
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:

10 "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 community co-management agreement, to allocate the sharing of
12 management functions and responsibilities and the rights of
13 entry and use for a given community co-management unit under the
14 jurisdiction of the department.

15 "Community co-management agreement" means a written
16 agreement between the department and a community-based
17 organization for community co-management pursuant to this part.

18 "Community co-management unit" means the location and
19 boundaries of the land subject to a community co-management
20 agreement.



1 "Land" means all interests therein and natural resources
2 including water, streams, shorelines out to a mile or the
3 fringing reef, ocean minerals, and all such things connected
4 with land, unless otherwise expressly provided.

5 **§171-C Community co-management agreements.** (a) The board
6 may enter into community co-management agreements, by direct
7 negotiation and without recourse to public auction, with
8 qualified community-based organizations to implement this part.

9 (b) Community co-management agreements shall be used
10 solely and exclusively for one or more of the following
11 purposes:

- 12 (1) Preservation and practice of all rights customarily
13 and traditionally exercised by Native Hawaiians for
14 subsistence, cultural, and religious purposes;
- 15 (2) Preservation, protection, and restoration of
16 archaeological, historical, and environmental
17 resources;
- 18 (3) Rehabilitation, revegetation, restoration, and
19 preservation of native species and habitats;
- 20 (4) Management of parking and visitor activities; or
- 21 (5) Āina education;



1 provided that no community co-management agreement shall
2 allocate the sharing of management functions and
3 responsibilities and the rights of entry and use for a given
4 community co-management unit under the jurisdiction of the
5 department for a period of time exceeding sixty-five years.

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

9 (1) Non-profit status and mission;

10 (2) A list and qualifications of board members and staff;

11 (3) A summary of past and current projects in the proposed
12 community co-management unit, including those in
13 partnership with community groups, and federal, state,
14 and county governments;

15 (4) A description of the location and boundaries of the
16 community co-management unit;

17 (5) Justification for the proposed community co-management
18 agreement;

19 (6) Other information deemed necessary for consideration;
20 and

21 (7) A co-management plan containing a description of the:



- 1 (A) Specific place-based, mission-driven, and
- 2 community-led activities to be conducted in the
- 3 area that sustain community, natural, and
- 4 cultural resources;
- 5 (B) Demonstrated commitment to the use and knowledge
- 6 of customary and traditional Native Hawaiian
- 7 practices, understandings, and values as a core
- 8 component of the plan;
- 9 (C) Use of adaptive practices and responses to
- 10 changing conditions;
- 11 (D) Defined management functions, roles, and
- 12 responsibilities;
- 13 (E) Performance and accountability standards for
- 14 monitoring, evaluation, and revenue-generation,
- 15 if any;
- 16 (F) Reporting processes and requirements;
- 17 (G) Parameters for equitable data collection,
- 18 sharing, and rights;
- 19 (H) Dispute resolution pathways;
- 20 (I) Methods of funding and enforcement; and



1 (J) Other information deemed necessary to support the
2 application.

3 (d) Every five years, beginning from the effective date of
4 the community co-management agreement, the department shall
5 submit to the board for its review a report detailing the
6 community-based organization's progress on meeting the goals set
7 out in the co-management plan. The board may make any
8 applicable amendments to the co-management plan or terminate the
9 community co-management agreement.

10 (e) Notwithstanding subsection (d), a community-based
11 organization or the board, upon written notice, may terminate
12 the community co-management agreement, subject to the terms of
13 the community co-management agreement.

14 (f) The department may adopt rules pursuant to chapter 91
15 to implement this part."

16 SECTION 3. Section 171-1, Hawaii Revised Statutes, is
17 amended by adding two new definitions to be appropriately
18 inserted and to read as follows:

19 "Community co-management" has the same meaning as in
20 section 171-B.



1 "Community co-management agreement" has the same meaning as
2 in section 171-B."

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

5 "**§171-13 Disposition of public lands.** Except as otherwise
6 provided by law and subject to other provisions of this chapter,
7 the board may:

- 8 (1) Dispose of public land in fee simple, by lease, lease
9 with option to purchase, license, community co-
10 management agreement, or permit; and
- 11 (2) Grant easement by direct negotiation or otherwise for
12 particular purposes in perpetuity on such terms as may
13 be set by the board, subject to reverter to the State
14 upon termination or abandonment of the specific
15 purpose for which it was granted, provided the sale
16 price of such easement shall be determined pursuant to
17 section 171-17(b).

18 No person shall be eligible to purchase or lease public lands,
19 or to be granted a license, community co-management agreement,
20 permit, or easement covering public lands, who has had during
21 the five years preceding the date of disposition a previous



1 sale, lease, license, community co-management agreement, permit,
2 or easement covering public lands canceled for failure to
3 satisfy the terms and conditions thereof."

4 SECTION 5. New statutory material is underscored.

5 SECTION 6. This Act shall take effect on July 1, 3000.



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. Effective 7/1/3000. (HD1)

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