

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of State Parks  
Honolulu, Hawaii 96813

November 9, 2012

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

Statewide

Delegation of Authority to the Chairperson to Establish a Reasonable Schedule of Visiting Hours and Authority to Close or Restrict Public Use of All or Portions of Any State Park When Necessary for the Protection of the Area and/or the Safety and Welfare of Persons or Property, Pursuant to Hawaii Administrative Rules, Section 13-146-4(a)

REQUEST:

The Division of State Parks (State Parks) requests that the Board of Land and Natural Resources (Board) delegate to the Chairperson the authority to establish a reasonable schedule of visiting hours for each state park and the authority to close or restrict public use of state parks, in accordance with HAR §13-146-4(a).

BACKGROUND:

At various times, State Parks is confronted with the need to close or restrict the use of state parks for various reasons. Examples include safety or management restrictions resulting from circumstances such as rock fall events, tsunamis, maintenance issues, and other reasons that serve the mission of the Department. That authority is provided for under section 13-146-4 of the Hawai'i Administrative Rules which reads as follows: **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.**

DISCUSSION:

At its meeting on February 24, 2006 (Agenda Item E-1), the Board previously delegated to the Chairperson decisions and revisions relating to State Parks' open hours. Upon consultation with the Department of the Attorney General, it was recommended that State Parks seek clarity from the Board that the Chairperson is delegated full authority to make decisions as specified in HAR 13-146-4(a) to avoid any ambiguity.

RECOMMENDATION: That the Board:

1. Delegate the authority discussed above to the Chairperson of the Board of Land and Natural Resources, in accordance with Hawai'i Administrative Rules §13-146-4(a).

Respectfully Submitted,



Daniel S. Quinn  
Administrator

APPROVED FOR SUBMITTAL:

  
William J. Aila, Jr., Chairperson