

DEPARTMENT OF LAND AND NATURAL RESOURCES

Adoption of Chapter 13-210
Hawaii Administrative Rules

October 9, 1998

SUMMARY

Chapter 210 of Title 13, Hawaii Administrative Rules entitled "Rules Regulating Application, Approval, and Administration of the Natural Area Partnership Program", is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 9

NATURAL AREA RESERVES SYSTEM

CHAPTER 210

RULES REGULATING APPLICATION, APPROVAL, AND ADMINISTRATION OF THE NATURAL AREA PARTNERSHIP PROGRAM

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SUBCHAPTER 1

GENERAL PROVISIONS

§13-210-1 Purpose and applicability. (a) The purpose of this chapter is to govern the natural area partnership program established pursuant to section 195-6.5, HRS.

(b) This chapter shall apply to all applicants applying for matching natural area partnership funding. [Eff **JAN 08 1999**] (Auth: HRS §195-6.5(b)(5)) (Imp: HRS §195-6.5(a))

§13-210-2 Definitions. As used in this chapter, unless the context requires otherwise:

"Annual acceptance" means a written notice from the department to the managing partner advising the managing partner of the satisfactory fulfillment of the partnership agreement's annual requirements.

"Applicant" means a landowner or cooperating entity applying for the natural area partnership program.

"Board" means the board of land and natural resources.

"Board of arbitration" means a board of arbitrators established pursuant to section 13-210-18 and convened to settle disputes arising from activities executed under the partnership agreement.

"Commission" means the natural area reserves system commission established pursuant to section 195-6, HRS.

"Conservation easement" means an interest in real property created by deed, restrictions, covenants, or conditions, the purpose of which is to preserve and protect land predominantly in its natural, scenic, forested, or open-space condition.

"Cooperating entity" means a private nonprofit land-holding organization or any other body deemed by the department as satisfactorily able to assist in the identification, acquisition, or management of natural area reserves.

"Department" means the department of land and natural resources.

"Division" means the division of forestry and wildlife.

"Heritage program" means a comprehensive natural resource inventory data base for public information that includes the location of rare plants, animals, and natural communities (ecosystems) in the State.

"Landowner" means any person or entity having the fee simple interest in land in the State.

"Management plan" means a plan for the conservation management of the area identified in the pre-proposal that meets the standards established by the department for the natural area reserves system.

"Managing partner" means a landowner or a cooperating entity who receives matching funds from the State through the natural area partnership program and is responsible for implementing the management plan.

"Natural area partnership program" means the program established in the department to provide state funds on a two-for-one matching basis with private funds for the management of private lands that are dedicated to conservation purposes pursuant to chapter 195, HRS.

"Natural area reserves system" means the program established in the department pursuant to chapter 195, HRS, to preserve in perpetuity specific state-owned land and water areas.

"Partnership agreement" means a contract signed by the State and the managing partner.

"Pre-proposal" means a preliminary proposal requesting participation in the natural area partnership program, prepared by a landowner or cooperating entity in a format determined by the department.

"Program" means the natural area partnership program.

"Reserve" means the land protected under this program. [Eff **JAN 08 1999**] (Auth: HRS §195-6.5(b)(5)) (Imp: HRS §195-6.5)

§13-210-3 Delegation of authority. Department responsibilities as listed in this chapter may be delegated by the department to either the commission or the division. [Eff **JAN 08 1999**] (Auth: HRS §195-6.5(b)(5)) (Imp: HRS §195-6.5(a))

§13-210-4 Eligibility requirements. In order to qualify under this program, the applicant shall:

- (1) Be a landowner or a cooperating entity of private lands of natural area reserve quality, as established by the department;
- (2) Dedicate the private land in perpetuity through transfer of fee title or conservation easement to the State or cooperating entity;
- (3) Have the private land managed by the

cooperating entity or qualified landowner according to a management plan approved by the board; and

- (4) Meet all other conditions as outlined in section 195-6.5 HRS, or in this chapter. [Eff **JAN 08 1999**] (Auth: HRS §195-6.5(b)(5)) (Imp: HRS §195-6.5(b)(1))

§13-210-5 Application procedures and schedule.
The following steps shall be required for program enrollment:

- (1) The department shall publish a notice describing the program and requesting pre-proposals as outlined in section 13-210-6;
- (2) The applicant shall submit a pre-proposal to the department as outlined in section 13-210-7;
- (3) The applicant shall submit a detailed six-year management plan to the department as outlined in section 13-210-8;
- (4) The applicant and the division shall jointly prepare an environmental review as outlined in section 13-210-8(e)(2)(C);
- (5) The department shall prepare an agreement between the applicant and the State as outlined in section 13-210-9; and
- (6) The department shall submit the project for board approval as outlined in section 13-210-10. [Eff **JAN 08 1999**] (Auth: HRS §195-6.5(b)(5)) (Imp: HRS §195-6.5(b))

§13-210-6 Public notice of program. The department shall publish or cause to be published in at least one newspaper of general circulation in the State a notice that describes the program and notifies private landowners that the department is accepting pre-proposals for participation in the program. This notice shall be published annually. [Eff **JAN 08 1999**] (Auth: HRS §195-6.5(b)(5)) (Imp: HRS §§195-6.5(a), 195-6.5(b)(5))

SUBCHAPTER 2

PROGRAM ENROLLMENT

§13-210-7 Pre-proposal. (a) Landowners or cooperating entities who wish to participate in the program shall submit a pre-proposal to the department by the deadline established in the public notice.

(b) The pre-proposal shall include, but not be limited to, the following:

- (1) Name of landowner, cooperating entity, and managing partner;
- (2) Project size and location;
- (3) A map of the area to be managed drawn to scale;
- (4) Native natural resources being managed;
- (5) Threats to resources and need for funding;
- (6) How project will be accomplished;
- (7) Public benefits;
- (8) Partnerships with other organizations;
- (9) Proposed beginning date of project and estimated six-year timetable of management activities;
- (10) Estimated total cost of first six years of project management activities;
- (11) Estimated cost to prepare a detailed six-year management plan; and
- (12) Effects of no action.

Samples of pre-proposals are available from the department for review upon request.

(c) The department shall consider the following criteria when evaluating a pre-proposal:

- (1) Statewide significance of natural resources protected, including whether the resources are protected elsewhere in the State;
- (2) Feasibility of project accomplishment;
- (3) Public benefits; and
- (4) Partnerships with other organizations.

(d) A pre-proposal approved by the department is eligible for matching funds to prepare a detailed management plan.

(e) Approved pre-proposals not selected for detailed management plan preparation may remain eligible for consideration in future funding cycles so long as management objectives are not significantly changed. Applicants must submit an updated pre-proposal each time a request for pre-proposals is made to indicate current interest. [Eff. **JAN 08 1999**]

(Auth: HRS §195-6.5(b)(5)) (Imp: HRS §§195-6.5(a), 195-6.5(b)(2), 195-6.5(b)(5))

§13-210-8 Management plan. (a) The department shall request a detailed management plan provided:

- (1) The pre-proposal has been approved following the guidelines set in section 13-210-7; and
- (2) State funds are available to fund the implementation of proposed management activities on a two-for-one match with private funds.

(b) The department shall determine the level of matching funding for the preparation of the plan when the plan is requested, but in no case shall such match exceed two-thirds of the total estimated cost for the preparation of the management plan. The department may establish a maximum total reimbursement level for plan preparation.

(c) The applicant shall submit one copy of a detailed management plan to the department within eight weeks of the request. The department may, at its discretion, grant an extension for preparation of the plan.

(d) The management plan shall include, but not be limited to, the following:

(1) A summary of the resources present, including:

- (A) A map of the area to be managed drawn to scale;
 - (B) A list of native natural communities as listed in the heritage program data base; and
 - (c) A list of rare native species recorded in the heritage program data base.
- (2) Management considerations, such as remoteness of site, ease of access, nature of reserve topography, and other factors that should be considered when designing a management program;
- (3) Management programs including, but not limited to:
- (A) Monitoring programs on reserve lands;
 - (B) Research programs on reserve lands;
 - (c) Non-native species control programs on reserve lands;
 - (D) Habitat enhancement and restoration programs on reserve lands such as;
 - (i) Protection of biological and ecological processes;
 - (ii) Propagation and outplanting of common dominant species found in

- the reserve's natural communities;
 - (iii) Propagation and outplanting of both federal- and state-listed threatened and endangered species as well as nonlisted rare species found in the heritage program data base; or
 - (iv) Captive breeding and re-introduction of both federal- and state-listed threatened and endangered and nonlisted native animal species;
 - (E) Management programs on non-reserve lands may be funded provided that:
 - (i) Monitoring of either natural resources or threats to the natural resources on lands adjacent to or near the reserve will directly benefit the managing partner in the protection of the reserve;
 - (ii) Research involving either natural resources or threats to the natural resources on lands other than the reserve will directly address management issues relating to the protection of the reserve;
 - (iii) Management programs designed to reduce threats by non-native species on lands adjacent to or nearby the reserve will reduce these threats to the reserve; or
 - (iv) Prevention programs will help prevent the introduction and establishment of new pests into the State, which have the potential to adversely affect the reserve and its resources.
 - (F) Public outreach programs; and
 - (G) Personnel, facility, and equipment requirements. Any work to be subcontracted to another agency, organization, or individual shall be specifically mentioned.
- (4) Six-year budget summary.
- (A) The overhead rate shall not exceed the maximum allowable rate established by the department;
 - (B) Budget amounts shall show consistency

with similar existing natural area partnership projects; and

- (C) The budget shall show, for each of the six years, a detailed breakdown of costs associated with the various management programs.

Sample management plans are available from the department for review upon request.

(e) Following the receipt of the management plan, the department shall:

- (1) Review the plan for completeness according to the guidelines as provided in subsection (d);
- (2) If the plan is complete, the department shall:

- (A) Accept the management plan for reimbursement for plan preparation. Upon notification of management plan acceptance, the applicant may submit a request to the division for payment of the State's share of management plan preparation costs. This payment is not contingent upon subsequent board approval of the project into the natural area partnership program;

- (B) Make a recommendation to submit to the board supporting or rejecting the acceptance of the project into the natural area partnership program. A recommendation for approval is contingent upon a satisfactory outcome of an environmental review, as provided in subparagraph (C); and

- (C) After a department recommendation supporting acceptance of the project but prior to board submittal by the department, an environmental review shall be prepared by the applicant, with assistance from the department according to guidelines established by chapter 343, HRS, and chapter 11-200, Hawaii Administrative Rules; or

- (3) If the plan is incomplete, the department may request additional information from the applicant as deemed necessary to make a recommendation. Following receipt of the additional information, the department shall then review and make a recommendation to the board as provided in paragraph (2).

(f) A management plan that is not recommended for board approval may be resubmitted to the department for consideration in the next funding cycle. The management plan must be updated for each new funding cycle in order to remain eligible for funding consideration. [Eff **JAN 08 1999**] (Auth: HRS §195-6.5(b)(5)) (Imp: HRS §§195-6.5(b)(2), 195-6.5(b)(5))

§13-210-9 Partnership agreement. (a) The department shall prepare a partnership agreement with the managing partner for board approval following either:

- (1) The completion of an environmental assessment and the publication of a determination of no significant environmental effect and issuance of a negative declaration; or
- (2) The acceptance of a final environmental impact statement as outlined in chapter 343, HRS.
- (b) The partnership agreement shall include:
 - (1) The scope of work and time of performance;
 - (2) Managing partner's compensation;
 - (3) A six-year management plan;
 - (4) Amendment procedures;
 - (5) Procedures for inspections; and
 - (6) Other terms and conditions as prescribed by the board. [Eff **JAN 08 1999**] (Auth: HRS §195-6.5(b)(5)) (Imp: HRS §§195-6.5(b)(2), 195-6.5(b)(5))

§13-210-10 Board approval. Upon completion of the partnership agreement, the department shall submit a recommendation for project approval to the board. [Eff **JAN 08 1999**] (Auth: HRS §195-6.5(b)(5)) (Imp: HRS §§195-6.5(b)(2), 195-6.5(b)(5))

SUBCHAPTER 3

PROJECT ADMINISTRATION

§13-210-11 Agreement administration. (a) The initial duration of the partnership agreement shall be six years subject to the following conditions:

- (1) The annual renewal date of the partnership

- agreement shall be July 1 of each year during which the partnership agreement is in effect;
- (2) On each such annual renewal date, a year shall automatically be added to the term of the partnership agreement so that there shall always be six years remaining under the term of the partnership agreement, unless by April 1 of any year, the managing partner notifies the division in writing of nonrenewal of the partnership agreement.
- (A) Notice of nonrenewal by the managing partner shall cancel any future automatic one-year renewals.
- (B) Upon notice of nonrenewal the partnership agreement shall remain in effect for the balance of the existing six year term; and
- (3) Although the partnership agreement is automatically renewed each year, funding amounts must be re-authorized by the board at least every six years as follows:
- (A) The managing partner shall submit an updated six-year management plan, with a revised budget, to the department for its review by August 31 of the sixth state fiscal year for which management activities and funding were approved by the board. The department shall make a recommendation to submit to the board in regard to approval of requested funding amounts and management activities, subject to availability of sufficient state funds.
- (i) The cost of preparing the updated plan, including the accompanying environmental assessment or impact statement, shall be considered an allowable program expense but must be included as part of each six-year plan approved by the board. Additional plan preparation funds above the approved amounts will not be available.
- (ii) The managing partner may submit an updated six-year plan more frequently than every six years at its option and sole expense.
- (B) After a department recommendation

supporting requested funding amounts and prior to board submittal by the department, the managing partner, with assistance from the department shall prepare and complete an environmental review for the updated plan, according to chapter 343, HRS, and chapter 11-200, Hawaii Administrative Rules.

- (C) The department shall submit a recommendation for project renewal to the board within sixty days following either:
 - (i) The completion of an environmental assessment and the publication of a determination of no significant environmental effect and issuance of a negative declaration; or
 - (ii) The acceptance of a final environmental impact statement as outlined in chapter 343, HRS.
- (D) Upon renewal from the board, funding amounts shall be authorized for a new six-year period.

(b) Payments to the managing partner shall not exceed two-thirds of the project's approved total cost in developing and implementing the management plan.

(c) The managing partner is not permitted to use other state government financial program funds for its matching requirements.

(d) In-kind services may be utilized as a portion of the managing partner's one-third match. The value of in-kind services shall be consistent with existing federal and state guidelines for such services.

(e) The department has the right to make inspections of the reserve with three days prior written notice to the managing partner. In addition, the department shall be obligated to inspect the work on the reserve at least once per year. [Eff

JAN 08 1999] (Auth: HRS §195-6.5(b)(5)) (Imp: HRS §§195-6.5(b)(2), 195-6.5(b)(4), 195-6.5(b)(5))

§13-210-12 Reports. (a) The managing partner shall submit a six-month and an annual report to the department for each year in which the managing partner receives funding under the program. Due dates for these reports shall be set in the partnership agreement.

(b) The six-month report shall include a

description of management accomplishments and activities, areas needing technical advice, a preliminary accounting of expenses to date, and proposed modifications to the current year's management projects.

- (c) The annual report shall:
 - (1) Include a description of management accomplishments and activities, areas needing technical advice, status of public hunting opportunities, and proposed modifications to the next year's approved management objectives, projects, and budget. This report shall also include a detailed accounting of expenditures for the preceding twelve-month period to provide the basis for the annual reconciliation of the State's and the managing partner's respective shares of the two-for-one matching funds; and
 - (2) Not be considered as final until accepted by the department. Acceptance means a written notice from the department to the managing partner advising the managing partner of the satisfactory fulfillment of the agreement's annual requirements. [Eff. **JAN 08 1999**]
 (Auth: HRS §195-6.5(b)(5)) (Imp: HRS §195-6.5(b)(4))

§13-210-13 Payment. (a) Within thirty days following receipt of an invoice from the managing partner at the beginning of each fiscal year in which the State has approved and appropriated funding under the program, the State shall pay to the managing partner an amount equal to one-third of the State's annual matching share based on the approved budget.

(b) Within thirty days following receipt of an invoice and the six-month progress report as provided in section 13-210-12(b) for each year until the partnership agreement is terminated, the State shall pay to the managing partner an additional amount up to, but not exceeding one-third of the State's annual matching share based on the approved budget. The managing partner may request less than the full one-third amount due if the lesser amount is sufficient as a progress payment. This payment shall not be subject to the division's approval of the six-month progress report.

- (c) Within thirty days of receipt of an invoice

and upon acceptance of the annual report by the department as provided in section 13-210-12(c)(2), the State shall pay to the managing partner the balance of the approved matching funds for the year, calculated on the basis of actual expenditures.

- (1) If the State's initial and additional payments, as provided in subsections (a) and (b), total more than two-thirds of the actual final expenditures reported by the managing partner, the managing partner shall return the difference with interest owed to the State as follows:

- (A) Interest will be calculated at the floating rate as quoted in the Wall Street Journal on the first business day of each month for \$100,000 and above certificates of deposit;
- (B) The interest rate shall fluctuate to match the quoted rate for each month of overpayment by the State;
- (C) Interest shall be compounded daily; and
- (D) The final payment shall be subject to any withheld amounts as outlined in the partnership agreement. [Eff **JAN 08 1999**

] (Auth: HRS §195-6.5(b)(5)) (Imp: HRS §§195-6.5(a), 195-6.5(b)(2))

§13-210-14 Modification procedures. (a) The managing partner may propose for approval by the department, and the department may approve, minor alterations to the approved management plan which will not have a material adverse impact on the achievement of the overall management objectives of the management plan.

(b) The managing partner may propose for approval by the board, and the board may approve, significant changes to the approved management plan or budget to adapt to current conditions. Significant amendments to the management plan shall include an amended budget. The department shall make the proposed amendments available for public review prior to final board approval.

(c) The proposed amendments set forth in subsection (b) may include:

- (1) Changes in management priorities;
- (2) Increase or reduction of the specified work,

including management programs, research projects, and monitoring efforts;

(3) Budget modifications; and

(4) Changes in the time and performance schedule; all as determined considering the natural conditions of the reserve, existing management priorities, threats to the resources, potential for decline of the natural resource during any period under consideration, availability of specialized labor or technical expertise, permitting requirements and time needed to obtain permits, and other material factors.

(d) Expenditures for implementation of the approved management plan which are less than the amounts allocated in the approved budget may be made by the managing partner in its discretion so long as the quality of materials and work as called for in the approved management plan is not adversely affected.

(e) Any proposed expenditures which will increase the State's overall matching share above the amount set forth in the approved budget, which are proposed either as a result of additional costs required to implement the approved management plan or as a result of amendments to the approved management plan, must be mutually agreed upon in advance by and between the board and the managing partner. If so agreed, the approval of these expenditures shall be incorporated in written amendment to the partnership agreement.

[Eff **JAN 08 1999**] (Auth: HRS §195-6.5(b)(5)) (Imp: HRS §§195-6.5(b)(3), 195-6.5(b)(5))

§13-210-15 Termination. (a) The partnership agreement may only be terminated for one of the following reasons on the following terms:

(1) The partnership agreement is subject to continued state funding of the State's two-thirds share of the approved management plan budget. If in any fiscal year, either the State does not appropriate or the board does not approve the expenditure of funds sufficient to meet the State's full two-thirds share of the approved partnership agreement, the applicant may:

(A) Elect to terminate without any payback or penalty conditions at the end of the last fiscal year for which any funds have been appropriated and approved. In this event, the State shall not require

- that the conservation easement remain in effect under section 195-6.5, HRS; or
- (B) Elect to renew for less funding than originally approved. In this event, the State shall require that the conservation easement remain in full effect. In this event, the managing partner shall revise the management plan and budget in the managing partner's reasonable discretion to accomplish significant management goals which can reasonably be funded with the amount of state matching funds actually approved.
- (2) The partnership agreement may be terminated without penalty by nonrenewal effective at the end of the fifth full fiscal year following the date of notice of nonrenewal as provided in section 13-210-11(a)(2), provided:
 - (A) In this event, the State shall require that the conservation easement remain in full effect; and
 - (B) If any default of the managing partner has not been remedied by the date of termination for nonrenewal, the managing partner's obligation to remedy such default and the remedies therefor, including the penalty payback provisions in section 13-210-16, shall survive termination.
 - (3) The partnership agreement may be terminated without penalty if the reserve is transferred or sold to a government agency committed to the preservation of biological diversity and possessing the technical and professional skills to manage the reserve's natural resources.
 - (4) The partnership agreement may be terminated by the State upon substantial evidence that progress being made by the managing partner in carrying out the management plan is inadequate, incorrect, or insufficient to substantially complete on a timely basis the work called for in the management plan, subject to the lack of performance notification provisions as set forth in the partnership agreement. In this event, the State shall require that the conservation

easement remain in full effect.

(b) All disputes regarding default and termination under the partnership agreement which cannot be resolved by the parties, either with or without mediation as provided in section 13-210-17, shall be referred to arbitration as provided in section 13-210-18. [Eff **JAN 0 8 1999**] (Auth: HRS §195-6.5(b)(5)) (Imp: HRS §§195-6.5(b)(3), 195-6.5(b)(5))

§13-210-16 Penalty payback. In the event that the managing partner defaults on the partnership agreement as provided in section 13-210-15(a)(4) and the State has followed the lack of performance notification procedures as outlined in the partnership agreement, the managing partner shall promptly pay to the State the following payback and penalty moneys:

- (1) All matching funds paid by the State to the managing partner in the previous six years (or such portion thereof if the partnership agreement has been in effect for less than six years) with interest at the rate and schedule specified in the partnership agreement. The department may, at its sole discretion, modify any payment schedule upon the request of the managing partner;
- (2) An additional penalty as specified in the partnership agreement; and
- (3) Only the managing partner receiving matching state funding under the natural area partnership program shall be liable to the State under the partnership agreement for the payback and penalty. [Eff **JAN 0 8 1999**] (Auth: HRS §195-6.5(b)(5)) (Imp: HRS §§195-6.5(b)(3), 195-6.5(b)(5))

§13-210-17 Mediation. Upon receipt of a request by the managing partner or on the department's own initiative, the department may request that the managing partner and any affected persons identified as necessary to the resolution of the dispute participate in mediation. Participation by the parties shall be voluntary. All requests dealing with the same subject matter shall be consolidated in a single mediation. [Eff **JAN 0 8 1999**] (Auth: HRS §195-6.5(b)(5)) (Imp: HRS §§195-6.5(b)(5))

§13-210-18 Arbitration. (a) All unresolved disputes arising under the partnership agreement shall be referred to a board of arbitration. The disputing party shall notify the other of such fact in writing, and a board of three arbitrators, who shall be experienced and familiar with both the natural ecological values and current accepted natural resource management practices of the Hawaiian Islands, shall decide the issue based on the terms of the partnership agreement and the management plan, as amended. One arbitrator shall be appointed by the State, one shall be appointed by the managing partner, and one shall be selected by the first two appointees. If the two appointees cannot agree on the matter, the matter shall be decided by the third member of the panel who was selected by the other two appointees.

(b) All disputed activities which either party asserts may harm the conservation purposes of the partnership agreement shall be discontinued until the dispute is resolved; provided that the work, services, or activities that are either required or allowed under the conservation easement between private landowner and cooperating entity, as it existed at the original execution of the partnership agreement, shall not be deemed harmful to the conservation purposes of the partnership agreement. Either part may bring an action in court to enforce this subsection by injunction.

(c) The decision of the panel or the third member of the panel shall be final, conclusive, and binding upon all parties. The parties shall not challenge the decision as arbitrated under this provision unless circumstances have so changed as to make the arbitrated decision inapplicable to the present situation.

(d) The provisions of this section shall be governed by the provisions of chapter 658, HRS, as chapter 658, HRS, existed on the effective date of the partnership agreement and the arbitrators shall have all the powers and duties prescribed by chapter 658, HRS. Judgment may be entered upon any such order by the applicable circuit court of the State of Hawaii, as provided in chapter 658, HRS.

(e) All costs of such arbitration, other than attorneys' fees, shall be borne equally by both parties. [Eff **JAN 08 1999**] (Auth: HRS §195-6.5(b)(5)) (Imp: HRS §195-6.5(b)(5))

DEPARTMENT OF LAND AND NATURAL RESOURCES

Chapter 13-210, Hawaii Administrative Rules, on Summary Page dated October 9, 1998, was adopted on October 9, 1998 following public hearings held in Honolulu on Oahu on July 6, 1998; Kahului, Maui on July 9, 1998; Kaunakakai, Molokai on July 13, 1998; Lihue, Kauai on July 16, 1998; Hilo, Hawaii on July 21, 1998; Kona, Hawaii on July 22, 1998 and Lanai City, Lanai on July 27, 1998. Public notice of the hearings was given in the Honolulu Advertiser on June 6, 1998; Hawaii Tribune Herald, West Hawaii Today, Maui News and Garden Island News on June 7, 1998.

The adoption of chapter 13-210, shall take effect ten days after filing with the Office of the Lieutenant Governor.

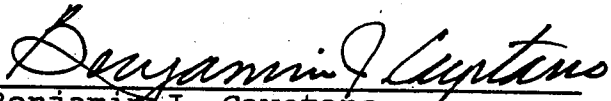
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OFFICE

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Michael D. Wilson,
Chairperson, Board of Land and
Natural Resources

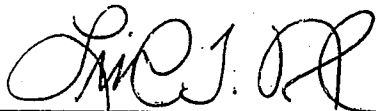
APPROVED:



Benjamin J. Cayetano
Governor
State of Hawaii

Dated: Dec. 28, 1998

APPROVED AS TO FORM:



Deputy Attorney General

DEC 29 1998

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