

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Engineering Division

February 11, 2022

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Approval to Enter a Memorandum of Understanding with the Hawaii Association of Conservation Districts Regarding the Soil and Water Conservation District Program

The Department of Land and Natural Resources (DLNR) desires to enter a Memorandum of Understanding (MOU) with the Hawaii Association of Conservation Districts (HACD) to memorialize the continuing responsibilities of both parties.

BACKGROUND:

The Soil and Water Conservation District (SWCD) program is authorized by Hawaii Revised Statutes (HRS) Chapter 180 and has been administratively attached to Department of Land and Natural Resources (DLNR) since 1967. Each of the sixteen (16) districts is a governmental subdivision of this State and governed by five (5) volunteer directors.

Functions of the SWCDs include but are not limited to: assisting farmers/ranchers to prepare conservation plans for their operations (a conservation plan approved by a SWCD is recognized by the respective counties in lieu of a grading permit); participation in flood control or prevention projects; assisting in engineering surveys, investigation and research; and conducting community outreach.

The Hawaii Association of Conservation Districts (HACD) is an umbrella organization formed by the sixteen Districts to promote the broad conservation agenda and policies of the Districts. HACD is also considered a governmental agency of the State of Hawaii.

PROPOSED AGREEMENT:

HACD agrees to continue to: provide an annual budget for the SWCD program to DLNR; submit bi-annual financial reports regarding funds provided by DLNR; and coordinate the policies, objectives and actions of the Districts in accordance with HRS Chapter 180.

DLNR agrees to continue to: distribute funding for the SWCD program (subject to legislative appropriation and the executive budget process); and provide assistance to the SWCD program pursuant to HRS Chapter 180.

The MOU would remain in effect until mutually terminated or modified. A copy of the draft MOU, which is subject to change, is attached.

Board of Land and Natural Resources
February 11, 2022
Item L-1

RECOMMENDATION:

1. That the Board authorize the Chairperson to sign the Memorandum of Understanding with the Hawaii Association of Conservation Districts regarding the Soil and Water Conservation Districts program, subject to review and approval as to form by the Department of the Attorney General.
2. That the Board authorize the Chairperson, subject to review and approval as to form by the Department of the Attorney General, to enter into supplemental agreements, as needed, to carry out the intent of the original Memorandum of Understanding.

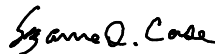
Respectfully submitted,



CARTY CHANG
Chief Engineer

Attachment

Approved for submittal:



SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
HAWAII ASSOCIATION OF CONSERVATION DISTRICTS
AND THE
DEPARTMENT OF LAND AND NATURAL RESOURCES
REGARDING THE
SOIL AND WATER CONSERVATION DISTRICT PROGRAM**

This MEMORANDUM OF UNDERSTANDING (MOU) made and entered into on this _____ day of _____, 2022, by and between the HAWAII ASSOCIATION OF CONSERVATION DISTRICTS (HACD), by its President, and the DEPARTMENT OF LAND AND NATURAL RESOURCES (DLNR), by its Chairperson, deals with the Soil and Water Conservation District program (SWCD), a program within DLNR established by Chapter 180, Hawaii Revised Statutes.

WITNESSETH:

WHEREAS, the SWCD program has been administratively attached to DLNR since 1967;

WHEREAS, the Soil and Water Conservation Districts (Districts) are legally constituted, self-governing sub-units of the Hawaii state government, organized under Chapter 180, Hawaii Revised Statutes;

WHEREAS, there are sixteen (16) Districts established statewide, which are authorized to form associations to coordinate their policies, objectives, and actions, with power to create staffs, set policies, obtain and administer soil and water conservation district program funds, provide surety bonds, coordinate soil and water conservation district projects, and conduct director training;

WHEREAS, the HACD is an umbrella organization formed by the sixteen Districts in September of 1954 to promote the broad conservation agenda and policies of the Districts;

WHEREAS, the HACD is also considered a governmental agency of the State of Hawaii;

WHEREAS, funding for the SWCD program has historically been appropriated to DLNR for distribution;

NOW, THEREFORE, it is mutually agreed by the parties as follows:

HACD agrees to:

1. Continue to provide an annual budget for the SWCD program to DLNR;
2. Continue to submit bi-annual financial reports regarding funds provided by DLNR; and

3. Continue to coordinate the policies, objectives and actions of the Districts in accordance with Chapter 180, HRS.

DLNR agrees to:

1. Continue to distribute funding to HACD and the individual Districts for the SWCD program (subject to legislative appropriation and the executive budget process); and
2. Continue to provide assistance to the SWCD program pursuant to Chapter 180, HRS.

THE PARTIES FURTHER AGREE THAT:

1. This MOU shall take effect on _____, 20____, and shall remain in effect until such time as it is mutually terminated.
2. Any modification, alteration or change to this MOU shall be made by written supplemental agreements executed by both parties.
3. The undersigned parties hereby agree to abide by the terms and conditions of this MOU.

IN WITNESS WHEREOF, the HACD and the DLNR have executed this MEMORANDUM OF UNDERSTANDING as of the date first written above.

HAWAII ASSOCIATION OF
CONSERVATION DISTRICTS

Michael Silva
HACD President

Dated: _____

Approved by the Board of Land
and Natural Resources at
its meeting held on _____

STATE OF HAWAII
BOARD OF LAND AND NATURAL
RESOURCES

APPROVED AS TO FORM:

Chairperson
Board of Land and Natural Resources

Deputy Attorney General

Dated: _____