
A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that providing explicit
2 authority to the department of land and natural resources to
3 enter into community co-management agreements honors the Native
4 Hawaiian concepts of mālama 'āina and ahupua'a-based management,
5 promoting more effective stewardship of public trust resources
6 for present and future generations.

7 The legislature further finds that grassroots communities
8 across the State, including Hā'ena, Pūpūkea, Mo'omomi, Kīpahulu,
9 Ho'okena, and Ka'ūpūlehu, have spent decades collaborating with
10 government agencies to care for wahi pana and surrounding
11 resources. These efforts would be more effective and
12 sustainable if supported by long-term community co-management
13 agreements.

14 Although community-government partnerships exist through
15 curatorships, revocable permits, and concession agreements, the
16 lack of statutory authority and a formalized process limits
17 their effectiveness. For example, the Hui Maka'āinana o Makana



1 has worked since 1998 to steward Hā'ena state park and perpetuate
2 'ike kūpuna. The board of land and natural resources approved
3 entering into a concession agreement, yet has not secured a
4 long-term co-management agreement with the Hui. Other āina-
5 based organizations face similar challenges.

6 Community-based co-management has also been successful in
7 fisheries through the community-based subsistence fishing area
8 framework. Communities in Hā'ena, Miloli'i, and Kīpahulu have
9 established community-based subsistence fishing areas, and
10 additional communities are organizing, all of which would
11 benefit from long-term co-management agreements.

12 The legislature further finds that the State alone cannot
13 sustainably manage the State's public trust resources and that
14 place-based Native Hawaiian and local communities provide
15 essential stewardship, capacity, and local knowledge. Article
16 XI, section 1, and Article XII, Section 7, of the Hawaii State
17 Constitution support co-management agreements as a means of
18 restoring and protecting biocultural public trust resources for
19 future generations, including for subsistence, cultural, and
20 religious purposes.

21 The purpose of this Act is to:



- (1) Authorize the department of land and natural resources to enter into community co-management agreements;
- (2) Establish qualifications for eligible community co-managers; and
- (3) Authorize the disposition of public lands by a community co-management agreement.

SECTION 2. Chapter 171, Hawaii Revised Statutes, is

8 amended by adding a new part to be appropriately designated and
9 to read as follows:

"PART . . . COMMUNITY CO-MANAGEMENT

11 **§171-A Findings and purpose.** The legislature finds that
12 providing specific authority to the department of land and
13 natural resources to enter into community co-management
14 agreements with community-based organizations honors the
15 traditional Native Hawaiian concept of mālama 'āina and place-
16 based practices for natural and cultural resource management,
17 promoting more effective protection of Hawaii's public trust
18 resources for the benefit of present and future generations.

19 **§171-B Definitions.** Notwithstanding any other definition
20 to the contrary provided in this chapter, as used in this part:



1 "Āina education" means learning pathways that are guided
2 and grounded in geographic place, 'āina and kai, and Native
3 Hawaiian values, language, culture, and history.

4 "Community-based organization" means a non-profit
5 corporation incorporated in the State that has a mission,
6 capacity, and commitment to mālama 'āina, care for natural and
7 cultural resources, and engage in community-driven planning,
8 management, and projects that benefit public trust resources.

9 "Community co-management" means collaboration between the
10 department and one or more community-based organizations, under
11 a written community co-management agreement, to allocate the
12 sharing of management functions and responsibilities and the
13 rights of entry and use for a given community co-management unit
14 under the jurisdiction of the department.

15 "Community co-management unit" means the location and
16 boundaries of the land of the community co-management agreement.

17 "Land" means all interests therein and natural resources
18 including water, streams, shorelines (out to a mile or the
19 fringing reef), ocean minerals, and all such things connected
20 with land, unless otherwise expressly provided.



1 **§171-C Community co-management agreements.** (a) The board
2 may enter into community co-management agreements, by direct
3 negotiation and without recourse to public auction, with
4 qualified community-based organizations to carry out the
5 purposes of this part.

6 (b) Community co-management agreements shall be used
7 solely and exclusively for one or more of the following
8 purposes:

9 (1) Preservation and practice of all rights customarily
10 and traditionally exercised by Native Hawaiians for
11 subsistence, cultural, and religious purposes;

12 (2) Preservation, protection, and restoration of
13 archaeological, historical, and environmental
14 resources;

15 (3) Rehabilitation, revegetation, restoration, and
16 preservation of native species and habitats;

17 (4) Management of parking and visitor activities; or
18 (5) Āina education;

19 provided that no community co-management agreement shall
20 allocate the sharing of management functions and
21 responsibilities and the rights of entry and use for a given



1 community co-management unit under the jurisdiction of the
2 department for a period of time exceeding sixty-five years.

3 (c) The board shall consider the following when deciding
4 whether a community-based organization is qualified to enter
5 into a community co-management agreement:

- 6 (1) Non-profit status and mission;
- 7 (2) A list and qualifications of board members and staff;
- 8 (3) A summary of past and current projects in the proposed
9 community co-management unit including those in
10 partnership with community groups, and federal, state,
11 and county governments;
- 12 (4) A description of the location and boundaries of the
13 community co-management unit;
- 14 (5) Justification for the proposed community co-management
15 agreement;
- 16 (6) Other information deemed necessary for consideration;
17 and
- 18 (7) A co-management plan containing a description of the:
19 (A) Specific place-based, mission-driven, and
20 community-led activities to be conducted in the





5 (e) The department may adopt rules pursuant to chapter 91
6 to carry out the purposes of this part."

7 SECTION 3. Section 171-1, Hawaii Revised Statutes, is
8 amended by adding three new definitions to be appropriately
9 inserted and to read as follows:

10 ""Community co-management" has the same meaning as in
11 section 171-A.

12 "Community co-management agreement" means a written
13 agreement between the department and a community-based
14 organization for community co-management pursuant to part .

15 "Community co-management unit" has the same meaning as in
16 section 171-A."

17 SECTION 4. Section 171-13, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§171-13 Disposition of public lands.** Except as otherwise
20 provided by law and subject to other provisions of this chapter,
21 the board may:



H.B. NO. 2218

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INTRODUCED BY:

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JAN 26 2026



H.B. NO. 2218

Report Title:

DLNR; Community Co-Management Agreements; Public Lands

Description:

Authorizes the Department of Land and Natural Resources to enter into community co-management agreements and establishes qualifications for eligible community co-managers. Authorizes the disposition of public lands by a community co-management agreement.

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