

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 5 FORESTRY AND WILDLIFE

PART 1 FORESTRY

CHAPTER 105

RULES REGULATING RESTRICTED WATERSHEDS

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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 9/28/81]

§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.

(b) These rules shall apply to all persons entering the boundaries of a restricted watershed.  
[Eff. 9/28/81; am and comp JUL 08 1996 ] (Auth: HRS §183-2) (Imp: HRS §183-2)

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

"Restricted watersheds" means those watersheds

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where water supplies are vulnerable to contamination by public access and are therefore designated as 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; am and comp JUL 0 8 1996] (Auth: HRS §183-2) (Imp: HRS §§183-2, 183-31)

§13-105-3 Prohibited entry. (a) All persons are prohibited from entering a 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 JUL 0 8 1996] (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 restricted watershed 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; and

- (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 (safety vest) or restrictions as may be deemed appropriate and necessary for the particular situation and area.

(c) All permits to enter a 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 chapter 13-104, rules regulating activities within forest reserves. [Eff. 9/28/81; am and comp JUL 0 8 1996 ] (Auth: HRS §183-2) (Imp: HRS §183-2)

§13-105-5 Designations of restricted watersheds.

The following areas are designated 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 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) Kohala 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)

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- (3) Haao Springs 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)
- (4) Waiahole 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)
- (5) Waianae-Kai 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)
- (6) Honolulu 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 JUL 0 8 1996 ] (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 JUL 0 8 1996 ] (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 by law. [Eff. 9/28/91; am and comp JUL 0 8 1996 ] (Auth: HRS §183-2) (Imp: HRS §183-2)