shall park, stop, or stand vehicles except on roads and parking areas laid out, designed, or provided for parking. All persons shall observe the official traffic signs, wherever posted, restricting the parking, stopping, or standing of vehicles. No person shall reserve parking spaces without the permission of the board or its authorized representative.

(b) No person shall park vehicles in designated handicapped stalls without a disabled persons placard displayed in that vehicle.

(c) No person shall park vehicles beyond the time limit indicated by the posting of appropriate signs.

(d) In the event a vehicle is parked in a manner that interferes with the safe or orderly management of the premises, or is parked in violation of any provision in this section, it may be impounded by the board or its authorized representative at any time.

(e) All impounded vehicles shall be towed to a

place of storage. Towing, storage, and other related costs shall be assessed pursuant to section 290-11, HRS. [Eff 4/16/90; am and comp 6/08/99] (Auth: HRS §184-5) (Imp: §184-5)

§13-146-30 Picnicking. A person may picnic except in designated campgrounds and in those locations prohibited by the board or its authorized representative by the posting of appropriate signs. The board or its authorized representative may also establish reasonable limitations on the length of time any person may use picnicking facilities by the posting of appropriate signs when limitations are necessary for the accommodation of the general public. [Eff 4/16/90; comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-31 Portable engines and motors. No person shall operate or use a portable motor driven electric generating plant, pump, compressor, or any other equipment driven by a portable engine or motor without written permission from the board or its authorized representative. [Eff 4/16/90; comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-32 Public property. (a) No person shall destroy, deface, or remove any natural or historical feature or natural or historical resource.

(b) No person shall intentionally or wantonly destroy, injure, deface, remove, disturb, or possess in any manner any public building, sign, equipment, monument, marker, or other structure.

(c) A person may gather or collect for personal use, reasonable quantities of natural products of a renewable nature, including, but not limited to, seashells, fruits, berries, flowers, seeds, pine

cones, seaweeds, driftwood, and marine objects of natural origin; provided, that the board or its authorized representative may establish seasons for picking of plums on Kauai. No person shall gather or collect these products for the purpose of sale. The quantities of these products may also be restricted by the board or its authorized representative.

(d) A person may only gather dead material on the ground for use as fuel in campsites or picnic areas, except where gathering is prohibited by the board or its authorized representative by the posting of appropriate signs.

(e) No person shall damage, destroy, dig, remove, or possess any tree, shrub or other plant, except for noxious weeds, as defined in chapter 4-68 unless authorized by the board or its authorized representative.

(f) A person may gather or collect small quantities of pebbles or small rocks by hand for personal use, except in prohibited areas which shall be posted. The quantities of these items, however, may be restricted by the board or its authorized representative. No person shall collect these objects for the purpose of sale.

(g) No person shall introduce animals, fish, or plants, including their reproductive bodies, into the premises.

(h) No person shall possess or use a mineral or metal detector, magnetometer, or other metal detecting device except on sand areas of beaches. [Eff 4/16/90; am and comp 6/08/99; am 1/22/2010] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-33 Report of injury or damage. All incidents resulting in injury or death to persons or damage to property shall be reported as soon as

possible to the board or its authorized representative. This report does not relieve persons from the responsibility of making any other report which may be required under federal, state, or county laws, ordinances, rules and regulations.
[Eff 4/16/90; am and comp 6/08/99] (Auth: HRS §184-5)
(Imp: HRS §184-5)

§13-146-34 Residence prohibited. No person shall establish a temporary or permanent residence on the premises except with a permit or other written agreement with the board. [Eff 4/16/90; comp 6/08/99]
(Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-35 Sanitation and Litter. (a) All persons shall dispose of garbage, trash, refuse, waste material, and rubbish of any kind only at places designated for its disposal or shall remove it from the premises. No person shall remove refuse or garbage from refuse containers nor remove or relocate these containers.

(b) No person shall drain or dump garbage, trash, rubbish, refuse, or waste except in places or receptacles provided for this use.

(c) A person may only clean food or wash cooking and eating utensils and clothes or articles of household use in designated areas.

(d) No person shall pollute or contaminate any watershed, or water used for drinking purposes in any manner.

(e) No person shall dispose of fish entrails or other parts of fish or animals into salt waters within two hundred feet of boat docks or swimming areas or into fresh waters or in areas of public concentration.

(f) No person shall deposit any body waste in or on any portion of any comfort station or other public

structure except into customary and proper receptacles provided by the State or by the permittee for that purpose. No person shall place any bottle, can, cloth, rag, metal, wood, stone, or any foreign substance in any of the fixtures in the station or structure. All comfort stations shall be used in a clean, sanitary, and orderly manner.

(g) No person shall urinate or defecate on the premises other than in the toilet facilities provided.

(h) No person shall bring, carry, or transport garbage, trash, rubbish, refuse, or waste from outside the premises for deposit or dumping on the premises. [Eff 4/16/90; am and comp 6/08/99; am 1/22/2010] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-36 Skating; skateboards; bicycling. No person shall roller skate, skateboard, or bicycle in areas where prohibited by the posting of appropriate signs. [Eff 4/16/90; comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-37 Soliciting. REPEALED [Eff. 4/16/90; R 12/9/02]

§13-146-38 Swimming; nudity. (a) A person may swim or bathe except in waters and at times where these activities are prohibited in the interest of public health or safety. These waters shall be designated by posting of appropriate signs. No person shall bathe, swim, walk, sunbathe, or remain on the premises in the nude, or take outdoor showers in the nude, except for bathing or changing clothes within enclosed facilities provided for those purposes or for the exposed breast of a nursing mother in the act of breastfeeding an infant.

(b) No person shall use flotation devices within designated swimming areas when prohibited by the board

or its authorized representative by the posting of appropriate signs.

(c) No person shall use surfboards and similar devices within the limits of designated swimming beach areas. [Eff 4/16/90; am and comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-39 Tampering with vehicle or vessel. No person shall tamper or attempt to tamper with any vehicle, vessel, or other equipment, or enter or go upon, move, or manipulate any of the parts or components of any vehicle, vessel, or other equipment or start or set the same in motion, except when it is under one=s lawful ownership or control. [Eff 4/16/90; am and comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-40 Motorized vehicle operation. (a) No person shall drive or operate any motorized vehicles including but not limited to, automobiles, trucks, vans, off highway vehicles such as all terrain vehicles, motorcycles, motor bikes, mopeds, scooters, and trail bikes except on designated trails and roads that are managed for motorized use, provided, however, that the use of a motorized wheelchair by an individual whose disability requires use of a wheelchair shall not be considered driving or operating a motorized vehicle.

(b) No person shall drive or operate any motorized vehicles faster than posted speed limits, or in a reckless manner, or in a manner that endangers any person or property, or damages park resources.

(c) No person shall drive or operate motorized vehicles or any other motorized or drawn equipment over, on, or across any road or bridge if the gross load of the vehicle exceeds the posted weight limits

unless authorized by the board or its authorized representative.

(d) No person shall drive or possess unlicensed vehicles and off highway vehicles in any park area except for use on trails, roads and in other areas designated for off highway vehicle use by appropriate signage. [Eff 4/16/90; am and comp 6/08/99; am 1/22/2010] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-41 Wildlife. No person shall molest, disturb, injure, trap, take, catch, possess, poison, introduce, or kill any wild bird or mammal, or disturb their habitat except when authorized by federal, state, and county laws, ordinances, rules, and regulations. [Eff 4/16/90; am and comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§§13-146-42 to 13-146-49 (Reserved)

Subchapter 3 Permits

§13-146-50 General provisions. (a) Permits governing the use of public facilities and areas within the premises shall consist of the following types:

- (1) Camping
- (2) Lodging
- (3) Group use
- (4) Special use

(b) The board or its authorized representative may issue permits. The following conditions shall apply to all permits:

- (1) Permits shall be issued on a first-come first-served basis. The board or its authorized representative may withhold a portion of the available permits to be

issued to walk-in applicants on a first-come first-served basis.

- (2) All responsible persons eighteen years of age or older shall be eligible to secure permits.
- (3) Permits shall be obtained by the means determined by the board, including, but not limited to, from the district offices of the department, through concessionaires, telephone or electronically through the Internet.
- (4) Permits obtained at the district offices shall be obtained between the hours of 8 a.m. and 3:30 p.m. on regular working days of the department.
- (5) Permits are not transferable.
- (6) Persons or organizations to whom permits are issued are bound by the permit conditions stipulated on or attached to the permit and any applicable federal, state, and county laws, ordinances, rules and regulations.
- (7) The size of groups as well as the length of time any permit may be in effect may be limited by the board or its authorized representative.
- (8) Fees and charges as set by the board shall be assessed for permits to defray the cost of special facilities, services, or supplies provided by the State, or to meet other conditions as the board or its authorized representative may prescribe to carry out the provisions of chapter 184, HRS. Charges may be waived by the board if, in their opinion, the waiver is in the public interest and benefits the State.

- (9) All payments of fees and charges shall be in U.S. funds, and by credit card, in cash, cashier's check, certified check, traveler's check, postal money order, or bank money order, provided that personal or business checks may be used to pay for events that will occur thirty or more days after the date of the payment.
 - (10) All permittees shall, upon request, show the permit to any law enforcement officer, the board or its authorized representative.
 - (11) Other procedures, terms and conditions deemed by the board or its authorized representative necessary to carry out the provisions of chapter 184, HRS, this chapter, or any applicable federal, state, or county statute, ordinance, or rule.
- (c) Permits may be denied when:
- (1) The premises or park facilities are closed or will be closed because of damages, or because of scheduled or ongoing construction, repairs, or maintenance activities, or because of other reasons.
 - (2) A state of emergency is declared by the board or other proper authorities.
 - (3) Natural or civil disturbances occur or threaten to occur, including, but not limited to, tsunamis, floods, earthquakes, storms, riots, demonstrations, and employee strikes.
 - (4) There are inadequate facilities to meet the needs of the applicant for the permit.
 - (5) The premises or facilities will be used by other permittees.
 - (6) The applicant has a prior record of noncompliance with permit conditions or

violations of this chapter.

(d) Permits may be denied, canceled or terminated at any time without advance notice when:

- (1) A state of emergency is declared by the board or other proper authorities.
- (2) Natural or civil disturbances occur or threaten to occur, including, but not limited to, tsunamis, floods, earthquakes, storms, riots, demonstrations, and employee strikes.
- (3) Permittees violate or have previously violated permit conditions or provisions of this chapter within a year of a permit application.
- (4) Fees, as required, are not paid. [Eff 4/16/90; am and comp 6/08/99; am 1/22/2010] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-51 Camping permits. (a) The following provisions shall apply to camping:

- (1) Camping and the use of recreational trailers or other camper units is only permitted at locations designated by the board or its authorized representative.
- (2) The board or its authorized representative may establish check-in and check-out times for camping facilities.
- (3) The installation or construction of permanent camping facilities is prohibited except as authorized by the board or its authorized representative.
- (4) The digging or leveling of the ground at any campsite is prohibited except with the written permission of the board or its authorized representative.

(5) Camping equipment shall be completely removed and the campsite cleaned before departure from the site.

(b) All persons, groups, organizations, or associations desiring to camp shall obtain a camping permit authorizing the use of specific camping areas and facilities:

(1) Applicants for camping permits shall provide their name, address, telephone numbers, identification numbers and the names of all persons three years of age or older covered by the permit, and identification satisfactory to the board or its authorized representative, if requested.

(2) Each permit will reserve the use of the desired camping area for a specified date or dates.

(3) Requests for camping permits and confirmation of the same for state operated campsites shall be made either through the internet, a direct visit to the district offices, by telephone, or through the mail. Reservations for campsites operated by concessionaires shall be made directly with the concessionaire.

(4) The maximum camping duration under each permit at any one park or campground shall be five consecutive nights.

(5) Persons three years of age or older shall have their names printed on the permit to be allowed to camp.

(c) Camping permits shall be denied when:

(1) The size of the group exceeds the capacity of the existing facilities; or

(2) The applicant or any person to be covered

by the permit has camped in or has been issued a camping permit for the same park or campground within a period of thirty days preceding the requested camping dates.

(d) No person, group, organization, or association shall remain at any one specified park, camping area, or backcountry, or in isolated sections of the premises for a period longer than five consecutive nights; provided however, that the board or its authorized representative may extend the stay for good cause. The board or its authorized representative may establish lower maximum camping periods for specific areas.

(e) Payment of fees and charges for camping permits shall be set by the board and the following shall apply:

- (1) Payment of the total cost of camping is required to receive a permit. The fee shall be paid on the date the reservation is made.
- (2) A service fee may be charged for permit issuance, changes to, or cancellation of an issued camping permit.
- (3) Refund of the total cost of the permit less any service fee, may be made through the internet or by notifying the district office, in writing, of the cancellation a minimum of fifteen days prior to the first day of permitted use.
- (4) Permits which are paid in full, and not canceled by the permittee, shall remain valid for the entire duration of the permit period. [Eff 4/16/90; am and comp 6/08/99; am 1/22/2010] (Auth: HRS §184-5)
(Imp: HRS §184-5)

§13-146-52 Lodging permits. (a) All persons, groups, organizations, or associations desiring to use a cabin facility shall obtain a lodging permit authorizing the use of specific cabin or cabins and facilities:

- (1) Applicants for lodging permits shall provide their name, address, telephone numbers and identification numbers, and the names of all persons three years of age or older covered by the permit, and identification satisfactory to the board or its authorized representative, if requested.
- (2) Each permit shall reserve the use of the cabin facility named in the permit for a specified date or dates.
- (3) Requests for lodging permits and confirmation of the same for state operated lodging units shall be made either through the internet, a direct visit to the district offices, by means of telephone, or through the mail. Reservations for lodging units operated by concessionaires shall be made directly with the concessionaire.
- (4) The maximum stay at any one or more cabins in a specific park shall be five consecutive nights. The board or its authorized representative may extend the permit for good cause.
- (5) Persons three years of age or older must have their names printed on the permit to be allowed to stay in cabin facilities.

(b) A lodging permit shall not be issued if the applicant or any person to be covered by the permit has occupied or will occupy a cabin in the same park within a period of thirty days preceding the requested lodging dates.

(c) Payment of fees and charges for lodging permits shall be as follows:

- (1) Payment of the total cost of lodging is required to confirm the reservation. The fee shall be paid on the date the reservation is made.
- (2) A service fee may be charged for permit issuance, changes to, or cancellation of an issued lodging permit.
- (3) A security deposit of \$30 per cabin may be required if an applicant for a lodging permit has a prior record of noncompliance with the permit conditions or violations of this chapter. Refund of the security deposit will be made provided that the permittee complies with permit conditions and with this chapter.
- (4) Refund of the total cost of the lodging, less any service fee, may be made through the internet or by notifying the district office, in writing, of the cancellation a minimum of fifteen days prior to the first occupancy date designated on the permit.

(d) Lodging permits shall be issued subject also to the following conditions:

- (1) Permittee shall be responsible for clean up of the cabin.
- (2) Permittee shall be responsible for the repair or replacement of any missing or damaged property.
- (3) The department shall not be responsible for any personal article left or lost by permittee.
- (4) If the permittee fails to properly notify the department or fails to occupy the cabin on the first scheduled day of occupancy, the

permit shall be canceled and any deposit forfeited; provided that if the permittee prepaid the entire rental fee, the permit will remain valid for the entire duration of the permit period. [Eff 4/16/90; am and comp 6/08/99; am 1/22/2010] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-53 Group use permits. (a) Any group larger than twenty-five members shall be required to obtain a group use permit to remain within the premises.

(b) Group use permits may be denied to any person, group, organization, or association when space is inadequate to accommodate the group or as otherwise provided in 13-146-50.

(c) Group use permits shall set forth the day and time the group shall be allowed to remain on the premises as follows:

- (1) Permits may be issued for hours between 7 a.m. and midnight of the same day, except for park areas that are normally closed before midnight.
- (2) An earlier starting time may be granted by the board or its authorized representative to accommodate special functions.
- (3) Minors below the age of eighteen may be allowed to remain on the premises on their own, if the adult who secures the permit for them will be responsible for them and also provided that their use is between the hours 7 a.m. to 7 p.m. of the same day. Minors staying beyond 7 p.m. in park areas that normally stay open past 7 p.m. shall be under the supervision of adults on a ten minors to one adult ratio. All minors from

the same family, who are accompanied by at least one of their parents, shall be allowed to remain in the area past the 7 p.m. deadline, where permitted, without regard to the adult-minor ratio.

(d) The board or its authorized representative may require the permittee at the permittees own cost, to provide licensed security services or protection in the interest of public safety and welfare and for the protection of property, when the number of persons under the permit is one hundred or more.

[Eff 4/16/90; am and comp 6/08/99] (Auth: HRS §184-5)
(Imp: HRS §184-5)

§13-146-54 Special use permits. (a) Special uses shall be permitted only with a special use permit issued by the board or its authorized representative. Special uses are all types of uses other than camping, lodging, group use and activities permitted under chapter 13-7 which are considered compatible with the functions and purposes of each individual area, facility, or unit of the premises.

(b) Requests for permits for special uses shall each be considered on its own merits, including its effect on the park area, facilities, and public=s use and enjoyment.

(c) Special uses include but are not limited to:

- (1) Day use permits, commercial tours, and weddings; and
- (2) Such activities as assemblies, carnivals, celebrations, concerts, demonstrations, festivals, gatherings, meetings, pageants, parades, and other community or ethnic oriented events, or activities, or other spectator attractions that are open to the general public or to restricted groups.

[Eff 4/16/90; am and comp 6/08/99;
am 1/22/2010] (Auth: HRS 184-5)
(Imp: HRS §184-5)

§§13-146-55 to 146-64 (Reserved)

Subchapter 4 Commercial and Private Operations

§13-146-65 Advertisements. No person shall display, post, or distribute notices or advertisements, except with the prior written permission of the board or its authorized representative. Permission may be granted only if the notice or advertisement relates to services, goods, or facilities available within the premises and the notices and advertisements are found by the board or its authorized representative to be desirable and necessary for the convenience and guidance of the public, or as allowed by chapter 13-7. [Eff 4/16/90; am and comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-66 Business operations. No person shall engage in or solicit any business, except in accordance with the provisions of a permit, contract, license, lease, concession, or other written agreement with the board or its authorized representative, or as allowed by chapter 13-7. [Eff 4/16/90; am and comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-67 Commercial filming, photography, and videotaping. (a) Before any motion picture is filmed or any video recordings, television production, or sound track is made, which involves the use of professional casts, models, settings, or crews, by any person other than bonafide, newsreel or news television

personnel, a person shall obtain a written permit approved by the board or its authorized representative which shall be subject to terms, conditions, and fees set by the board.

(b) Before any still photograph may be taken by a commercial photographer for commercial purposes, a person shall obtain a written permit approved by the board or its authorized representative. The permit shall be subject to terms, conditions, and fees set by the board. [Eff 4/16/90; am and comp 6/08/99] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-68 Commercial activities. No person shall engage in commercial activities of any kind, without a written permit from the board or its authorized representative. [Eff 12/9/02] (Auth: HRS §184-5) (Imp: HRS §184-5)

DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendments to chapter 13-146, Hawaii Administrative Rules, on the Summary page dated December 11, 2009, were adopted on December 11, 2009 following a series of statewide public hearings held between November 3 through 9, 2009 after public notice was given in the Star Bulletin, Garden Island, Maui News, Hawaii Tribune-Herald, and West Hawaii Today on October 4, 2009.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.



LAURA H. THIELEN
Chairperson,
Board of Land and Natural
Resources

APPROVED AS TO FORM:


Deputy Attorney General



LINDA LINGLE
Governor
State of Hawaii

Date:

JAN 12 2010

Filed

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LIEUTENANT GOVERNOR'S
OFFICE