

Ocean and Submerged Lands Lease
State of Hawaii Department of Land and Natural Resources (DLNR)
Office of Conservation and Coastal Lands (OCCL) and Land Division

Purpose: To obtain a lease for a proposed project within the State’s marine waters which extend from the upper reaches of the wash onshore to, generally, three miles from the shore. The process outlined below includes the Conservation District Use Permit (CDUP) process.

Approval Authority: Hawaii Revised Statutes (HRS) Chapters 171-95, 183C and 190D and Hawaii Administrative Rules (HAR) Chapter 13-5

Potential Approval Prerequisites:

- The applicant is encouraged to schedule a pre-application meeting with the OCCL and the Land Division to discuss the application and processing requirements. Preliminary project and site details should be provided at this meeting in order to engage in useful dialogue.
- If the proposed project triggers Hawaii Revised Statutes (HRS) Chapter 343, the Environmental Impact Statements, submit a Draft or Final Environmental Assessment (EA), Draft or Final Environmental Impact Statement (EIS), or a letter of exemption from HRS Chapter 343 from the proper authority.

Fees: Application Fee is required – Contact the OCCL or the Land Division

Contact Information: The OCCL (808) 587-0377 and the Land Division (808) 587-0400

Estimated Time for Permit Approval Decision from Application Acceptance: See Checklist / Process

Checklist / Process	Chronology
1. Submit an Ocean and Submerged Land Lease application to the Land Division.	
2. The Land Division prepares a staff report to the Board of Land and Natural Resources (BLNR).	Not less than 20 days prior to BLNR meeting
3. The BLNR approves the proposed project’s lease in concept and authorizes the Land Division to negotiate a lease with the applicant; or requires the Land Division to conduct a public auction to grant a lease in concept to the highest qualified bidder. Note that renewable energy projects may be exempt from the public auction requirement as allowed by HRS 171-95 but will need to provide public notification in the newspaper.	
4. If successful in obtaining a lease in concept, complete and submit a CDUP application to the OCCL which includes (a) an Application Form; (b) a written statement, if more space is needed outside of the application form; (c) documentation of compliance with HRS Chapter 343, Environmental Impact Statements (Draft EA or Draft EIS are acceptable); (d) location map and plans; and (e) a description of current users including traditional and customary Hawaiian rights.	Generally, 1 to 3 months (not including time to prepare the environmental document)
5. The OCCL reviews the application for completeness and notifies the applicant by mail that the application has been accepted.	Within 14 calendar days after Step 4
6. The OCCL processes the CDUP and sends it out to agencies and community groups.	Within 60 calendar days after Step 5
7. Publish the CDUP in the Office of Environmental Quality Control’s (OEQC) Environmental Notice for a 30 day public comment period.	30 calendar days
8. Applicant responds to comments and questions from agencies and public.	

9. If a public hearing is required, the OCCL publishes a Notice of Public Hearing for the CDUP in the newspaper and notifies adjacent property owners or lessees of State Marine Waters.	Not less than 20 days prior to hearing
10. The OCCL conducts a Public Hearing for the CDUP, if required.	
11. Applicant submits the Final EA or Final EIS.	
12. The OCCL prepares a Staff Report for the CDUP to the BLNR.	Not less than 20 days prior to Board Meeting
13. BLNR conducts a meeting to approve, approve with conditions, or denies the CDUP application. BLNR meetings are held the 2 nd and 4 th Friday of each month.	180 days from Step 5
14. Concurrent with the CDUP process, the applicant prepares a legal description (i.e. survey) and submits to the Land Division.	
15. The applicant and the Land Division negotiates the lease terms.	
16. Upon completion of the lease negotiations and approval of the CDUP, the Land Divisions prepares a staff report to the BLNR.	Not less than 20 days prior to the Board Meeting
17. BLNR conducts a meeting to approve, approve with conditions, or denies the lease. BLNR meetings are held the 2 nd and 4 th Friday of each month.	
Estimated Time from Completed Application Acceptance	270 days

Other Application Considerations:

1. If within the 180 days after acceptance of a completed CDUP application, the BLNR fails to provide a decision, the applicant can move forward with the project as described in the application subject to standard conditions in HAR 13-5-42. If the applicant does not provide the Final EA or EIS, or other application requirements with the CDUP application, the Board will typically deny the application prior to the 180 day time period in order to meet the 180 day processing timeline. It is recommended that the applicant submit the Final EA or EIS, or other application requirements along with or during the processing of the CDUP application in order to meet the 180 day processing timeline.
2. Renewable energy projects are afforded a submerged land lease term life of up to 65 years.