

ACT 180

H.B. NO. 3062

A Bill for an Act Relating to the Protection of Natural Resources.

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

SECTION 1. Section 195-4, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The department, with at least twenty days notice, shall conduct one or

more public hearings before [having] terminating state funding for a management plan approved by the board under the natural area partnership program, requesting the governor to revoke or modify an executive order that sets aside lands for the reserves system, or prior to the designation of the following types of lands into the reserves system:

- (1) State lands under the jurisdiction of the department;
- (2) State lands that are removed from other uses or modified by the governor through an executive order that sets aside land for the natural area reserves system;
- (3) Lands acquired by eminent domain pursuant to chapter 101; and
- (4) State lands proposed by the governor for inclusion into the reserves system, as provided in section 171-11.

The notice shall be published in a newspaper of general circulation in the county where the proposed natural area reserve or natural area partnership is located and also in a newspaper of general circulation in the State. The notice shall contain, but not be limited to, the time and place of the hearing, the location of the land, and the proposed changes."

SECTION 2. Section 195-6.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) In order to qualify under this program, [the] an applicant shall be a landowner or a cooperating entity of private [lands] land of natural area reserve quality and shall agree to [the following conditions]:

- (1) Dedicate the private [lands] land in perpetuity through [a] transfer of fee title or a conservation easement to the State or a cooperating entity; provided that:
 - (A) The dedication may be revoked if state funding is terminated without the concurrence of the landowner and cooperating entity; and
 - (B) If a private landowner or cooperating entity elects to withdraw from the program, the perpetual conservation easement shall remain in effect;
- (2) Have the private [lands] land managed by the cooperating entity or qualified landowner according to a management [plans] plan prepared by the cooperating entity or landowner and approved by the board that [meet] meets the standards established by the department for the [natural area reserves] system. The management [plans] plan shall include provisions to allow public hunting wherever feasible; provided that [hunting]:
 - (A) Hunting activities shall be in compliance with applicable laws; and [provided further, that game]
 - (B) Game animals shall not be introduced to any partnership area and hunting shall be conducted as [part of the] a conservation [purposes] purpose of this program.

In-kind services such as heavy equipment and existing sources of labor may be utilized as a portion of the private contribution in implementing the management plan;

- (3) [Agree to have a] A penalty payback provision [apply] in the event [a] the landowner or cooperating entity ceases to implement the approved management plan, unless the board approves modifications to the plan or state funding [lapses;] is terminated;

- (4) [Along with the cooperating entity, submit] Submit an annual report to the board detailing the year's management accomplishments, areas needing technical advice, proposed modifications to the plan, and objectives and budget for the coming year. To facilitate the review, the department shall have the right to make inspections of the [private lands] land after [prior] notifying the landowner [notification.]; [The board may approve alteration of the management plan to adapt to current conditions. Amendments to the management plan shall be available for public review;] and
- (5) Any other conditions the department shall require by rules adopted pursuant to chapter 91."

SECTION 3. Section 195-6.6, Hawaii Revised Statutes, is amended to read as follows:

"[**§195-6.6**] **Reports.** The department shall submit annually a comprehensive status report on the natural area reserves system and the natural area partnership program to include, but not be limited to:

- (1) [Description] A description of activities and accomplishments;
- (2) Compliance with chapter [42] 42D requirements;
- (3) [Analysis] An analysis of the problems and issues encountered in meeting or failing to meet the objectives [as] set forth in the management plans;
- (4) [Status] The status of public hunting opportunities;
- (5) [Financial] The financial condition of the fund, including receipts and expenditures for the fund for the previous fiscal year; and
- (6) Plans and management objectives for the next fiscal year.

The report shall be submitted to the governor and the legislature no later than twenty days prior to the convening of each regular legislative session."

SECTION 4. Section 195F-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Payments [shall only be made with funds specifically appropriated for that purpose and] from the forest stewardship fund shall not exceed fifty per cent of the total cost of the landowner in developing and implementing an approved management plan. Total payments to any one landowner shall be determined by the board, and the reasonable value of material, goods, and services contributed toward the plan by the landowner shall be included in determining the amount of the landowner's cost. The landowner shall be required to spend private funds before reimbursements are made. In-kind services such as heavy equipment and existing sources of labor may be utilized as a portion of the landowner's contribution in implementing the management plan[,], that is consistent with this chapter."

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 1992.

(Approved June 12, 1992.)