

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 9 NATURAL AREA RESERVES SYSTEM

CHAPTER 209

RULES REGULATING ACTIVITIES WITHIN NATURAL AREA RESERVES

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Historical Note: Chapter 209 of Title 13, Administrative Rules, is based substantially upon Regulation 10 of the Administration of the Department of Land and Natural Resources entitled "Regulating and Prohibiting Activities within Natural Area Reserves Including Provisions for Excepted-Use Activities by Permit and Penalties for Violation of the Regulation". [Eff. 5/20/79; R JUN 29, 1981] (Note: These administrative rules were amended in 2002. New material is underscored.)

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

(b) These rules shall apply to all persons entering the boundaries of a natural area reserve. [Eff. JUN 29, 1981] (Auth: HRS Sec. 195-5) (Imp: HRS Sec. 195-5)

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

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

"Commission" means the natural area reserves system commission.

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

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

"Natural area reserve" means those State lands that have been designated as part of the Hawaii natural area reserves system by the department pursuant to section 195-4, Hawaii Revised Statutes. [Eff. JUN 29, 1981] (Auth: HRS Sec. 195-5) (Imp: HRS Sec. 195-5)

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

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

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

rules of the department. [Eff. JUN 29, 1981] (Auth: HRS Sec. 195-5)  
(Imp: HRS Sec. 195-5)

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

- (1) To remove, injure, or kill any form of plant or animal life, except game mammals and birds hunted according to department rules;
- (2) To introduce any form of plant or animal life, except dogs when permitted by hunting rules of the department;
- (3) To remove, damage, or disturb any geological or paleontological feature or substance;
- (4) To remove, damage, or disturb any historic or prehistoric remains;
- (5) To remove, damage, or disturb any notice, marker, or structure;
- (6) To engage in any construction or improvement;
- (7) To engage in any camping activity that involves the erecting of a tent or other temporary structure;.
- (8) To start or maintain a fire;
- (9) To litter, or to deposit refuse or any other substance;
- (10) To operate any motorized or unmotorized land vehicle or air conveyance of any shape or form in any area, including roads or trails, not designated for its use;
- (11) To operate any motorized water vehicle of any shape or form in freshwater environments, including bogs, ponds, and streams, or marine waters, except as otherwise provided in the boating rules of the department of transportation, State of Hawaii;
- (12) To enter into, place any vessel or material in or on, or otherwise disturb a lake or pond. [Eff. JUN 29 1981 (Auth: HRS Sec. 195-5). (Imp: HRS Sec. 195-5)
- (13) No person shall engage in commercial activities of any kind in a natural area reserve without a written special use permit from the board or its authorized representative. [Eff ] (Auth: §195-5) (Imp: §195-5)

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

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

(c) The provisions of this section shall not exempt the applicant from complying with any other applicable rule or statute. [Eff. JUN 29, 1981] (Auth: HRS Sec. 195-5) (Imp: HRS Sec. 195-5)

Sec. 13-209-.6 ~ Any person violating any of the provisions of these rules shall be penalized as provided in section 195-8, Hawaii Revised Statutes. [Eff. JUN 29, 1981] (Auth: HRS Sec. 195-5) (Imp: HRS Sec. 195-8)

Chapter 209 of Title 13, Administrative Rules, entitled "Rules Regulating Activities within Natural Area Reserves", was adopted on May 8, 1981 by the Board of Land and Natural Resources following public hearings held in Honolulu, Oahu on April 10, 1981, Hilo, Hawaii on April. 13, 1981, Kahului, Maui on April 14, 1981, and Lihue, Kauai on April 15, 1981, after public notice was given in The Honolulu Star-Bulletin on March 21, 1981, Hawaii Tribune-Herald on March 27, 1981, The Maui News on March 27, 1981, and The Garden Island on March 27, 1981.

These rules were approved by the Natural Area Reserves System Commission on May 19, 1981.

These rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

*P. Iwentei Tomich*

Chairperson  
Natural Area Reserves  
System Commission

*Samuel A. Oso*

Chairperson and Member  
Board of Land and  
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JUN 19 1981

Date Filed

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