

JAN 23 2026

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

7 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**        **S171-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           **S171-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:



1 (1) Dispose of public land in fee simple, by lease, lease  
2 with option to purchase, license, community co-  
3 management agreement, or permit; and  
4 (2) Grant easement by direct negotiation or otherwise for  
5 particular purposes in perpetuity on such terms as may  
6 be set by the board, subject to reverter to the State  
7 upon termination or abandonment of the specific  
8 purpose for which it was granted, provided the sale  
9 price of such easement shall be determined pursuant to  
10 section 171-17(b).  
11 No person shall be eligible to purchase or lease public lands,  
12 or to be granted a license, community co-management agreement,  
13 permit, or easement covering public lands, who has had during  
14 the five years preceding the date of disposition a previous  
15 sale, lease, license, community co-management agreement, permit,  
16 or easement covering public lands canceled for failure to  
17 satisfy the terms and conditions thereof."  
18 SECTION 5. New statutory material is underscored.  
19 SECTION 6. This Act shall take effect upon its approval.



S.B. NO. 2685

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INTRODUCED BY:

Mr. W.C.

**By Request**



# S.B. NO. 2685

**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.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

