

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawaii 96813

April 13, 2017

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

Land Board Members:

- SUBJECT: REQUEST FOR APPROVAL TO INITIATE RULEMAKING PROCEEDINGS, INCLUDING CONDUCTING PUBLIC HEARINGS TO AMEND HAWAII ADMINISTRATIVE RULES (HAR), TITLE 13, SUBTITLE 5, PART 1, CHAPTER 104, "RULES REGULATING ACTIVITIES WITHIN FOREST RESERVES" BY:
- A. ADDING SUBCHAPTER 4, "FEES AND CHARGES", THAT ESTABLISHES FEES AND CHARGES RELATING TO FOREST RESERVES;
 - B. MAKING OTHER SUBSTANTIVE AMENDMENTS, INCLUDING ADDING, AMENDING, AND REMOVING VARIOUS DEFINITIONS; AMENDING PENALTY, ABANDONED AND UNATTENDED PROPERTY, FIRE USE RESTRICTIONS, CLOSING OF AREAS, VEHICLES AND TRANSPORTATION, AND GENERAL, CAMPING, COLLECTING, COMMERCIAL, AND ACCESS PERMIT PROVISIONS; AND CONFORMING CERTAIN SECTIONS OF CHAPTER 13-104, HAR, TO OTHER ADMINISTRATIVE RULES PROMULGATED BY THE DIVISION OF FORESTRY AND WILDLIFE; AND
 - C. MAKING NON-SUBSTANTIVE AMENDMENTS TO NUMEROUS SECTIONS FOR THE PURPOSES OF CLARITY, CONSISTENCY, AND STYLE.

The rule amendments can be reviewed online at:

<http://ltgov.hawaii.gov/the-office/administrative-rules/> or can be reviewed in person at the Division of Forestry and Wildlife (DOFAW) administration office or any DOFAW district office from 8:00 am to 3:30 pm, Monday through Friday, except State holidays.

BACKGROUND:

Chapter 13-104, Hawaii Administrative Rules (HAR), regulates activities within forest reserves established pursuant to Sections 183-11 and 183-15, Hawaii Revised Statutes (HRS). Chapter 13-104, HAR, implements the statutes managing and regulating state forest reserves under Chapter 183, HRS. Subject to Chapter 91, HRS, the Department of Land and Natural Resources

(Department) is mandated to adopt, amend, and repeal rules for and concerning the preservation, protection, regulation, extension, and utilization of the forest reserves designated by the Department. Hawaiian forest reserve management regulations date back to 1943, and in 1981, Chapter 13-104, HAR, was adopted to continue those functions. The Chapter was last comprehensively amended and compiled in 1993, with a portion on commercial harvest permits most recently amended in 2005. The rules are presently in need of revision to include the fees and charges relating to forest reserves under the jurisdiction of the Division of Forestry and Wildlife (DOFAW).

ANALYSIS:

Following the rulemaking procedures set forth in Chapter 91, HRS, DOFAW proposes amendments to Chapter 13-104, HAR, for the purpose of setting fees and charges through the rulemaking process. The proposed amendments establish a subchapter that sets fees and charges relating to forest reserves under the jurisdiction of DOFAW to offset the expenses of operating, maintaining, and managing facilities and services. Additionally, substantive amendments, including changes to provisions on penalty, abandoned and unattended property, fire use restrictions, closing of areas, vehicles and transportation, and general, camping, collecting, commercial, and access permits are proposed in this latest compilation.

Penalty - §13-104-3

This draft amends and updates the penalty section to clarify that a violation of a forest reserve rule is currently subject to statutory general and administrative penalties in Chapter 183, HRS, including the possible imposition of per violation penalties, and forfeiture in accordance with Chapter 199, HRS. Currently, the only provision for imposition of criminal penalties in state forest reserves are from timber trespass violations. Further, in accordance with statutory mandate, DOFAW recommends specifying that revenues generated from fines and penalties imposed pursuant to Section 13-104-3, HAR, shall be deposited into the Forest Stewardship Fund. Other proposed amendments provide clarification that restrictions and prohibitions imposed by this Chapter will not apply to state employees or their agents acting in the scope of their employment and that penalties imposed may take into account emergency situations where necessary to protect life or property.

Abandoned and Unattended Property - §13-104-5.5

A new section is added to address the increasing problem of personal property which are detrimental to natural resource management; dangerous to public health, safety, or welfare; and a blight to aesthetic enjoyment of our state forest reserves. The provision creates a process to address removal of found items, waste, abandoned vehicles, and dumped bulky items left in the forest reserves.

Fire Use Restrictions - §13-104-7

Currently, this section prohibits the use of any motor vehicle, motorized equipment, internal combustion engines, or electric motors unless equipped with efficiently operating fire or spark arresting equipment. DOFAW finds that the majority of passenger vehicles being used in forest reserves, including state passenger vehicles, do not have spark arresters as part of the original factory equipment. Requiring passenger vehicles to be customized with spark arrestors would burden the State as well as other users of the forest reserves with additional

costs. Other types of vehicles, such as ATVs sold in the United States, already come equipped with spark arresters as part of the original factory equipment.¹ Further, reducing wildland fire risk from parked vehicles is addressed by Section 13-104-11, HAR, which prohibits parking any vehicle, except in designated areas. For consistency with current practice and because mitigation measures are already in place, DOFAW recommends removing the prohibition relating to efficiently operating fire or spark arresting equipment.

Closing of Areas - §13-104-7.5

A new section is added allowing the Board of Land and Natural Resources (Board) or its authorized representative to close or restrict all or part of a forest reserve for reasons of public health, safety, or welfare and for management activities; and also to protect any biological, geological, or cultural resources that may be affected as well as property.

Vehicles and Transportation - §13-104-11

Currently, Chapter 13-104, HAR, prohibits driving, operating, or using any aircraft under certain circumstances. DOFAW proposes amending this section to include unmanned aircraft systems (UAS) commonly known as “drones”, in this prohibition, in the areas and airspace left to state jurisdiction. In order to ensure that a UAS is operated or used with due caution for the rights or safety of others and in a manner that does not endanger any person or property, DOFAW recommends clarifying that a person operating a UAS in a forest reserve must do so with a permit from the Board or an authorized representative.

Camping - §13-104-16

The “Residence on forest reserve lands” section is changed to a camping section to assist management and enforcement needs to prevent an unauthorized presence in the forest reserve inconsistent with conservation of forest reserve resources. Use of a camping regulation is a lower threshold for management purposes than proving “residence” in the forest reserve.

General Permit Provisions - §13-104-18

Currently, Chapter 13-104, HAR, authorizes the Board or its authorized representative to waive permit charges under certain unspecified circumstances if in the public interest. DOFAW recommends allowing charges and fees to also be reduced by the Board or its authorized representative. An additional proposed amendment clarifies that the Board is authorized to set, approve, and update a forest product price list that reasonably reflects fair market value and specifies when charges may be assessed. Allowing the Board to set, approve, and update this price list would allow for flexibility to make recurring adjustments based on market and industry assessments. The rulemaking process is slow and arduous and cannot be completed in a reasonable amount of time to keep up with the ever-changing market values. Public resources could be dramatically undervalued at a loss to the State. Also, DOFAW recommends adding a provision requiring permit applicants to provide identification for all persons included on a permit to the general provisions for permits section so that this requirement applies to all permits. Currently, this requirement only applies to certain permit sections within Chapter 13-104, HAR.

¹ Ralph H. Gonzales, “Off-Highway Vehicle Spark Arrestors: Spark Arrestors and the Prevention of Wildland Fires,” USFS Fire Management Tech Tips (2003), <http://www.fs.fed.us/eng/pubs/html/03511307/03511307.htm>.

Camping, Collecting, Commercial, and Access Permits - §§13-104-19, -21, -22, & -23

Proposed amendments to these sections include removing the requirement to obtain permits from DOFAW district offices only, to help improve accessibility of services to the public seeking such permits. By removing this language, other locations, such as the downtown DOFAW administration office or online, can be authorized to process permit applications.

Camping Permits - §13-104-19

The existing section specifies that no person, group, organization, or association is allowed to remain at a camping site for longer than seven days, and allows the Board or its authorized representative to extend the length of stay upon good cause, but no longer than a cumulative total of 14 days. DOFAW recommends removing the 14-day limitation since certain authorized persons camping for official business within forest reserves, such as for building fences or conducting research, may need to camp for more than 14 days. Another proposed amendment specifies that upon emergencies, such as for reasons of public health, safety, and welfare, camping permits may be denied, cancelled, or terminated.

Collecting Permits - §13-104-21

There are currently no limitations to the number of collecting permits being issued to the same person or entity within a specified period of time as set forth in Section 13-104-21, HAR. An amendment proposes to limit collecting permits to no more than one issued to the same person or persons, group, organization, or association listed on the permit for collecting the same forest products, in a given seven day period. DOFAW finds that permit issuance should be consistent with such limitations as currently specified for the issuance of camping permits and commercial harvest permits in Chapter 13-104, HAR. Additionally, DOFAW recommends for purposes of consistency with current commercial harvest permit provisions that collecting permit applications be considered on certain conditions.

Commercial Permits - §13-104-22

Amendments establishing and consolidating certain types of commercial permits under a single section are proposed as the chapter does not currently include any provisions for commercial use permits and commercial salvage permits. Additionally, the proposed rule gives notice that commercial permits for tree harvesting must be done in accordance with a management plan as required by Section 183-16.5, HRS. Lastly, DOFAW finds that certain forest products are harvested and directly resold with minimum processing involved. DOFAW therefore recommends removing the subsection (d) language against direct commercial resale of harvested material as there is little material benefit to maintain the current prohibition. This proposed amendment helps DOFAW accomplish its mission by providing the public with sustainable forest product opportunities.

Access Permits - §13-104-23

To ensure the safety of forest reserve users, an amendment is proposed authorizing the Board or its authorized representative to require access permits to control the use of a forest reserve when any portion has been closed or restricted. This permit will also be required for people who are conducting scientific research activities otherwise prohibited by the chapter.

Additional substantive amendments are proposed to add, amend, and remove various definitions as well as conform certain sections of Chapter 13-104, HAR, to other administrative rules promulgated by DOFAW. Among other proposed amendments are non-substantive changes to numerous sections for the purposes of clarity, consistency, and style.

SUMMARY OF PROPOSED AMENDMENTS:

A compilation of the proposed amendments to Chapter 13-104, HAR, is provided as Exhibit 1 of this submittal. A summary of the proposed amendments follows:

Non-substantive amendments for the purposes of clarity, consistency, and style are made to:

- The title page, §13-104-1, §13-104-2, §13-104-3, §13-104-4, §13-104-5, §13-104-6, §13-104-7, §13-104-8, §13-104-9, §13-104-10, §13-104-11, §13-104-12, §13-104-13, §13-104-14, §13-104-15, §13-104-17, §13-104-18, §13-104-19, §13-104-20, §13-104-21, §13-104-22, §13-104-23, and §13-104-24.

Substantive amendments are made to:

- §13-104-2, “Definitions” by:
 - Adding definitions for “abandoned and unattended property”, “commercial use”, “forest product”, “structure” and “tree harvesting”;
 - Amending definitions for “camping”, “commercial activity”, and “compensation”; and
 - Removing definitions for “residing” and “spark arrester”.
- §13-104-3, “Penalty” by:
 - Clarifying that violators of the rules shall be subject to penalty as provided by law rather than guilty of a misdemeanor;
 - Specifying that revenues generated from fines and penalties imposed pursuant to this section shall be deposited into the Forest Stewardship Fund;
 - Adding a seizure and forfeiture provision for certain items used or taken in violation of this Chapter;
 - Clarifying that restrictions and prohibitions imposed by this Chapter will not apply to state employees or their agents acting in the scope of their employment; and
 - Clarifying that any penalty imposed may take into account emergency situations.
- §13-104-7, “Fire Use Restrictions” by removing the requirement that motor vehicles, motorized equipment, internal combustion engines, or electric motors used in a forest reserve be equipped with efficiently operating fire or spark arresting equipment.
- §13-104-11, “Vehicles and Transportation” by:
 - Clarifying that the act of driving, operating, or using any unmanned aircraft system is prohibited under certain circumstances; and
 - Clarifying that a permit is required to launch, land, or operate any unmanned aircraft systems.
- §13-104-16, “Residence on Forest Reserve Lands” by:
 - Changing the section heading from “Residence on Forest Reserve Lands” to “Camping”; and
 - Replacing the prohibition of residing within a forest reserve with prohibiting camping within forest reserves except with certain authorizations and as permitted

by the Department rules.

- §13-104-18, “General Provisions for Permits” by:
 - Specifying that violators of permit conditions or the rules may be ordered to leave the forest reserve by the Department and may be denied future forest reserve permits or subject to the imposition of additional permit restrictions;
 - Specifying that fees and charges may be reduced by the Board or its authorized representative if the reduction is in the public interest;
 - Adding a provision that allows the Board to set, approve, and update a forest product price list that reasonably reflects fair market value and clarifying when charges may be assessed;
 - Adding a provision stipulating that by signing permits and entering into forest reserves, all persons included on the permits agree to comply with permit terms and conditions and applicable laws and regulations and consents to present the permit to a duly authorized representative of the Department upon request; and
 - Adding a provision requiring permit applicants to provide identification for all persons included on the permit, which may include names, addresses, and telephone numbers.
- §13-104-19, “Camping Permits” by:
 - Removing language specifying that camping permits shall be obtained from DOFAW district offices;
 - Removing language requiring permit applicants to provide identification for all persons included on a permit, as this is now a general condition of all permits;
 - Removing language specifying the maximum allowable extended length of stay; and
 - Specifying that for health, safety, and welfare reasons, camping permits may be denied, cancelled, or terminated.
- §13-104-20, “Special Use Permits” by:
 - Clarifying that the Board or authorized representative may waive the deadline for receiving applications upon showing of good cause; and
 - Specifying that special use permits shall be considered on certain conditions.
- §13-104-21, “Collecting Permits” by:
 - Removing language specifying that collecting permits shall be obtained from DOFAW district offices;
 - Removing language requiring permit applicants to provide identification for all persons included on a permit, as this is now a general condition of all permits;
 - Specifying that collecting permit applications shall be considered on certain conditions; and
 - Adding a provision limiting the number of collecting permits issued within a specified period of time under certain conditions.
- §13-104-22, “Commercial Harvest Permits” by:
 - Changing the section heading from “Commercial Harvest Permits” to “Commercial Permits”;
 - Authorizing the Board or its authorized representative to issue commercial use permits and specifying requirements for such permit applications and requests;
 - Removing language specifying that commercial harvest permits shall be obtained from DOFAW district offices;

- Specifying that commercial harvest permits shall be considered on certain conditions and that tree harvesting shall be done in accordance with a management plan as required by Section 183-16.5, HRS;
- Removing language specifying that commercial harvest permits will not be issued for direct resale of harvested material; and
- Authorizing the Board or its authorized representative to issue commercial salvage permits and specifying requirements for such permit applications and requests.
- §13-104-23, “Access Permits” by:
 - Removing language specifying that access permits shall be obtained from DOFAW district offices;
 - Removing language requiring permit applicants to provide identification, as this is now a general condition of all permits;
 - Authorizing the Board or its authorized representative to require access permits for the purpose of controlling the use of a forest reserve when any portion has been closed or restricted; and
 - Authorizing the Board or its authorized representative to require access permits for scientific research activities otherwise prohibited by this Chapter.

§13-104-5.5, “Abandoned and Unattended Property” is added, which:

- Prohibits abandoning or leaving personal property unattended within a forest reserve;
- Authorizes such property to be seized, impounded, or confiscated by the Board or any authorized representative; and
- Provides towing, moving, storage, and disposal procedures for impounded or confiscated property and specifies statutory authority for these actions.

§13-104-7.5, “Closing of Areas” is added, which authorizes the Board or its authorized representative to close or restrict the public use of all or any portion of a forest reserve in the event of an emergency or under certain circumstances by posting signs.

Subchapter 4, “Fees and Charges”, is added. Subchapter 4:

- §13-104-25, “General Statement”:
 - Provides purposes for collecting fees and charges relating to forest reserves;
 - Specifies that the collection of fees and charges are used to offset certain expenses;
 - Specifies that the fees and charges are fixed and set by categories; and
 - Specifies that accepting payment or billings shall not waive the nature of trespass or ratify or permit illegal camping.
- §13-104-26, “Payment”:
 - Describes the method of payment and where payment is accepted for fees and charges; and
 - Specifies that fees must be paid in advance of issuing certain permits.
- §13-104-27, “Camping and Cabin Rental Fees” sets these fees by a schedule included within this section.
- §13-104-28, “Commercial Use Permit Fees” sets these fees by a schedule included within this section.

- §13-104-29, “Kiln Fees”:
 - Sets these fees by a schedule included within this section; and
 - Specifies that these fees must be paid no later than 15 days after kiln services are rendered.
- §13-104-30, “Permit Processing Fees” sets the fee for processing an access permit for scientific research purposes and other permits.
- §13-104-31, “Parking and Entrance Fees” allows the fee for parking a vehicle to be assessed.
- §13-104-32, “Fee for Copies of Rules”:
 - Sets the fee for copies of this Chapter;
 - Specifies that this fee shall not apply to governmental agencies; and
 - Specifies that this fee may be waived under certain conditions.
- §13-104-33, “Negotiable Instruments; Service Charge” sets the service charge for any dishonored check, draft, certificate of deposit, or other negotiable instrument.

Exhibit 2 provides the current unofficial compilation of the rules for reference.

LEGAL AUTHORITY:

- Section 183-1.5, HRS, relating to the general duties of the Department regarding forests and forest reserves, including the power to manage and regulate lands set aside as forest reserves
- Section 183-2, HRS, relating to the authority to adopt, amend, and repeal administrative rules relating to forest reserves through Chapter 91, HRS, rulemaking

RECOMMENDATIONS:


That the Board:

- (1) Authorize DOFAW to initiate rulemaking proceedings, including conducting public hearings on the islands of Hawaii, Kauai, Maui, Molokai, and Oahu to amend Chapter 13-104, HAR; and
- (2) Authorize the Chairperson to set dates and times for public hearings and appoint hearing master(s) for the respective public hearings.

Respectfully Submitted,

DAVID G. SMITH, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

Exhibit 1: Proposed Amendments to Chapter 13-104, HAR (Ramseyer)

Exhibit 2: Current Unofficial Compilation of Chapter 13-104, HAR

Exhibit 1: Proposed Amendments to Chapter 13-104, HAR (Ramseyer)

Amendment and Compilation of Chapter 13-104
Hawaii Administrative Rules

(date)

1. Chapter 13-104, Hawaii Administrative Rules, entitled "Rules Regulating Activities Within Forest Reserves", is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 5 FORESTRY AND WILDLIFE

PART 1 FORESTRY

CHAPTER 104

RULES REGULATING ACTIVITIES WITHIN FOREST RESERVES

Subchapter 1 General Provisions

- §13-104-1 Purpose and applicability
- §13-104-2 Definitions
- §13-104-3 Penalty

Subchapter 2 Public Use

- §13-104-4 Preservation of public property and resources
- §13-104-5 Litter and sanitation
- §13-104-5.5 Abandoned and unattended property
- §13-104-6 Report of injury or damage
- §13-104-7 Fire use restrictions
- §13-104-7.5 Closing of areas

- §13-104-8 Hunting and fishing
- §13-104-9 Firearms or other weapons
- §13-104-10 Swimming and bathing
- §13-104-11 Vehicles and transportation
- §13-104-12 Animals
- §13-104-13 Audio devices and noise
- §13-104-14 Explosives
- §13-104-15 Disorderly conduct
- §13-104-16 Camping
- §13-104-17 Compliance with laws

Subchapter 3 Permits

- §13-104-18 General provisions for permits
- §13-104-19 Camping permits
- §13-104-20 Special use permits
- §13-104-21 Collecting permits
- §13-104-22 Commercial permits
- §13-104-23 Access permits
- §13-104-24 Commercial activities

Subchapter 4 Fees and Charges

- §13-104-25 General statement
- §13-104-26 Payment
- §13-104-27 Camping and cabin rental fees
- §13-104-28 Commercial use permit fees
- §13-104-29 Kiln fees
- §13-104-30 Permit processing fees
- §13-104-31 Parking and entrance fees
- §13-104-32 Fee for copies of rules
- §13-104-33 Negotiable instruments; service charge

Historical Note: Chapter 104 of Title 13, Administrative Rules, is based substantially upon Regulation 1 [Eff. 12/9/43; am 8/12/76] and Regulation 10 [Eff. 12/12/59] of the Division of Forestry, Department of Land and Natural Resources [R 9/28/81].

SUBCHAPTER 1

GENERAL PROVISIONS

~~§13-104-1 Purpose and applicability.~~ **§13-104-1 Purpose and applicability.** (a) The purpose of ~~[these rules]~~ this chapter is to regulate activity within forest reserves established pursuant to sections 183-11 and 183-15, Hawaii Revised Statutes.

(b) These rules shall apply to all persons entering the boundaries and jurisdiction of a forest reserve. All persons shall observe and abide by officially posted signs within forest reserves. Everyone using the forest reserves should conduct themselves in a safe and courteous manner. Users of the forest reserves should be aware that there are ~~[certain]~~ certain inherent risks involved due to other users and the environment and should use caution at all times. [Eff 9/28/81; am and comp 10/15/93; am and comp] (Auth: HRS §183-2)
(Imp: HRS §§183-1.5, 183-2)

~~§13-104-2 Definitions.~~ **§13-104-2 Definitions.** As used in ~~[these rules,]~~ this chapter, unless the context requires otherwise:

"Abandoned and unattended 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 forty-eight hours without the written permission of the board or its authorized representative.

"Administrator" means the administrator of the division of forestry and wildlife.

"Authorized representative" means the administrator, foresters, conservation enforcement officers, and other persons authorized by the board ~~[of land and natural resources]~~ to act for the board.

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

"Camping" or "to camp" means [being in possession of a backpack, tents, blankets, tarpaulins, or other obvious camping paraphernalia,] a person's physical presence any time [after] one hour after sundown until sunrise in a forest reserve. Indicia of camping includes the use of a forest reserve one hour

after sundown until sunrise for living accommodation purposes, including, but not limited to: sleeping activities or making preparations to sleep (including the laying down of bedding for the purpose of sleeping); storing personal belongings; making any fire; the presence or use of any tents, temporary shelters, unauthorized structures or vehicles; or digging or breaking ground without proper authorization.

"Commercial activity" means the use of or activity in the forest reserve for which compensation is received by any person for goods or services or both rendered to customers or participants in that use or activity. Soliciting, demanding, or requesting gifts, money, or services shall be considered commercial activity. Commercial activities include activities [whose] with base of operations [are] outside the boundaries of the forest reserve, display of merchandise, or activities which provide transportation to or from the forest reserve.

"Commercial use" is any type of commercial activity which is considered compatible with the functions and purposes of each individual area, facility, or unit within a forest reserve.

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

~~["Division" means the division of forestry and wildlife.]~~

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

"Division" means the division of forestry and wildlife.

"Forest product" means any natural material from a forest reserve, including but not limited to timber, seedlings, seeds, fruits, greenery, tree fern, cinder, lava rock, ti leaves, and bamboo.

"Forest reserve" means those lands designated as forest reserves by the department pursuant to sections 183-11 and 183-15, Hawaii Revised Statutes, and other lands for plant sanctuaries, facilities, nurseries, and baseyards under the custody and control of the division.

"Motorized vehicle" means a vehicle of any shape or form that depends on a motor (gas, electric, or other fuels) for propulsion.

"Non-motorized vehicle" means a vehicle of any shape or form that depends on human, animal, wind, spring, and other non-motorized means for propulsion.

~~["Residing" means being in the same forest reserve for more than seven (7) continuous days.]~~

~~["Spark arrester" means a device constructed of nonflammable materials specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch in size from the exhaust flow of an internal~~

~~combustion engine that is operated by hydrocarbon fuels.]~~

"Structure" means any object or improvement constructed, installed, or placed on state lands, including but not limited to buildings, sheds, lean-tos, picnic tables, memorials, hunting blinds, tree stands, mobile homes, campers, trailers; provided that tents, campers, vehicles, and other temporary objects related to authorized activities shall not be considered structures for the purposes of this definition; provided further that the objects are in compliance with rules and regulations governing those activities on state lands.

"Tree harvesting" means the removal of live trees from a forest reserve. [Eff 9/28/81; am and comp 10/15/93; am 12/9/02; am and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

~~§13-104-3 Penalty.]~~ **§13-104-3 Penalty.** (a) Any person violating any of the provisions of ~~[these rules]~~ this chapter shall be [guilty of a misdemeanor and shall be penalized] subject to penalty as provided by law. All revenues generated from fines or penalties imposed pursuant to this section shall be deposited into the forest stewardship fund. Any equipment, article, instrument, aircraft, vehicle, business record, or natural resource used or taken in violation of the provisions of this chapter may be seized and subject to forfeiture as provided by section 199-7, Hawaii Revised Statutes, and chapter 712A, Hawaii Revised Statutes.

(b) Restrictions and prohibitions imposed by this chapter shall not apply to state employees or their agents acting in the scope of their employment while within the forest reserve. Any penalty imposed may take into account emergency situations, such as fire or other disasters or where necessary to protect life or property. [Eff 9/28/81; am and comp 10/15/93; am and comp] (Auth: HRS §183-2) (Imp: HRS §§183-4, 183-5, 183-16, 195D-8, 199-7)

SUBCHAPTER 2

PUBLIC USE

~~§13-104-4 Preservation of public property and resources.]~~
§13-104-4 Preservation of public property and resources. The following activities are prohibited within a forest reserve:

- (1) To remove, injure, or kill any form of plant or animal life, either in whole or in part, except as authorized by the [~~Board~~] board or authorized representative or as provided by the rules of the [~~Board,~~] board;
- (2) To remove, damage, or disturb any natural feature or resource (e.g., natural stream beds) except as authorized by the board or its authorized representative;
- (3) To remove, damage, or disturb any historic or prehistoric remains;
- (4) To remove, damage, or disturb any notice, marker, or structure;
- (5) To enter, occupy, or use any building, structure, facility, motorized vehicle, machine, equipment, or tool within [~~or on~~] a forest reserve except as authorized by the board or its representative;
- (6) To engage in any construction or improvement except as authorized by the board[-];
- (7) To sell, peddle, solicit, or offer for sale any merchandise or service except with written authorization from the board[-];
- (8) To distribute or post handbills, circulars, or other notices[-];
- (9) To introduce any plant or animal except as approved by the [~~Board-~~] board; and
- (10) To enter or remain within a forest [~~reserves when~~] reserve while under the influence of alcohol, narcotics, or drugs, to a degree that may [~~endanger oneself or~~] endanger or cause annoyance to other persons, or endanger oneself or property. The use or possession of narcotics, drugs, or alcohol within forest reserves is prohibited. [Eff 9/28/81; am and comp 10/15/93; am and comp] (Auth: HRS §183-2) (Imp: HRS §§183-2, 183-17)

~~§13-104-5 Litter and sanitation.~~ **§13-104-5 Litter and sanitation.** The following acts are prohibited within a forest reserve:

- (1) To drain, dump, or leave any litter, animal waste or remains, or any other material which pollutes or is likely to cause pollution in the forest reserve, including streams and other water sources;
- (2) To deposit any body waste in areas without comfort stations, without digging a hole and covering all

- signs of the waste;
- (3) To deposit any body waste within 150 feet of a spring, stream, lake, or reservoir; and
 - (4) To leave or abandon [~~a vehicle or~~] any [~~other~~] large refuse, such as refrigerators or stoves, household garbage or trash, or other forms of waste or debris.
- [Eff 9/28/81; am and comp 10/15/93; am and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-5.5 Abandoned and unattended property. No person shall abandon or leave personal property unattended within a forest reserve for any purpose not otherwise authorized or inconsistent with the purposes of the forest reserve. All such property may be seized, impounded, or otherwise confiscated by the board or any authorized representative.

- (1) If unattended personal property, including but not limited to motor vehicles, interferes with the safe or orderly management of a forest reserve or is stored on the publicly-managed lands, the personal property may be seized or impounded by the board or its authorized representative. Any article or instrument that is dangerous, noxious, hazardous, or considered as contraband under the laws of the State of Hawaii, which could endanger the health, safety, or welfare of the public, or public property, may be immediately seized and disposed of by any authorized representative of the department if found abandoned or unattended in the forest reserve.
- (2) All impounded vehicles shall be towed to a place of storage. Owners of towed vehicles shall contact the division or the division of conservation and resource enforcement branch office for information on towed vehicles. Towing, storage, and other related costs shall be assessed pursuant to section 290-11, Hawaii Revised Statutes.
- (3) 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 property shall bear the responsibility for the risk of any loss or damage to their property.
- (4) Abandoned vehicles may be sold at public auction pursuant to section 290-11, Hawaii Revised Statutes.

All other impounded or confiscated property shall be disposed of pursuant to section 171-31.5, Hawaii Revised Statutes. [Eff and comp]
(Auth: HRS §183-2) (Imp: HRS §§171-31.5, 183-2, 290-11)

~~[§13-104-6 Report of injury or damage.]~~ **§13-104-6 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 does not relieve persons from the responsibility of making any other accident reports which may be required under federal, state, or county statutes, ordinances, and rules. [Eff 9/28/81; comp 10/15/93; am and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

~~[§13-104-7 Fire use restrictions.]~~ **§13-104-7 Fire use restrictions.** The following acts are prohibited within a forest reserve:

- (1) To build any fire on the ground or in any structure ~~[,]~~ not otherwise authorized by this section;
- (2) To build any fire without using a portable stove or other self-contained unit;
- (3) To leave a fire unattended without extinguishing all traces of heat;
- (4) To deposit or discard any potential fire-producing material, such as embers, coals, or ashes that are too hot to touch;
- (5) To set on fire or cause to be set on fire any live or dead vegetation except for department fire control measures; and
- (6) To start a fire in windy conditions in a place or manner that is likely to cause live or dead vegetation to be set on fire ~~[, and~~
- ~~(7) To use any motor vehicle, motorized equipment, internal combustion engines, or electric motors unless equipped with efficiently operating fire or spark arresting equipment].~~ [Eff 9/28/81; am and comp 10/15/93; am and comp] (Auth: HRS §183-2) (Imp: HRS §§183-2, 185-7)

§13-104-7.5 Closing of areas. The board or its authorized representative may close or restrict the public use of all or any portion of a forest reserve in the event of an emergency or when deemed necessary for:

- (1) The protection of the biological, geological, or cultural resources of the area;
- (2) Health, safety, or welfare reasons;
- (3) The protection of property; or
- (4) Management activities,

by the posting of appropriate signs indicating the duration, extent, and scope of closure. [Eff and comp] (Auth: HRS §183-2) (Imp: HRS §§183-1.5, 183-2, 185-3)

~~[§13-104-8 Hunting and fishing.]~~ §13-104-8 Hunting and fishing. The hunting, fishing, trapping, or disturbing of any fish, animal, or bird is prohibited except as permitted by department hunting or fishing rules. [Eff 9/28/81; comp 10/15/93; am and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

~~[§13-104-9 Firearms or other weapons.]~~ §13-104-9 Firearms or other weapons. Firearms and other weapons, including those discharging projectiles by air or gas ~~[operated,~~ operation; or bow and arrow, ~~[and other weapons]~~ are prohibited except as permitted by department hunting rules and are subject to all applicable federal, state, and county statutes, ordinances, and rules. [Eff 9/28/81; comp 10/15/93; am and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

~~[§13-104-10 Swimming and bathing.]~~ §13-104-10 Swimming and bathing. Swimming and bathing in all waters within a forest reserve are permitted at an individual's own risk except in waters and at times where the activities are prohibited by the board or its authorized representative in the interest of public health and safety. The ~~[excepted]~~ prohibited waters and times shall be designated by posted signs. [Eff 9/28/81; am and comp 10/15/93; am and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

~~§13-104-11 Vehicles and transportation.~~ **§13-104-11 Vehicles and transportation.** ~~[(a)]~~ The following acts are prohibited while under the jurisdiction of the state within a forest reserve:

- (1) To drive, operate, or use any motorized or non-motorized land vehicle, glider, hang glider, aircraft, unmanned aircraft system, balloon, or parachute carelessly and without due caution for the rights or safety of others and in a manner that endangers any person or property;
- (2) To launch or land ~~[airplanes,]~~ aircraft, gliders, helicopters, balloons, parachutes, or other similar means of transportation without a ~~[special-use]~~ permit for that purpose from the board or its authorized representative; provided~~[, however,]~~ that landing is authorized without a permit in case of any emergency;
- (3) To drive, operate, or use any motorized vehicle in any area or trails not designated for that purpose~~[,]~~, including areas requiring four-wheel drive only;
- (4) To park any motorized or non-motorized vehicle or trailer except in designated areas;
- (5) To drive, lead, or ride a horse, mule, other animal, or non-motorized land vehicle in areas and on roads or trails that are posted against such activity; ~~[and]~~
- (6) To drive, operate, or use any motorized ~~[ground]~~ land vehicle without a functioning street legal muffler, and without a valid vehicle license plate, registration and safety sticker if required by ~~[each]~~ the appropriate respective county[-]; and
- (7) To launch, land, or operate any unmanned aircraft system without a permit for that purpose from the board or its authorized representative.

~~[(b) Any vehicle or property left unattended within a forest reserve for longer than forty eight hours without prior written permission from the board or its authorized representative shall be considered abandoned. Any abandoned vehicle or property may be impounded or towed away by the board or its authorized representative at the expense of the owner.] [Eff 9/28/81; am and comp 10/15/93; am and comp] (Auth: HRS §183-2) (Imp: HRS §§183-1.5, 183-2)~~

~~§13-104-12 Animals.~~ **§13-104-12 Animals.** (a) Dogs,

cats, and other animals are prohibited within a forest reserve unless crated, caged, or on a leash, at all times except for hunting dogs when permitted by chapters [~~122 and 123, Administrative Rules.~~] 13-122 and 13-123.

(b) All dogs used for hunting shall be crated, caged, or leashed or otherwise under restrictive control during transportation while in transit at all times, to and from hunting areas within the forest reserve.

(c) Dogs, cats, or other domestic animals, observed by an authorized representative of the board to be running at large or in the act of killing, injuring, or molesting humans, wildlife, or property, may be disposed of in the interest of public safety and the protection of the forest reserve. [Eff 9/28/81; am and comp 10/15/93; am and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

~~[§13-104-13 Audio devices and noise.]~~ §13-104-13 Audio devices and noise. Creating noise or sound within a forest reserve, either vocally or otherwise (~~[i.e.]~~ e.g., public address systems, radios, television sets, musical instruments) or use of any noise producing devices (~~[i.e.]~~ e.g., electric generating plants or other equipment driven by motors or engines) in a manner and at times which creates a nuisance is prohibited. [Eff 9/28/81; comp 10/15/93; am and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

~~[§13-104-14 Explosives.]~~ §13-104-14 Explosives. The use or possession of fireworks, firecrackers, or explosive devices within a forest reserve is prohibited. [Eff 9/28/81; comp 10/15/93; am and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

~~[§13-104-15 Disorderly conduct.]~~ §13-104-15 Disorderly conduct. Disorderly conduct, as defined in section 711-1101, Hawaii Revised [~~Statues,~~] Statutes, is prohibited within a forest reserve. [Eff 9/28/81; comp 10/15/93; am and comp] (Auth: HRS §183-2) (Imp: HRS §§183-2, 711-1101)

~~§13-104-16 Residence on forest reserve lands. Residing within a forest reserve is prohibited except with written permission from the board.]~~ **§13-104-16 Camping.** No person shall camp, erect any tent, tarpaulin, or other structure, or use recreational trailers or other camper units within any forest reserve, except with the prior written authorization of the board or its authorized representative and as permitted by the rules of the department. [Eff 9/28/81; comp 10/15/93; am and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

~~§13-104-17 Compliance with laws.]~~ **§13-104-17 Compliance with laws.** All persons entering the boundaries of a forest reserve shall comply with all federal, state, and county laws, ordinances, and rules. [Eff 9/28/81; comp 10/15/93; am and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

SUBCHAPTER 3

PERMITS

~~§13-104-18 General provisions for permits.]~~ **§13-104-18 General provisions for permits.** (a) The board or its authorized representative may issue the following types of permits:

- (1) Camping;
 - (2) Special use;
 - (3) Collecting;
 - (4) ~~[Commercial harvest,]~~ Commercial; and
 - (5) Access.
- (b) All permits are subject to the following provisions:
- (1) Permits are subject to denial, cancellation, or termination at any time by the board or its authorized representative upon violation of these rules or any conditions of the permit or any federal, state, or county statutes, ordinances, and rules or for danger to the public or because of natural causes. Persons who have violated permit conditions or the rules may be ordered by the department to leave the forest reserve. Permittees who have violated permit conditions or the rules may be denied future permits for forest reserves or subject to the imposition of

- additional permit restrictions;
- (2) Permits shall not be transferable[-];i
 - (3) Persons or organizations to whom permits are issued shall be held responsible for all conditions [stipulated] on the permit[-];i
 - (4) All persons eighteen years of age or older shall be eligible to secure a permit and all minors shall be allowed use of the premises; provided that they are under the direct supervision of one adult for every ten minors[-];i
 - (5) 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[-];i
 - (6) The board or its authorized representative may require the permittee, at the permittee's own cost, to provide police protection in the interest of the public safety and welfare and for the protection of property when the number of persons using the forest reserve is one hundred or more[-];i
 - (7) Fees and charges as set by the board may be assessed when permits are granted for the exclusive use of areas or facilities, or when charges are necessary to defray the cost of special facilities, services, or supplies provided by the State, or as otherwise determined by the board or its authorized representative when necessary to carry out the provisions of chapter 183, Hawaii Revised Statutes. [~~Charges~~] Fees and charges contained in this chapter may be waived or reduced by the board or its authorized representative if the waiver or reduction is in the public interest[-];i
 - (8) The board may set and approve a forest product price list. Charges may be assessed when permits are granted for forest products. The forest product price list shall reasonably reflect fair market value and be periodically updated by the board;
 - (9) All permittees [~~shall~~], upon request, shall show the permit to any law enforcement officer, the board, or its authorized representative[-];i
 - (10) By signing the permit and entering into the forest reserve, all persons included on the permit agree to comply with all the terms and conditions of the permit, as well as applicable laws and regulations; and consent to present the permit to a duly authorized representative of the department upon request; and
 - (11) Persons applying for a permit shall provide, if requested, identification for all persons included on

a permit, satisfactory to the board or its authorized representative. The board or its authorized representative may require the names, addresses, and telephone numbers of all persons included on a permit.
[Eff 9/28/81; comp 10/15/93; am and
comp] (Auth: HRS §183-2) (Imp: HRS
§§183-1.5, 183-2)

~~§13-104-19 Camping permits.~~ §13-104-19 Camping permits.

(a) All persons, groups, organizations, or associations wishing to camp within a forest reserve shall obtain a camping permit authorizing the use of the specific area and facilities for camping purposes ~~[-]~~ for the stated date or dates.

~~[(b) Camping permits shall be obtained from the district offices of the division during regular working hours of the department.]~~

~~[(c) Persons applying for a permit shall provide, if requested, identification for all persons included on a permit, satisfactory to the board or its authorized representative.]~~

~~[(d)]~~ (b) Each camping permit will reserve the use of a designated area for the stated date or dates of use. Camping is permitted only in designated areas or sites.

~~[(e)]~~ (c) No person, group, organization, or association shall remain at any one specific camping site for longer than seven days; provided that the board or its authorized representative may extend the length of stay for good cause ~~[+ provided further that the length of stay (including the extension as well as the permitted stay) shall not exceed fourteen days].~~

~~[(f)]~~ (d) After ~~[the expiration]~~ issuance of a camping permit, a period of at least thirty days shall pass before another camping permit for the same designated area may be issued to ~~[the same person for the same designated area.]~~ any person listed on any previously valid or current camping permit. ~~[This restriction shall apply to all persons named on the expired permit.]~~ The board or its authorized representative may waive a portion of the thirty-day period for good cause.

~~[(g)]~~ (e) ~~[Permits]~~ Camping permits may be denied, canceled, or terminated for the following reasons:

- (1) When the size of the group will exceed or exceeds the capacity of the existing site or facilities;
- (2) When there are inadequate facilities to meet the immediate needs of the camper or campers;
- (3) When repairs or improvements are being made at the campsite; or

(4) When a state of emergency is declared or for other reasons involving the health, safety, and welfare of the applicants or permittees; [by the board or its authorized representative]
upon the declaration of the board or its authorized representative. [Eff 9/28/81; am and comp 10/15/93; am and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

~~§13-104-20 Special use permits.~~ **§13-104-20 Special use permits.** (a) Special ~~[uses are permitted within a forest reserve only by a permit]~~ use permits are only issued by the board or its authorized representative. Special uses are ~~[all types of uses other than]~~ those provided for ~~[herein]~~ in this section and which are considered compatible with the functions and purposes of each individual area, facility, or unit within a forest reserve. Special uses include but are not limited to community activities, such as meetings, weddings, concerts, shows, and other community events; ~~[or activities]~~ and the scientific collection of plants and animals.

(b) Applications for special use permits shall be received by the board or its authorized representative at least fifteen working days in advance of the date the permit is to be in effect, ~~[unless otherwise received and accepted by the board or its authorized representative.]~~ however, the deadline may be waived by the board or its authorized representative upon a showing of good cause.

(c) A request for a special use permit shall be considered on its own merits, including its potential effect on ~~[the premises, facilities,]~~ forest reserve resources and the public's use and enjoyment of the forest reserve. [Eff 9/28/81; am and comp 10/15/93; am and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

~~§13-104-21 Collecting permits.~~ **§13-104-21 Collecting permits.** (a) Persons wishing to collect forest ~~[items]~~ products ~~[-e.g. ti leaves, bamboo]~~ for personal use and at no charge shall obtain a collecting permit authorizing the collection in a specific area.

~~[(b) Collecting permits shall be obtained from the district offices of the division during regular working hours of the department.]~~

~~(c) Persons applying for a permit shall provide, their~~

~~names and addresses and shall produce if requested, identification of all persons named on a permit, satisfactory to the board or its authorized representative.~~

~~(d)]~~ (b) Each application for a collecting permit shall be considered on its own merits, including its potential effect on forest reserve resources and the public's use and enjoyment of the forest reserve.

(c) Collecting permits shall specify:

- (1) The date or dates of collection;
- (2) The quantities and [items] products to be collected;
- (3) The areas of collection; and
- (4) Any other terms and conditions deemed necessary by the board or its authorized representative.

~~(e)]~~ (d) Permits shall not be issued for collecting [items] products for sale.

~~(f)]~~ (e) No permits shall be issued for the collection of endangered or threatened wildlife or plants except as provided by chapter [124, Administrative Rules.] 13-124.

(f) No more than one permit within a seven-day period may be issued to the same person or persons, group, organization, or association listed on the permit for collecting any of the same forest products. [Eff 9/28/81; am and comp 10/15/93; am and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

~~[§13-104-22 Commercial harvest permits.]~~ **§13-104-22**
Commercial permits. (a) Commercial use permits. The board or its authorized representative may issue commercial use permits.

- (1) Applications for commercial use permits shall be received by the board or its authorized representative at least thirty working days in advance of the date the permit is to be in effect; however, the deadline may be waived by the board or its authorized representative upon a showing of good cause.
- (2) A request for a commercial use permit shall be considered on its own merits, including its potential effect on forest reserve resources and the public's use and enjoyment of the forest reserve.
- (3) The value of the commercial activity shall be decided by the board or its authorized representative and shall not exceed \$10,000.
- (4) The time of entry for the commercial activity shall not exceed thirty days, except that the board or its authorized representative may extend this time for good cause.

~~[(a)]~~ (b) Commercial harvest permits. The board or its authorized representative may issue permits for the purpose of purchasing~~[,]~~ and harvesting~~[, and removing]~~ forest products from a forest reserve ~~[(e.g., timber, seedlings, greenery, tree fern, cinder, and lava rock)]~~.

~~[(b)]~~ ~~Permits shall be obtained from the district offices of the division during regular working hours of the department.~~

~~(e)]~~ (1) Each application for a commercial harvest permit shall be considered on its own merits, including its potential effect on ~~[the premises]~~ forest reserve resources and the public's use and enjoyment of the forest reserve~~[-]~~; provided further that tree harvesting shall be done in accordance with a management plan as required by section 183-16.5, Hawaii Revised Statutes.

~~[(d)]~~ ~~Permits will not be issued for harvesting material for direct resale.~~

~~(e)]~~ (2) The value of the raw material to be harvested shall not exceed \$10,000. The quantity to be harvested shall be decided by the board or its authorized representative.

~~[(f)]~~ (3) The time of entry for harvesting shall not exceed ~~[14]~~ fourteen days for permits with designated raw material value not in excess of \$1,000, or ~~[30]~~ thirty days for permits with designated raw material the value of which exceeds \$1,000 but does not exceed \$10,000, except that the board or its authorized representative may extend this time for good cause.

~~[(g)]~~ (4) No more than one permit within a thirty day period or six permits within a calendar year may be issued to the same person, group, organization, or association for harvesting the same product.

~~[(h)]~~ (5) Each permit shall specify:

~~[(1)]~~ (A) The products to be harvested;

~~[(2)]~~ (B) The amount to be harvested;

~~[(3)]~~ (C) The dollar value of the products;

~~[(4)]~~ (D) The designated area to be harvested;

~~[(5)]~~ (E) The date or dates the harvesting may take place; and

~~[(6)]~~ (F) Any other terms or conditions deemed necessary by the board or its authorized representative.

(c) Commercial salvage permits. The board or its authorized representative may issue commercial salvage permits for the purpose of purchasing and removing dead or hazardous trees.

(1) A request for a commercial salvage permit shall be

considered on its own merits, including its potential effect on forest reserve resources and the public's use and enjoyment of the forest reserve.

- (2) The value of the raw material to be salvaged shall not exceed \$10,000. The quantity to be salvaged shall be decided by the board or its authorized representative.
- (3) The time of entry for salvaging shall not exceed fourteen days for permits with designated raw material value not in excess of \$1,000, or thirty days for permits with designated raw material the value of which exceeds \$1,000 but does not exceed \$10,000, except that the board or its authorized representative may extend this time for good cause. [Eff 9/28/81; comp 10/15/93; am 10/4/05; am and comp]
(Auth: HRS §183-2) (Imp: HRS §183-2)

~~§13-104-23 Access permits.~~ **§13-104-23 Access permits.**

~~[(a)]~~ Permits for access to or entry into forest reserves may be required by the board or its authorized representative for the following ~~[purpose:]~~ purposes:

- (1) To comply with the requirements of private landowners or lessees who permit access to forest reserves through their land;
- (2) To control the number of people using a forest reserve or an area within a forest reserve in order to minimize ~~[the]~~ any impact upon environmentally sensitive ~~[area:]~~ areas;
- (3) To control the types of uses of a forest reserve or an area within a forest reserve in order to minimize the dangers of incompatible uses in the same area (e.g., horseback riding and motorcycle riding); ~~[and]~~
- (4) To control ~~[periods of use]~~ uses of a forest reserve, ~~[especially during periods when fire danger levels are high.]~~ or any portion thereof, which may be under closure or otherwise restricted; and
- (5) ~~[To collect plants or animals for scientific purposes.]~~ For scientific research activities that are otherwise prohibited by this chapter.

~~[(b)]~~ ~~Access permits shall be obtained from the district offices of the division during regular working hours of the department.~~

~~(c)~~ ~~Persons applying for an access permit shall provide their names and addresses and shall produce identification satisfactory to the board or its authorized representative. The~~

~~board or its authorized representative may require the names, addresses, and telephone numbers of all persons included on a permit.] [Eff 9/28/81; am and comp 10/15/93; am and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)~~

~~§13-104-24 Commercial activities.] **§13-104-24 Commercial activities.** No person shall engage in commercial activities of any kind in a forest reserve without a written permit from the board or its authorized representative. [Eff 12/9/02; am and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)~~

SUBCHAPTER 4

FEES AND CHARGES

§13-104-25 General statement. (a) This subchapter establishes user fees and charges for services, facilities, and activities for forestry and recreational purposes, where applicable under the jurisdiction of the division.

(b) The fees and charges are:

- (1) Collected to offset the expenses of operating, maintaining, and managing the facilities and services;
- (2) Fixed with due regard to the primary purposes of providing public outdoor recreational facilities and promoting an appreciation and connection with Hawaii's forests; and
- (3) Set by categories.

(c) The acceptance of payment or billings shall not waive the nature of trespass or ratify or permit illegal camping.
[Eff and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-26 Payment. (a) Method of payment of fees and charges shall be online by credit card or by business check, cashier's check, money order, or cash at division branch offices or the administration office.

(b) All fees shall be paid in advance of issuance of a permit, except as specified by chapter 13-104. [Eff and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-27 Camping and cabin rental fees. The camping and cabin rental fees shall be set according to the amounts in Schedule A - Camping and Cabin Rental Fees - 12/28/16. [Eff and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

Schedule A Camping and Cabin Rental Fees 12/28/16				
	Maximum No. Campsites	Maximum No. Persons per campsite	Resident Fee (\$/night/campsite)	Nonresident Fee (\$/night/campsite)
Category 1	Up to 5	Up to 15	\$12*	\$18**
<i>Unimproved campsite or improved campsite with minimal amenities (i.e., trailside camping or a campsite with picnic table and shelter and clivus toilet)</i>				
Category 2	1 Cabin	Up to 6	\$30/night per cabin ***	\$50/night per cabin ***
<i>Improved campsite or small cabin that houses no more than 6 persons</i>				
Category 3	1 Cabin	Up to 20	\$60/night per cabin ***	\$90/night per cabin ***
<i>Improved campsite or large cabin that houses 7 or more persons</i>				
* A resident camping permit for up to 6 persons is \$12. Additional persons will cost \$2 per person.				
** A nonresident camping permit for up to 6 persons is \$18. Additional persons will cost \$3 per person.				
***Fee reflects total cost for cabin rental regardless of number of persons staying overnight.				

§13-104-28 Commercial use permit fees. Commercial use permit fees are listed in Schedule B - Commercial Use Permit Fees - 12/28/16 and shall apply depending on the applicable commercial activity or activities; provided that the requested recreational facility is approved for commercial use by the forestry and wildlife manager. [Eff and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

Schedule B Commercial Use Permit Fees 12/28/16	
Base commercial use permit processing fee	\$10
Price per pedestrian	\$5
Price per non-motorized bicycle or horseback rider	\$7
Price per motorized vehicle up to 5 people	\$25
Price per motorized vehicle up to 8 people	\$50
Price per motorized vehicle up to 12 people	\$75
Price per motorized vehicle up to 15+ people	\$100

Price per operator and/or passenger of aerial craft launching from and/or landing in a forest reserve	\$5
Price per campsite, facility, or cabin per day	\$100
Price per commercial film permit	\$100
Price per item/activity (miscellaneous)	\$20

§13-104-29 Kiln fees. Kiln fees are listed in Schedule C - Kiln Fees - 12/28/16 and shall be paid no later than fifteen days after kiln services are rendered. [Eff and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

Schedule C Kiln Fees 12/28/16	
Unit	Unit Cost
1 - 900 Board Feet	\$0.70 each
901 - 1000 Board Feet	\$0.60 each
1001 - 1500 Board Feet	\$0.50 each
1501 and up Board Feet	\$0.40 each

§13-104-30 Permit processing fees. The fee for the processing of an access permit for scientific research purposes shall be \$50. The fee for processing any other permit shall be \$10. [Eff and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-31 Parking and entrance fees. The fee for parking a vehicle may be assessed at \$5 per vehicle, per day. [Eff and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-32 Fee for copies of rules. The fee per copy of these rules shall be 10 cents per page. No fee shall be charged for copies furnished to federal, state, or local governmental agencies. The fee may be waived in other instances at the discretion of the administrator or the administrator's authorized representative when a waiver is in the public interest. [Eff and comp] (Auth: HRS §183-2) (Imp: HRS §§91-2.5, 183-2)

§13-104-33 Negotiable instruments; service charge. The service charge for any dishonored check, draft, certificate of deposit, or other negotiable instrument is \$10." [Eff and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

2. Material, except source notes, to be repealed is bracketed and stricken. New material is underscored.

3. Additions to update source notes to reflect these amendments and compilation are not underscored.

4. These amendments to and compilation of chapter 13-104, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format, pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____, and filed with the Office of the Lieutenant Governor.

Suzanne D. Case
Chairperson, Board of Land
and Natural Resources

APPROVED FOR PUBLIC HEARING:

DEPUTY ATTORNEY GENERAL

Exhibit 2: Current Unofficial Compilation of Chapter 13-104, HAR

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 5 FORESTRY AND WILDLIFE

PART 1 FORESTRY

CHAPTER 104

RULES REGULATING ACTIVITIES WITHIN FOREST RESERVES

Subchapter 1 General Provisions

- §13-104-1 Purpose and applicability
- §13-104-2 Definitions
- §13-104-3 Penalty

Subchapter 2 Public Use

- §13-104-4 Preservation of public property and resources
- §13-104-5 Litter and sanitation
- §13-104-6 Report of injury or damage
- §13-104-7 Fire use restrictions
- §13-104-8 Hunting and fishing
- §13-104-9 Firearms or other weapons
- §13-104-10 Swimming and bathing
- §13-104-11 Vehicles and transportation
- §13-104-12 Animals
- §13-104-13 Audio devices and noise
- §13-104-14 Explosives
- §13-104-15 Disorderly conduct
- §13-104-16 Residence and forest reserve land
- §13-104-17 Compliance with laws

Subchapter 3 Permits

- §13-104-18 General provisions for permits
- §13-104-19 Camping permits
- §13-104-20 Special use permits
- §13-104-21 Collecting permits
- §13-104-22 Commercial harvest permits
- §13-104-23 Access permits
- §13-104-24 Commercial activities

Historical Note: Chapter 104 of Title 13, Administrative Rules, is based substantially upon Regulation 1 [Eff. 12/9/43; am 8/12/76] and Regulation 10 [Eff. 12/12/59] of the Division of Forestry, Department of Land and Natural Resources [R 10/15/93]

Subchapter 1 General Provisions

§13-104-1 Purpose and applicability. (a) The purpose of these rules is to regulate activity within forest reserves established pursuant to sections 183-11 and 183-15, Hawaii Revised Statutes.

(b) These rules shall apply to all persons entering the boundaries of a forest reserve. Everyone using the forest reserves should conduct themselves in a safe and courteous manner. Users of the forest reserves should be aware that there are certain inherent risks involved due to other users and the environment and should use caution at all times. [Eff 9/28/81; comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-2 Definitions. As used in these rules, unless context requires otherwise:

"Administrator" means the administrator of the division of forestry and wildlife.

"Authorized representative" means the administrator, foresters, conservation enforcement officers, and other persons authorized by the board of land and natural resources to act for the board.

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

"Camping" means being in possession of a backpack, tents, blankets, tarpaulins, or other obvious camping paraphernalia, any time after one hour after sundown until sunrise in a forest reserve.

"Commercial activity" means the use of or activity in the forest reserve for which compensation is received by any person for goods or services or both rendered to customers or participants in that use or activity. Commercial activities include activities whose base of operations are outside the boundaries of the forest reserve, or provide transportation to or from the forest reserve.

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

"Division" means the division of forestry and wildlife.

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

"Forest reserve" means those lands designated as forest reserves by the department pursuant to sections 183-11 and 183-15, Hawaii Revised Statutes, and other lands for plant sanctuaries, facilities, nurseries and baseyards under the custody and control of the division.

"Motorized vehicle" means a vehicle of any shape or form that depends on a motor (gas, electric, or other fuels) for

propulsion.

"Non-motorized vehicle" means a vehicle of any shape or form that depends on human, animal, wind, spring and other non-motorized means for propulsion.

"Residing" means being in the same forest reserve for more than seven (7) continuous days.

"Spark arrester" means a device constructed of nonflammable materials specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch in size from the exhaust flow of an internal combustion engine that is operated by hydrocarbon fuels. [Eff 9/28/81; am and comp 10/15/93; am 12/9/02] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-3 Penalty. Any person violating any of the provisions of these rules shall be guilty of a misdemeanor and shall be penalized as provided by law. [Eff 9/28/81; am and comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §§183-4, 183-18)

Subchapter 2 Public Use

§13-104-4 Preservation of public property and resources. The following activities are prohibited within a forest reserve:

- (1) To remove, injure, or kill any form of plant or animal life, either in whole or in part, except as authorized by the Board or authorized representative or as provided by rules of the Board;
- (2) To remove, damage, or disturb any natural feature or resource (e.g. natural stream beds) except as authorized by the board or its authorized representative;
- (3) To remove, damage, or disturb any historic or prehistoric remains;
- (4) To remove, damage, or disturb any notice, marker, or structure;
- (5) To enter, occupy, or use any building, structure, facility, motorized vehicle, machine, equipment, or tool within or on forest reserve except as authorized by the board or its representative;
- (6) To engage in any construction or improvement except as authorized by the board.
- (7) To sell, peddle, solicit, or offer for sale any merchandise or service except with written authorization from the board.
- (8) To distribute or post handbills, circulars, or other notices.

- (9) To introduce any plant or animal except as approved by the Board.
- (10) To enter or remain within forest reserves when under the influence of alcohol, narcotics, or drugs, to a degree that may endanger oneself or endanger or cause annoyance to other persons or property. The use or possession of narcotics, drugs or alcohol within forest reserves is prohibited. [Eff 9/28/81; am and comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §§183-2, 183-17)

§13-104-5 Litter and sanitation. The following acts are prohibited within a forest reserve:

- (1) To drain, dump, or leave any litter, animal waste or remains, or any other material which pollutes or is likely to cause pollution in the forest reserve including streams and other water sources;
- (2) To deposit any body waste in areas without comfort stations without digging a hole and covering all signs of the waste;
- (3) To deposit any body waste within 150 feet of a spring, stream, lake, or reservoir; and
- (4) To leave or abandon a vehicle or any other large refuse such as refrigerators or stoves, household garbage or trash or other forms of waste or debris. [Eff 9/28/81; comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-6 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 does not relieve persons from the responsibility of making any other accident reports which may be required under federal, state, or county statutes, ordinances, and rules. [Eff 9/28/81; comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-7 Fire use restrictions. The following acts are prohibited within a forest reserve:

- (1) To build any fire on the ground or in any structure;
- (2) To build any fire without using a portable stove or other self-contained unit;
- (3) To leave a fire unattended without extinguishing all traces of heat;
- (4) To deposit or discard any potential fire-producing material such as embers, coals, or ashes that are too

- hot to touch;
- (5) To set on fire or cause to be set on fire any live or dead vegetation except for department fire control measures;
 - (6) To start a fire in windy conditions in a place or manner that is likely to cause live or dead vegetation to be set on fire; and
 - (7) To use any motor vehicle, motorized equipment, internal combustion engines, or electric motors unless equipped with efficiently operating fire or spark arresting equipment. [Eff 9/28/81; am and comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §§183-2, 185-1)

§13-104-8 Hunting and fishing. The hunting, fishing, trapping, or disturbing of any fish, animal, or bird is prohibited except as permitted by department hunting or fishing rules. [Eff 9/28/81; comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-9 Firearms or other weapons. Firearms including air or gas operated, bow and arrow and other weapons are prohibited except as permitted by department hunting rules and are subject to all applicable federal, state, and county statutes, ordinances, and rules [Eff 9/28/81; comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-10 Swimming and bathing. Swimming and bathing in all waters within a forest reserve are permitted at an individual's own risk except in waters and at times where the activities are prohibited by the board or its authorized representative in the interest of public health and safety. The excepted waters and times shall be designated by posted signs. [Eff 9/28/81; comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-11 Vehicles and transportation. (a) The following acts are prohibited within a forest reserve:

- (1) To drive, operate, or use any motorized or non-motorized land vehicle, glider, hang glider, aircraft, balloon, or parachute carelessly and without due caution for the rights or safety of others and in a manner that endangers any person or property;
- (2) To launch or land airplanes, gliders, helicopters, balloons, parachutes, or other similar means of transportation without a special use permit from the board or its authorized representative; provided,

however, that landing is authorized without a permit in case of any emergency;

- (3) To drive, operate, or use any motorized vehicle in any area or trails not designated for that purpose;
- (4) To park any motorized or non-motorized vehicle or trailer except in designated areas;
- (5) To drive, lead or ride a horse, mule, other animal, or non-motorized land vehicle in areas and on roads or trails that are posted against such activity; and
- (6) To drive, operate, or use any motorized ground vehicle without a functioning street legal muffler, and without a valid vehicle license plate, registration and safety sticker if required by each respective county.

(b) Any vehicle or property left unattended within a forest reserve for longer than forty-eight hours without prior written permission from the board or its authorized representative shall be considered abandoned. Any abandoned vehicle or property may be impounded or towed away by the board or its authorized representative at the expense of the owner. [Eff 9/28/81; am and comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-12 Animals. (a) Dogs, cats, and other animals are prohibited within a forest reserve unless crated, caged, or on a leash, at all times except for hunting dogs when permitted by chapters 122 and 123, Administrative Rules.

(b) All dogs used for hunting shall be crated, caged, or leashed or otherwise under restrictive control during transportation while in transit at all times, to and from hunting areas within the forest reserve.

(c) Dogs, cats, or other domestic animals, observed by an authorized representative of the board to be running at large or in the act of killing, injuring, or molesting humans, wildlife, or property, may be disposed of in the interest of public safety and the protection of the forest reserve. [Eff 9/28/81; am and comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-13 Audio devices and noise. Creating noise or sound within a forest reserve, either vocally or otherwise (i.e. public address systems, radios, television sets, musical instruments) or use of any noise producing devices (i.e. electric generating plants or other equipment driven by motors or engines) in a manner and at times which creates a nuisance is prohibited. [Eff 9/28/81; comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-14 Explosives. The use or possession of

fireworks, firecrackers, or explosive devices within a forest reserve is prohibited. [Eff 9/28/81; comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-15 Disorderly conduct. Disorderly conduct, as defined in section 711-1101, Hawaii Revised Statutes, is prohibited within a forest reserve. [Eff 9/28/81; comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §§183-2, 711-1101)

§13-104-16 Residence on forest reserve lands. Residing within a forest reserve is prohibited except with written permission from the board. [Eff 9/28/81; comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-17 Compliance with laws. All persons entering the boundaries of a forest reserve shall comply with all federal, state, and county laws, ordinances, and rules. [Eff 9/28/81; comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §183-2)

Subchapter 3 Permits

* §13-104-18 General provisions for permits. *(a) The board or its authorized representative may issue the following types of permits:

- (1) Camping;
 - (2) Special use;
 - (3) Collecting;
 - (4) Commercial harvest; and
 - (5) Access.
- (b) All permits are subject to the following provisions:
- (1) Permits are subject to denial, cancellation, or termination at any time by the board or its authorized representative upon violation of these rules or any conditions of the permit or any federal, state, or county statutes, ordinances, and rules or for danger to the public or because of natural causes.
 - (2) Permits shall not be transferable.
 - (3) Persons or organizations to whom permits are issued shall be held responsible for all conditions stipulated on the permit.
 - (4) All persons eighteen years of age or older shall be eligible to secure a permit and all minors shall be allowed use of the premises provided that they are under the direct supervision of one adult for every ten minors.

- (5) 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.
- (6) The board or its authorized representative may require the permittee, at the permittee's own cost, to provide police protection in the interest of the public safety and welfare and for the protection of property when the number of persons using the forest reserve is one hundred or more.
- (7) Fees and charges as set by the board may be assessed when permits are granted for the exclusive use of areas or facilities, or when charges are necessary to defray the cost of special facilities, services, or supplies provided by the State, or as otherwise determined by the board or its authorized representative when necessary to carry out the provisions of chapter 183, Hawaii Revised Statutes. Charges may be waived by the board or its authorized representative if the waiver is in the public interest.
- (8) All permittees shall, upon request, show the permit to any law enforcement officer, the board, or its authorized representative. [Eff 9/28/81; comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-19 Camping permits. (a) All persons, groups, organizations, or associations wishing to camp within a forest reserve shall obtain a camping permit authorizing the use of the specific area and facilities for camping purposes.

(b) Camping permits shall be obtained from the district offices of the division during regular working hours of the department.

(c) Persons applying for a permit shall provide, if requested, identification for all persons included on a permit, satisfactory to the board or its authorized representative.

(d) Each permit will reserve the use of a designated area for the stated date or dates of use. Camping is permitted only in designated areas or sites.

(e) No person, group, organization, or association shall remain at any one specific camping site for longer than seven days; provided that the board or its authorized representative may extend the length of stay for good cause; provided further that the length of stay (including the extension as well as the permitted stay) shall not exceed fourteen days.

(f) After the expiration of a permit, a period of thirty days shall pass before another permit may be issued to the same person for the same designated area. This restriction shall

apply to all persons named on the expired permit. The board or its authorized representative may waive a portion of the thirty day period for good cause.

(g) Permits may be denied, canceled, or terminated for the following reasons:

- (1) When the size of the group exceeds the capacity of the existing site or facilities;
- (2) When there are inadequate facilities to meet the immediate needs of the camper or campers;
- (3) When repairs or improvements are being made at the campsite; or
- (4) When a state of emergency is declared by the board or its authorized representative [Eff 9/28/81; am and comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-20 Special use permits. (a) Special uses are permitted within a forest reserve only by a permit issued by the board or its authorized representative. Special uses are all types of uses other than those provided for herein and which are considered compatible with the functions and purposes of each individual area, facility, or unit within a forest reserve. Special uses include but are not limited to activities such as meetings, weddings, concerts, shows, and other community events or activities and scientific collection of plants and animals.

(b) Applications for special use permits shall be received by the board or its authorized representative at least fifteen working days in advance of the date the permit is to be in effect, unless otherwise received and accepted by the board or its authorized representative.

(c) A request for a special use permit shall be considered on its own merits including its effect on the premises, facilities, and the public's use and enjoyment of the forest reserve. [Eff 9/28/81; am and comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-21 Collecting permits. (a) Persons wishing to collect forest items (e.g. ti leaves, bamboo) for personal use and at no charge shall obtain a collecting permit authorizing the collection in a specific area.

(b) Collecting permits shall be obtained from the district offices of the division during regular working hours of the department.

(c) Persons applying for a permit shall provide, their names and addresses and shall produce if requested, identification of all persons named on a permit, satisfactory to the board or its authorized representative.

- (d) Collecting permits shall specify:
 - (1) The date or dates of collection;
 - (2) The quantities and items to be collected;
 - (3) The areas of collection; and
 - (4) Any other terms and conditions deemed necessary by the board or its authorized representative.
- (e) Permits shall not be issued for collecting items for sale.
- (f) No permits shall be issued for the collection of endangered or threatened wildlife or plants except as provided by chapter 124, Administrative Rules. [Eff 9/28/81; am and comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-22 Commercial harvest permits. (a) The board or its authorized representative may issue permits for the purpose of purchasing, harvesting, and removing forest products (e.g., timber, seedlings, greenery, tree fern, cinder, and lava rock).

(b) Permits shall be obtained from the district offices of the division during regular working hours of the department.

(c) Each application for a harvest permit shall be considered on its own merits including its effect on the premises and the public's use and enjoyment of the forest reserve.

(d) Permits will not be issued for harvesting material for direct resale.

(e) The value of the raw material to be harvested shall not exceed \$10,000. The quantity to be harvested shall be decided by the board or its authorized representative.

(f) The time of entry for harvesting shall not exceed 14 days for permits with designated raw material value not in excess of \$1,000, or 30 days for permits with designated raw material the value of which exceeds \$1,000 but does not exceed \$10,000, except that the board or its authorized representative may extend this time for good cause.

(g) No more than one permit within a thirty day period or six permits within a calendar year may be issued to the same person, group, organization, or association for harvesting the same product.

(h) Each permit shall specify:

- (1) The products to be harvested;
- (2) The amount to be harvested;
- (3) The dollar value of the products;
- (4) The designated area to be harvested;
- (5) The date or dates the harvesting may take place; and
- (6) Any other terms or conditions deemed necessary by the board or its authorized representative. [Eff 9/28/81; comp 10/15/93; am 10/4/05] (Auth: HRS §183-2) (Imp:

HRS §183-2)

§13-104-23 Access permits. (a) Permits for access to or entry into forest reserves may be required by the board or its authorized representative for the following purpose:

- (1) To comply with the requirements of private landowners or lessees who permit access to forest reserves through their land;
- (2) To control the number of people using a forest reserve or an area within a forest reserve in order to minimize the impact upon environmentally sensitive area;
- (3) To control the types of uses of a forest reserve or an area within a forest reserve in order to minimize the dangers of incompatible uses in the same area (e.g. horseback riding and motorcycle riding); and
- (4) To control periods of use of a forest reserve, especially during periods when fire danger levels are high.
- (5) To collect plants or animals for scientific purposes.

(b) Access permits shall be obtained from the district offices of the division during regular working hours of the department.

(c) Persons applying for an access permit shall provide their names and addresses and shall produce identification satisfactory to the board or its authorized representative. The board or its authorized representative may require the names, addresses, and telephone numbers of all persons included on a permit. [Eff 9/28/81; am and comp 10/15/93] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-104-24 Commercial activities. No person shall engage in commercial activities of any kind in a forest reserve without a written permit from the board or its authorized representative. [Eff 12/09/02] (Auth: §183-2) (Imp: §183-2)