JUN 3 1982

REF. NO.: CPO-5411
FILE NO.: SH-2/26-82-1459
180-Day Exp. Date: 8/25/82

Mr. Robert Lee
Executive Director
Natural Area Reserves System Commission
1151 Punchbowl Street
Honolulu, Hawaii 96813

Dear Mr. Lee:

We are pleased to inform you that your Conservation District Use Application for the establishment of six Natural Area Reserves on the Island of Oahu, Kauai, and Hawaii was approved on May 14, 1982. The approval was of three parts:

A. 1. That the Hono O Na Pali Natural Area Reserve, the Puu O Umi Natural Area Reserve, the Manuka Natural Area Reserve and the Kaena Point Natural Area Reserve and the related subdivisions be approved as submitted;

2. That the boundary of the Laupahoehoe Natural Area Reserve be revised to exclude the logging road and the strip between the road and Waipunalei;

3. That the Kipahoehoe Natural Area Reserve makai boundary be revised to the mauka side of the jeep trails between Lae O Heku and Paakai Point to exclude from the proposed reserves those lands makai of the existing jeep trail;

B. That the six (6) proposed natural area reserves including the above revisions be approved subject to the following conditions:

1. That the applicant comply with all applicable statutes, ordinances, rules and regulations of the Federal, State and City and County governments, and applicable parts of Section 13-2-21 of Title 13, Chapter 2, Departmental Administrative Rules, as amended;

JUN 3 1982

2. The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;

3. Other terms and conditions as prescribed by the Chairman;

4. In that this approval is for use of conservation lands only, the applicant shall obtain appropriate authorization through the Division of Land Management, State Department of Land and Natural Resources for the occupancy of State lands;

5. That this approval is based upon the understandings reached with the various Divisions of the Department.

C. Wherever Applicable the Board Approve of and recommend to the Governor:

1. Issuance of an Executive Order for the withdrawal of the Lands from the Lands from the existing set-aside, and,

2. Approve and recommend to the Governor the set-aside of these Lands for the Purpose of six (6) Natural Area Reserves by separate Executive Orders.

Should you have any questions on any of these conditions, please feel free to contact Mr. Roger C. Evans of our Planning Office at 548-7837.

Very truly yours,

SUSUMU ONO

SUSUMU ONO, Chairman
Board of Land and Natural Resources

xc: All Board Members
All District Land Agents
All County Planning Departments

bxc: Land Management
DOWALD
DOAR
DOFAW
State Parks/Hist. Sites/DOCARE
OEQC
DOH
DBED

GEORGE R. ARIYOSHI
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809

DIVISIONS:
CONVEYANCES
FISH AND GAME
FORESTRY
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

FILE NO.: SH-2/26/82-1459
180-Day Exp. Date: 8/25/82

May 14, 1982

Board of Land and
Natural Resources
State of Hawaii
Honolulu, Hawaii

Gentlemen:

Conservation District Use Application for
the Establishment of Six Natural Area Reserves
on the Islands of Oahu, Kauai and Hawaii

APPLICANT: Mr. Robert Lee
Executive Secretary
Natural Area Reserves System Commission
1151 Punchbowl Street
Honolulu, Hawaii 96813

LANDOWNERSHIP: State of Hawaii

LOCATION:

Kauai

HONO O NA PALI N.A.R.

District:	Hanalei
Island:	Kauai
Tax Map Key:	5-9-01: por. of 1
Area of Parcel:	8,344 acres
Area of Proposed Use:	3,150 acres
Nearest Town or Landmark:	Alakai Swamp, adjacent
Conservation District Subzone:	Protective

Hawaii

PUU O UMI N.A.R.

District:	South Kohala and Hamakua
Island:	Hawaii
Tax Map Key:	4-9-13: por. of 1; 6-1-01: por. of 1; 6-2-01: 1,2; 6-3-01: pors. 2,4,5,7
Area of Parcel:	17,206 acres
Area of Proposed Use:	10,182 acres
Nearest Town or Landmark:	Waimanu Valley, adjacent
Conservation District Subzone:	Protective

LAUPAHOEHOE N.A.R.

District:	North Hilo
Island:	Hawaii
Tax Map Key:	3-7-01: por. of 2
Area of Parcel:	12,373 acres
Area of Proposed Use:	9,030 acres
Nearest Town or Landmark:	Laupahoehoe, 2.5 miles
Conservation District Subzone:	Protective and Resource

ITEM H-5

A dirt road accessible from the town of Laupahoehoe extends into the proposed reserve and eventually meets the Keanaholu Road at 6,000 feet elevation.

MANUKA N.A.R.

District:	Ka'u and South Kona
Island:	Hawaii
Tax Map Key:	9-1-01: 2, por. of 3, por. of 5, por. of 6, 7; 8-9-06: 1, por. of 2, 14, por. of 17
Area of Parcel:	26,719 acres
Area of Proposed Use:	26,181 acres
Nearest Town or Landmark:	Papa, 6 miles
Conservation District Subzone:	Resource and Agriculture

Along the Mamalahoa Highway, which transects Manuka at about the 1,700 foot evelation, being excluded are the small (1-13 acres) encumbered sections of Manuka State Park, Inter-island Resorts Ltd., and a Highway Maintenance Baseyard of the State Department of Transportation.

Within Manuka, a jeep trail extends from the highway to the coast where it branches and parallels the shoreline. The jeep trail provides access to the remote coast for recreational fishing, which usually involves overnight camping along the shore. To allow tenting to continue, the makai boundary of the natural area reserve would exclude those shore areas where the jeep trail generally parallels and hugs the shoreline. The jeep trail system throughout the proposed reserve is also excluded.

KIPAHOEHOE N.A.R.

District:	South Kona
Island:	Hawaii
Tax Map Key:	8-8-01: 5, 6, 7, 10
Area of Parcel:	5,670 acres
Area of Proposed Use:	5,670 acres
Nearest Town or Landmark:	Papa, 1.5 miles
Conservation District Subzone:	Protective

Oahu

KAENA POINT N.A.R.

District:	Waianae
Island:	Oahu
Tax Map Key:	8-1-01: por. of 6, 15
Area of Parcel:	46 acres
Area of Proposed Use:	12.464 acres
Nearest Town or Landmark:	Camp Erdman
Conservation District Subzone:	Resource

These plants are adapted to growing in the dry sandy beach environment which, with increasing population pressures, has become heavily impacted by developmental and recrea-

tional uses. With the loss of habitat, many of the native sand dune species and varieties are now rare, and they can be found growing only in a few isolated locations within the state. Kaena Point is the only area where there is state-owned land with a coastal sand dune ecosystem that is still relatively intact.

Maps of the six proposed Natural Area Reserves are attached as Exhibit I to Exhibit VI.

CURRENT USE:

The proposed Natural Area Reserves are part of the Forest Reserves except the Manuka Natural Area Reserve which includes agriculture zoned land and the Kaena Point Natural Area Reserve which is located in the coastal area.

PROPOSED USE:

The purpose of this application is to establish six natural area reserves to preserve and protect the unique natural resources of Hawaii and to provide baselines against which changes which are being made in the environments can be measured.

SUMMARY OF COMMENTS AND RESPONSES:

The applicant had solicited comments from the Divisions of the Department of Land and Natural Resources, the Planning Departments of the Kauai County and Hawaii County and the Department of Land Utilization of the City and County of Honolulu. Copies of the comments on the application and responses from the applicant were submitted with the application.

With reference to the five natural area reserves, namely the Hono O Na Pali Natural Area Reserve on the Island of Kauai, the Puu O Umi Natural Area Reserve, the Laupahoehoe Natural Area Reserve, the Manuka Natural Area Reserve and the Kipahoehoe Natural Area Reserve on the Island of Hawaii, the following comments were submitted.

The State Parks Division of the Department of Land and Natural Resources provides that:

> State Parks are involved in two of the five natural area reserves; Hono O Na Pali and Manuka Natural Area Reserves.
>
> There is no known conflict of interest between Manuka State Wayside and the natural area reserve and there may be some interpretive opportunities of mutual benefit.
>
> The Hono O Na Pali Natural Area Reserve has been incorporated into the Department's Na Pali Coast Management Plan, which includes the coastal area between Haena and Milolii Valley. This plan assigns the general management responsibility of the natural area reserve below the 1,200 foot

elevation to the State Parks Division and the upper portion to the Division of Forestry and Wildlife. Active management is expected to be restricted to the maintenance of the Kalalau Trail however.

In order to preserve the wilderness values and limit user impact on the Na Pali Coast, the management plan restricts camping to designated campgrounds. Campgrounds have been designated on either side of the natural area reserve at Hanakapiai and Hanakoa. We note that Attachment B in the subject application "will allow tent camping and campfires along the coastal regions of Hono O Na Pali". This proposal conflicts with the camping policies established in the management plan, which was reviewed by the public and accepted by the Board of Land and Natural Resources on August 22, 1980. No camping or shore fishing is known to occur along the coast, but we have no objections to the shoreline fishing from palis to the extent this is feasible.

The Division of Water and Land Development suggests:

We suggest that where State-owned watershed lands are proposed for designation as Natural Area Reserve (NAR), the makai boundaries be delineated such that some continuous government land be retained outside of the NAR in the event development of the streamflows for public purposes becomes desirable or necessary.

Additional comments on each of the areas follows:

HONO O NA PALI NAR, Hanalei, Kauai--Division of Water and Land Development has no objections.

PUU O UMI NAR, South Kohala, Hawaii--We have no objections with this area since this area is a major contributor to the spring flows of Manowaiopae Stream about two miles below the forest reserve boundary. The springs are the domestic water source for the town of Laupahoehoe and Papaaloa and smaller residential areas.

MANUKA NAR, South Kona, Hawaii and KIPAHOEHOE NAR, South Kona, Hawaii--There is a possibility of ground water development in this region between elevation 500-2000 feet. This area is currently underdeveloped but may become important to orchard type agriculture. Groundwater source development may be a possibility. We might consider excluding small areas for exploratory well drilling similar to set-aside for the existing Mauka State Park.

Responses from the applicant is as follows:

We appreciate your desire to exclude from the proposed Manuka and Kipahoehoe reserves areas for groundwater development. I am sure the NARS Commission would give full consideration to such exclusion if there is a specific groundwater plan for Manuka and Kipahoehoe to guide them.

Board of Land and
Natural Resources

SH-1459
May 14, 1982

The Land Management Division offers the following:

1. Hono O Na Pali NAR, Kauai
   TMK: 5-9-10: por. 01

   Area is within the Na Pali-Kona Forest Reserve; the area is also within the proposed Na Pali State Park management are which is the subject of another CDUA on file with your office.

   We recommend that this area be deleted from the subject CDUA.

2. Puu O Umi, Kohala and Hamakua, Hawaii
   TMK: 4-9-13: por. 01 is within the Kohala Forest Reserve
   6-1-01: por. 01 - Kohala Forest Reserve and Kehena Ditch Watershed Area
   6-2-01: 01 & 02 - Kohala Forest Reserve
   6-3-01: por. 02 - Kohala Forest Reserve
   6-3-01: por. 04 - Kohala Forest Reserve, also E.O. 1660 to Hawaii Irrigation Authority (DOWALD)
   6-3-01: por. 05, 07 - Kohala Forest Reserve and Kehena Ditch Watershed Area

   TMK 6-3-01: 02, 04, 05 and 07 are also included in Hawaiian Home Lands Resolution No. 26.

3. Laupahoehoe NAR, North Hilo, Hawaii

   TMK 3-7-01: por. 02 is within the Hilo Forest Reserve - existing logging roads should be excluded or reserved for access purposes.

4. Manuka NAR - Ka'u and South Kona, Hawaii

   TMK 9-1-01: 2 and 03 are within the South Kona Forest Reserve, Kapua-Manuka Section
   TMK 8-9-06: 01, 02, 14 and 17 are also within the South Kona Forest Reserve, Kapua-Manuka Section

5. Kipahoehoe NAR, South Kona, Hawaii

   TMK 8-8-01: 05, 06 and 07 are within the South Kona Forest Reserve, Kipahoehoe Section
   TMK 8-8-01: 10 was withdrawn from the South Kona Forest Reserve by Governor's Proclamation of May 2, 1938.

Except for the Hono O Na Pali NAR (Item No. 1), Land Management Division has no objection to the Chairman signing the CDUA.

Response to the comments are as follows:

1. Hono O Na Pali NAR and the State park

Your recommendation to delete this NAR Proposal seems to be based on an assumed conflict with the proposed Na Pali State Park Management Plan. The park management plan does take into account the Hono O Na Pali NAR proposal, discussing it with maps and areas of management with the Division of Forestry and Wildlife.

2. Puu O Umi NAR and Hawaiian Home Lands

In the CDUA we discussed the Hawaiian Home Lands Resolution No. 26 relationship with the NAR proposal. We have also written to the Department of Hawaiian Home Lands for comment.

By a memorandum dated February 24, 1982, Land Management Division indicates that:

> The State Survey Office in reviewing Mr. John Cline Mann's findings regarding the lands of the Ili of Puukapa currently included in the Kohala Forest Reserve set aside by Governor's Proclamation dated October 13, 1913, which is years before the passage of the Hawaiian Homes Act. The act specifically excluded lands that were designated forest reserve.
>
> Tax Map Key 6-3-01: 02, 04, 05 and 07 are therefore owned by the State of Hawaii and NOT Hawaiian Home Lands (Resolution No. 26).
>
> The determination has been acknowledged by the Department of Hawaiian Home Lands as correct (Exhibit VII).

The Kauai District Forester of the Division of Forestry and Wildlife comments on the Hono O Na Pali NAR:

> We continue to support special plant community protection but we do not feel that the designation should require removal from Forest Reserve or State Park status to accomplish the desired effect. If the Natural Area were not removed from Forest Reserve and State Park status then the areas would enjoy additional regulation controls and management responsibility would be more clearly defined.
>
> The added protection and recognition of native flora in this area is supported by Kauai Division of Forestry and Wildlife Management Plans.
>
> Recommend approval for the establishment of the Hono O Na Pali Natural Area. Also, now that the Na Pali State Park plan is nearly set, recommend that page 1 of the Natural Area Reserve recommendation be revised to reflect more specific management responsibility. As

per page 4 of the Na Pali Coast State Park Management Plan --"A major central portion of this area is being placed in the 3,150 acre Hono O Na Pali Natural Area Reserve. The upper portion of the reserve mauka of the 1,200 foot elevation is to be managed by the Division of Forestry while the makai area will be managed by the State Parks Division. The entire Na Pali Coast area will also remain a public hunting area...".

The Hawaii District Forester makes the following recommendation.

> Inasmuch as the four proposed areas on the Island of Hawaii are generally as originally proposed by the Division of Forestry, we are in favor of the application as submitted with one exception.
>
> I am recommending that the boundaries of the Laupahoehoe Natural Area Reserve be modified to exclude the logging access road ("Blair Road") and the strip of land between the road and the land of Waipunalei from the proposed natural area. This strip was originally proposed as an experimental area where various management studies would be conducted. Subsequently, the Division of Forestry recommended that the area be added to the proposed natural area to enhance protection of the original area by serving as a buffer.
>
> Recent testimony to a request for easement across the strip area into Waipunalei has made us aware that our well intended recommendation to include the area may have backfired on us. Our management decisions in the best interest of both environmental protection and commercial forestry can be unduly restricted. If the access road and land on both sides of it receive final approval as a natural area, we could potentially lose our only feasible access to the koa management area above.

The recommendations submitted by the Kauai and Hawaii District Forester were endorsed by the Division of Forestry and Wildlife Division Administrator.

Response from the applicant are as follows:

> The Hawaii District Forester's recommendation to now remove the logging road (Blair Road) and the area between the road and Waipunalei from the NARS proposal is a matter of presentation in the pending Land Board submittal. But it should be noted in the submittal that the NARS Commission did accept the previous recommendation by Forestry to include the subject area with the spur road to be built therein.
>
> The Kauai District Forester's comments on management areas in the Hono O Na Pali NAR reflect those of State Parks. The NAR recommendation will be changed accordingly. Regarding public hunting, such activity is

allowed by the NARS regulation when conducted according to hunting rules of the Departmnet. Beyond that the Commission has no authority--such as the determination of whether or not an area shall "remain a public hunting area".

The removal from Forest Reserve or State Park status is due to the HRS requirement that Natural Area Reserves be set aside by Executive Order. If you oppose such setting aside, which you state has been the case since NARS was created, which was 12 years ago, initiate procedures or at least make meaningful recommendations at the proper place and time to amend the statute (Section 195-4, HRS). To use your own words: That's why hard.

Following the above comments, the Hawaii District Forester further comments that with reference to Laupahoehoe, it should also be noted in the pending Board submittal that the original proposal under CDUA SH-3/9/81-1340 did not include the strip between the logging road and Waipunalei.

The Division of Aquatic Resources in January 13, 1982 made the following comments:

The proposed Reserves were included in a previous proposal (SH-1340), on which we have commented (Exhibit VIII).

The proposed Hono O Na Pali, Puu O Umi, and Laupahoehoe Reserves contain freshwater streams, on which our previous comments (dated April 6, 1981) remain applicable. In summary, we have no objection to the proposed Natural Area Reserves from the standpoint of our agency interests in freshwater fisheries.

The proposed Hono O Na Pali, Puu O Umi, Manuka and Kipahoehoe Reserves have coastal boundaries. We had previously expressed concern that these proposed Reserves might preclude shore fisherman from passing through or fishing from the subject areas. We note that the makai boundary now proposed for the Manuka Reserve excludes both an existing, coastal, jeep trail used by fishermen and coastal lands makai of the trail, and that the NARS Commission has approved a 2-year special use permit to allow continued tent camping and campfires along the coastal regions of the proposed Hono O Na Pali, Kipahoehoe, and Puu O Umi Reserves. We find the shoreline exclusion proposed for Manuka entirely consistent with our programmatic concerns for marine fisheries, and therefore offer our support for this proposed Reserve.

However, the system of special permit-monitoring-future possible permit extension proposed for Hono O Na Pali, Kipahoehoe, and Puu O Umi appear excessively elaborate, cumbersome, and likely to raise public concern (thereby diminishing public support for the proposed Reserves).

Furthermore, we note that the above Reserves are intended to protect particular rainforest, bog, stream-valley, and other ecosystems which are basically communities dominated by land-plant associations or freshwater streams.

Therefore, we strongly urge that the makai boundaries of the proposed Hono O Na Pali, Kipahoehoe, and Puu O Umi Reserves be adjusted inland. Such modification would appear to have virtually no impact on the special ecosystems these Reserves were proposed to protect, would reduce the potential for interference with shoreline fishing (and subsequent enforcement problems), would lessen the probability of public controversy, and would eliminate the need for monitoring activities and subsequent reviews.

A subsequent meeting was held with members of the Division of Conservation and Resources Enforcement, Division of State Parks and the Natural Area Reserves System, intending to resolve the problem of interpreting the Natural Area Reserves Commission Administrative Rules, Chapter 209. Comments and resolutions regarding the fishing activities, camping and camp fires are attached hereto as Exhibit IX.

Comments relating to Kaena Point Natural Area Reserve, Oahu were also submitted.

Land Management Division provides:

The subject parcels were condemned by the State of Hawaii under Civil 38599, 1st Circuit. Final Order of Condemnation dated December 15, 1975 is on file at the Land Management Division as Land Office Deed (LOD) No. S-26879. These properties were condemned "for the establishment, development and construction of Kaena Point State Parks."

Land Board approval for the acquisition and subsequent set aside for State Park purposes were made under agenda item F-27 of November 12, 1971. Therefore, in order to set aside the area for the Natural Area Reserves System, the following actions are necessary:

1. State Parks Division must relinquish its position in writing.
2. Land Board must rescind its set aside action of November 12, 1971 under agenda item F-27 as it pertains to the subject parcels.
3. Tax Map parcel 8-1-01: 06 must be subdivided for the proposed Natural Area Reserves System set aside.
4. Natural Area Reserves System set aside action by the Land Board.

Land Management Division has no objection to the Natural Area Reserves System establishment at Kaena Point.

The State Parks Division submits:

> The subject natural area reserve proposal has been coordinated with the State Parks Division. We are in agreement with the concept and concur with the establishment of the 12.464 acre Kaena Point Natural Area Reserve as recommended. It is our understanding according to this recommendation and the October 21, 1981 draft of the "Management of the Natural Area Reserves System" that:
>
> - All capital improvement costs and operating costs for the subject reserve will be borne by the Natural Area Reserve System Commission; and
>
> - The planning and managing of the reserve by the Commission will be coordinated with the State Parks Division and we in turn will assist in the planning and management of the reserve to the extent our expertise is available.
>
> Acquisition of the windward portion of Kaena Point is needed before the entire, potential reserve area can be protected and more enforceable boundaries established. Currently, we have $700,000 available for land acquisition. Our 1981-82 expenditure plan includes $15,000 for land appraisal to be followed by purchase next fiscal year. However, no action has been taken and the funds as scheduled will lapse June 30, 1982.

The Division of Aquatic Resources indicates that:

> As commented earlier within the past year, the Natural Area Reserves System regulations proposed for shoreline areas prohibit the removal, injury, or killing of "any form of plant or animal life, except game mammals and birds..." within a natural area reserve (DLNR Rules Section 13-209-4(1)) and further prohibit erecting a tent or other temporary structure (13-209-4(7)), and starting or maintaining fires (13-209-4(8)). While it has been suggested that natural area reserve designation of a shoreline would not interfere with shoreline fishing, inasmuch as the fishes caught would be removed from outside the shoreline boundary, we continue to believe that interpretive and enforcement aspects of the above prohibitions could indeed inhibit shore fishing. For example, a shore fisher standing on the shore of the proposed Kaena Point Natural Area Reserve and impaling on his hook a live bait organism which he had brought into the natural area reserve would be in apparent violation of the above sub-section (1). It is less clear whether or not a fisher who landed a fish upon the shore and then killed it would also be in violation.
>
> Because of the potential problems illustrated by the above examples, and since the proposed natural area reserve is intended specifically to protect sand-dune habitat and plants, which do not occur right at the shoreline, we again suggest the seaward boundary of the

> proposed natural area reserve be adjusted inland to leave a narrow shoreline strip (outside the natural area reserve) to accommodate shore fishing. This recommendation has been made in our previous comments, from which we find no reason to vary.

The Historic Sites Program of the Division of Forestry and Wildlife comments that:

> The main concern of Historic Sites is Site #1183 (Kaena Fishing Camp) at Kaena Point, part of Kaena Point State Park, Waianae, Oahu. The site was placed on the Hawaii Register of Historic Places in 1971 but not included in recertification (1980) and therefore, is not presently on the State Register. The major portion of the archaeological site underlies the lighthouse on Federal property (TMK 6-9-02: 06). However, the site appears to extend into State-owned lands and this will be determined by State Parks archaeologists in the near future. Our office is concerned with the protection of this site as it is being threatened by dune buggies, motorbikes, and erosional forces. It appears that the only way to protect the site from human disturbance is by limited access that must be coordinated with park planning. Consequently, we concur that barriers may have to be considered in resource management.

The Division of Water and Land Development supports the Commission's proposal to include the Kaena Point sand dunes into the Natural Area Reserve System. From the standpoint of freshwater resources, the designation of the subject parcels will not result in any adverse impacts. However, as an area of shoreline sand dunes, the site will inherently be subjected to high wave action and, at times, tsunami inundation.

The City and County of Honolulu's Department of Land Utilization submits that:

> The designation of Natural Area Reserves is considered to be exempt from the Special Management Area provisions since the setting aside of the land as a Natural Area Reserve cannot be defined as development.
>
> We caution you however, that any future proposals to "develop" within the Natural Area Reserve is subject to Ordinance No. 4529. Your attention is directed to the definition of "development" as defined in the attached ordinance.

The County of Kauai submits that:

> Upon review of Regulation 10, it appears that restrictions imposed through the Natural Area Reserves System permitting only walking, observing, nature study, and involving no development or harmful changes to the natural environment are considerably more sever and restraining than those of our "Rules and Regulations Related to Environmental Shore-

> line Protection of the County of Kauai." Hence, this is to confirm your determination that the establishment of Natural Area Reserves is exempt from the provisions of our "Rules and Regulations Related to Environmental Shoreline Protection of the County of Kauai."

The County of Hawaii issued a Special Management Area Minor Permit for the subdivision of land in the Manuka Natural Area Reserve which is enclosed herein as Exhibit X.

The Hawaii County also submits that:

> Please be informed that the designation of Natural Area Reserves for management purposes does not constitute a "development" under the definition of Rule 9 of the Planning Commission Relating to Special Management Areas, and therefore is exempt from review under the SMA permit procedures.
>
> For your information, the makai portions of the proposed Puu O Umi, Manuka and Kipahoehoe Natural Area Reserves are within the County's SMA. Should any further development activities be proposed in these areas, please contact this Department as to the applicability of the SMA Rules and Regulations.

ANALYSIS:

Following review and acceptance of the application, for processing, the applicant, by letter dated March 18, 1982, was notified that:

1. The proposed use is a conditional use in the Protective and Resource Subzones of the Conservation District according to Departmental Administrative Rules, Title 13, Chapter 2, as amended;

2. No public hearing pursuant to Chapter 183-41, Hawaii Revised Statutes, as amended, will be required; and

3. An exempt action in accordance with Section 1:33 of the EIS Regulations has been determined for the County of Kauai, the County of Hawaii and the City and County of Honolulu regarding SMA requirements have been obtained.

The objective of the Protective Subzone is to protect valuable resources of this subzone in such designated areas as restricted watersheds; marine, plant and wildlife sanctuaries; significant historic, archaeological, geological and volcanological features and sites; and other designated unique areas.

Subchapter 21 relating to standards requires all applications be reviewed in such a manner that the objective of the subzone is given primary consideration.

PUU O UMI NATURAL AREA RESERVE

As acknowledged by the Department of Hawaiian Home Lands, four parcels identified as TMK: 6-3-01: 2, 4, 5 and 7 are under the State's jurisdiction and therefore are available for disposition (Exhibit VII), as part of the Puu O Umi Natural Area Reserve.

LAUPAHOEHOE NATURAL AREA RESERVE

Staff is in agreement with the Division of Forestry and Wildlife that the logging road and the strip between Waipunalei and the road in the proposed Laupahoehoe Natural Area Reserve should be excluded from the reserve boundary (Exhibit III).

If the natural area reserve's rules and regulations are to be applied equally, the use of the logging road will be severely restricted and commercial forestry activities will have to be curtailed. Staff is of the opinion that such exclusion could better maintain the intergrity of the reserve.

KIPAHOEHOE NATURAL AREA RESERVE

As pointed out by the applicant, a jeep trail from private land penetrates the southern side near the shore of the Kipahoehoe Natural Area Reserve (See Exhibit XI).

Jeep trails also exist from Mamalahoa Highway to the coastal areas. The Division of Aquatic Resources has informed Staff that the shoreline area is indeed a popular fishing and camping destination and that considerable public controversy may arise from imposition of special use permit requirements for traditional camping along the Kipahoehoe shoreline. It appears that controversy could be avoided were the Land Board to exclude from the proposed Kipahoehoe Reserve those lands makai of the existing jeep trail between Lae O Heku and Paakai Point.

HONO O NA PALI NATURAL AREA RESERVE

Recommend approval as proposed.

MANUKA NATURAL AREA RESERVE

Recommend approval as proposed.

KAENA POINT NATURAL AREA RESERVE

Recommend approval as proposed.

After reviewing the application and the comments from our Divisions, Staff finds the proposed reserves are environmentally compatible with the objective of the subzones.

The CDUA was submitted to the Land Board at its meeting of April 8, 1982 for consideration and was deferred for further staff research. The issues raised were as follows:

1. The authority to initiate boundary amendment on a Natural Area Reserve;

2. Whether any of the six proposed Natural Area Reserves have geothermal energy or water supply potential;

3. If so, whether there are provisions in the Natural Area Reserves System Rules and Regulations to accommodate future economic development.

The applicant responded to questions No. 1 and No. 3 stating that:

1. The authority to initiate boundary changes is the Board of Land and Natural Resources by approving such change and then recommending to the Governor that new Executive Orders reflecting the change be issued.

3. If the Conservation District has a multiple use concept (as does Forest Reserves), then opposite to consumptive uses Natural Area Reserves are set aside to identify and preserve unique and representative samples of Hawaii's original natural environment. An "economic use" in terms of its broadest commercial and consumptive sense would be contrary to the reserve designation. However, assuming a situation may arise whereby some "economic use" may be desirable or beneficial for the established reserve (e.g., hunting, which is already permitted by the regulation) or is considered to be of definite necessity and of little consequence to the reserve (e.g., certain types of water development or management), then the regulation (Section 13-209-5, Administrative Rules) provides for the process of obtaining a special-use permit. A copy of the regulation is attached (Exhibit XII).

Response to question No. 2 has been provided by the Division of Water and Land Development. With respect to the question of geothermal energy potential in the six recommended natural area reserves, the answer is in the negative.

However, it was reiterated that two Natural Area Reserves, namely the Manuka Natural Area Reserve and the Kipahoehoe Natural Area Reserve do have undeveloped water supply potential. Groundwater source development may be a possibility in the future if the need arises.

As such, Staff recommends as follows:

RECOMMENDATION:

A. 1. That the Hono O Na Pali Natural Area Reserve, the Puu O Umi Natural Area Reserve, the Manuka Natural Area Reserve and the Kaena Point Natural Area Reserve and the related subdivisions be approved as submitted;

2. That the boundary of the Laupahoehoe Natural Area Reserve be revised to exclude the logging road and the strip between the road and Waipunalei;

3. That the Kipahoehoe Natural Area Reserve makai boundary be revised to the mauka side of the jeep trails from Lae O Heku to Paakai Point and the jeep trails that extend from Mamalahoa Highway to the shoreline;

B. That the six (6) proposed natural area reserves including the above revisions be approved subject to the following conditions:

1. That the applicant comply with all applicable statutes, ordinances, rules and regulations of the Federal, State and City and County governments, and applicable parts of Section 13-2-21 of Title 13, Chapter 2, Departmental Administrative Rules, as amended;

2. The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;

3. Other terms and conditions as prescribed by the Chairman;

4. In that this approval is for use of conservation lands only, the applicant shall obtain appropriate authorization through the Division of Land Management, State Department of Land and Natural Resources for the occupancy of State lands;

5. That this approval is based upon the understandings reached with the various Divisions of the Department.

Respectfully submitted,

Anne Lo-Shimazu

ANNE LO-SHIMAZU
Staff Planner

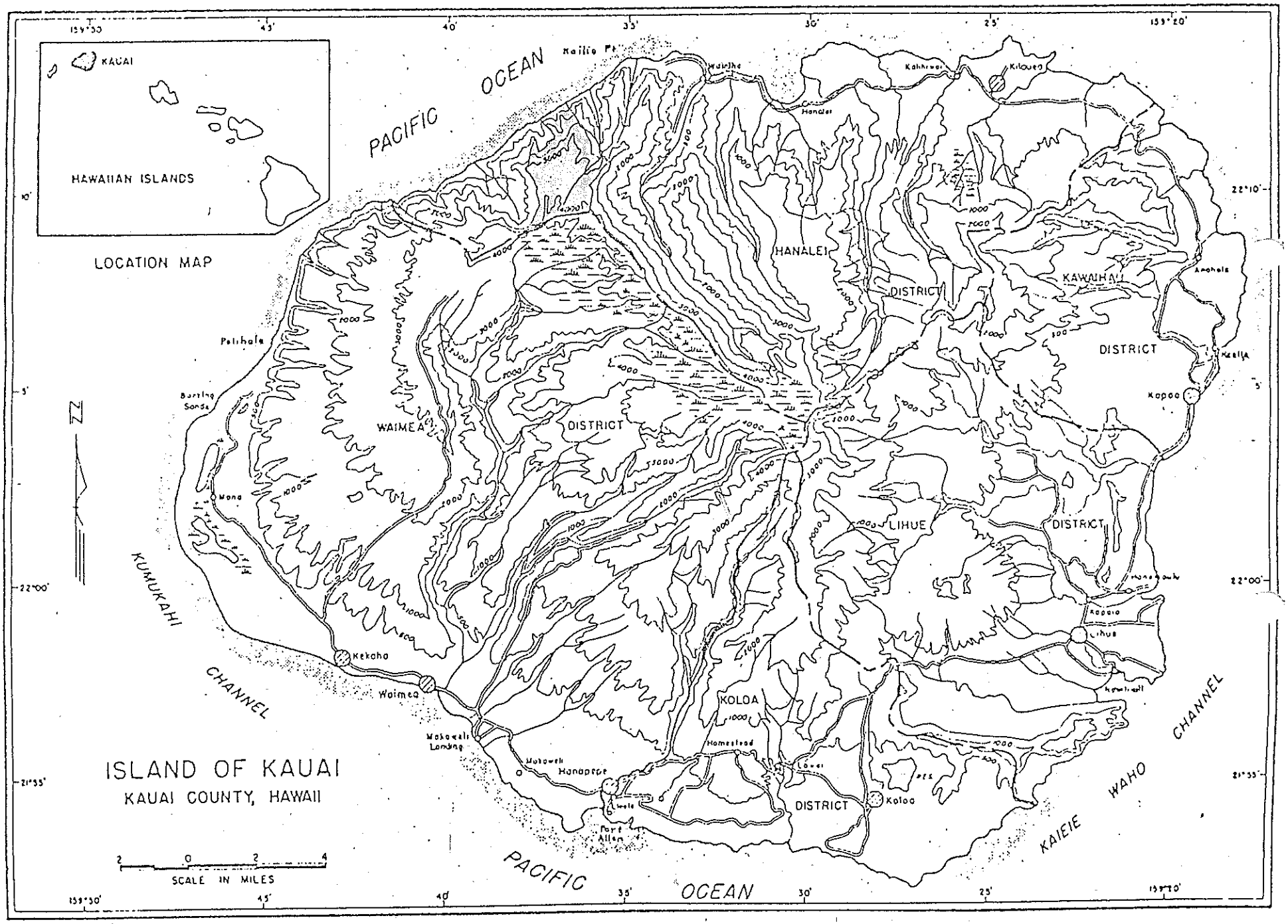
Attachments

APPROVAL FOR SUBMITTAL

S. Ono

SUSUMU ONO, Chairman
Board of Land and Natural Resources

EXHIBIT I



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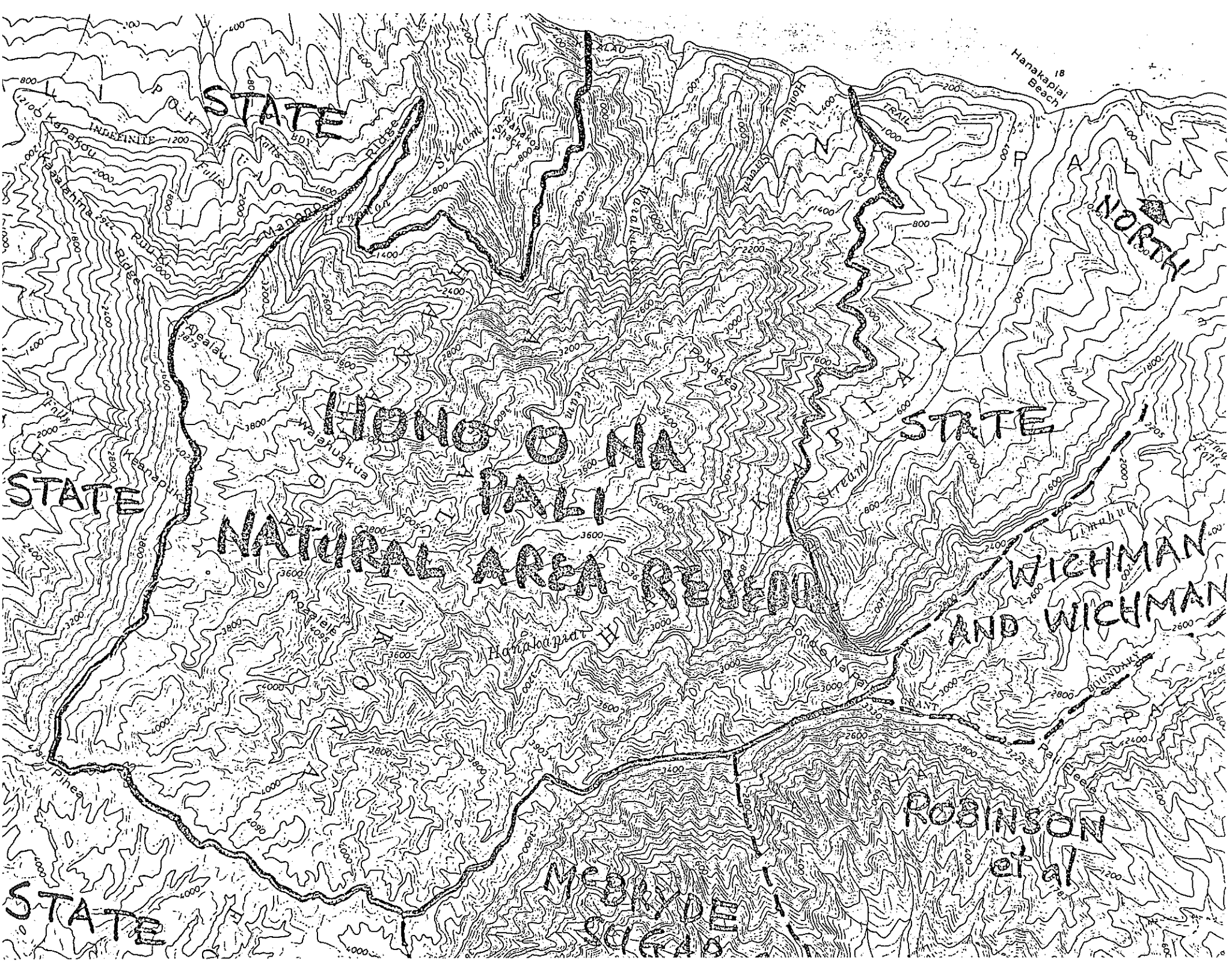
STATE
HONOMANU
NATURAL AREA RESERVE
STATE
STATE
WICHMAN
AND WICHMAN
ROBINSON
et al
NORTH
Hanakapiai Beach
TRAIL
Honomanu Stream
Manoalo Ridge
Kealalau
Waiahuakua
Pinea
Hanakapiai
Pali
Trail
Boundary
Fence
Kaaahina Ridge
Kapahou
Indefinite
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Stream
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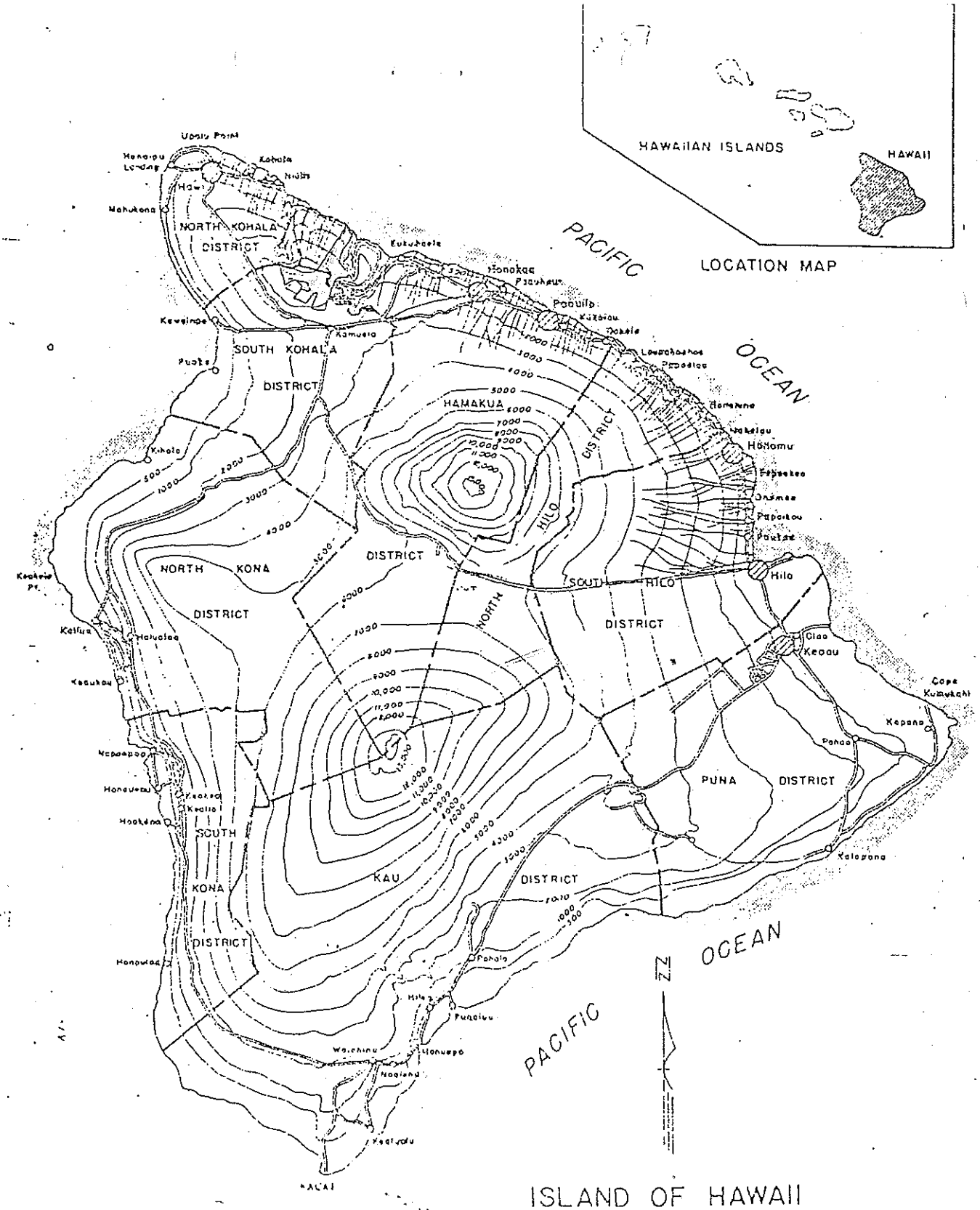
Stream

EXHIBIT II



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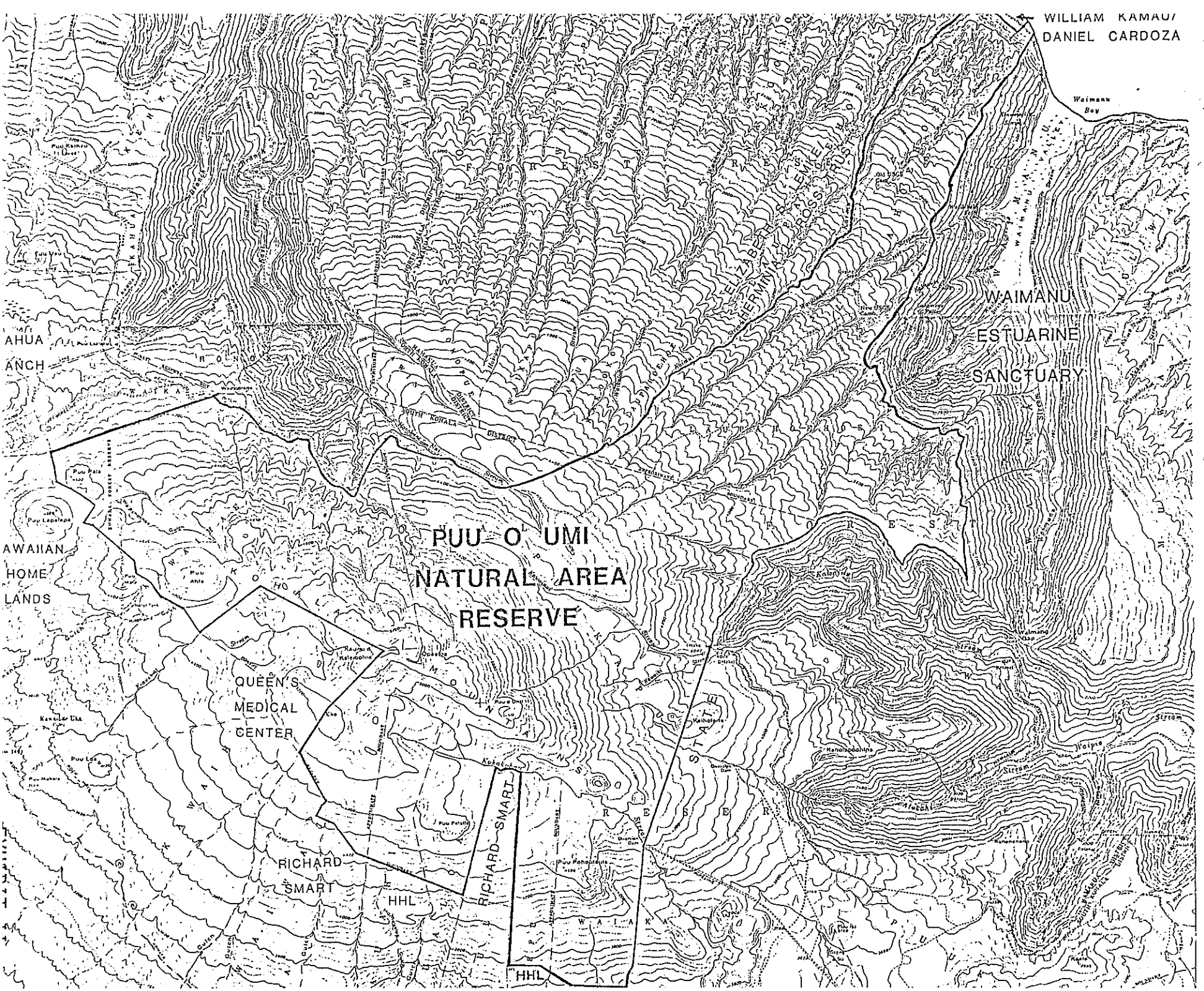

WILLIAM KAMAU'
DANIEL CARDOZA
WAIMANU
ESTUARINE
SANCTUARY
AHUA
ANCH
AWAIIAN
HOME
LANDS
PUU O UMI
NATURAL AREA
RESERVE
QUEEN'S
MEDICAL
CENTER
RICHARD
SMART
HHL
RICHARD SMART
HHL
STATE

EXHIBIT III

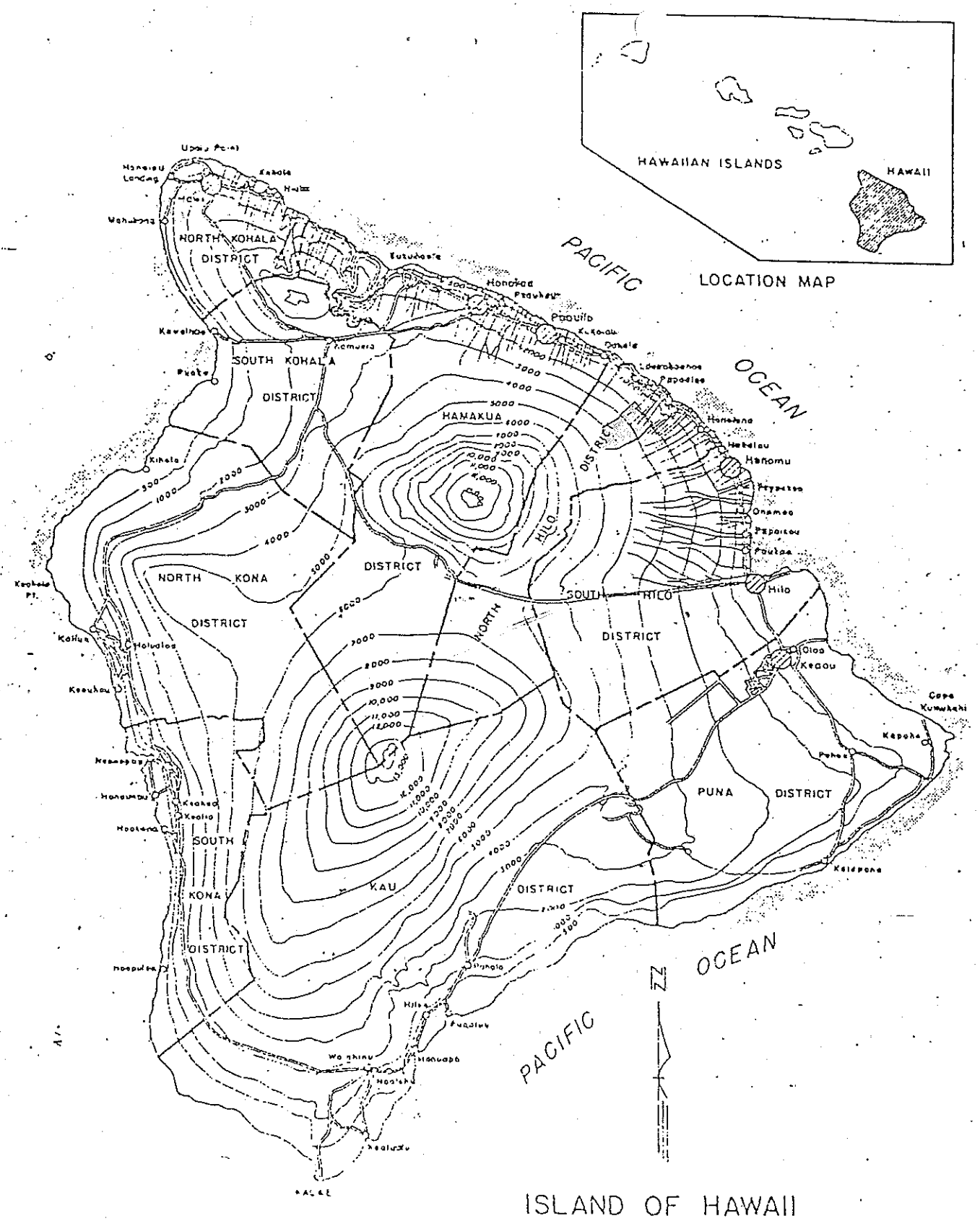


EXHIBIT IIIA

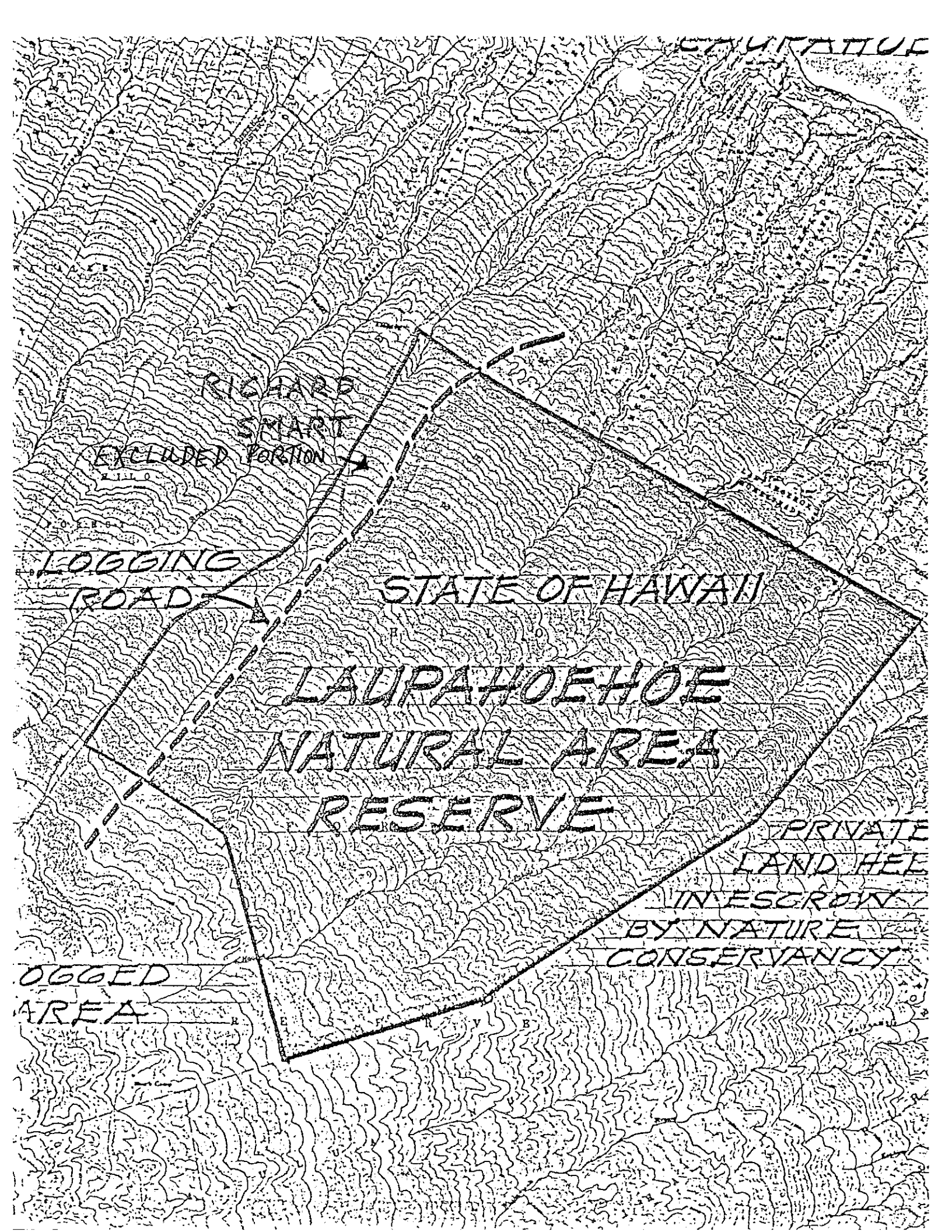
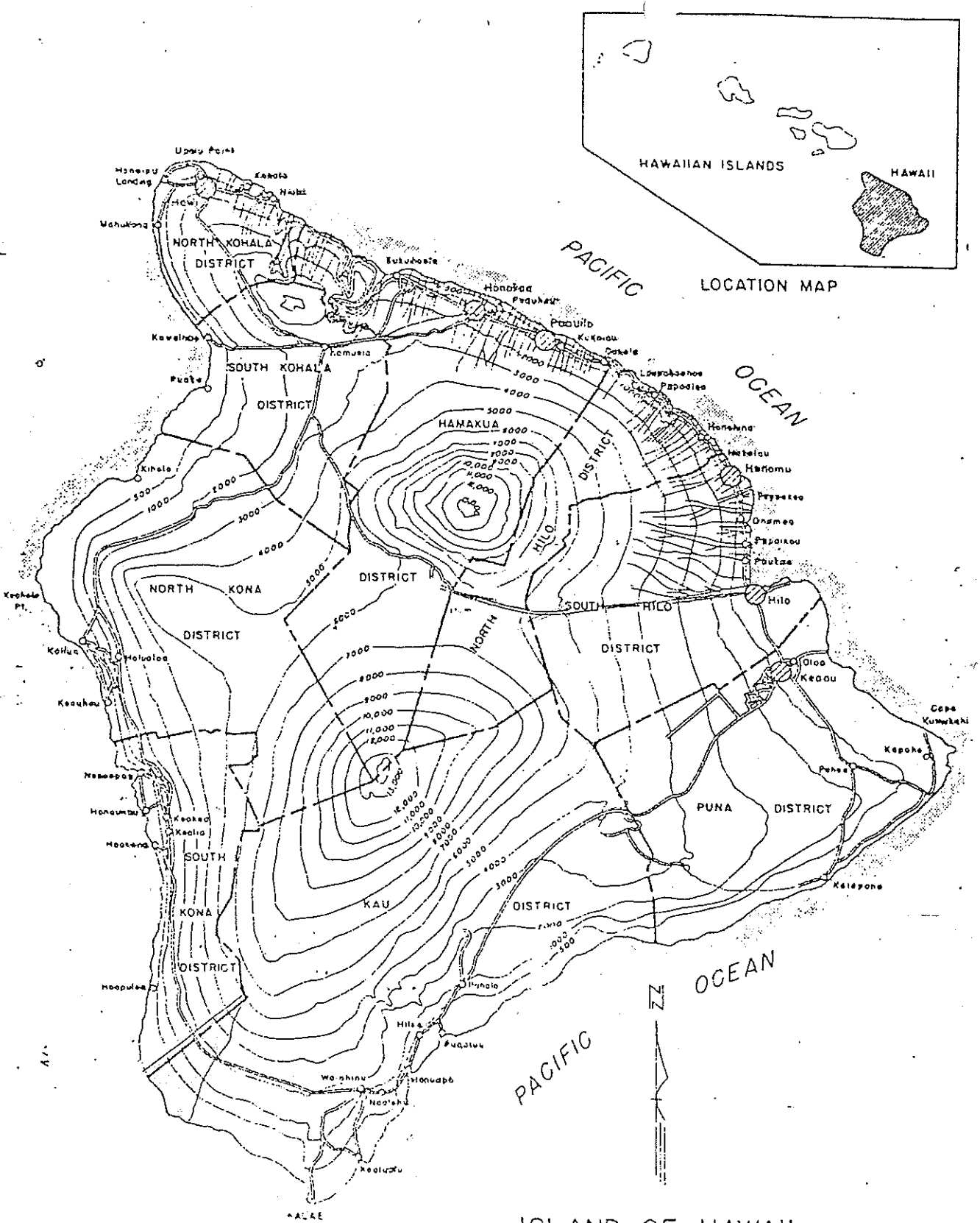

RICHARD SMART EXCLUDED PORTION
LOGGING ROAD
STATE OF HAWAII
LAUPAHOEHOE NATURAL AREA RESERVE
PRIVATE LAND HELD IN TRUST BY NATURE CONSERVANCY
OGGED AREA

EXHIBIT IV



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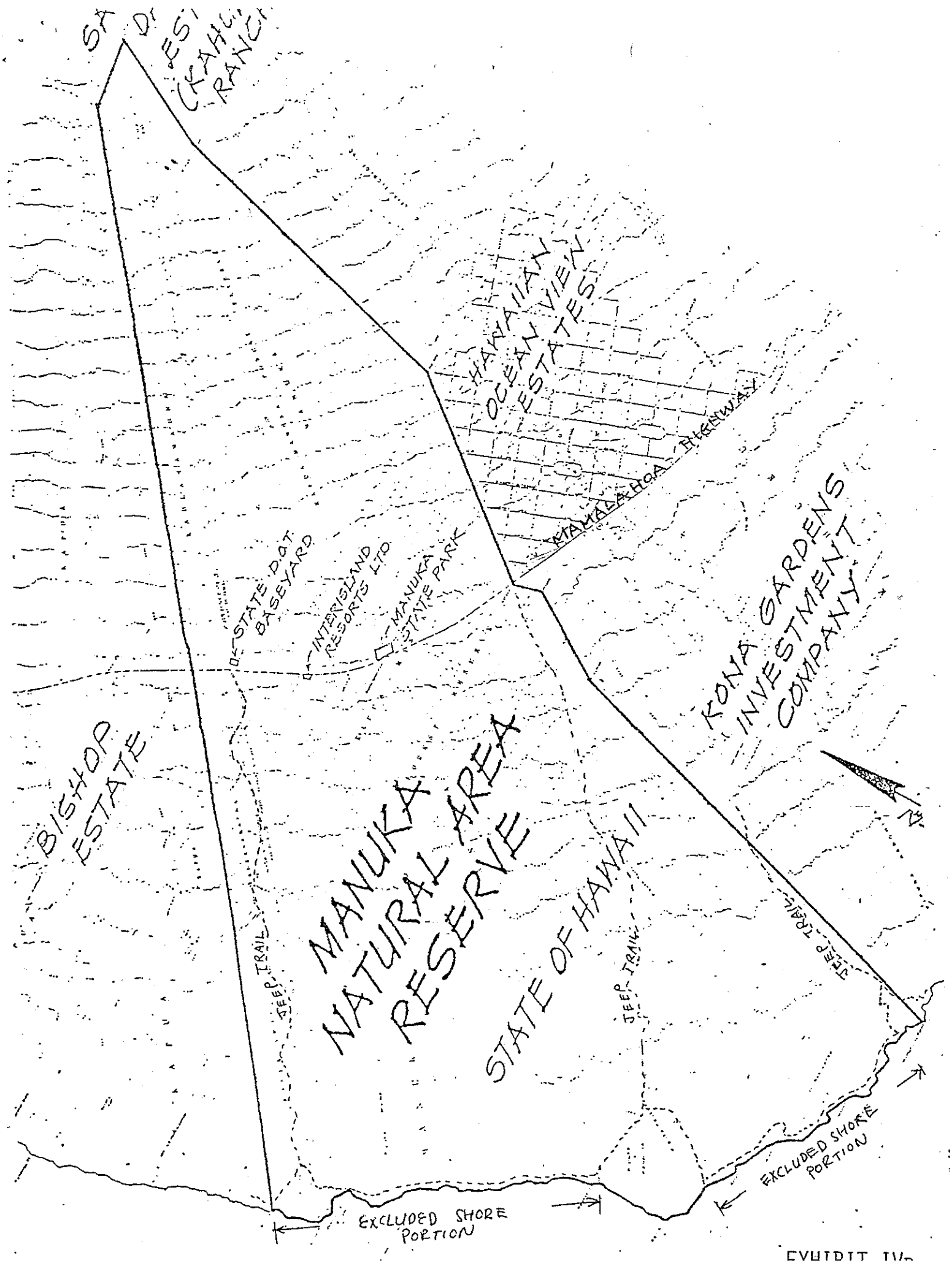
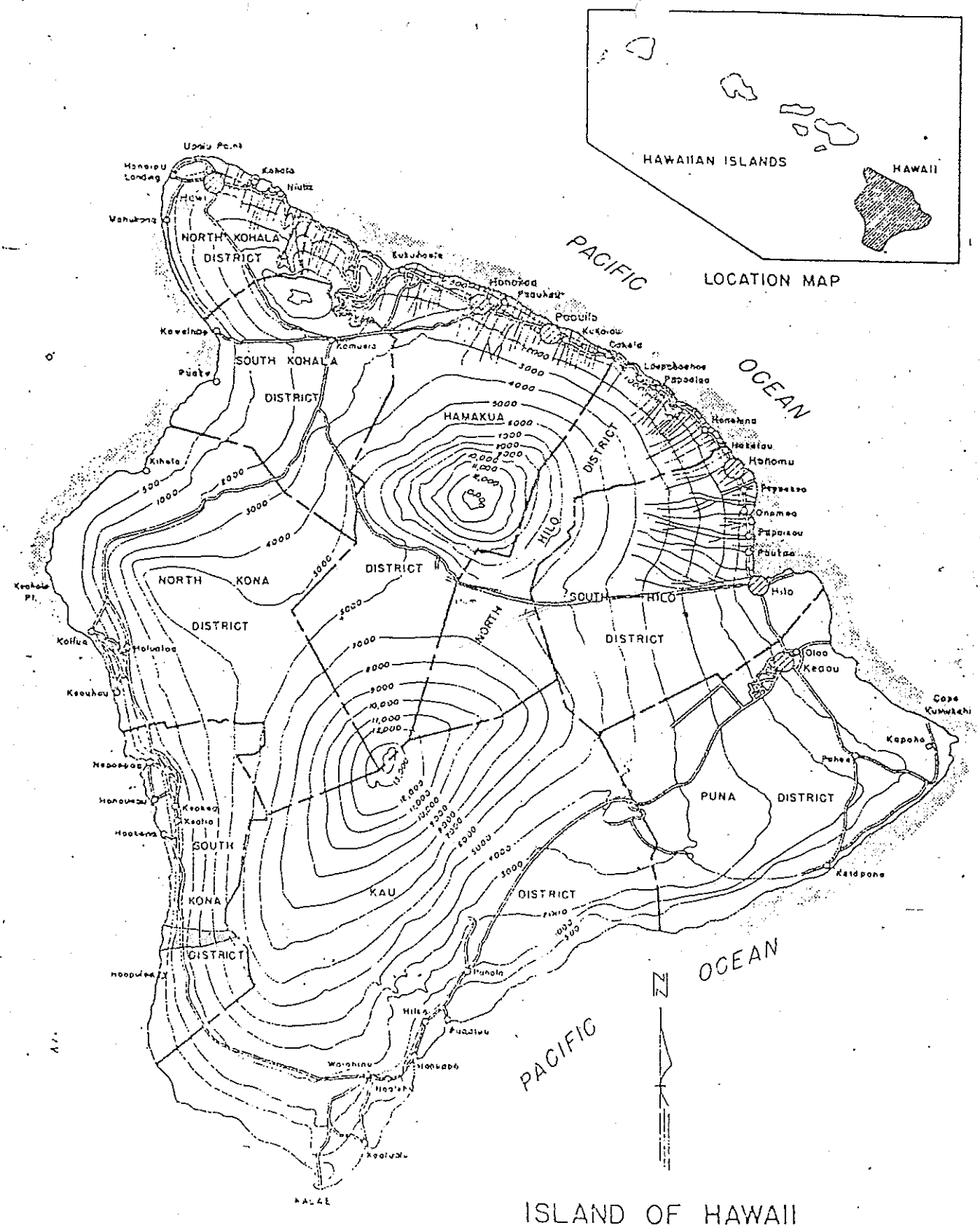

BISHOP ESTATE
MANUKA NATURAL AREA RESERVE
STATE OF HAWAII
KONA GARDENS INVESTMENT COMPANY
HAWAIIAN OCEAN VIEW ESTATES
STATE D.O.T. BASEYARD
INTERISLAND RESORTS LTD
MANUKA STATE PARK
MAMALAHOA HIGHWAY
JEEP TRAIL
JEEP TRAIL
JEEP TRAIL
EXCLUDED SHORE PORTION
EXCLUDED SHORE PORTION
N

EXHIBIT IV-

EXHIBIT V



ISLAND OF HAWAII

EXHIBIT V-A

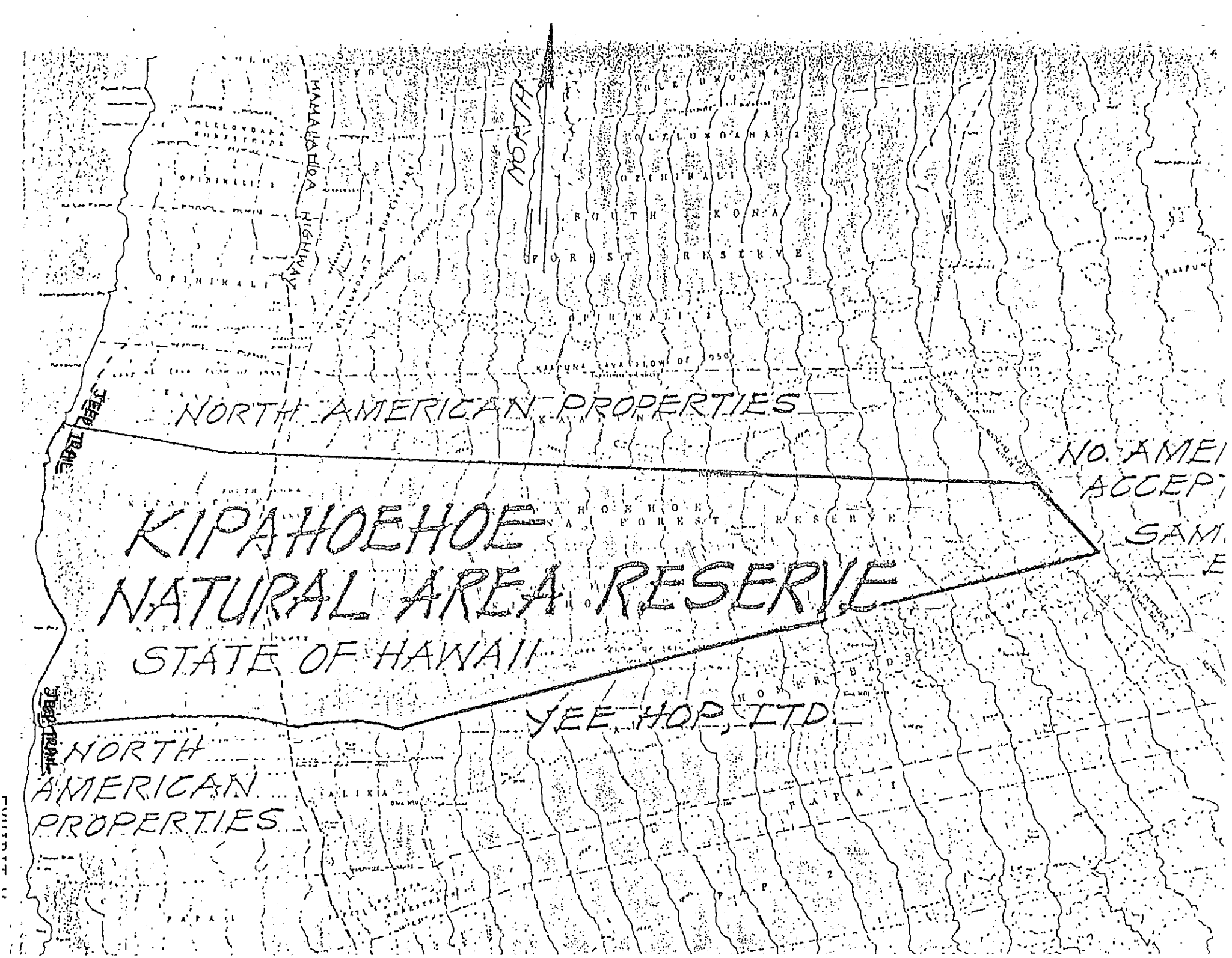
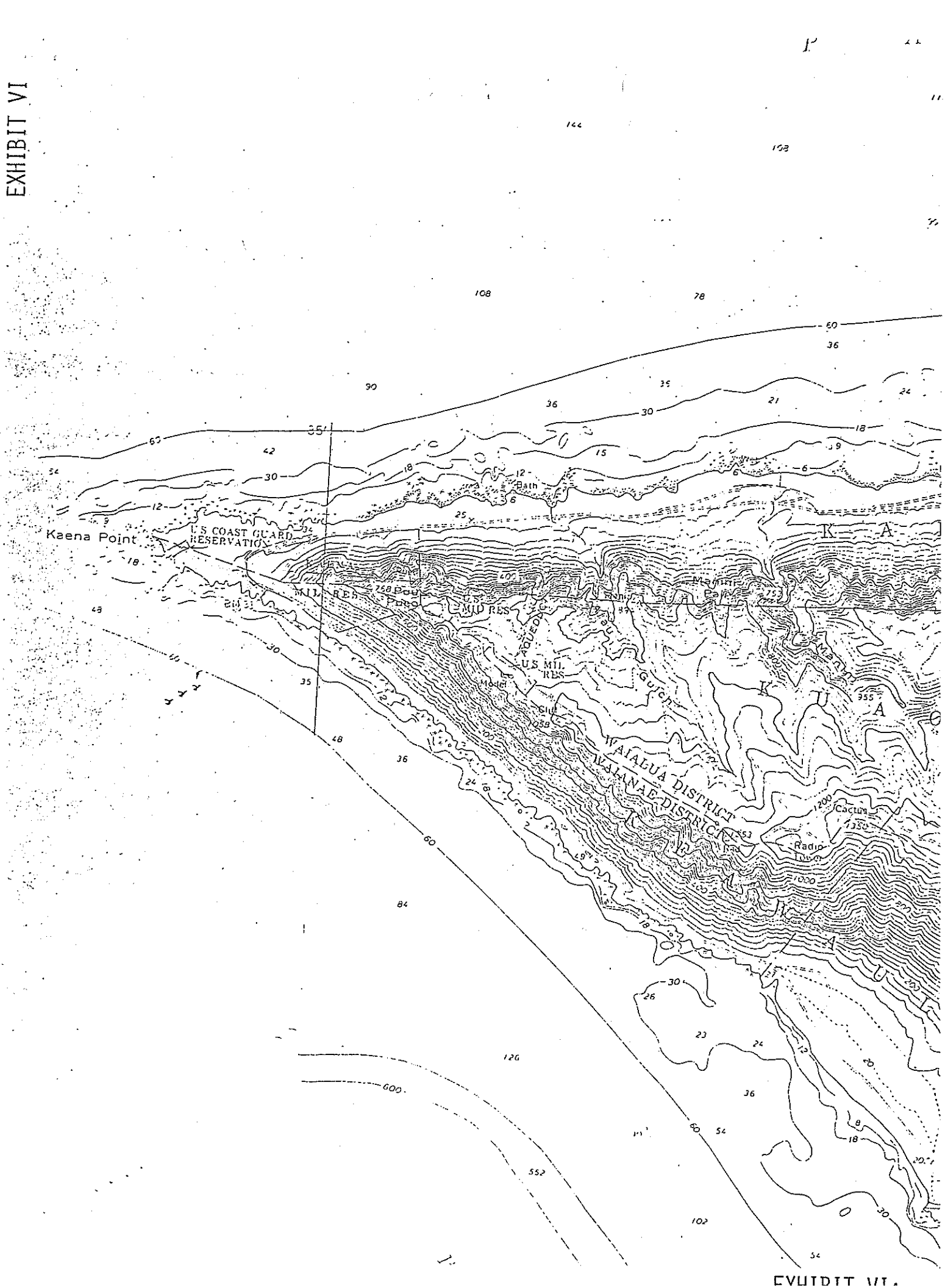

NORTH AMERICAN PROPERTIES
KIPAHOEHOE
NATURAL AREA RESERVE
STATE OF HAWAII
YEE HOP, LTD
NORTH AMERICAN PROPERTIES
JEEP TRAIL
JEEP TRAIL
MAMALAHOA HIGHWAY
HAWAII
KAUPULEHU LAVA FLOW of 1950
KIPAHOEHOE NATURAL AREA RESERVE
OLELOMANA FOREST RESERVE
SOUTH KONA FOREST RESERVE
OPIHIKAU
KAUPULEHU
PAPA

EXHIBIT VI



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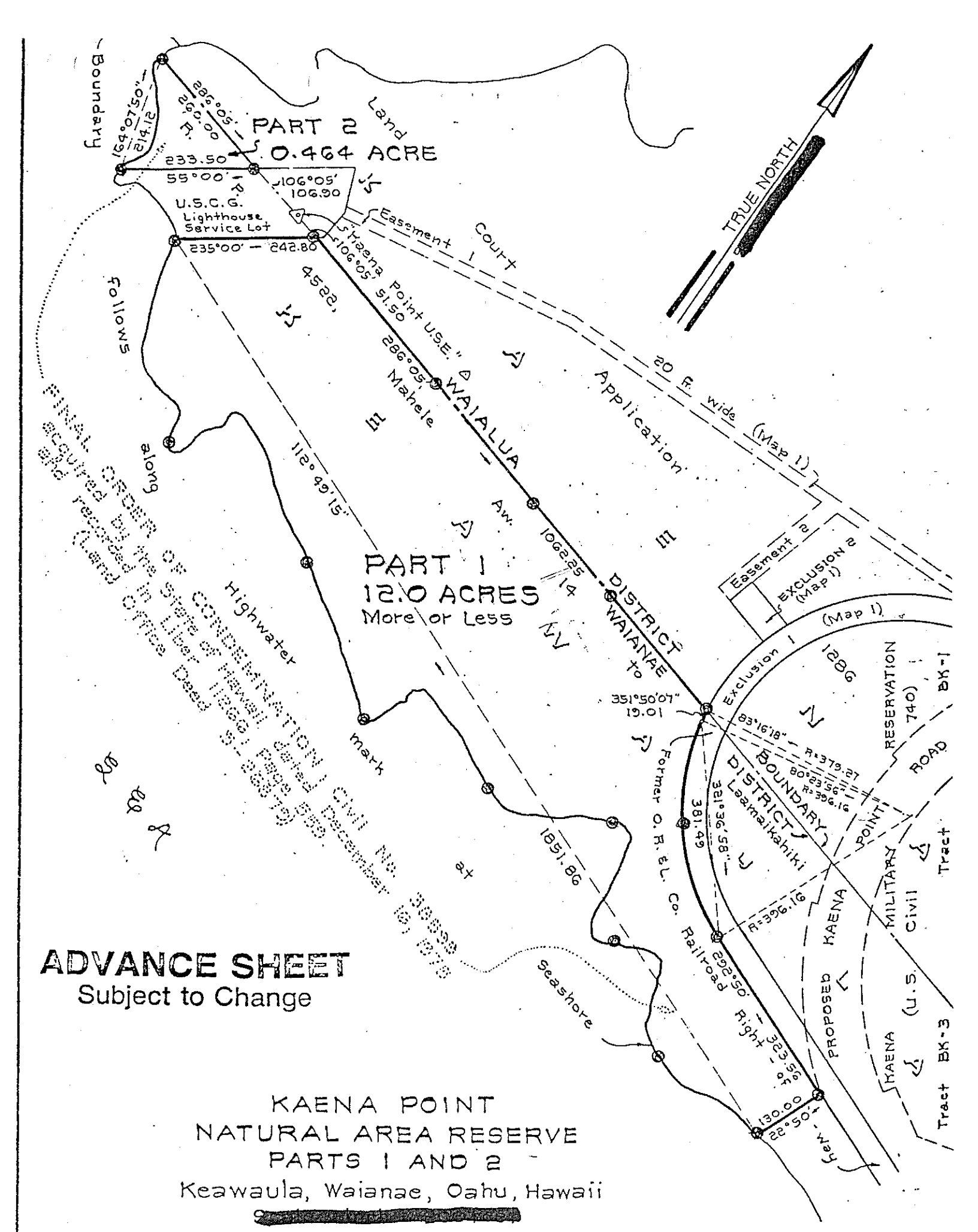

JOB No. 6-9031

EXHIBIT VI

XC Forestry / Ld. Management / Planning (CDUA)

EXHIBIT VII

GEORGE R. ARIYOSHI
GOVERNOR OF HAWAII

PROJECT OFFICES

WAIMEA OFFICE
P. O. BOX 125
KAMUELA, HAWAII 96743

KEAUKAHA OFFICE
P. O. BOX 833
HILO, HAWAII 96720

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
P. O. BOX 1879
HONOLULU, HAWAII 96805

PROJECT OFFICES

MAUI OFFICE
P. O. BOX 22
KAHULUI, MAUI 96732

MOLOKAI OFFICE
P. O. BOX 198
HOOLEHUA, MOLOKAI 96729

KAUAI OFFICE
P. O. BOX 332
LIHUE, KAUAI 96766

MAR 16 1982

Mr. Robert Lee
Executive Secretary
Natural Area Reserves Systems Commission
Department of Land and Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Lee:

SUBJECT: Request for Examination of Lands to be Included in the Proposed Puu O Umi Natural Area Reserve

This is to inform you that we have completed our examination of the lands which have been proposed to be included in the Puu O Umi Natural Area Reserve.

It appears that you are correct in your assessment that parcels identified by TMK 6-3-01:2, 4, 5, and 7 were incorrectly identified as Hawaiian home lands and these said lands are not under our jurisdiction.

However, please be apprised that the boundaries between the proposed reserve and our lands in the Kawaihae 1st, Pauahi, and Puukapu parcels may be subject to change. There is evidence to indicate that the present boundaries do not represent the boundaries which were in existence at the time of passage of the Hawaiian Homes Commission Act in 1920, as amended. The Department will request that the Survey Office conduct a study to establish the forest reserve boundaries prior to or at the time of passage of the Act to resolve this discrepancy.

Please contact Michael Young at 548-3223 should you have any questions.

Sincerely,

Georgiana K. Padeken
Chairman

GKP:MY:nm

EXHIBIT VII

3/4/81

State of Hawaii
Department of Land and Natural Resources
DIVISION OF FISH AND GAME

EXHIBIT VIII

Date April 6, 1981

MEMORANDUM

TO: Henry M. Sakuda, Chief, Fisheries Branch
THROUGH: Paul Kawamoto, Chief, Marine Section
Stanley Shima, Chief, Freshwater Section

FROM: David Eckert & S. Shima, Aquatic Biologist
SUBJECT: Comments on X 1. Conservation District Use Application SH-3/9/81-1340
2.

Comment Requested by: Roger Evans, DLNR Planning Office
Date of Request 3/23/81
Date Rec'd 3/23/81

Summary of Proposed Project

Title: DESIGNATION OF TWELVE (12) NATURAL AREA RESERVES

Project by: Natural Area Reserves System, DLNR

Location: Oahu (3), Kauai (2) and Hawaii (7)

Brief Description:

The applicant is proposing for designation as Natural Area Reserves a total of twelve (12) Stateowned parcels, three are on Oahu, two on Kauai and seven on Hawaii.

Comments:

From a freshwater fisheries standpoint, we foresee no programmatic conflicts which might result from the proposed action. The description and location of the twelve proposed areas as delineated on the attached maps show that three of the proposed areas include at least portions of perennial streams. These areas are the Hono O Na Pali, Kauai and the Puu O Umi and Laupahoehoe on Hawaii. The first includes two small independent streams in their entirety together with several tributaries deep in the headwaters of the Hanakapiai and Hanakoa Streams. Of the Hawaii areas, the headwater of very small (perhaps intermittent) streams occur in the Laupahoehoe and high elevation, Mauka tributaries in the Puu O Umi.

The following comments relate to the proposed Kaena Point, Hono O Na Pali, Manuka and Kipahoehoe Reserves on marine fisheries activities and concerns.

We understand from a March 23, 1981, conversation with Mr. Robert Lee, Executive Secretary of the Natural Area Reserve System (NARS) that the seaward boundaries of the four proposed oceanfront Reserves would be at the high water mark and that shorefishermen, even if standing within Reserve boundaries during high tides, could fish in the ocean since marine environments are not included within those Reserves. However, we note that all of the above shorelines are presently used by shorefishermen, and that their passage through and fishing from within the proposed Reserves might lead to enforcement or access problems, inasmuch as DLNR Regulation 10 prohibits the taking of any animal life within Reserve boundaries. This is particularly so where fishing is done from high cliffs where there is no sloping shoreline to fish from. We therefore suggest that the seaward boundaries of the oceanfront Reserves be set inland at appropriate distances from the highwater mark in order to provide an access corridor and a zone in which any shorefishing is allowed to continue. Inasmuch as the proposed Reserves are clearly intended to preserve terrestrial ecosystems, such a provision would seem entirely consistent with the proposed action.

Stanley Shima
Stanley Shima

David Eckert
David Eckert

COPY FOR YOUR INFORMATION

EXHIBIT IX

GEORGE R. ARIYOSHI
GOVERNOR OF HAWAII

SUSUMU ONO, CHAIRMAN
BOARD OF LAND & NATURAL RESOURCES

EDGAR A. HAMASU
DEPUTY TO THE CHAIRMAN

DIVISIONS:
AQUATIC RESOURCES
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

RECEIVED
82 FEB 24 A 9: 39
DIVISION OF
FORESTRY

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF AQUATIC RESOURCES
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

February 22, 1982

MEMORANDUM

TO: Robert Lee, NARS

FROM: Henry M. Sakuda, Director
Division of Aquatic Resources

SUBJECT: Proposed New Natural Area Reserves: Hono o Na Pali, Kauai; Kaena Point, Oahu; and Puu o Umi and Kipahoehoe, Hawaii.

We have previously commented on the above proposed Natural Area Reserves, expressing our concerns relating to potential impact of the Reserves on existing, ongoing, and customary recreational fishing use of the shorelines. Our concerns were based upon the language of DLNR Rules Chapter 209. More specifically, we questioned whether or not customary fishing practices would constitute violations of the following Rules provisions:

1. Sec. 13-209-4(1) and (2)--prohibitions against removing, injuring, or killing animal life, and introduction of animal life, possibly violated by killing fish landed on shore or by routine handling of live baits;

2. Sec. 13-209-4(8)--prohibition against starting or maintaining "a fire," possibly violated by use of gas or kerosene lanterns or camp stoves; and

3. Secs. 13-209-3 and 13-209-4(7)--prohibition against erection of tents or temporary structures, potentially violated at sites remote from residential areas or used for night fishing.

As a result of the February 19, 1982 meeting of Dave Eckert of our staff, Noah Pekelo of Enforcement, and Bill Gorst of State Parks with you, we now understand that any "removal, injury or killing" of animals brought into a Reserve (such as fish landed on shore or live bait transported in containers) would not conflict with the intent of Sec. 13-209-4(1) and (2), which is to protect the natural community existing within the reserve, and that such treatment therefore would not be considered a violation by enforcement personnel. We further understand that the intent of Sec. 13-209-4(8) is to preclude damage to natural communities and that, while open fires and solid-fuel fires (such as hibachis) are prohibited "fires," use of lanterns

EXHIBIT IXA

and camp stoves which operate on liquid or gas fuels (e.g., kerosene, propane) would not be considered as violations.

We thus find no basis for objection to the proposed Reserves on the grounds of potentially adverse effects on existing recreational fisheries by enforcement of Sec. 13-209-4(1), -4(2), or -4(8).

With respect to erecting tents, we note that certain of the areas proposed as Reserves are relatively isolated or difficult to reach. Thus fishermen tend to stay at these coastal areas for more than a single day time interval, once having committed themselves to the necessary travel effort. Prohibition of tents would interfere with such customary use. However, we recognize the following special circumstances:

1. The Division of State Parks, which already operates camping areas in state park lands on either side of the Hono o Na Pali Reserve, believes unauthorized tent use at that Reserve could subvert their efforts to manage (through a mechanism of camping permits) use of the Na Pali coastal State Park;

2. existing tent use at Kaena Point is negligible, and could, if encouraged, damage the unique vegetational resources the proposed Reserve is intended to protect; and

3. Of the approximately 5,000 linear feet of shoreline boundary to the Puu o Umi Reserve, less than 1,500 feet would actually be subject to DLNR Rules Chapter 209, since the major, central stretch of shoreline would remain outside the Reserve.

Therefore, we do not object to the proposed Na Pali, Kaena, and Laupahoehoe ("Puu o Umi") Reserves.

Finally, we understand that the Natural Area Reserves System Commission is likely within the next few years to consider adopting provisions for designated camping areas within Reserve boundaries, where tents could be permitted, and that such provisions could be applied to the proposed Kipahoehoe Reserve. It should be noted that Nolan and Cheney [1981. West Hawaii Coral Reef Atlas (DACW 84-80-C-0003). U.S. Army Corps of Engineers, Pacific Ocean Division; Honolulu. Maps 47 and 48] depict a series of well-defined, and apparently well-traveled, jeep trails providing access from the main Mamalahoa Highway to the coast between Kaapuna and Lae o Heku, and thence south along the coast toward Kipahoehoe Bay, terminating just north of Paakai Point at an apparent vehicular turnaround. Moreover, our staff Aquatic Biologist on Hawaii has been informed by local weekend shorefishers that use of tents by fishermen is indeed an existing, ongoing practice along this shoreline.

We believe that such existing and customary use should continue at Kipahoehoe, without imposition of additional interference or requirements, inasmuch as the stated purpose of the proposed Reserve is to protect an upland

terrestrial environment. Nevertheless, since consideration of designated camping areas is likely to be forthcoming, and since there does exist a mechanism whereby permission may be obtained for use of tents (Sec. 13-209-5. Special-use permits.), we do not object to the proposed Kipahoehoe Natural Area Reserve.

Henry M. Sakuda

HENRY M. SAKUDA

EXHIBIT IXc

EXHIBIT X

PLANNING DEPARTMENT - PLANNING COMMISSION

COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 81-07

SPECIAL MANAGEMENT AREA MINOR PERMIT

The Planning Director completed on May 19, 1981 an assessment on the application of The State Natural Area Reserve System Commission of the State DLNR. for a Special Management Area (SMA) Minor Permit pursuant to Section 9.7.C, Rule No. 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is for: the subdivision of land in Kaulanamauna, South Kona and Manuka, Ka'u, Hawaii. The subject properties extend from the Mamalahoa Highway to the shoreline below the Manuka State Park site and are identified as Tax Map Key 8-9-06:17 and 9-1-01:03.

As indicated on the attached report, the Director finds that the proposed development is:

(1) not in excess of $25,000; and

(2) will not significantly affect the SMA.

Therefore, with the concurrence of the Chief Engineer, the Director hereby grants to the applicant a minor permit under the authority vested in him by Section 9.7.C of said Rules, with the following condition(s) that: all other applicable rules, regulations and requirements are complied with.

for David D. Crowhurst
Chief Engineer, DPW

Planning Director

Attachment

P.D. 12/75

EXHIBIT X

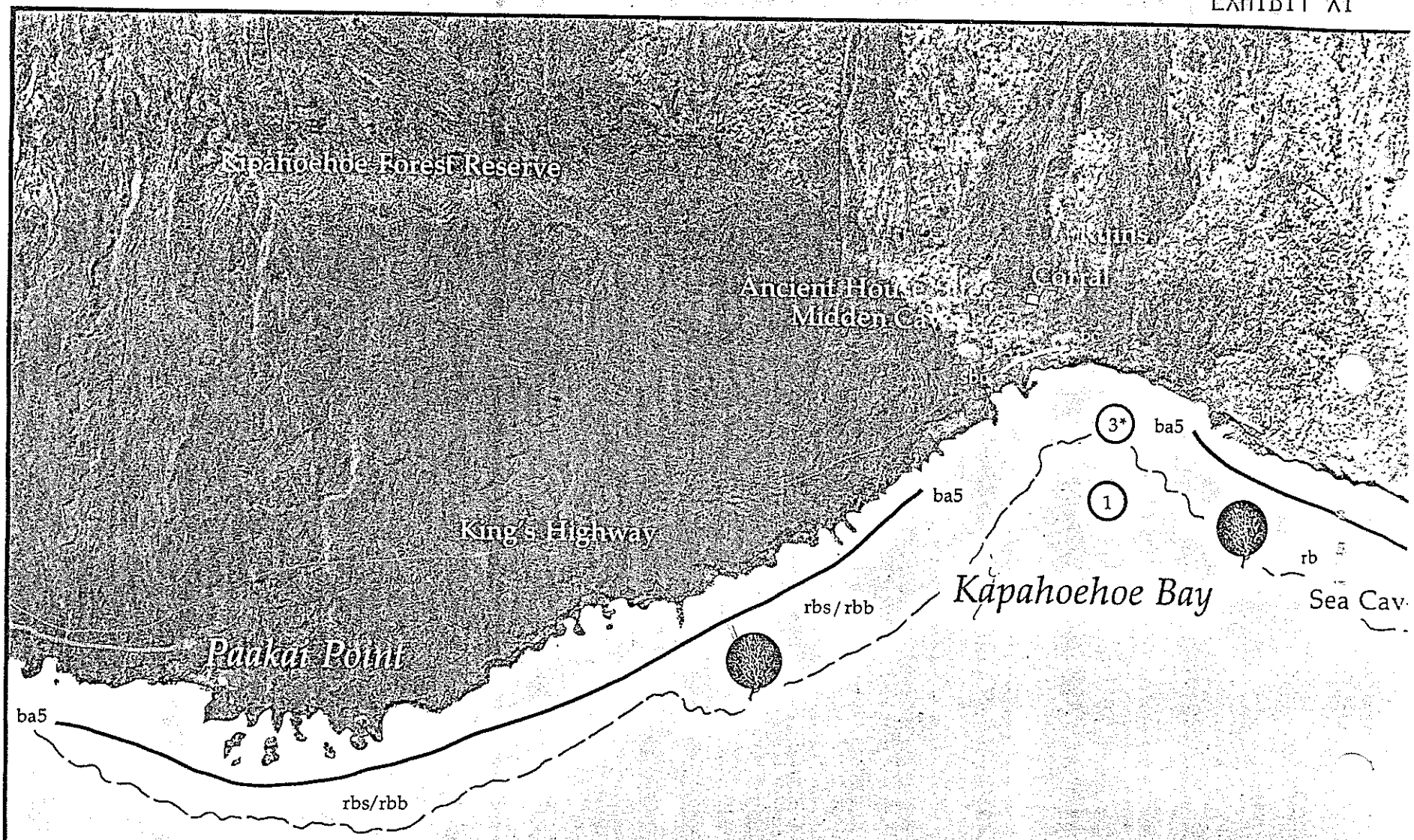
Kapahoehoe Forest Reserve
Ancient Hot
Midden Cav
Central
3*
ba5
1
ba5
King's Highway
rb
Kapahoehoe Bay
Sea Cav
rbs/rbb
Paakai Point
ba5
rbs/rbb

EXHIBIT XIA

Kiptopeke State Park
Kiptopeke Beach
Kiptopeke Forest Preserve
Lake Nandua
Lake Nandua Circle
Lake Nandua Trail
Lake Nandua Trail
ba5
rbb
2
rb

EXHIBIT XIB

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 9 NATURAL AREA RESERVES SYSTEM

CHAPTER 209

RULES REGULATING ACTIVITIES WITHIN NATURAL AREA RESERVES

Sec. 13-209-1 Purpose and applicability
Sec. 13-209-2 Definitions
Sec. 13-209-3 Permitted activities
Sec. 13-209-4 Prohibited activities
Sec. 13-209-5 Special-use permits
Sec. 13-209-6 Penalty

Historical Note: Chapter 209 of Title 13, Administrative Rules, is based substantially upon Regulation 10 of the Administration of the Department of Land and Natural Resources entitled "Regulating and Prohibiting Activities within Natural Area Reserves Including Provisions for Excepted-Use Activities by Permit and Penalties for Violation of the Regulation". [Eff. 5/20/79; R JUN 2 9 1981]

Sec. 13-209-1 Purpose and applicability. (a) The purpose of these rules is to regulate activity within natural area reserves established pursuant to section 195-4, Hawaii Revised Statutes.

(b) These rules shall apply to all persons entering the boundaries of a natural area reserve. [Eff. JUN 2 9 1981] (Auth: HRS Sec. 195-5) (Imp: HRS Sec. 195-5)

Sec. 13-209-2 Definitions. As used in these rules, unless context requires otherwise:

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

"Commission" means the natural area reserves system commission.

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

"Game mammals and birds" means those animals that have been designated as such by sections 191-8 and 191-19, Hawaii Revised Statutes, and by administrative rules of the department.

"Natural area reserve" means those State lands that have been designated as part of the Hawaii natural area reserves system by the department pursuant to section 195-4, Hawaii Revised Statutes. [Eff. JUN 2 9 1981] (Auth: HRS Sec. 195-5) (Imp: HRS Sec. 195-5)

Sec. 13-209-3 Permitted activities. Hiking, nature study, and bedroll camping without a tent or other temporary structure are permitted. Hunting is a permitted activity pursuant to hunting

EXHIBIT XII

rules of the department. [Eff. JUN 2 9 1991] (Auth: HRS Sec. 195-5) (Imp: HRS Sec. 195-5)

Sec. 13-209-4 Prohibited activities. The following activities are prohibited within a natural area reserve:

(1) To remove, injure, or kill any form of plant or animal life, except game mammals and birds hunted according to department rules;
(2) To introduce any form of plant or animal life, except dogs when permitted by hunting rules of the department;
(3) To remove, damage, or disturb any geological or paleontological feature or substance;
(4) To remove, damage, or disturb any historic or prehistoric remains;
(5) To remove, damage, or disturb any notice, marker, or structure;
(6) To engage in any construction or improvement;
(7) To engage in any camping activity that involves the erecting of a tent or other temporary structure;
(8) To start or maintain a fire;
(9) To litter, or to deposit refuse or any other substance;
(10) To operate any motorized or unmotorized land vehicle or air conveyance of any shape or form in any area, including roads or trails, not designated for its use;
(11) To operate any motorized water vehicle of any shape or form in freshwater environments, including bogs, ponds, and streams, or marine waters, except as otherwise provided in the boating rules of the department of transportation, State of Hawaii;
(12) To enter into, place any vessel or material in or on, or otherwise disturb a lake or pond. [Eff. JUN 2 9 1991] (Auth: HRS Sec. 195-5) (Imp: HRS Sec. 195-5)

Sec. 13-209-5 Special-use permits. (a) The board or its authorized representative, with the approval of the commission, may issue permits to conduct activities otherwise prohibited by section 13-209-4 for research, education, management, or for any other purpose consistent with chapter 195, Hawaii Revised Statutes.

(b) The board or the commission may require a permit application to include an assessment of the potential environmental effect the special-use may have on the area concerned.

(c) The provisions of this section shall not exempt the applicant from complying with any other applicable rule or statute. [Eff. JUN 2 9 1991] (Auth: HRS Sec. 195-5) (Imp: HRS Sec. 195-5)

Sec. 13-209-6 Penalty. Any person violating any of the provisions of these rules shall be penalized as provided in section 195-8, Hawaii Revised Statutes. [Eff. JUN 2 9 1991] (Auth: HRS Sec. 195-5) (Imp: HRS Sec. 195-8)