

ACT 139

S. B. NO. 1971-70

A Bill for an Act Relating to Preservation of Natural Resources by Providing for a System of Natural Areas.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter thereto to be appropriately numbered and to read:

**“CHAPTER**

**NATURAL AREA RESERVES SYSTEM**

**Sec. . Findings and declaration of necessity.** The legislature finds and declares that (1) the State of Hawaii possesses unique natural resources, such as geological and volcanological features and distinctive marine and terrestrial plants and animals, many of which occur nowhere else in the world, that are highly vulnerable to loss by the growth of population and technology; (2) these unique natural assets should be protected and preserved, both for the enjoy-

ment of future generations, and to provide base lines against which changes which are being made in the environments of Hawaii can be measured; (3) in order to accomplish these purposes the present system of preserves, sanctuaries and refuges must be strengthened, and additional areas of land and shoreline suitable for preservation should be set aside and administered solely and specifically for the aforesaid purposes; and (4) that a statewide natural area reserves system should be established to preserve in perpetuity specific land and water areas which support communities, as relatively unmodified as possible, of the natural flora and fauna, as well as geological sites, of Hawaii.

**Sec. . Definitions.** As used in this chapter, unless otherwise indicated by the context:

‘Department’ means the department of land and natural resources.

‘Commission’ means the natural area reserves system commission.

‘Natural reserve area’ means an area designated as a part of the Hawaii natural area reserves system, pursuant to criteria established by the commission.

**Sec. . Hawaii natural area reserves system.** There shall be a Hawaii natural area reserves system, hereinafter called the ‘reserves system’, which shall consist of areas in the State of Hawaii which are designated in the manner hereinafter provided as natural area reserves. The reserve system shall be managed by the department of land and natural resources.

**Sec. . Powers of the department.** The department of land and natural resources may designate and bring under its control and management, as part of the reserves system any and various areas as follows:

- (1) State of Hawaii owned land under the jurisdiction of the department may be set aside as a natural area reserve by resolution of the department, subject to the approval of the governor by executive order setting the land aside for such purposes.
- (2) New natural area reserves may be established:
  - (A) By gift, devise or purchase;
  - (B) By eminent domain pursuant to chapter 101; or
  - (C) By the setting aside of State of Hawaii owned land for such purposes by the governor, as provided by section 171-11, Hawaii Revised Statutes.

**Sec. . Rules and regulations.** (a) The department of land and natural resources may, subject to chapter 91, make, amend and repeal rules and regulations having the force and effect of law, governing the use, control and protection of the areas included within the reserves system, provided, that no rule or regulation which relates to the permitted use of any area assigned to the reserves system shall be valid and no use of any such area shall be permitted un-

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less such rule or regulation or permitted use shall have been specifically approved by the natural area reserves system commission.

(b) The department may confer upon such of its employees as it deems reasonable and necessary the powers to serve and execute warrants and arrest offenders or issue citations in all matters relating to the enforcement within the reserves system of the law and rules and regulations applicable thereto.

**Sec. . Natural area reserves system commission.** There shall be a natural area reserves system commission, hereinafter called the 'commission'. The commission shall consist of eleven members who shall be appointed in the manner and serve for the term set in section 26-34. Six of the members of the commission shall be persons possessing scientific qualifications as evidenced by an academic degree in wildlife or marine biology, botany, forestry, zoology or geology. The chairman of the board of land and natural resources, the superintendent of education, the director of planning and economic development, the chairman of the board of agriculture and the president of the university of Hawaii, or their designated representatives, shall serve as ex-officio voting members. The governor shall appoint the chairman from one of the appointed members of the commission. The members shall receive no compensation for their services on the commission but shall be entitled to reimbursement for necessary expenses while attending meetings and while in the discharge of their duties.

The commission shall be a part of the department of land and natural resources for administration purposes as provided in section 26-35, Hawaii Revised Statutes.

Any action taken by the commission shall be by a simple majority of its members. Six members of the commission shall constitute a quorum to do business.

The commission may engage employees necessary to perform its duties, including administrative personnel, as provided by section 26-35, Hawaii Revised Statutes.

The commission shall adopt rules guiding its conduct and shall maintain a record of its activities and actions.

**Sec. . Powers and duties.** The commission shall:

- (1) Recommend criteria to be used in determining whether an area is suitable for inclusion with the reserves system;
- (2) Conduct studies of areas for possible inclusion within the reserves system;
- (3) Recommend to the governor and the department of land and natural resources areas suitable for inclusion within the reserves system;
- (4) Recommend policies regarding required controls and permitted uses of areas which are part of the reserves system;
- (5) Advise the governor and the department of land and natural resources on any matter relating to the preservation of Hawaii's unique natural resources; and

- (6) Develop ways and means of extending and strengthening presently established preserves, sanctuaries and refuges within the State.

**Sec. . Penalty.** Any person who violates any of the laws and rules and regulations applicable to the reserves system shall be fined not more than \$100 or imprisoned not more than 30 days, or both, for each offense.”

**SECTION 2.** There is appropriated out of the general revenues of the State the sum of \$60,000, or so much thereof as may be necessary, to the department of land and natural resources to be expended for the purposes of this Act.

**SECTION 3.** This Act shall take effect upon its approval.  
(Approved June 22, 1970.)