

## A Bill for an Act Relating to Natural Area Reserves System.

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

SECTION 1. Chapter 195, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

**“§195- Alienation of natural area reserves.** Natural area reserves shall be held in trust and shall not be alienated except to another public use upon a finding by the department of an imperative and unavoidable public necessity.

**§195- Reserves system management plan.** The department, after consulting the most comprehensive up-to-date compilation of scientific data on the communities of the natural flora and fauna of Hawaii, shall prepare a comprehensive reserves system management plan based upon such information to accomplish the purposes of this chapter.”

SECTION 2. Section 195-2, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of “natural reserve area” to read:

““Natural [reserve area]” area reserve” means an area designated as a part of the Hawaii natural area reserves system, pursuant to criteria established by the commission.”

2. By adding a new definition to be appropriately inserted and to read as follows:

““Cooperating entity” or “cooperator” means a private nonprofit land-holding organization or any other body deemed by the department as satisfactorily able to assist in the identification, acquisition, and management of natural area reserves.”

SECTION 3. Section 195-4, Hawaii Revised Statutes, is amended to read as follows:

**“[§195-4] Powers of the department.** [The department of land and natural resources may designate] To preserve, manage, and protect the reserves system, the department is authorized, in addition to any other powers, to:

(1) Designate and bring under its control and management, as part of the reserves system any and various areas as follows:

[(1)] (A) 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)] (B) New natural area reserves may be established:

[(A)] (i) By gift, devise, grant, reimbursement to cooperator, exchange, or purchase[;] of land or any interest therein including, but not limited to, conservation easements;

[(B)] (ii) By eminent domain pursuant to chapter 101; or

- [(C)] (iii) By the setting aside of State of Hawaii owned land for such purposes by the governor, as provided by section 171-11.
- (2) Cooperate or contract with any federal, state, or county governmental agency, quasi-governmental agency, private organization, or individual in carrying out the purpose of this chapter.
  - (3) Acquire by gift, devise, grant, or donation any personal property to be used in the acquisition or management, or both, of natural area reserves.
  - (4) Implement, after consultation with the commission and based on the most comprehensive up-to-date compilation of scientific data, the acquisition, management, protection, and use of natural area reserves.
  - (5) Prepare and take the necessary steps to implement the management plan set forth in section 195- .”

SECTION 4. Section 195-6, Hawaii Revised Statutes, is amended to read as follows:

“[§195-6] **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, ecology, resource management, biogeography, zoology,<sup>1</sup> 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] administrative purposes as provided in section 26-35.

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.

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

SECTION 5. Section 195-7, Hawaii Revised Statutes, is amended to read as follows:

“[§195-7] **Powers and duties.** The commission shall:

- (1) [Recommend] Establish 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;

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- (3) Recommend to the governor and the department [of land and natural resources] areas suitable for inclusion within the reserves system;
- (4) [~~Recommend~~] Establish policies and criteria regarding [required controls] the management, protection, 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[.];
- (7) Advise the department and other public agencies managing state-owned land or natural resources regarding areas under their respective jurisdictions which are or may be appropriate for designation as natural area reserves; and
- (8) In carrying out the above duties, consult the most comprehensive up-to-date compilation of scientific data on the communities of natural flora and fauna of Hawaii."

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored<sup>2</sup>.

SECTION 7. This Act shall take effect upon its approval.

(Approved July 2, 1987.)

### Notes

1. Should be underscored.
2. Edited pursuant to HRS §23G-16.5.