

Rules Amending Title 13
Hawaii Administrative Rules

Date of Adoption

1. Chapter 105 of Title 13, Hawaii Administrative Rules, entitled "Rules Regulating Closed Watersheds, Chapter 183, Hawaii Revised Statutes" 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 105

RULES REGULATING [CLOSED] RESTRICTED WATERSHEDS

§13-105-1	Purpose and applicability
§13-105-2	Definitions
§13-105-3	Prohibited entry
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§13-105-5.1	Compliance with laws
§13-105-6	Penalty

Historical Note: Chapter 105 of Title 13, Administrative Rules, is based substantially upon Regulation 2 [Eff. 12/9/43]; Regulation 3 [Eff. 12/9/43]; Regulation 4 [Eff. 12/9/43; am 3/5/79]; Regulation 5 [Eff. 12/9/43; am 4/12/54]; and Regulation 9 [Eff. 4/12/54] of the Division of Forestry, Department of Land and Natural Resources.
[R SEP 28 1981]

§13-105-1 Purpose and applicability. (a) The purpose of these rules is to regulate watershed areas established pursuant to section 183-31, Hawaii Revised Statutes[,]. [and closed to public access by this

§13-105-1

chapter of the administrative rules.]

(b) These rules shall apply to all persons entering the boundaries of a [closed] restricted watershed. [Eff. 9/28/81; am and comp]
(Auth: HRS §183-2) (Imp: HRS §183-2)

§13-105-2 Definitions. As used in these rules, unless context requires otherwise:

"[Closed] Restricted watersheds" means those watersheds where water supplies are vulnerable to contamination by public access and are therefore designated as [closed] restricted watersheds to public access.

"Watershed" means an area from which the domestic water supply of any city, town, or community is or may be obtained or an area where water infiltrates into artesian or other groundwater areas from which the domestic water supply of any city, town, or community is or may be obtained. [Eff. 9/28/81; comp]

(Auth: HRS §183-2) (Imp: HRS §§183-2, 183-31)

§13-105-3 Prohibited entry. (a) All persons are prohibited from entering a [closed] restricted watershed, except as provided in section 13-105-4.

(b) This prohibition shall not apply to use of the main government roads.

(c) Any activity of a commercial nature is prohibited. [Eff. 9/28/81; am and comp]
(Auth: HRS §183-2) (Imp: HRS §183-2)

§13-105-4 Permitted entry. (a) The board of land and natural resources or its authorized representative may authorize the issuance of permits to enter a [closed] restricted watershed [whenever it becomes necessary for any person to enter a closed watershed in connection with official duties,

scientific pursuits, or other necessary purposes. Necessary purposes shall include, but shall not be limited to, hunting to control the excess population of wild game animals.] as follows:

- (1) Purposes connected with the performance of official duties, research and other scientific pursuits, and other purposes determined to be appropriate and necessary for the public's interest.
- (2) Public hunting and fishing as permitted by department of land and natural resources hunting and fishing rules.
- (3) Hiking, observation of flora and fauna, and other recreational or educational purposes which may be determined acceptable for any given watershed area.
- (4) Collecting of fruits, greenery and other plant parts for personal use, which may be determined acceptable for any given watershed area.

(b) The issuing of permits to enter a restricted watershed shall be at the discretion of the board of land and natural resources or its authorized representative, and may include conditions or restrictions as may be deemed appropriate and necessary for the particular situation and area.

[(b)](c) All permits to enter a [closed] restricted watershed shall be issued to the requirements designated by the department of health.

(d) All activities within the boundaries of restricted watersheds are regulated by Title 13-104, rules regulating activities within forest reserves.

[Eff. 9/28/81; am and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

§ 13-105-5 Designations of [closed] restricted watersheds. The following areas are designated [closed] restricted watersheds. All survey maps and metes and bounds descriptions are on file with the survey division of the department of accounting and general services (DAGS) as follows:

- (1) Hilo [Closed] Restricted Watershed Within the Hilo Forest Reserve, South Hilo, Island of Hawaii (Map and description designated C.S.F. #18,835 and dated December 16, 1980, DAGS)
- [(2)] North Kona Closed Watershed Within the Waiaha Springs Forest Reserve, North Kona, Island of Hawaii (Map and description designated C.S.F. #19,102 and dated December 16, 1980 DAGS)
- [(3)](2) Kohala [Closed] Restricted Watershed Within the Kohala Forest Reserve, South Kohala, Island of Hawaii (Map and description designated C.S.F. #18,836 and dated December 16, 1980, DAGS)
- [(4)](3) Haao Springs [Closed] Restricted Watershed Within the Kau Forest Reserve, Waiohinu, Kau, Island of Hawaii (Map and description designated C.S.F. #18,837 and dated December 16, 1980, DAGS)
- [(5)](4) Waiahole [Closed] Restricted Watershed Within the Waiahole Forest Reserve, Waiahole, Koolaupoko, Island of Oahu (Map and description designated C.S.F. #18,834 and dated December 16, 1980, DAGS)

- [(6)](5) Waianae-Kai [Closed] Restricted Watershed Within the Waianae-Kai Forest Reserve, Waianae-Kai, Waianae, Island of Oahu (Map and description designated C.S.F. #19,103 and dated December 16, 1980, DAGS)
- [(7)](6) Honolulu [Closed] Restricted Watershed Within the Honolulu Watershed Forest Reservation, Honolulu, Island of Oahu (Map and Honolulu Watershed Forest description designated C.S.F. #18,833 and dated December 16, 1980, DAGS) [Eff. 9/28/81; am and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-105-5.1 Compliance with laws. All persons entering the boundaries of a restricted watershed shall comply with all federal, state, and county laws, ordinances, and rules. [Eff. and comp]
(Auth: HRS §183-2) (Imp: HRS §183-2)

§13-105-6 Penalty. Any person violating any of the provisions of these rules shall be guilty of a misdemeanor and shall be penalized as provided [in section 183-4, Hawaii Revised Statutes] by law." [Eff. 9/28/91; am and comp] (Auth: HRS §183-2) (Imp: HRS §183-2)

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 (date of adoption), and filed with the Office of the Lieutenant Governor.

MICHAEL D. WILSON, Chairperson
BOARD OF LAND AND NATURAL
RESOURCES

APPROVED AS TO FORM:

Deputy Attorney General