

STATE OF HAWAII  
Department of Land and Natural Resources  
Engineering Division

July 11, 2014

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

**Approval to Enter Into a Memorandum of Understanding  
with the Department of Agriculture Regarding Funding for the  
Soil and Water Conservation Districts Program, Statewide**

The Engineering Division desires to enter into a Memorandum of Understanding (MOU) with the Department of Agriculture (DOA) to receive funding for the Soil and Water Conservation Districts (SWCD) program.

**BACKGROUND:**

The SWCD program is authorized by Hawaii Revised Statutes, Chapter 180, and is administratively attached to Department of Land and Natural Resources (DLNR). Each of the sixteen (16) districts is a governmental subdivision of this State and governed by five (5) volunteer directors, whose terms (appointed or elected) are approved by the Board of Land and Natural Resources (Board).

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.

Funding for the SWCD program has historically been provided by the Department of Health and DLNR, but the Department of Health can no longer provide funding for the SWCD.

**PROPOSED AGREEMENT:**

DLNR agrees to submit documents regarding activities and costs of the SWCD program, at the prescribed schedule, to DOA for review and comment. DOA agrees to provide funding to DLNR for the SWCD program, in amounts and at times at the discretion of DOA. The MOU would remain in effect until mutually terminated or modified. A copy of the draft MOU, which is subject to change, is attached.

**RECOMMENDATION:**

1. That the Board authorize the Chairperson to sign the Memorandum of Understanding with the Department of Agriculture regarding funding for 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:



WILLIAM J. AILA, JR., Chairperson  
Board of Land and Natural Resources

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

This MEMORANDUM OF UNDERSTANDING (MOU or Agreement) made and entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between the DEPARTMENT OF AGRICULTURE (DOA) and the BOARD OF LAND AND NATURAL RESOURCES by its DEPARTMENT OF LAND AND NATURAL RESOURCES (DLNR), deals with funding for the Soil and Water Conservation Districts program (SWCD), a program within DLNR established by Chapter 180, Hawaii Revised Statutes, and subsequent deliverables.

WITNESSETH:

WHEREAS, the SWCD have numerous responsibilities outlined in Chapter 180, Hawaii Revised Statutes (HRS), including but are not limited to: providing for surveys, investigations, and research relating to soil and water conservation, constructing and maintaining any structures necessary for soil and water conservation, and developing plans for conservation of soil and water resources;

WHEREAS, the various soil and water conservation districts are formed by occupiers of land who lease or hold title to lands designated for agricultural use, and the objectives of the SWCD are necessarily interdisciplinary in nature, thus requiring interagency cooperation as provided by section 180-14, HRS;

WHEREAS, funding for SWCD has historically been provided by the Department of Health and DLNR, but the Department of Health can no longer provide funding for SWCD;

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

DLNR agrees to:

1. Continue to provide funding and oversee the SWCD pursuant to section 180-16, HRS.
2. Provide an annual proposed budget 30 days prior to the start of a given fiscal year to DOA for review and comment.
3. Provide annual work plans for each County 30 days prior to the start of a given fiscal year to DOA for review and comment.
4. Provide an annual report no later than 30 days prior to the end of the fiscal year explaining how work plans for each County from the previous fiscal year were fulfilled.

DOA agrees to:

Provide funding to DLNR for the purpose of carrying out the prescribed duties of the SWCD pursuant to Chapter 180, HRS, in amounts and at times at the discretion of DOA.

THE PARTIES FURTHER AGREE THAT:

1. This Agreement 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 DOA and the DLNR have executed this MEMORANDUM OF UNDERSTANDING as of the date first written above.

APPROVED AS TO FORM:

STATE OF HAWAII  
DEPARTMENT OF AGRICULTURE

\_\_\_\_\_  
Deputy Attorney General

\_\_\_\_\_  
Chairperson  
Board of Agriculture

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: \_\_\_\_\_