

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUB-TITLE 10

LAND MANAGEMENT

CHAPTER 221

UNENCUMBERED PUBLIC LANDS

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SUBCHAPTER 1

GENERAL PROVISIONS

§13-221-1 Purpose. The purpose of this chapter is to control public activities on unencumbered public lands. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-2 Definitions. As used in this chapter: "Abandoned property" means any and all property, including personal property, items, materials, equipment, fixtures, motor vehicles, or watercraft, left unattended for a continuous period of more than twenty-four hours without the permission of the board or its authorized representative.

"Animals" mean all animals wild and domestic.

"Authorized representative" means any person authorized by the board of land and natural resources to act for the board.

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

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

"Camping" means an act of sleeping during night time hours on the premises by one or more persons who

remain or intend to remain past the hour of twelve midnight.

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

"Motor vehicle" means every vehicle which is self-propelled or propelled by electric power but not operated on rails, including, but not limited to, automobiles, trucks, go-carts, motorcycles, motor scooters, mopeds, and dune buggies whether the vehicle is licensed or unlicensed.

"Unencumbered public lands" mean any lands defined as public lands by section 171-2, HRS, and which have not been:

- (1) Set aside for any purpose, by statute, executive order or otherwise, to a governmental agency, or
- (2) Encumbered by lease, license, permit, easement or otherwise issued by the department.

Unencumbered public lands include, but are not limited to, beach and coastal areas, submerged lands, and mountainous non-forest reserve, wildlife, or park areas (hereinafter called the "premises"). [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §§171-1, 171-6)

§13-221-3 Penalties. Any person violating this chapter for which a penalty is not otherwise provided shall be fined not more than \$500 per day and shall be liable for administrative costs and damages incurred by the department. [Eff FEB 06 1988] (Auth: HRS §171-6)(Imp: HRS §171-6)

§13-221-4 Closing of areas. 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 for the safety and welfare of persons or property, by the posting or 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. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-5 Permits. The board or its authorized representative may issue permits governing the use of public facilities or areas within the premises. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

SUBCHAPTER 2

PUBLIC USE OF THE PREMISES

§13-221-9 Abandoned and unattended property.

(a) No person shall abandon motor vehicles or other property within the premises. All such property may be confiscated or impounded by the board or its authorized representative. In the event vehicles or other property left unattended should interfere with the safe or orderly management of the premises, it may be impounded by the board or its authorized representative at any time.

(b) All impounded vehicles shall be towed to a place of storage. Towing, storage, and other reasonable fees shall be assessed pursuant to section 290-11, HRS. All impounded or confiscated property, other than vehicles, may be disposed of or moved to a place of storage. If moved, the owner shall be assessed moving, storage, or other reasonable fees. Additionally, the owner of the property shall bear the responsibility for the risk of any loss or damage to their property.

(c) Abandoned vehicles shall be sold at public auction pursuant to section 290-11, HRS. All other impounded or confiscated property may be disposed of or sold at public auction pursuant to law. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6, 290-11, 199-7, Act 184, SLH 1986)

§13-221-10 Aircraft. No person shall land aircraft, as defined in section 261-1, HRS, including airplanes, airships, balloons, gliders, hang gliders, helicopters, parachutes, dirigibles, and other similar means of conveyance, within the premises except with the written permission of the board or its authorized representative. Landings without a permit may be permitted in case of an emergency. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-11 Animals. (a) No person shall enter the premises with dogs, cats, and other animals unless they are crated, caged, or on a leash, or otherwise under physical restrictive control at all times. This section shall not apply to seeing-eye dogs accompanying their masters.

(b) No person shall engage in horseback riding on the beaches.

(c) When so posted, all domestic animal droppings shall be removed and deposited at authorized and designated sites. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-12 Archaeological and historical features. No person shall appropriate, damage, remove, excavate, disfigure, deface, or destroy objects of antiquity, prehistoric ruins, and monuments within the premises; provided, the board or its authorized representative may permit qualified persons or institutions to examine ruins, excavate archaeological sites, and gather objects of antiquity. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §§171-6E-7)

§13-221-13 Audio devices. (a) No person shall operate or use any audio devices 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 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, or roadways within the premises 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.

(c) No person shall install aerials or other special radio, telephone, television, or other communication equipment within the premises unless done with the written permission of the board or its authorized representative. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-14 Boating. No person shall operate, leave unattended, beach, park, or moor vessels, as defined in section 267-3, 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, catamarans, ferryboats, canoes, rafts, or any similar buoyant devices permitting or capable of free flotation, on the premises without a written authorization of the board or its authorized representative except in cases of emergency. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6, 267-3)

§13-221-15 Camping. No person shall camp or use recreational trailers or other camper units on the premises, except with the prior written authorization of the board or its authorized representative. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-16 Disorderly conduct. No person shall engage in disorderly conduct as defined in the State Penal Code, section 711-1101, HRS, within the premises. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6, 711-1101)

§13-221-17 Explosives. No person shall use or possess fireworks, firecrackers, and other explosive devices within the premises except with the written permission of the board or its authorized representative and subject to federal, state and county laws and rules. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-18 False report. No person shall give a false or fictitious report or information to any authorized representative investigating an accident or any violation of law or administrative rules. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-19 Firearms, traps, and other weapons.
 The use or possession by any person of air guns, pellet guns, firearms, traps, other weapons, or other implements designed to discharge missiles shall be subject to all federal, state, and county laws and rules. Firearms and other weapons shall be unloaded when transported through nonhunting areas. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-20 Fires. (a) Fires are permitted only:

- (1) In locations, including backcountry, wilderness and remote sections of the premises when a written permit has been secured from the board or its authorized representative;
- (2) On portions of the premises that may be designated by the board or its authorized representative for fires. No permit shall be required for fires in the designated areas which shall be posted;
- (3) In stoves or lanterns using gasoline, kerosene, propane, butane, wood, charcoal, briquette, gas, alcohol or other fuels.

(b) No person shall permit a fire to spread to and burn, scorch or damage surrounding trees, shrubs, grasses, or other flammable or combustible matter.

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

(d) No person shall discard lighted cigarettes, pipe heels, matches, live coals, or other burning material within the premises. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-21 Fishing. Unless specifically restricted by this Chapter, or by any law or rules, a person may fish or take mollusks and crustaceans within the premises subject to all federal, state, and county laws and rules. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-22 Gambling. No person shall gamble in any form or operate gambling devices within the

premises. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-23 Geological features. No person shall destroy, disturb, or mutilate any geological features or dig, or remove sand, earth, gravel, minerals, rocks, fossils, coral or any other substance on the premises. No person shall excavate or quarry any stone, or lay, set, or cause any blast or explosion, or assist in these acts within the premises, except as provided by law or with the written permission of the board or its authorized representative. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-24 Intoxication; drug incapacitation. No person shall use or possess narcotics, alcohol, or drugs within the premises without the written permission of the board or its authorized representative. No person shall enter or remain within the premises when manifestly under the influence of alcohol, narcotics, or drugs. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-25 Lost and found articles. Any person finding lost articles shall deposit them at the nearest police station, leaving the person's name and address. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-26 Motor vehicles. (a) No person shall drive a motor vehicle on the premises except on roads, trails, or tracks designated or provided for vehicular use.

(b) No person shall park or leave unattended a motor vehicle which blocks or prohibits entry onto any road, trail, track, or beach access on the premises. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-27 Portable engines and motors. No person shall operate or use within the premises a portable motor driven electric generating plant, pump, or any other equipment driven by a portable engine or motor

without the written permission from the board or its authorized representative. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-28 Public property. (a) No person shall destroy, deface, or remove any natural feature or natural resource within the premises.

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

(c) A person may gather or collect, for personal use, reasonable quantities of natural products of renewable nature, including but not limited to, seashells, fruits, berries, seeds, and marine deposits of natural origin. No person shall gather or collect these products for the purpose of sale. The quantities may be restricted by the board or its authorized representative.

(d) No person shall destroy, dig, remove, or possess any tree, shrub or other plant, except for noxious weeds, as defined in chapter 4-68, Hawaii Administrative Rules, within the premises.

(e) 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. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-29 Report of injury or damage. All incidents resulting in injury or death to persons or damage to property shall be reported by the person or persons involved as soon as possible to the board or its authorized representative. This report shall not relieve persons from the responsibility of making any other accident reports which may be required under federal, state, or county laws and rules. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-30 Sanitation and litter. (a) All

persons shall dispose of garbage, papers, trash, refuse, waste materials, and rubbish of any kind only at places designated for their disposal or removed from the area. No person shall remove refuse or garbage from refuse containers and remove or relocate these containers except authorized persons.

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

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

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

(e) 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 places in plumbing fixtures provided for that purpose. No person shall place any bottle, can, cloth, rag, meal, wood, stone or any foreign substance in any of the plumbing fixtures in a station or structure. All comfort stations shall be used in a clean, sanitary and orderly manner.

(f) No person shall urinate or defecate other than at the place and toilet facility provided.

(g) No person shall bring, carry or transport garbage, trash, rubbish, refuse, or waste from a place outside the premises onto the premises or deposit or dump the same in refuse containers or other receptacles on the premises. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-31 Soliciting. No person shall engage in soliciting of any kind without a written permit. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-32 Swimming and bathing.

(a) A person may swim or bathe on the premises 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 the posting of appropriate signs.

(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. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-33 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 possession or control. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-34 Wildlife. No person shall molest, disturb, injure, trap, take, catch, possess, poison, or kill any wild bird or mammal, or disturb their habitat within the premises, except when otherwise authorized by all applicable federal, state and county laws and rules. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§§13-221-35 to 13-221-44 (Reserved)

SUBCHAPTER 3

COMMERCIAL AND PRIVATE OPERATIONS

§13-221-45 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 the 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. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-46 Business operations. No person shall solicit any business except in accordance with a permit, contract, license, lease, concession, or other written agreement with the board or its authorized representative. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-47 Commercial photography. Before any motion picture may be filmed or any television production or sound tract be made, which involves the use of professional casts, settings, or crews, by any person other than bonafide newsreel or television news personnel, a person shall obtain a written permit from the board or its authorized representative. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)

§13-221-48 Memorialization. No person shall install any monument, memorial, tablet, or other commemorative installation in areas within the premises without written permission of the board or its authorized representative. [Eff FEB 06 1988] (Auth: HRS §171-6) (Imp: HRS §171-6)