

STATE OF HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawai'i 96813

DECEMBER 13, 2024

Chairperson and Members
Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Land Board Members:

SUBJECT: REQUEST FOR DELEGATION OF AUTHORITY TO THE CHAIRPERSON TO NEGOTIATE, APPROVE, EXECUTE, AMEND, EXTEND, AND TERMINATE MEMORANDUMS OF UNDERSTANDING, MEMORANDUMS OF AGREEMENT, RIGHT-OF-ENTRIES, AND RELEASE OF LIABILITY AGREEMENTS BETWEEN THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND OTHER ENTITIES TO CONDUCT MANAGEMENT AND MONITORING CONSISTENT WITH THE DEPARTMENT'S CHAPTER 343 EXEMPTION LIST

BACKGROUND

The Department of Land and Natural Resources (Department) enters Memorandums of Understanding (MOU), Memorandums of Agreement (MOA), Right-of-Entry (ROE), and Release of Liability Agreements (RLA) with entities supporting the Department's mission to assist with research, management, and monitoring of State lands. These MOUs, MOAs, ROEs, and RLAs (collectively, Agreements) define the respective rights, responsibilities, and expectations regarding partnerships with non-profit entities and other agencies, organizations, and individuals for the co-management of areas.

The Board has approved these Agreements for numerous activities, including watershed partnerships, entities managing coastal areas and resources, and organizations specializing in rare species protection.

DISCUSSION

This Board Submittal requests the delegation of authority to the Chairperson to approve Agreements between the Department and other entities that seek to assist the Department with approved management, monitoring, and research actions. The Attorney General reviews these Agreements to ensure legal compliance. The Chair would be authorized to set the terms, including the duration of these Agreements. These Agreements are non-exclusive, as other entities may be interested in implementing the management of areas or resources in a complementary way.

Entering Memorandums of Understanding/Agreement formalizes the relationship between entities and the Department, which provides more security for both parties. MOUs/MOAs often allow non-profit entities to seek funding because they have established approval to conduct management. Right-of-entry and Release of Liability Agreements frequently accompany these MOUs/MOAs. Delegating the authority to the Chair to enter into these types of agreements would streamline the process for the Department to partner on community co-management projects.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

This action before the Board represents the delegation of authority to enter Memorandums of Understanding/Agreement, Right-of-Entry, and Release of Liability Agreements. It does not constitute a use of State lands or funds. Therefore, it is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. The Department shall be responsible for compliance with Chapter 343, HRS, as amended, for the Department’s program activities.

RECOMMENDATIONS:

That the Board:

1. Delegate to the Chairperson the authority to negotiate, approve, execute, amend, extend, and terminate Memorandums of Understanding/Agreement, Right-of-Entries, and Release of Liability Agreements, as appropriate, between the State of Hawai’i Department of Land and Natural Resources and other entities, further subject to the following:
 - a. Review and approval as to form by the Department of the Attorney General; and
 - b. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,

TA for



DAVID G. SMITH
Administrator

APPROVED FOR SUBMITTAL:



DAWN N. S. CHANG, Chairperson
Board of Land and Natural Resources