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# A BILL FOR AN ACT

RELATING TO COMMUNITY CO-MANAGEMENT AGREEMENTS.

**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 with community-  
4 based organizations honors the traditional Native Hawaiian  
5 concepts of land management, promoting more effective  
6 stewardship of public trust resources for present and future  
7 generations. The legislature further finds that the State alone  
8 cannot sustainably manage the State's public trust resources and  
9 that place-based Native Hawaiian and local communities provide  
10 essential stewardship, capacity, and local knowledge. Article  
11 XI, section 1, and article XII, section 7, of the Hawaii State  
12 Constitution support co-management agreements as a means of  
13 restoring and protecting biocultural public trust resources for  
14 future generations, including for subsistence, cultural, and  
15 religious purposes.

16           The legislature further finds that grassroots communities  
17 across the State have spent decades collaborating with



1 government agencies to care for lands significant to Native  
2 Hawaiians and the surrounding resources. For example, the Hui  
3 Makaainana o Makana has worked since 1998 to steward Haena state  
4 park and perpetuate ancestral wisdom. Community-based  
5 collaboration has also been successful in fisheries through the  
6 community-based subsistence fishing area framework, including in  
7 Haena, Milolii, and Kipahulu, and additional communities are  
8 organizing. The legislature believes all of these efforts would  
9 be more effective and sustainable if supported by long-term  
10 community co-management agreements.

11 Although partnerships between the community and the  
12 government exist through curatorships, revocable permits, and  
13 concession agreements, the legislature finds that the lack of  
14 statutory authority and a formalized process limits the  
15 effectiveness of these partnerships. Accordingly, the purpose  
16 of this Act is to:

17 (1) Authorize the department of land and natural resources  
18 and community-based organizations to enter into  
19 community co-management agreements concerning state  
20 lands by direct negotiation without recourse to public  
21 auction;



1 (2) Establish qualifications for community-based  
2 organizations to enter into community co-management  
3 agreements; and

4 (3) Authorize the disposition of public lands by a  
5 community co-management agreement.

6 SECTION 2. Chapter 171, Hawaii Revised Statutes, is  
7 amended by adding a new part to be appropriately designated and  
8 to read as follows:

9 **"PART . COMMUNITY CO-MANAGEMENT AGREEMENTS**

10 **§171-A Findings and purpose.** The legislature finds that  
11 providing specific authority to the department of land and  
12 natural resources to enter into community co-management  
13 agreements with community-based organizations honors  
14 traditional, Native Hawaiian concepts and place-based practices  
15 for natural and cultural resource management, and promotes more  
16 effective protection of the State's public trust resources for  
17 the benefit of present and future generations.

18 **§171-B Definitions.** As used in this part:

19 "Community-based organization" means a state nonprofit  
20 organization that has a mission of, capacity for, and commitment  
21 to care for natural and cultural resources and that engages in



1 community-driven planning, management, and projects that benefit  
2 public trust resources.

3 "Community co-management agreement" means the collaboration  
4 under a written agreement between the department and one or more  
5 community-based organizations that allocates the sharing of  
6 management functions, responsibilities, and the rights of entry  
7 and use for a community co-management unit under the  
8 jurisdiction of the department.

9 "Community co-management unit" means the location and  
10 boundaries of the land specified under the community co-  
11 management agreement.

12 "Land" includes all interests therein and natural resources  
13 including water, streams, shorelines out to a mile or to the  
14 fringing reef, ocean minerals, and all such things connected  
15 with land, unless otherwise expressly provided.

16 "Place-based education" means learning pathways that are  
17 guided and grounded in geographic place and Native Hawaiian  
18 values, language, culture, and history.

19 **§171-C Community co-management agreements.** (a) The  
20 department may enter into community co-management agreements, by  
21 direct negotiation and without recourse to public auction, with



1 community-based organizations, qualified pursuant to section  
2 171-D, to carry out the purposes of this part.

3 (b) Community co-management agreements shall be used  
4 exclusively for one or more of the following purposes:

5 (1) Preservation and practice of all rights customarily  
6 and traditionally exercised by Native Hawaiians for  
7 subsistence, and for cultural and religious purposes;

8 (2) Preservation, protection, and restoration of  
9 archaeological historical, and environmental  
10 resources;

11 (3) Rehabilitation, revegetation, restoration, and  
12 preservation of native species and habitats;

13 (4) Management of parking and visitor activities; and

14 (5) Place-based education;

15 provided that the term of a community co-management agreement  
16 shall not exceed sixty-five years.

17 (c) The community co-management agreement may be  
18 terminated by either party via written notice, subject to its  
19 terms.

20 (d) The department may adopt rules pursuant to chapter 91  
21 to carry out the purposes of this part.



1           **§171-D Community-based organizations; qualifications.** A  
2 community-based organization may become qualified to enter into  
3 a community co-management agreement after review by the board of  
4 a formal request in writing that includes:

- 5           (1) The nonprofit status and mission of the community-  
6                 based organization;
- 7           (2) A list of board members and staff of the community-  
8                 based organization and their qualifications;
- 9           (3) A summary of past and current projects within the  
10                proposed community co-management unit, including those  
11                in partnership with community groups and government  
12                entities;
- 13           (4) A description of the community co-management unit;
- 14           (5) Justification for the proposed community co-management  
15                agreement;
- 16           (6) Any other information deemed necessary for  
17                consideration; and
- 18           (7) A plan for the community co-management unit that  
19                describes the:
  - 20                (A) Specific place-based and community-based  
21                    activities to be conducted in the community co-

- 1 management unit that sustain community, natural,  
2 and cultural resources;
- 3 (B) Demonstrated commitment to the knowledge and use  
4 of traditional Native Hawaiian practices,  
5 understandings, and values;
- 6 (C) Use of adaptive management practices;
- 7 (D) Defined management functions, roles, and  
8 responsibilities;
- 9 (E) Performance and accountability standards for  
10 monitoring, evaluation, and revenue generation,  
11 if any;
- 12 (F) Reporting processes and requirements;
- 13 (G) Parameters for equitable data collection,  
14 sharing, and rights;
- 15 (H) Dispute resolution pathways; and
- 16 (I) Methods of funding and enforcement."

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

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



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

3 "§171-13 **Disposition of public lands.** Except as otherwise  
4 provided by law and subject to other provisions of this chapter,  
5 the board may:

6 (1) Dispose of public land in fee simple, by lease, lease  
7 with option to purchase, license, community co-  
8 management agreement, or permit; and

9 (2) Grant easement by direct negotiation or otherwise for  
10 particular purposes in perpetuity on [~~such~~] terms as  
11 may be set by the board, subject to reverter to the  
12 State upon termination or abandonment of the specific  
13 purpose for which it was granted[~~7~~]; provided that the  
14 sale price of [~~such~~] the easement shall be determined  
15 pursuant to section 171-17(b).

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



1 or easement covering public lands canceled for failure to  
2 satisfy the terms and conditions thereof."

3 SECTION 5. In codifying the new sections added by section  
4 2 of this Act, the revisor of statutes shall substitute  
5 appropriate section numbers for the letters used in designating  
6 the new sections in this Act.

7 SECTION 6. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 7. This Act shall take effect on July 1, 2050.



**Report Title:**

DLNR; Community Co-Management Agreements; Community-Based Organizations; Disposal of State Lands

**Description:**

Authorizes the Department of Land and Natural Resources and community-based organizations to enter into community co-management agreements concerning state lands by direct negotiation without recourse to public auction. Authorizes the Department of Land and Natural Resources to dispose of state land through community co-management agreements. Establishes qualifications for community-based organizations that may enter into community co-management agreements. Effective 7/1/2050.  
(SD1)

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