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

December 1, 2010

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

Request for Approval to Conduct Public Hearings to Amend Hawaii Administrative Rules Chapter 13-146 Hawaii State Park System, Sub-Chapter 5 Relating to Iolani Palace State Monument

STATUTE: Chapter 184, Hawaii Revised Statutes

PURPOSE: Amend administrative rules to allow the division to more effectively manage the 'Iolani Palace State Monument. The proposed amendments are specific to the Iolani Palace State 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 while allowing appropriate public gatherings.

REMARKS: 'Iolani Monument is a public gathering site. People are welcome to gather on the Grounds and to have limited and managed access Palace and Archives. 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.

On September 26, 2008, the Board approved Administrative Rules to help protect the Palace and Grounds. These rules became effective on October 30, 2008. Subsequent issues have arisen regarding public gatherings in the vicinity of the burial mound, particularly on January 17; the anniversary of the overthrow of the Hawaiian Monarchy. Accordingly, we are

proposing amendments to the rules which will accommodate gatherings in the burial mound quadrant and not require permits for assembly on January 17.

RECOMMENDATIONS: That the Board:

1. Grant approval to conduct a public hearing on the island of Oahu on the proposed amendment of Subchapter 5, Chapter 13-146, Hawaii Administrative Rules relating to 'Iolani Palace State Monument.

2. Affirm to the Department to schedule a public hearing on the proposed as expeditiously as possible following the Governor's approval to conduct a public hearing.

3. Authorize the Chairperson to appoint a hearing master to conduct a public hearing to receive written and verbal testimony concerning the proposed amendments.

Respectfully submitted,

DANIEL S. QUINN
State Parks Administrator

APPROVED FOR SUBMITTAL:

LAURA H. THIELEN, Chairperson

Proposed Amendments to HAR Chap. 13-146

§13-146-69

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. Significant events associated with Hawaii's history are commemorated on the Grounds of the Monument. 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, specific 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.

§13-146-70

(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, except as provided in §13-146-70(g):

(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;

(g) No permits shall be required for the activities indicated in §13-146-70(c) on January 17.

§13-146-71

(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 and the Diamond Head-Makai (excluding the Burial Mound) quadrants on [Monday] Saturday-Thursday, and to the Ewa-Mauka and the Diamond Head-Makai (excluding the Burial Mound) quadrants 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.

DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendments of Chapter 13-146
Hawaii Administrative Rules

October 30, 2008

SUMMARY

1. A new subchapter five is added.
   a. A new §13-146-69 is added.
   b. A new §13-146-70 is added.
   c. A new §13-146-71 is added.
   d. A new §13-146-72 is added.

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 "Kaahimauili," 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 OCT 30 2008] (Auth: HRS §§6E-7, 6E-35, 171-6, 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;

(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;
(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 OCT 30 2008] (Auth: HRS §§6E-7, 6E-35, 171-6, 184-5) (Imp: HRS §§6E-7, 6E-35, 171-6, 184-5)

§13-146-71 <u>'Iolani Monument Permit Limits</u>. 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) <u>Time Limits:</u> 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 OCT 3 0 2008 (Auth: HRS §§6E-7, 6E-35, 171-6, 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 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 OCT 3 0 2008 (Auth: HRS §§6E-7, 6E-35, 171-6, 184-5) (Imp: HRS §§6E-7, 6E-35, 171-6, 184-5)

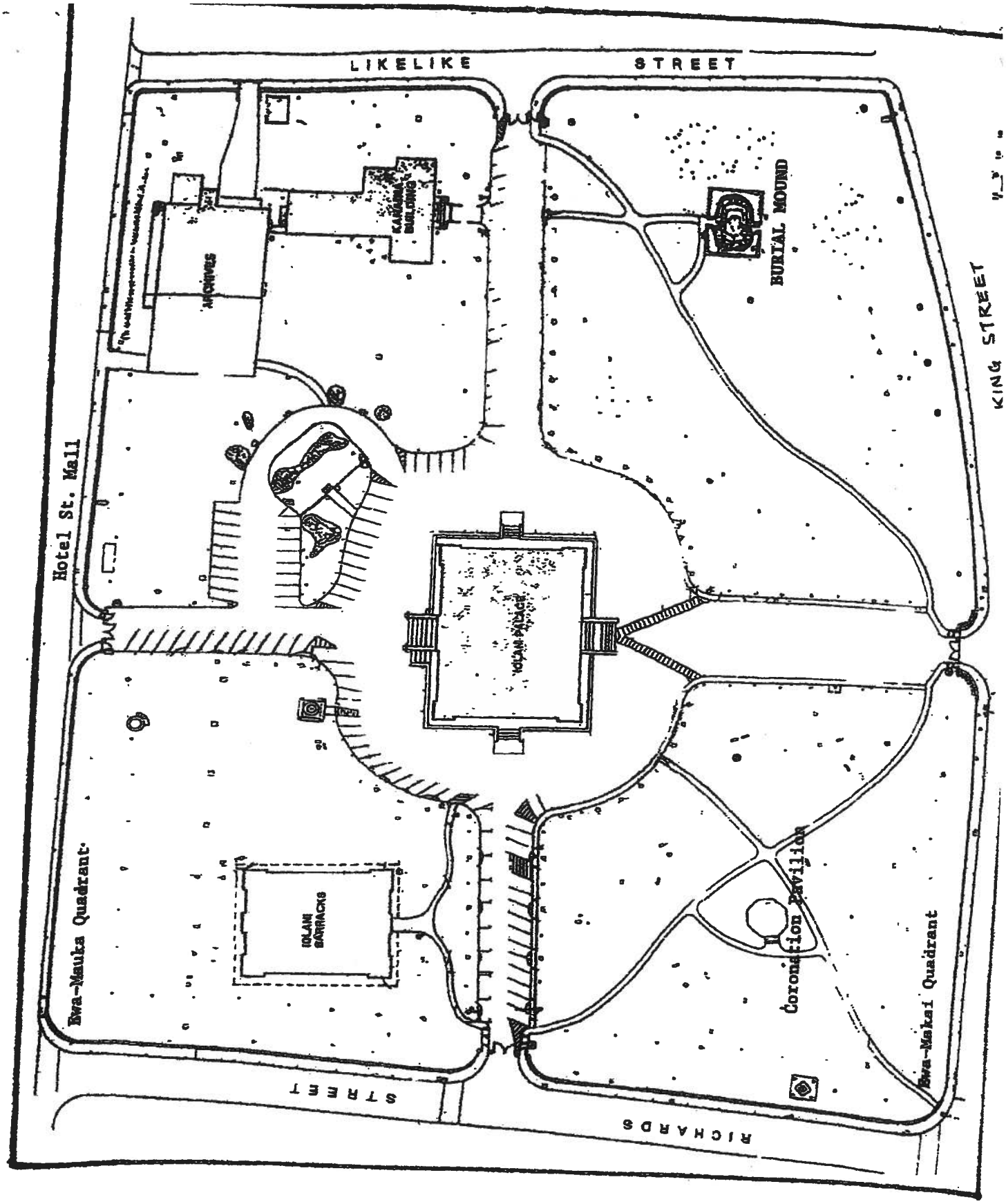

Exhibit 1

2829

Department of Land and Natural Resources

A new subchapter 5 to Chapter 13-146, Hawaii Administrative Rules, was recommended for adoption on September 26, 2008 by the Board of Land and Natural Resources following seven public hearings held on six islands. Public hearings were held on August 12, 13, 14, and 18, 2008 after notice was given on July 12, 2008 in the Honolulu Advertiser, Honolulu Star Bulletin, The Maui News and The Garden Island newspapers. Notice re-appeared in the Honolulu Advertiser and Honolulu Star Bulletin newspapers on July 13, 2008. The notice appeared in the West Hawaii Today newspaper on July 14, 2008 and in the Hawaii Tribune-Herald on July 17, 2008.

Chapter 13-146, subchapter 5, Hawaii Administrative Rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

Laura H. Thielen
Chairperson
Board of Land and Natural Resources

Approved:

Linda Lingle
Governor
State of Hawaii

Dated: 10/17/08

Approved to Form
Department of Attorney General

10/20/08
Date Filed With Lt. Governor Office

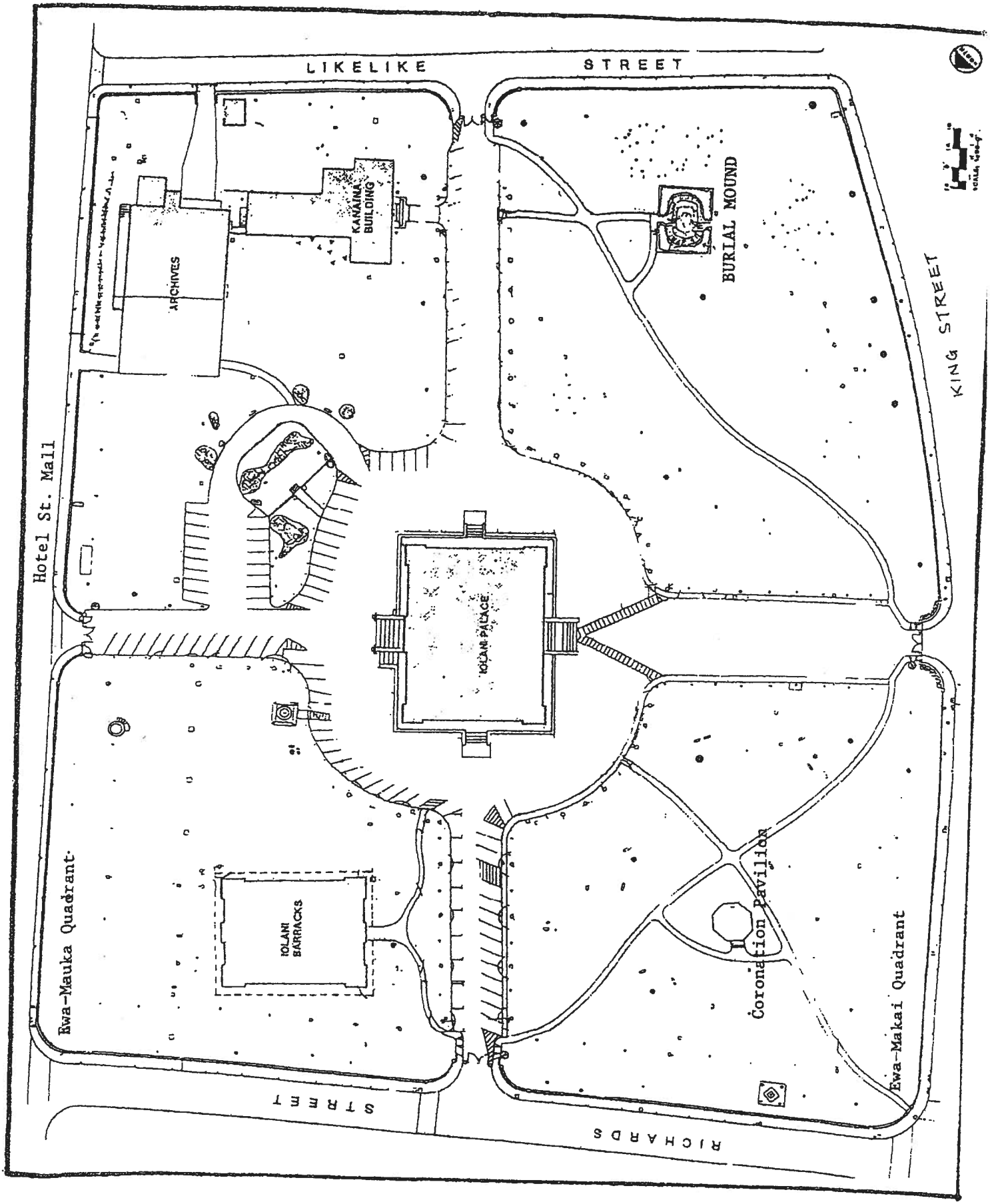

Exhibit 1
June 13, 2008