

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawai'i

February 28, 2020

Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Board Members:

SUBJECT: REQUEST APPROVAL TO INITIATE RULE-MAKING PROCEEDINGS, INCLUDING PUBLIC HEARINGS, TO ADOPT AMENDMENTS TO SECTION 13-146-6 (FEES) AND COMPILE HAWAI'I ADMINISTRATIVE RULES (HAR) CHAPTER 13-146; FOR FEE INCREASES TO STATE PARK CAMPING, LODGING, AND PAVILION RENTAL FEES; PARKING AND ENTRANCE FEES FOR DESIGNATED STATE PARK PROPERTIES.

THE PROPOSED RULES CAN BE REVIEWED IN PERSON AT THE DIVISION OF STATE PARKS, 1151 PUNCHBOWL STREET, ROOM 310, HONOLULU, HI 96813 FROM 8:00 AM TO 3:30 PM, MONDAY THROUGH FRIDAY, EXCEPT STATE HOLIDAYS.

THE CURRENT AND PROPOSED VERSIONS OF HAR SECTION 13-146-6 CAN BE REVIEWED ONLINE AT:

[HTTPS://DLNR.HAWAII.GOV/DSP/ADMINISTRATIVE-RULES/](https://dlnr.hawaii.gov/dsp/administrative-rules/)

VIA THE LIEUTENANT GOVERNOR'S WEBSITE AT:

[HTTP://LTGOV.HAWAII.GOV/THE-OFFICE/ADMINISTRATIVE-RULES/](http://ltgov.hawaii.gov/the-office/administrative-rules/)

AND

<https://dlnr.hawaii.gov/dsp/files/2020/01/Parking-and-Entrance-Fees-Draft-5-Ramseyer-Format-vrs-SBRRB-January-2020-Exhibit-A.pdf>

LEGAL AUTHORITY:

Paragraph (6) of Section 184-3, Hawai'i Revised Statutes (HRS), relating to the powers of the Department of Land and Natural Resources (DLNR), Division of State Parks (DSP), includes the power to charge and collect reasonable fees for the use of public services, facilities, and conveniences on any land under DSP's jurisdiction and control.

ITEM E-2

BACKGROUND:

The Hawai‘i Department of Land and Natural Resources’ DSP is responsible for managing the use and protection of all lands, and historical and natural resources within the Hawai‘i State Park System, Chapter 13-146, Hawaii Administrative Rules (HAR). The purpose of this amendment is to modify the fee schedule in Chapter 13-146 to improve revenue-generating potential for the Division of State Parks (DSP) to better manage the Hawai‘i State Park System that is composed of the state’s most valuable, scenic, historic, culturally significant, and acclaimed natural and cultural resources.

The current fee schedule is based upon rates established over 20 years ago, with no increase to keep pace with the rate of inflation and the vastly increasing Hawai‘i tourism industry. Due to legal and policy directives from the Attorney General’s office, these fees, which require Board approval, were adopted into Chapter 13-146, HAR, in 2015.

DSP has been engaged for several years in efforts to increase its operating budget at the State Legislature with either increases in General funding allocation or funding allocation from the Transient Accommodations Tax revenue, but due to the competing demands for funds among state agencies, these efforts have not yielded the necessary funding increases.

New park units have been added to the Hawaii State Park System over the past several decades, and both general funds for the DSP budget and the number of employee positions on the DSP roster have been reduced. There was once a DSP position roster of over 200, this roster is currently at 134 positions.

In addition, the general fund allocation to DSP in 1992 was set at \$8 million, but is now at \$4.5 million, or roughly half of what was allocated 28 years ago. This has forced DSP to become more reliant upon special fund revenues. Special fund revenues currently account for about 50% of the DSP payroll budget.

The most critical element associated with the fee increase is the current record setting tourism numbers - which are now at over 10 million visitors per year. The Hawai‘i State Park System and the portfolio of stunning natural and cultural resources under DSP’s jurisdiction and management is a primary draw and heavily used in the state’s and private sector’s marketing strategy for enticing visitation to the State. There is now a compelling need to bring the fees up to a fairer market value as compared to other comparable destinations and services. These fees will be reinvested into the Hawai‘i State Park system to offset impact and improve the quality of the resources and the experience for both residents and visitors alike. Resident & Nonresident fee differentials are maintained to reflect residential support of park activities from the State tax base.

The proposed rules can be reviewed at DSP’s district office from 8:00 am to 3:30 pm, Monday through Friday, except state Holidays as follows: Hawai‘i District: 75 Aupuni Street, Room 204, Hilo, HI 96721; Kaua‘i District: 3060 Eiwa Street, Suite 306 Līhu‘e, HI 96766; Maui District: 54 South High Street, Room 101 Wailuku, HI, 96793; O‘ahu District: 1151 Punchbowl Street, Room 310 Honolulu, Hawai‘i, 96813.

The proposed rules can be reviewed online at: <http://ltgov.hawaii.gov/the-office/administrative-rules>. The proposed rules can also be viewed online at: <http://dlnr.hawaii.gov/dsp/draft-rules>. Location and contact information for DSP offices is available online at: <http://dlnr.hawaii.gov/dsp/contact>.

PURPOSE:

The purpose of this amendment is to increase fee amounts in HAR Chapter 13-146 to improve revenue-generating potential in the Hawai'i State Park System and to reorganize the fee structure to better manage and maintain the stewardship of the Hawai'i state parks. This reorganization reflects the necessity of having flexibility when it comes to setting these fee amounts. Placing all provisions related to fees for full public viewership will allow the public to find information on fees and charges more quickly and easily.

On November 21, 2019, DSP went before the Small Business Regulatory Review Board (SBRRB) to discuss whether the proposed amendments would have an effect on Hawai'i's small businesses. DSP informed the SBRRB that there would be minimal impact to small businesses as commercial use parking and entrance fees would be increased. The SBRRB agreed and moved for the amendments to proceed to public hearing pending review by the Chair and the Attorney General's office.

The proposed rules amend the fee schedule to reflect fee setting at the type of state park versus each individual state park (see ATTACHED **EXHIBIT A**).

ENVIRONMENTAL COMPLIANCE:

The amendment to the fee schedule does not trigger any HRS Chapter 343 actions, therefore there is no need for an environmental assessment or exemption.

RECOMMENDATIONS:

That the Board,

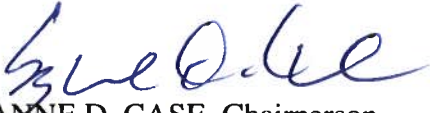
1. Allow the chairperson to designate hearing officers to conduct rulemaking hearings pursuant to HRS chapter 91 for amendment and compilation of HAR chapter 13-146 regarding section 13-146-6; and
2. Grant and approve initiation of rule-making proceedings for the increase of state park fees.

Respectfully submitted,



Curt A. Cottrell, Administrator
Division of State Parks

APPROVED FOR SUBMITTAL:

A handwritten signature in blue ink, appearing to read "Suzanne D. Case", is written over the printed name.

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

ATTACHMENTS: EXHIBIT A: PROPOSED FEE AMENDMENTS TO HAR SECTION 13-146-6

Amendment and Compilation of Chapter 13-146
Hawaii Administrative Rules

(Date)

1. Chapter 13-146, Hawaii Administrative Rules, entitled "Hawaii State Park System", is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 6 STATE PARKS

CHAPTER 146

HAWAII STATE PARK SYSTEM

Subchapter 1 General Provisions

\$13-146-1	Purpose
\$13-146-2	Definitions
\$13-146-3	Penalties
\$13-146-4	Closing of areas
\$13-146-5	User fees
\$13-146-6	Fees

Subchapter 2 Permitted & Prohibited Uses
of the Premises

\$13-146-7	Abandonment and unattended property
\$13-146-8	Agricultural use of premises
\$13-146-9	Aircraft
\$13-146-10	Animals
\$13-146-11	Historic property and burial sites
\$13-146-12	Audio devices
\$13-146-13	Boating
\$13-146-14	Camping

Exhibit A

§13-146-15 Communication equipment
§13-146-16 Disorderly conduct
§13-146-17 Explosives
§13-146-18 False report
§13-146-19 Firearms and other weapons
§13-146-20 Fires
§13-146-21 Fishing
§13-146-22 Gambling
§13-146-23 Geological features
§13-146-24 Golfing
§13-146-25 Intoxication; drug incapacitation
§13-146-26 Lost and found articles
§13-146-27 Memorialization
§13-146-28 Modelcraft operation; kite flying
§13-146-29 Parking
§13-146-30 Picknicking
§13-146-31 Portable engines and motors
§13-146-32 Public property
§13-146-33 Report of injury or damage
§13-146-34 Residence prohibited
§13-146-35 Sanitation and litter
§13-146-36 Skating; skateboards; bicycling
§13-146-37 Repealed
§13-146-38 Swimming; nudity
§13-146-39 Tampering with vehicle or vessel
§13-146-40 Motorized vehicle operation
§13-146-41 Wildlife
§13-146-42 to 13-146-49 (Reserved)

Subchapter 3 Permits

§13-146-50 General provisions
§13-146-51 Camping permits
§13-146-52 Lodging permits
§13-146-53 Group use permits
§13-146-54 Special use permits
§13-146-55 to 13-146-64 (Reserved)

Subchapter 4 Commercial and Private Operations

Exhibit A

- §13-146-65 Advertisements
- §13-146-66 Business operations
- §13-146-67 Commercial photography
- §13-146-68 Commercial activities

Subchapter 5 'Iolani Palace State
Monument

- §13-146-69 Purpose
- §13-146-70 'Iolani Palace State Monument restrictions
- §13-146-71 'Iolani Monument permit limits
- §13-146-72 Penalties

Historical Note: Chapter 146 of Title 13,
Administrative Rules, is based substantially upon
Chapter 145, Title 13, Administrative Rules entitled
"Rules of the Hawaii State Park System." [Eff 6/22/81;
R 4/16/90] Chapter 145 of Title 13, Administrative
Rules, was based substantially upon the Division of
State Parks Regulation 1 entitled, "Relating to the
Regulation and Control of the State Parks System."
[Eff 12/9/43; am 8/12/76; R 9/28/81]

SUBCHAPTER 1

GENERAL PROVISIONS

§13-146-1 Purpose. The purpose of this chapter is to govern the use and protection of all lands, and historical and natural resources within the state park system. [Eff 4/16/90; comp 6/8/99; comp]
(Auth: HRS §184-5) (Imp: HRS §184-5)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway or highway, including mopeds, but excluding bicycles and devices other than bicycles moved by human power. [Eff 4/16/09; am and comp 6/8/99; am 12/9/02; am 1/22/10; comp]
(Auth: HRS §184-5) (Imp: HRS §§171-1, 184-5)

§13-146-3 Penalties. Any person violating any provision of this chapter, or any term or condition of any permit issued hereunder, shall be subject to administrative, civil and criminal penalties, and any materials, tools, equipment, or vehicles used in the violation may be seized and forfeited as provided by HRS section 184-5, section 199-7 and chapter 712A.

[Eff 4/16/97; comp 6/8/99; am 1/22/10;

comp] (Auth: HRS §184-5) (Imp: HRS §§171-6, 171-6.5, 171-31.6, 184-5, 184-5.5, 199-7, 712A-4)

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

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

(c) All impounded vehicles shall be towed to a place of storage. Towing, storage and other related 13-146-7 costs shall be assessed pursuant to section 290-11, HRS. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

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

- (1) Permits as noted in sections 13-146-50; 13-146-51; 13-146-52; 13-146-54; 13-146-66; 13-

Exhibit A

- 146-67; 13-146-68;
(2) Parking, and;
(3) Entrance. [Eff and comp 6/8/99; am 1/22/10;
comp] (Auth: HRS §184-
3) (Imp: HRS §184-3)

§13-146-6 Fees. (a) The following state park camping and cabin fees ~~[are hereby established:]~~ shall be set according to the amounts in "Exhibit 2. Hawaii State Park System Camping and Cabin Rental Fee Schedule dated February 4, 2020" and "Exhibit 3. Hawaii State Park System Entrance and Parking Fee Schedule dated February 4, 2020."

~~[STATE PARK CAMPING FEES:]~~

~~For all state park areas that allow camping, except for the Napali Coast State Wilderness Park, the camping fee shall be as follows:~~

~~Residents:~~

~~\$12 per night per camp site (up to six people)
\$2 per night for each additional person, with a maximum of ten people total per camp site~~

~~Nonresidents:~~

~~\$18 per night per camp site (up to six people)
\$3 per night for each additional person, with maximum of ten people total per camp site~~

~~NAPALI COAST STATE WILDERNESS PARK~~

~~RESIDENTS: — \$15/person per night~~

~~Nonresidents: — \$20/person per night~~

~~CABIN RENTAL FEES:~~

~~HAPUNA BEACH STATE RECREATION AREA~~

~~Residents: — \$30/night per A Frame~~

~~Nonresidents: — \$50/night per A Frame~~

Exhibit A

~~KALOPI STATE RECREATION AREA, POLIPOLI SPRINGS STATE
RECREATION AREA, WAI`ANAPANAPA STATE PARK~~

~~Residents: \$60/night per cabin~~

~~Non residents: \$90/night per cabin~~

Exhibit A

~~FEEs FOR CHANGE OR CANCELLATION OF CAMPING OR RENTAL
CABIN RESERVATIONS:~~

~~\$3 per change
\$5 per cancellation~~

~~WAILOA STATE RECREATION AREA DAY USE PAVILIONS~~

~~Large pavilions: \$125 rental fee, with a \$150
deposit~~

~~Small pavilions: \$5 hour, with a \$50 deposit~~

~~PARKING FEES~~

~~NU'UANU PALI STATE WAYSIDE~~

~~Residents: No charge~~

~~Nonresidents: \$3~~

~~Commercial PUC vehicles:~~

~~1-7 passenger vehicles: \$6~~

~~8-25 passenger vehicles: \$12~~

~~26+ passenger vehicles: \$24~~

~~IAO VALLEY STATE MONUMENT~~

~~Residents: No charge~~

~~Nonresidents: \$5~~

~~Commercial PUC vehicles:~~

~~1-7 passenger vehicles: \$10~~

~~8-25 passenger vehicles: \$20~~

~~26+ passenger vehicles: \$40~~

~~MAKENA STATE PARK~~

~~Residents: No charge~~

~~Nonresidents: \$5~~

~~Commercial PUC vehicle fees:~~

~~1-7 passenger vehicles: \$10~~

~~8-25 passenger vehicles: \$20~~

~~26+ passenger vehicles: \$40~~

~~HAPUNA BEACH STATE RECREATION AREA~~

~~Residents: No charge~~

Exhibit A

Nonresidents: _____ \$5
Commercial PUC vehicle: _____
1-7 _____ passenger vehicles: _____ \$10
8-25 _____ passenger vehicles: _____ \$20
26+ _____ passenger vehicles: _____ \$40

ENTRANCE FEES

~~DIAMOND HEAD STATE MONUMENT~~

Daily Rates: _____
Pedestrians: _____ \$1
Noncommercial vehicles (except mopeds): _____ \$5
Mopeds: _____ \$1
Others (not listed): _____ \$1

~~Commercial Vehicles:~~

1-15 _____ passenger vehicles: _____ \$10
16-25 _____ passenger vehicles: _____ \$20
26+ _____ passenger vehicles: _____ \$40

~~Annual Pass:~~

Pedestrians: _____ \$10
Private Vehicles: _____ \$30

~~AKAKA FALLS STATE PARK~~

Residents: _____ No charge
Nonresidents: _____ \$5 per vehicle
Others (not listed): _____ \$1 per person
Commercial PUC vehicle: _____
1-7 _____ passenger vehicles: _____ \$10
8-25 _____ passenger vehicles: _____ \$20
26+ _____ passenger vehicles: _____ \$40

~~WAIMEA CANYON STATE PARK AND KOKEE STATE PARK~~

Residents: _____ No charge
Nonresidents: _____ \$5 per vehicle
Others: _____ \$1 per person
Commercial PUC vehicle: _____
1-7 _____ passenger vehicles: _____ \$10
8-25 _____ passenger vehicles: _____ \$20
26+ _____ passenger vehicles

Exhibit A

~~at Waimea Canyon State Park: \$40~~

~~HA'ENA STATE PARK~~

~~Residents: No charge~~
~~Visitors: \$5 per vehicle~~
~~Others (not listed): \$1 per person~~
~~Commercial PUC vehicles:~~
~~1-7 passenger vehicles: \$10~~
~~8-25 passenger vehicles: \$20~~
~~26+ passenger vehicles: \$40]~~

(b) For purposes of this section, the following definitions shall apply:

"Commercial PUC vehicle" means a vehicles that is regulated by the Hawaii Public Utilities Commission.

"Resident" means a resident of the State with a valid State of Hawaii identification card or State of Hawaii driver's license." [Eff 12/24/15; am and comp] (Auth: HRS § 184-5) (Imp: HRS §§ 184-3, 184-5)

SUBCHAPTER 2

PERMITTED AND PROHIBITED USES OF THE PREMISES

§13-146-7 Abandonment and unattended property.

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

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

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

(d) All impounded or confiscated property, other than vehicles, shall be moved to a place of storage, and the owner shall be assessed moving, storage, and other related costs. Additionally, the owner of this property shall bear the responsibility for the risk of any loss or damage to their property.

(e) Abandoned vehicles may be sold at public auction pursuant to section 290-11, HRS. All other impounded or confiscated property shall be disposed of pursuant to section 171-31.5, HRS. [Eff 4/16/90; am and comp 6/8/99; am 1/22/10; comp]
(Auth: HRS §184-5) (Imp: HRS §§184-5, 290-11, 171-31.5)

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

§13-146-9 Aircraft. No person shall land or launch aircraft, as defined in section 261-1, HRS, including airplanes, airships, balloons, gliders, hang gliders, helicopters, parachutes, dirigibles, and other similar means of conveyance except with the written permission of the board or its authorized representative or in the case of an emergency. [Eff 4/16/90; am and comp 6/8/99; comp]
(Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-10 Animals. (a) No person shall enter the premises with dogs, cats, and other animals unless

they are crated, caged, on a leash which shall not exceed six feet in length, or otherwise under physical restrictive control at all times.

(b) No person shall enter public eating places, food stores, designated swimming areas, or beaches with animals. The board or its authorized representative may also designate, by the posting of appropriate signs, any portion of the premises where animals shall not be allowed. This section shall not apply to guide, signal, or service animals accompanying their masters.

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

(d) No person shall have, possess, or ride horses except in areas designated for this purpose by the board or its authorized representative, by permit or appropriate signs. [Eff 4/16/90; am and comp 6/8/99; am 1/22/10; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-11 Historic property and burial sites.

No person, natural or corporate or other legal entity, shall knowingly take appropriate, excavate, injure, destroy, or alter any historic property or burial site in the state park system, provided, however, that:

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

- (3) The person issued the permit possesses an annual permit to conduct archaeological activities in Hawaii when archaeological activities will be undertaken; and

The work undertaken shall comply with all applicable requirements of chapter 6E, Hawaii Revised Statutes, and its implementing administrative rules.

[Eff 4/16/90; comp 6/8/99; am 1/22/10; comp

] (Auth: HRS § 184-5) (Imp: HRS §§ 6E-3, 6E-7, 6E-8, 6E-11, 6E-43, 6E-43.6)

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

(b) No person shall operate or use public address systems whether fixed, portable, or vehicle mounted, on land, water, and roadways except when the use or operation is in connection with public gatherings or special events for which permits have been issued by the board or its authorized representative or when the use is in conjunction with emergency or rescue operations. [Eff 4/16/90; comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-13 Boating. (a) No person shall operate, leave unattended, beach, park, or launch vessels, as defined in section 200-6, HRS, including but not limited to boats, motorboats, houseboats, rowboats, powerboats, jet skis, sailboats, fishing

Exhibit A

boats, towboats, scows, flatboats, cruisers, motor vessels, ships, barges, tugs, floating cabanas, party boats, charter boats, windsurfers, catamarans, ferryboats, canoes, rafts, kayaks, or any similar buoyant devices permitting or capable of free flotation where prohibited by the posting of appropriate signs, except with written permission of the board or its authorized representative, or in cases of emergency.

(b) No person shall moor or anchor vessels as defined in subsection (a) without the written permission of the board or its authorized representative, except anchoring in cases of emergency. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-14 Camping. No person shall camp or use recreational trailers or other camper units, except with the prior written authorization of the board or its authorized representative. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-15 Communication equipment. No person shall install or operate aerials, antennas, transmitters or other radio, telephone, television, or other communication equipment except hand held devices or equipment installed within vehicles without the permission of the board or its authorized representative. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §§184-5)

§13-146-16 Disorderly conduct. No person shall

Exhibit A

engage in disorderly conduct, as defined in section 711-1101, HRS, within the premises. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §§184-5, 711-1101)

§13-146-17 Explosives. No person shall use or possess fireworks, firecrackers, or explosives, except with the written permission of the board or its authorized representative and subject to federal, state, and county laws, ordinances, rules and regulations. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-18 False report. No person shall give a false or fictitious report or other information to any authorized representative investigating an accident or any violation of law or administrative rule. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

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

(b) Firearms and other weapons may be used or possessed if in accordance with section 13-146-41. The use or possession of firearms, and other weapons, when permitted, shall be subject to all federal, state, and county laws, ordinances, rules and regulations. Firearms and other weapons shall be unloaded when transported through nonhunting areas of the premises. [Eff 4/16/90; am and comp 6/8/99; am 1/22/10; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

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

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

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

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

(d) No person shall discard unextinguished cigarettes, cigars, pipe heels, matches, live coals, other burning material, provided, however that live coals may be deposited in ash pits wherever they are provided. [Eff 4/16/90; am and comp 6/8/99; comp

] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-21 Fishing. Unless specifically restricted herein or by other administrative rule, a person may fish or take mollusks and crustaceans, subject to all applicable federal, state, and county laws, ordinances, rules and regulations. [Eff 4/16/90; am and comp 6/8/99; comp]

(Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-22 Gambling. No person shall gamble or operate gambling devices. [Eff 4/16/90; comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-23 Geological features. No person shall destroy, disturb, or mutilate any geological features or dig or remove sand, earth, gravel, mineral, rock, fossil, coral, or any other substance except for digging in sand areas of beaches or as provided in section 13-146-32(f). No person shall excavate or quarry any stone, or lay, set, or cause any blast or explosion, or assist in these acts, except as provided by law or with the written permission of the board or its authorized representative. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-24 Golfing. No person shall play golf, or hit or drive golf balls except in areas designated for those activities. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-25 Intoxication; drug incapacitation.

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

(b) No person shall use or possess alcohol except with written permission of the board or its

Exhibit A

authorized representative. [Eff 4/16/90; comp 6/8/99;
comp] (Auth: HRS §184-5) (Imp:
HRS §184-5)

§13-146-26 Lost and found articles. Any person finding lost articles shall deposit them at the nearest police station, leaving their name and address. [Eff 4/16/90; comp 6/8/99;
comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-27 Memorialization. No person shall install any monument, memorial, tablet, or other commemorative installation, except with the written permission of the board or its authorized representative. [Eff 4/16/90; comp 6/8/99;
comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-28 Modelcraft operation; kite flying. No person shall operate motorized aircraft, automobile, watercraft and other similar models except with the, written permission of the board or its authorized representative. Kites shall not be flown where kite flying is specifically prohibited by the posting of appropriate signs [Eff 4/16/90; comp 6/8/99; comp] (Auth: HRS §184-5)
(Imp: HRS §184-5)

§13-146-29 Parking. (a) No person shall park, stop, or stand vehicles except on roads and parking areas laid out, designed, or provided for parking. All persons shall observe the official traffic signs, wherever posted, restricting the parking, stopping, or

standing of vehicles. No person shall reserve parking spaces without the permission of the board or its authorized representative.

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

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

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

(e) All impounded vehicles shall be towed to a place of storage. Towing, storage, and other related costs shall be assessed pursuant to section 290-11, HRS. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-30 Picnicking. A person may picnic except in designated campgrounds and in those locations prohibited by the board or its authorized representative by the posting of appropriate signs. The board or its authorized representative may also establish reasonable limitations on the length of time any person may use picnicking facilities by the posting of appropriate signs when limitations are necessary for the accommodation of the general public. [Eff 4/16/90; comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-31 Portable engines and motors. No person shall operate or use a portable motor driven electric generating plant, pump, compressor, or any other equipment driven by a portable engine or motor

without the written permission from the board or its authorized representative. [Eff 4/16/90; comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

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

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

(c) A person may gather or collect for personal use, reasonable quantities of natural products of a renewable nature, including, but not limited to, seashells, fruits, berries, flowers, seeds, pine cones, seaweeds, driftwood, and marine objects of natural origin; provided, that the board or its authorized representative may establish seasons for picking of plums on Kauai. No person shall gather or collect these products for the purpose of sale. The quantities of these products may also be restricted by the board or its authorized representative.

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

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

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

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

(h) No person shall possess or use a mineral or metal detector, magnetometer, or other metal detecting device except on sand areas of beaches. [Eff 4/16/90; am and comp 6/8/99; am 1/22/10; comp]
(Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-33 Report of injury or damage. All incidents resulting in injury or death to persons or damage to property shall be reported as soon as possible to the board or its authorized representative. This report does not relieve persons from the responsibility of making any other report which may be required under federal, state, or county laws, ordinances, rules and regulations. [Eff 4/16/90; am and comp 6/8/99; comp]
(Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-34 Residence prohibited. No person shall establish a temporary or permanent residence on the premises except with a permit or other written agreement with the board. [Eff 4/16/90; comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

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

(b) No person shall drain or dump garbage, trash, rubbish, refuse, or waste except in places or

receptacles provided for this use.

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

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

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

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

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

(h) No person shall bring, carry, or transport garbage, trash, rubbish, refuse, or waste from outside the premises for deposit or dumping on the premises.

[Eff 4/16/90; am and comp 6/8/99; am 1/22/10;

comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-36 Skating; skateboards; bicycling. No person shall roller skate, skateboard, or bicycle in areas where prohibited by the posting of appropriate signs. [Eff 4/16/90; comp 6/8/99; comp]
(Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-37 Repealed. [R 12/9/02]

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

(b) No person shall use flotation devices within designated swimming areas when prohibited by the board or its authorized representative, by the posting of appropriate signs.

(c) No person shall use surfboards and similar devices within the limits of designated swimming beach areas. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-39 Tampering with vehicle or vessel. No person shall tamper or attempt to tamper with any vehicle, vessel, or other equipment, or enter or go upon, move, or manipulate any of the parts or components of any vehicle, vessel, or other equipment or start or set the same in motion, except when it is under one=s lawful ownership or control. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS § 184-5) (Imp: HRS §184-5)

§13-146-40 Motorized vehicle operation. (a) No person shall drive or operate any motorized vehicles including but not limited to, automobiles, trucks, vans, off highway vehicles such as all terrain vehicles, motorcycles, motor bikes, mopeds, scooters, and trail bikes except on designated trails and roads

that are managed for motorized use, provided, however, that the use of a motorized wheelchair by an individual whose disability requires the use of a wheelchair shall not be considered driving or operating a motorized vehicle.

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

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

(d) No person shall drive or possess unlicensed vehicles and off highway vehicles in any park area except for use on trails, roads and in other areas designated for off highway vehicle use by appropriate signage. [Eff 4/16/90; am and comp 6/8/99; am 1/22/10; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-41 Wildlife. No person shall molest, disturb, injure, trap, take, catch, possess, poison, introduce, or kill any wild bird or mammal, or disturb their habitat except when authorized by federal, state, and county laws, ordinances, rules, and regulations. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS § 184-5) (Imp: HRS §184-5)

§§13-146-42 to 13-146-49 (Reserved).

SUBCHAPTER 3

PERMITS

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

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

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

- (1) Permits shall be issued on a first-come first-served basis. The board or its authorized representative may withhold a portion of the available permits to be issued to walk-in applicants on a first-come first-served basis.
- (2) All responsible persons eighteen years of age or older shall be eligible to secure permits.
- (3) Permits shall be obtained by the means determined by the board, including, but not limited to, from the district offices of the department, through concessionaires, telephone or electronically through the Internet.
- (4) Permits obtained at the district offices shall be obtained between the hours of 8 a.m. and 3:30 p.m. on regular working days of the department.
- (5) Permits shall not be transferable.
- (6) Persons or organizations to whom permits are issued are bound by the permit conditions stipulated on or attached to the permit and any applicable federal, state, and county laws, ordinances, rules and regulations.
- (7) The size of groups as well as the length of time any permit may be in effect may be limited by the board or its authorized

representative.

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

needs of the applicant for the permit.

- (5) The premises or facilities will be used by other permittees.
- (6) The applicant has a prior record of noncompliance with permit conditions or violations of this chapter.
- (d) Permits may be denied, canceled or terminated at any time without advance notice when:
 - (1) A state of emergency is declared by the board or other proper authorities.
 - (2) Natural or civil disturbances occur or threaten to occur, including, but not limited to, tsunamis, floods, earthquakes, storms, riots, demonstrations, and employee strikes.
 - (3) Permittees violate or have previously violated permit conditions or provision of this chapter within a year of permit application.
 - (4) Fees, as required, are not paid. [Eff 4/16/90; am and comp 6/8/99; am 1/22/10; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

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

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

authorized representative.

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

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

- (1) Applicants for camping permits shall provide their name, address, telephone numbers, identification numbers and the names of all persons three years of age or older covered by the permit, and identification satisfactory to the board or its authorized representative, if requested.
 - (2) Each permit will reserve the use of the desired camping area for a specified date or dates.
 - (3) Requests for camping permits and confirmation of the same for state operated campsites shall be made either through the internet, a direct visit to the district offices, by telephone, or through the mail. Reservations for campsites operated by concessionaires shall be made directly with the concessionaire.
 - (4) The maximum camping duration under each permit at any one park or campground shall be five consecutive nights.
 - (5) Persons three years of age or older shall have their names printed on the permit to be allowed to camp.
- (c) Camping permits shall be denied when:
- (1) The size of the group exceeds the capacity of the existing facilities; or
 - (2) The applicant or any person to be covered by the permit has camped in or has been issued a camping permit for the same park or campground within a period of thirty days preceding the requested camping dates.
- (d) No person, group, organization, or

association shall remain at any one specified park, camping area, or backcountry, or in isolated sections of the premises for a period longer than five consecutive nights; provided however, that the board or its authorized representative may extend the stay for good cause. The board or its authorized representative may establish lower maximum camping periods for specific areas.

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

- (1) Payment of the total cost of camping is required to received a permit. The fee shall be paid on the date of the reservation is made.
- (2) A service fee may be charged for permit issuance, changes to, or cancellation of an issued camping permit.
- (3) Refund of the total cost of the permit less any service fee, may be made through the internet or by notifying the district office, in writing, of the cancellation a minimum of fifteen days prior to the first day of permitted use.
- (4) Permits which are paid in full, and not canceled by the permittee, shall remain valid for the entire duration of the permit period. [Eff 4/16/90; am and comp 6/8/99; am 1/22/10; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

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

- (1) Applicants for lodging permits shall provide their name, address, telephone numbers and identification numbers, and the names of all persons three years of age or older covered

by the permit, and identification satisfactory to the board or its authorized representative, if requested.

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

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

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

- (1) Payment of the total cost of lodging is required to confirm the reservation. The fee shall be paid on the date the reservation is made.
- (2) A service fee may be charged for permit issuance, changes to, or cancellation of an issued lodging permit.
- (3) A security deposit of \$30 per cabin may be required if an applicant for a lodging permit has a prior record of noncompliance with the permit conditions or violations of this chapter. Refund of the security deposit will be made provided that the

permittee complies with permit conditions and with this chapter.

- (4) Refund of the total cost of the lodging, less any service fee, may be made through the internet or by notifying the district office, in writing, of the cancellation a minimum of fifteen days prior to the first occupancy date designated on the permit.

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

- (1) Permittee shall be responsible for clean up of the cabin.
- (2) Permittee shall be responsible for the repair or replacement of any missing or damaged property.
- (3) The department shall not be responsible for any personal article left or lost by permittee.
- (4) If the permittee fails to properly notify the department or fails to occupy the cabin on the first scheduled day of occupancy, the permit shall be canceled and any deposit forfeited; provided that if the permittee prepaid the entire rental fee, the permit will remain valid for the entire duration of the permit period. [Eff 4/16/90; am and comp 6/8/99; am 1/22/10; comp]
(Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-53 Group use permits. (a) Any group larger than twenty-five members shall be required to obtain a group use permit to remain within the premises. t no charge shall obtain a collecting permit authorizing the collection in a specific area.

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

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

premises as follows:

- (1) Permits may be issued for hours between 7 a.m. and midnight of the same day, except for park areas that are normally closed before midnight.
- (2) An earlier starting time may be granted by the board or its authorized representative to accommodate special functions.
- (3) Minors below the age of eighteen may be allowed to remain on the premises on their own, if the adult who secures the permit for them will be responsible for them and also provided that their use is between the hours 7 a.m. to 7 p.m. of the same day. Minors staying beyond 7 p.m. in park areas that normally stay open past 7 p.m. shall be under the supervision of adults on a ten minors to one adult ratio. All minors from the same family, who are accompanied by at least one of their parents, shall be allowed to remain in the area past the 7 p.m. deadline, where permitted, without regard to the adult-minor ratio.

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

[Eff 4/16/90; am and comp 6/8/99; comp]

(Auth: HRS §184-5) (Imp: HRS §184-5)

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

Exhibit A

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

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

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

[Eff 4/16/90; am and comp 6/8/99; am 1/22/10;
comp] (Auth: HRS §184-5) (Imp:
HRS §184-5)

§§13-146-55 to 13-146-64 (Reserved).

SUBCHAPTER 4

COMMERCIAL AND PRIVATE OPERATIONS

§13-146-65 Advertisements. No person shall display, post, or distribute notices or advertisements, except with the prior written permission of the board or its authorized representative. Permission may be granted only if the notice or advertisement relates to services, goods, or facilities available within the premises and the notices and advertisements are found by the board or its authorized representative to be desirable and necessary for the convenience and guidance of the public, or as allowed by chapter 13-7. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: §184-5) (Imp: §184-5)

§13-146-66 Business operations. No person shall engage in or solicit any business, except in accordance with the provisions of a permit, contract, license, lease, concession, or other written agreement with the board or its authorized representative, or as allowed by chapter 13-7. [Eff 4/16/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-67 Commercial filming, photography, and videotaping. (a) Before any motion picture is filmed or any video recordings, television production, or sound track is made, which involves the use of professional casts, models, settings, or crews, by any person other than bonafide, newsreel or news television personnel, a person shall obtain a written permit approved by the board or its authorized representative which shall be subject to the terms, conditions, and fees set by the board.

(b) Before any still photograph may be taken by a commercial photographer for commercial purposes, a person shall obtain a written permit approved by the board or its authorized representative. The permit shall be subject to terms, conditions, and fees set by the board. [Eff 4/15/90; am and comp 6/8/99; comp] (Auth: HRS §184-5) (Imp: HRS §184-5)

§13-146-68 Commercial activities. No person shall engage in commercial activities of any kind, without a written permit from the board or its authorized representative. [Eff 12/09/02; comp] (Auth: §184-5) (Imp: §184-5)

SUBCHAPTER 5

'IOLANI PALACE STATE MONUMENT

§13-146-69 Purpose. The purpose of this subchapter is to provide rules specific to the 'Iolani Palace State Monument in order to recognize, protect, and preserve the historic and cultural significance of the Monument and to meet the Monument's educational mission to preserve the character of the era of Hawaii's monarchy.

'Iolani Palace State Monument ('Iolani Monument) consists of 'Iolani Palace, Barracks, Coronation Pavilion, Kanaina Building (Old Archives Building), Kekauluohi Building (State Archives Building) and Grounds consisting of 11 acres of land, including the perimeter wall and wrought iron fence bordered by King Street, Likelike Street, Hotel Street Mall and Richards Street.

'Iolani Monument is one of the most important historical and cultural resources in Hawaii. Before the arrival of the missionaries in the 1820's, a Hawaiian temple or heiau, known as "Kaahimaui," was sited in this area. Later, a small mausoleum was built on the grounds to house the remains of King Liholiho and Queen Kamamalu. While the remains of these Royalty were moved to their new resting place in 1865, accounts state that the bones of certain chiefs remain on the site. King Kalakaua, out of respect for this sacred and hallowed place, raised a mound over it. Hawaiian culture demands great respect and care for the location of ancient burial sites of Hawaiian chiefs.

In 1882, 'Iolani Palace was built and served to house Hawaii's last Monarchs, King Kalakaua and Queen Lili'uokalani. This is the only palace of official royal residence in the United States. It is listed in the National Register of Historic Places and designated a National Historic Landmark. The State designated the area a Monument in recognition of its historic importance, and to utilize these unique resources to educate and promote awareness of the

historic and cultural character of the era of the Hawaiian monarchy.

The Friends of 'Iolani Palace, a non-profit organization which acts as the State's steward of the Palace under a lease agreement, holds the official designation as the State of Hawaii Museum of Monarchy History. Their mission is, "To preserve, restore, interpret, share and celebrate the unique cultural, historic and spiritual qualities of 'Iolani Palace and its Grounds for the benefit of Native Hawaiians, the People of Hawaii and the world."

'Iolani Monument also includes the Kekauluohi Building, the Hawaii State Archives Building. The Archives houses thousands of priceless and irreplaceable records generated by the State and the former territorial government and monarchy.

'Iolani Monument is a public gathering site. People are welcome to gather on the Grounds and to have limited and managed access to the Palace, Archives, Barracks and Coronation Pavilion. However, the sacred cultural sites, the rare historic resources, and the mission of the entire 'Iolani Monument to maintain the historic character of the Monarchy era, requires specific rules dedicated to protect and preserve the character, buildings, cultural sites and grounds for future generations. These rules serve the significant government interest of protecting the Monument and the safety of the persons who visit it. The Monument and the valuable historic property and records it holds must be preserved for the use and enjoyment of all of the people of Hawaii and visitors to the islands for generations to come. [Eff 10/30/08; comp]
(Auth: HRS §184-5) (Imp: HRS §§6E-7, 6E-35, 171-6, 184-5)

§13-146-70 'Iolani Palace State Monument restrictions. (a) All other rules in this chapter shall apply to 'Iolani Palace State Monument except as provided herein. These rules do not infringe upon any

rights or privileges to gather and express opinion as provided by Chapter 13-7. However, these rules govern the time, place and manner in which such activities may occur for the purposes stated herein.

(b) The following shall be prohibited:

- (1) obstructing public access to the grounds, buildings, or structures;
- (2) access on or in the Burial Mound located in the Diamond Head-Makai quadrant, as designed on the map attached as Exhibit 1;
- (3) unauthorized occupation of any structure on the grounds, including but not limited to, 'Iolani Palace, Coronation Pavilion, Kanaina Building, 'Iolani Barracks Building and the Kekauluohi (Archives) Building;
- (4) entering or remaining on the grounds during the hours they are closed, provided that persons with parking permits issued by the state Department of Accounting and General Services may enter and exit during the hours the grounds are closed for the purposes of parking and removing their cars;
- (5) engaging in any activity so as to obstruct or impede pedestrians or vehicles, or harass or intimidate visitors, volunteers or employees traversing or on the premises either verbally or with physical contact or barriers; including but not limited to hindering or interfering with the public's use of one or more of the entry gates to the premises or building entrances;
- (6) interference with the public's use of the premises or facilities, including but not limited to, the interpretive services, visitor services, government activities, enjoyment of the premises and programs by the general public;
- (7) signs of a size greater than twelve (12) square feet;
- (8) signs or flags left in place on the grounds for duration of greater than eight (8) hours;

Exhibit A

- (9) taking showers or bathing;
 - (10) sale or consumption of alcoholic beverages, with the sole exception that the Friends of 'Iolani Palace may allow alcohol at permitted events for the purpose of meeting their mission, subject to the conditions and insurance requirements established by the department under a lease agreement or permit;
 - (11) gathering or collecting any material, natural or man-made, on the grounds or within the buildings;
 - (12) weapons of any type, except those specifically permitted by the Department for ceremonial and reenactment events;
 - (13) climbing, trimming or cutting any tree;
 - (14) washing and polishing vehicles.
- (c) The following activities and items shall be permitted but only with a permit issued by the department and subject to the limitations contained in this Subchapter:
- (1) activities with permits issued under chapter 13-7. Chapter 13-7 permits for the use of an area of the 'Iolani Monument shall be subject to all of the provisions of § 13-146-71 and § 13-146-72;
 - (2) amplified music, amplified noise, or any kind of loudspeaker in excess of the noise limits of this Subchapter;
 - (3) barbeques and cooking;
 - (4) constructing, manufacturing, or repairing anything on the premises;
 - (5) animals, including animals on leashes, except for service, guide, or signal animals;
 - (6) weddings;
 - (7) overnight parking, unless the person has a parking permit for the area issued by the Department of Accounting and General Services;
 - (8) use of an artificial light source on the grounds;

Exhibit A

- (9) tents, awnings or similar structures;
- (10) operating a generator;
- (11) signs, flags or bunting applied to any building, wall, fence, or gate provided that the department may require insurance prior to authorizing posting on any historical structure;
- (12) portable toilets.

(d) The department shall issue permits for the Monument on a first come first serve basis. In the event multiple permits are requested, the department shall accommodate the requests provided space is available and the historic structures and their contents are not jeopardized. The department shall issue permits without unreasonable delay, but no more than two business days after receipt of any permit application for a HAR 13-7 activity at 'Iolani Monument, and no more than forty-five days for other permits.

(e) Entry to 'Iolani Palace shall be only by:

- (1) admission ticket issued by the Friends of 'Iolani Palace;
- (2) permit issued by the department;
- (3) a representative of the department or an authorized representative of the Friends of 'Iolani Palace.

(f) Public parking on the grounds of 'Iolani Palace State Monument may be restricted by the department due to activities on the grounds or by the Department of Accounting and General Services for maintenance purposes. [Eff 10/30/08; comp]
(Auth: HRS §184-5) (Imp: HRS §§6E-7, 6E-35, 171-6, 184-5)

§13-146-71 'Iolani Monument permit limits.

Permits for items or activities listed under § 13-146-70(c) and any permits issued for the 'Iolani Monument under Title 13, Chapters 7 and 146, Hawaii Administrative Rules, shall be subject to the

following limitations:

(a) Time Limits: Permits shall not exceed a period of three (3) days in any seven (7) day period, with the sole exception that the Friends of 'Iolani Palace may allow signs, flags or bunting to be applied to the historic structures for longer periods as permitted by the department for the purpose of meeting their mission, subject to the conditions and insurance requirements established by the department under a lease agreement or permit. An individual or group may be limited in the number of permits issued in a given month based on the ability to accommodate multiple permit requests. Permits shall not be granted during the hours the Monument is closed, with the exception of state holidays and Sundays when permits may be issued for educational and commemorative activities;

(b) Noise Limits: Amplified music or noise may be limited to no more than 60 dba (decibels "A" weighted) during the period of tours of 'Iolani Palace and the Royal Hawaiian Band concerts on the premises, and no more than 75 dba (decibels "A" weighted) at any other time period;

(c) Location Limits: Permits issued for the 'Iolani Monument shall be limited to an area designated by the department. Permits issued under Title 13 Chapter 7 for the 'Iolani Monument shall be limited to the two Ewa quadrants on Monday-Thursday, and to the Ewa-Mauka quadrant on Fridays, as designated on the map attached as Exhibit 1, in order to avoid interference with the 'Iolani Palace tours and the Royal Hawaiian Band concerts. [Eff 10/30/08; comp] (Auth: HRS §184-5) (Imp: HRS §§6E-7, 6E-35, 171-6, 184-5)

§13-146-72 Penalties. Permits issued under Title 13, Chapters 7 and 146, Hawaii Administrative Rules, for 'Iolani Monument may be subject to permit revocation if the terms and conditions of the permit are violated. Persons who have violated permit conditions or the rules may be ordered by the

Exhibit A

department to leave the Monument. Permittees who have violated permit conditions or the rules may be denied future permits for 'Iolani Monument or subject to the imposition of additional permit restrictions." [Eff 10/30/08; comp] (Auth: HRS §184-5)
(Imp: HRS §§6E-7, 6E-35, 171-6, 184-5)

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 13-146, 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

Exhibit A

APPROVED FOR PUBLIC HEARING:

DEPUTY ATTORNEY GENERAL

Chapter 13-146

Exhibit 1. Quadrant Map.

(Date)

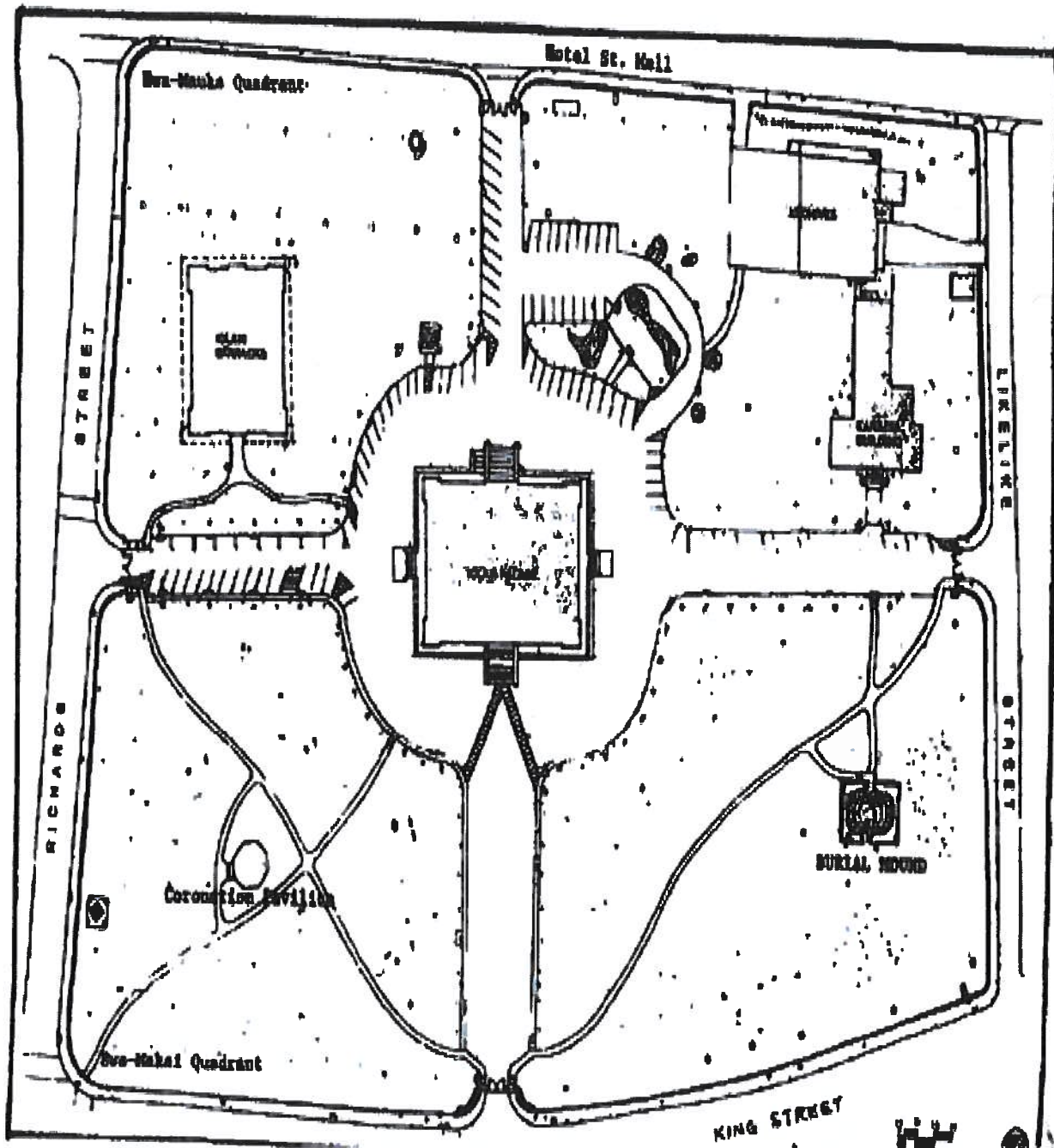


Exhibit A

Exhibit 2. Hawaii State Park System Camping and
Cabin Rental Fee Schedule.
(February 4, 2020)

	Resident Fee	Nonresident Fee
Camping Fees:		
State Park Camping Fees (except Napali Coast SWP)	\$20.00 night/campsite	\$30.00 night/campsite
Napali Coast State Wilderness Park Camping Fees	\$25.00 per person/night	\$35.00 per person/night
Cabin Rental Fees:		
Hapuna Beach SRA	\$40.00 per night/A-Frame	\$70.00 per night/ A- Frame
Kalopa SRA, Polipoli Springs SRA, Wai'anapanapa State Park	\$70.00 per night/cabin	\$100.00 per night/cabin
Camping or Cabin Rental Change Fee	\$3.00	\$3.00
Cancellation Fee	\$5.00	\$5.00
Day Use Pavilion Rental Fees:		
Large pavilions (Capacity of 150 or more persons)		\$250.00 flat day use fee
Medium pavilions (Capacity of 61-150 persons)		\$15.00/hour
Small pavilions (Capacity of 60 or fewer persons)		\$10.00/hour

**Exhibit 3. Hawaii Park System Entrance and Parking
Fee Schedule. (February 4, 2020)**

Entrance Fees	
State Parks	Residents: No charge Nonresidents: \$5.00 per person
State Monuments	Residents: No charge Nonresidents: \$5.00 per person
State Recreational Areas	Residents: No charge Nonresidents: \$5.00 per person
State Historic Parks	Residents: No charge Nonresidents: \$5.00 per person
State Wilderness Parks	Residents: No charge Nonresidents: \$5.00 per person
State Scenic Shorelines	No charge
State Recreational Piers	No charge
State Wayside Parks	No charge

Exhibit A

Parking Fees	
State Parks	
Per noncommercial vehicle	Residents: No charge Nonresidents: \$10.00 per vehicle
Per Commercial PUC vehicle	
1 to 7 passengers per vehicle	\$25.00
8 to 25 passengers per vehicle	\$50.00
26+ passengers per vehicle	\$90.00
State Monuments	
Per noncommercial vehicle	Residents: No charge Nonresidents: \$10.00 per vehicle
Per Commercial PUC vehicle	
1 to 7 passengers per vehicle	\$25.00
8 to 25 passengers per vehicle	\$50.00
26+ passengers per vehicle	\$90.00
State Recreational Areas	

Exhibit A

Per noncommercial vehicle	Residents: No charge Nonresidents: \$10.00 per vehicle
Per Commercial PUC vehicle	
1 to 7 passengers per vehicle	\$25.00
8 to 25 passengers per vehicle	\$50.00
26+ passengers per vehicle	\$90.00
State Historic Parks	
Per noncommercial vehicle	Residents: No charge Nonresidents: \$10.00 per vehicle
Per Commercial PUC vehicle	
1 to 7 passengers per vehicle	\$25.00
8 to 25 passengers per vehicle	\$50.00
26+ passengers per vehicle	\$90.00
State Wilderness Parks	

Exhibit A

Per noncommercial vehicle	Residents: No charge Nonresidents: \$10.00 per vehicle
Per Commercial PUC vehicle	
1 to 7 passengers per vehicle	\$25.00
8 to 25 passengers per vehicle	\$50.00
26+ passengers per vehicle	\$90.00
State Scenic Shorelines	
Per Noncommercial vehicle	No charge
Per Commercial PUC vehicle	
1 to 7 passengers per vehicle	\$15.00
8 to 25 passengers per vehicle	\$30.00
26+ passengers per vehicle	\$50.00
State Recreational Piers	
Per Noncommercial vehicle	No charge
Per Commercial PUC vehicle	
1 to 7 passengers per vehicle	\$15.00
8 to 25 passengers per vehicle	\$30.00
26+ passengers per vehicle	\$50.00

Exhibit A

State Wayside Parks	
Per Noncommercial vehicle	Residents: No charge Nonresidents: \$7.00 per vehicle
Per Commercial PUC vehicle	
1 to 7 passengers per vehicle	\$15.00
8 to 25 passengers per vehicle	\$30.00
26+ passengers per vehicle	\$50.00
All State Park Facilities	Overnight Parking Fee
Noncommercial vehicle	\$20.00
Commercial vehicle	Prohibited