

# **DEPARTMENT OF LAND AND NATURAL RESOURCES**

*<http://www.state.hi.us/dlnr/>*

The Department of Land and Natural Resources (DLNR), established under section 26-15, Hawaii Revised Statutes, and whose jurisdiction is detailed in chapter 171, Hawaii Revised Statutes, is headed by the Board of Land and Natural Resources. DLNR manages the State's public lands and the water and mineral resources on those lands. It also manages the State's aquatic life and wildlife resources, forest reserves, state parks, and small boat harbors, and administers the state conservation districts and the endangered species, natural area reserves, boating and ocean recreation, and historic preservation programs. The Department develops and enforces rules on conservation and resources. It also provides a central repository for all instruments of conveyances.

## **Board of Land and Natural Resources**

The Board of Land and Natural Resources, generally provided for in the State Constitution, Article XI, section 2, and specifically provided for in sections 26-15 and 171-4, Hawaii Revised Statutes, is vested with powers for the management of natural resources owned or controlled by the State, and their disposition as may be provided by law. The Board is composed of seven members, one from each land district and three at-large, appointed by the Governor with the advice and consent of the Senate. The Governor appoints the Chairperson of the Board from among its members. The Chairperson serves as the chief executive officer of the Department.

## **Office of Conservation and Coastal Lands**

The Office of Conservation and Coastal Lands' (OCCL) mandate is to ensure environmentally responsible regulatory management of lands within the State of Hawaii Conservation District. The State of Hawaii Conservation District includes almost half the State's total land area, as well as all nearshore waters classified as submerged state land.

The State has both public and private lands classified as conservation lands. It is OCCL's responsibility to act as the zoning authority for proposed and ongoing activities on both public and private lands classified as conservation. To accomplish this task, OCCL coordinates the actions of the many agencies within the Department to regulate activities on Conservation District lands.

OCCL also has the responsibility to develop land management policies regarding the State's resources. For example, the Hawaii Coastal Erosion Management Plan (COEMAP) is intended to guide both governmental and non-governmental stakeholders in making decisions on managing Hawaii's coastal lands.

The Coastal Lands Program implements COEMAP. It also conducts environmental, economic, and engineering studies of Hawaii's precious shoreline areas. The Coastal Lands Program acts as the lead state agency in the development and implementation of shoreline restoration and protection projects.

OCCL works with other sectors of government such as federal, county, and other state agencies. OCCL articulates DLNR's position on possible environmental impacts of proposed projects and actions by federal, county, and other state agencies on Conservation District lands.

## **Bureau of Conveyances**

The Bureau of Conveyances, as mandated under chapters 501 and 502, Hawaii Revised Statutes, maintains accurate records of land title registration and other comprehensive records of documents related to land titles. The Bureau also makes copies of recorded land documents available to various agencies and individuals. Certificates of title on registered land issued by the Bureau are guaranteed by the State against the loss, damage, or deprivation of land, estate, or interest in the land, arising through the fault of the assistant registrars in the performance of their duties. Hawaii is the only state in the union with a single statewide recording office.

## **Aquatic Resources Division**

The Aquatic Resources Division manages Hawaii's marine and freshwater resources through programs in commercial fisheries; aquatic resources protection, enhancement, and education; and recreational fisheries. Major programs include projects to manage commercial fisheries on a sustainable basis, protect native and resident species and their habitats, and provide facilities and opportunities for recreational fishing.

The Division establishes Marine Life Conservation Districts (MLCDs) for the Department as authorized by chapter 190, Hawaii Revised Statutes, to conserve and replenish marine resources of the State. MLCDs include Hanauma Bay and Waikiki (Oahu), Kealakekua Bay (Big Island), and Molokini Shoal (Maui).

## **Division of Boating and Ocean Recreation**

The Division of Boating and Ocean Recreation manages the State's small boat harbors and statewide ocean recreation programs pertaining to the ocean waters and navigable streams of the State. The Division provides permits for ocean recreation events such as yacht races, canoe regattas, surfing, and board sailing contests. The Division also regulates commercial activities such as thrill craft operations and competing ocean recreation activities in nearshore waters.

## **Division of Conservation and Resource Enforcement**

The Division of Conservation and Resource Enforcement is responsible for enforcing all state laws relating to conservation and natural, cultural, and historic resources. The Division, with full police powers, enforces all state laws and rules involving all lands within the State including state parks, historical sites, forest reserves, aquatic life and wildlife areas, coastal zones, conservation districts, shorelines, and small boat harbors.

## **Engineering Division**

The Engineering Division administers the State's programs in water resource development, geothermal resource management, flood control and prevention, dam safety, and soil and water conservation. The Division also provides engineering services to other DLNR divisions and other agencies.

## **Division of Forestry and Wildlife**

The Division of Forestry and Wildlife is responsible for the management of state-owned forests, natural area reserves, public hunting areas (and the issuance of hunting licenses), and plant and wildlife sanctuaries. Responsibility is statewide for watershed and endangered species protection, wildland fire suppression, public trails and access, and game management programs. Cooperative natural resource programs are also planned and implemented on privately owned forest lands through natural area partnerships, forest stewardship programs, urban forestry projects, and other agreements.

## **Land Division**

The Land Division is responsible for overseeing approximately 1.3 million acres of public lands. The large majority of these lands comprise the Public Land Trust, or lands that were ceded to the United States by the Republic and returned upon admission as a state. Use of Public Land Trust lands are guided by five purposes as defined in the Admission Act: for the support of the public schools and other public educational institutions, for the betterment of the conditions of Native Hawaiians, for the development of farm and home ownership, for the making of public improvements, and for the provision of lands for public use.

Land use is managed by the Division in accordance with the goals, policies, and plans of the State, as embodied in the Hawaii Revised Statutes and rules adopted by the Department.

Other state lands, onshore and offshore, may be made available to the public for various uses through fee sales, leases, licenses, grants of easements, rights-of-entry, and month-to-month tenancies, and still others may be kept as valuable open-space areas. The Land Division generates revenues through sales, leases, month-to-month permits, land and water licenses, easements, and other dispositions. Twenty percent of revenues generated from Public Land

Trust lands is transferred to the Office of Hawaiian Affairs while the majority of the remaining funds go into the general fund.

Land may be acquired for public purposes from private owners or other government entities to add to the inventory of state lands. These acquisitions may be made via purchase negotiations, land exchanges, or through eminent domain, if necessary. Besides maintaining an inventory of state-owned lands, the Division serves as an office of record and maintains a central repository of all government land documents dating back to the Great Mahele of 1848.

The Division also provides abstracting and appraisal services, advises other state agencies on matters relating to land use history and use, and processes shoreline certifications for coastal properties using a multi-variable approach to accurately determine changes in shoreline boundaries.

The Division pursues proactive planning and development initiatives to fulfill its statutory obligations and ensure more effective and efficient use of lands in the public trust. As part of this initiative, certain state lands are developed for commercial use to support the public purposes of the Department and to promote economic activity in the State of Hawaii.

### **State Historic Preservation Division**

The State Historic Preservation Division works to preserve reminders of earlier times which link the past to the present. The Division strives to accomplish this goal through maintaining an inventory of historic properties, administering the historic preservation review process, promoting economic incentives for preservation initiatives, supporting five island burial councils, developing public information and education projects, and conducting preservation planning.

### **Division of State Parks**

The Division of State Parks is responsible for the administration of the State Park System and the State's recreation planning program. The Division plans, constructs, operates, and maintains state park facilities, and measures the compliance of concessionaires with its program requirements. It also develops interpretive programs to heighten visitor awareness and understanding of the State's resources and promotes their protection.

## **ATTACHED FOR ADMINISTRATIVE PURPOSES**

### **Commission on Water Resource Management**

Article XI, Section 7, of the State Constitution mandated the Legislature to provide for a water resource agency to set overall water conservation, quality, and use policies; define beneficial and reasonable uses; protect ground and surface water resources, watersheds, and

natural stream environments; establish criteria for water use priorities while assuring appurtenant rights and existing correlative and riparian uses; and establish procedures for regulating all uses of Hawaii's water resources. This parallels Hawaii's public land doctrine which proclaimed all land controlled by the State, along with water, shoreline, ocean, and other natural resources, to become protected entities held for the long-term benefit for all of Hawaii's people. The instruments of this policy, along with the mandate of the State Constitution, led the Legislature in 1987 to enact the State Water Code, chapter 174C, Hawaii Revised Statutes, which authorized the Commission on Water Resource Management (Commission) to have exclusive jurisdiction and final authority in all matters relating to implementation and administration of the State Water Code.

The Commission, established under section 174C-7, Hawaii Revised Statutes, has exclusive jurisdiction in all matters relating to the implementation and administration of the State Water Code. The Commission consists of seven members, including the Chairperson of the Board of Land and Natural Resources who serves as Chairperson of the Commission, and the Director of Health who serves as an ex officio voting member. The five remaining members are appointed by the Governor, subject to confirmation by the Senate, from a list submitted by a nominating committee. The nominating committee is composed of four individuals chosen as follows: two persons appointed by the Governor; one person appointed by the President of the Senate; and one person appointed by the Speaker of the House of Representatives. The nominating committee solicits applications and sends to the Governor the names of at least three individuals for each open position.

The staff to the Commission is organized within four branches: Survey, Planning, Ground Water Regulation, and Stream Protection and Management.

The Survey Branch consists of two operating sections--Water Resource Assessment and Water Resource Investigation. The Branch systematically collects and analyzes data to evaluate the quantity, quality, and use of the waters of the State and conducts appraisals to determine their occurrence, physical characteristics, and availability. The Branch, along with the other branches of the Division, provides technical support in administering the State Water Code.

The function of the Planning Branch calls for the establishment of an integrated program for the protection, conservation, and management of the waters of the State. A major objective of this program is to protect and sustain statewide ground- and surface-water resources, watersheds, and natural stream environments. The Branch is responsible for formulating and implementing comprehensive statewide plans that provide for the conservation, protection, and regulation of the State's water resources. These component plans constitute the Hawaii Water Plan and serve as a long-range guide for water resource management consisting of five integral parts addressing such issues as water supply and demand, resource sustainability and protection, water quality, drought management, and formulation of water conservation plans. The Branch also reviews and analyzes statewide hydrologic data, makes recommendations on the acquisition of real property and easements for water resource monitoring, management, and conservation practices, assists in review of permits, conducts field inspections and investigations, and provides overall planning support to the Commission.

The function of the Ground Water Regulation Branch is to implement the policies, procedures, and rules of the Commission with regard to water development and usage in conformance with the State Water Code; establish minimum standards for construction of wells, installation of pumps, and pumping equipment; administer the designation of water management areas; and process applications for water use permits in designated water management areas. The Branch has four sections: (1) Ground Water Allocation, (2) Ground Water Protection, (3) Ground Water Infrastructure, and (4) Enforcement.

The function of the Stream Protection and Management Branch is to implement policies and procedures on stream protection and management in accordance with the provisions of the State Water Code. The Instream Use Protection Section of the Branch administers a statewide instream use protection program, establishes and regulates instream flow standards, and monitors and regulates surface water usage. The Surface Water Regulation Section implements a permit system for the construction and alteration of stream channels and stream diversion works, and addresses complaints and disputes related to surface water and streams.

### **Animal Species Advisory Commission**

The Animal Species Advisory Commission, established under section 197-2, Hawaii Revised Statutes, may advise the Board of Land and Natural Resources on every proposal for the deliberate introduction of aquatic life and wildlife by the Department into any habitat within the State. The Commission may also advise the Board on any matter affecting the taking and conservation of aquatic life and wildlife including proposed rules.

The Commission consists of thirteen members appointed by the Governor: the Chairperson of each Aquatic Life and Wildlife Advisory Committee established in each of the counties under section 197-4, Hawaii Revised Statutes; three members of the Department designated by the Chairperson of the Department, one each from the professional fields of aquatic life, wildlife, and conservation and resources enforcement; and six scientists in the fields of botany, mammalogy, ichthyology, entomology, ornithology, and invertebrate zoology.

### **Kahoolawe Island Reserve Commission**

In 1993, Senator Daniel K. Inouye of Hawaii sponsored Title X of the FY1994 Department of Defense Appropriations Act that authorized conveyance of Kahoolawe and its surrounding waters to the State of Hawaii. In 1994, the Hawaii State Legislature, through chapter 6K-5, Hawaii Revised Statutes, created the Kahoolawe Island Reserve Commission (KIRC) to manage and oversee restoration of the Kahoolawe Island Reserve--including waters extending seaward two nautical miles from the shoreline--until such time as it may be transferred to a Native Hawaiian entity, recognized by the state and federal governments.

The seven-member Commission is appointed by the Governor, with the advice and consent of the Senate, and includes: one member of the Protect Kahoolawe Ohana (PKO); two members appointed by the Governor from a list provided by the PKO; one trustee or

representative of the Office of Hawaiian Affairs; one county official appointed by the Governor from a list provided by the Mayor of Maui; one member appointed by the Governor from a list provided by Native Hawaiian organizations; and the Chairperson of the Board of Land and Natural Resources. The Governor appoints the KIRC Chairperson from among Commission members.

The Commission is empowered with jurisdictional oversight of the management and restoration of the Kahoolawe Island Reserve and to establish criteria for its permissible uses that include: (1) preservation and practice of all rights customarily and traditionally exercised by Native Hawaiians for cultural, spiritual, and subsistence purposes; (2) preservation and protection of its archaeological, historical, and environmental resources; (3) rehabilitation, re-vegetation, habitat restoration, and preservation; and (4) education. The Commission also advises the Governor and the Department on matters relating to the Reserve. Use of the Reserve for commercial purposes is strictly prohibited.

### **Legacy Land Conservation Commission**

Pursuant to section 173A-2.5, Hawaii Revised Statutes, the responsibilities of the Legacy Land Conservation Commission, established under section 173A-2.4, Hawaii Revised Statutes, are: (1) advising the Department and the Board on any proposal, public or private, for the acquisition of any interest or rights in land having value as a resource to the State; (2) advising the Department and the Board on any requests for grants from the Land Conservation Fund, established under section 173A-5, Hawaii Revised Statutes, to a qualifying state or county agency or nonprofit land conservation organization for the preservation of lands having value as a resource to the State; (3) recommending to the Board the acquisition of any interest or rights in certain lands having value as a resource to the State; and (4) reviewing and adopting rules relating to the criteria it applies in advising the Department and the Board and making recommendations to the Board regarding land acquisitions and grants made pursuant to chapter 173A, Hawaii Revised Statutes.

### **Natural Area Reserves System Commission**

The Natural Area Reserves System Commission, established under section 195-6, Hawaii Revised Statutes, establishes criteria for determining whether an area is suitable for inclusion within the reserves system and conducts studies of areas for possible inclusion within the reserves system. The Commission also recommends policies for the control and use of reserves system areas and advises the Governor and the Department on matters relating to the preservation of unique natural resources.

The Commission consists of thirteen members, six of whom possess qualifications in wildlife or marine biology, botany, forestry, ecology, resource management, biogeography, zoology, or geology; one member with membership in a hiking organization organized in the State, and one member with membership in a hunting organization organized in the State. The remaining five members are the Chairperson of the Board of Land and Natural Resources, the

Superintendent of Education, the Director of Business, Economic Development and Tourism, the Chairperson of the Board of Agriculture, and the President of the University of Hawaii, who serve as ex officio voting members. The Chairperson is appointed by the Governor from among the appointed members of the Commission.

### **Hawaii Historic Places Review Board**

The Hawaii Historic Places Review Board, established under section 6E-5.5, Hawaii Revised Statutes, holds public hearings and places historic properties into the Hawaii Register of Historic Places on the basis of their value to Hawaii's heritage, and recommends the nomination of historic properties to the National Register of Historic Places. The Board may also hear appeals of departmental historic preservation decisions.

The Board consists of ten members appointed by the Governor, including two professionally qualified members from each of the disciplines of archaeology, architecture, history, and sociology, and one member knowledgeable in traditional Hawaiian society and culture.

### **Endangered Species Recovery Committee**

The duties of the Endangered Species Recovery Committee, established under section 195D-25, Hawaii Revised Statutes, are to: (1) review and recommend to the Board actions to take on all applications and proposals for habitat conservation plans, safe harbor agreements, and incidental take licenses; (2) review all habitat conservation plans, safe harbor agreements, and incidental take licenses on an annual basis to ensure compliance with agreed-to activities; (3) consider and recommend appropriate incentives to encourage landowners' involvement in endangered species restoration efforts; (4) perform other duties as needed; (5) consult with persons possessing expertise in endangered species matters as the Committee may deem appropriate and necessary; and (6) conduct site visits to properties covered under plans and agreements.



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