

act90written

From: Peter Simmons <peterdsimmons@gmail.com>
Sent: Tuesday, November 16, 2021 2:02 PM
To: act90written
Subject: Corrected Testimony Act 90

Peter D. Simmons, Retired, peterdsimmons@gmail.com
59-416 Ka Nani Dr.
Kamuela, Hawaii 96743

COMMITTEE ON WATER AND LAND
Senator Lorraine R. Inouye, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Senator Mike Gabbard, Chair
Senator Clarence K. Nishihara, Vice Chair

HB469 HD1

RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS.

DATE: Wednesday, November 15, 2021
TIME: 1:00 PM
PLACE: VIA VIDEOCONFERENCE

Aloha Chairs Inouye and Gabbard, Vice Chairs Keith-Agaran and Nishihara, and Members of the Committees,
My Name is Peter Simmons. I previously testified on this matter.

The Draft report to the legislature demonstrates that the Act 90 Committee listened well to the participants and was creative in finding solutions to the issue of which State department, DLNR or HDOA multi-purpose leases should reside.

On its surface, in which department's portfolio a lease is held appears to be an administrative issue. Clearly, what is most important is the lease agreement and happily both HDOA and DLNR have the ability to write sound leases and together with the lessee, they can negotiate terms that reflect their combined depth of knowledge and wisdom of the lands, culture, community, agriculture and natural resource management. With the lessee the departments could play complementary roles in optimizing a given landscape's potential.

Neil Hannahs presented some of Kamehameha Schools' process and product of planning. Kapapala Ranch's Lani Petrie shared its holistic decision making tool and their past desire to use it in lease discussions with DLNR. If all parties co-developed short, medium and long term plans for complex leasehold landscapes it would benefit the parties and the land. Lease terms would guide lessee actions which would manage designated portions of the landscape in agreed upon activities. DOFAW could manage critical native forest resources.

DOFAW's "Hawaii Forest Action Plan" of 2016 is well written and illuminates the dire situation our State's forests are in and how underfunded they are. We're losing a battle of our own making; we're in emergency mode on many fronts. As one professional forester put it, "DOFAW is doing triage and must make very tough decisions". In the midst of the emergency DOFAW describes fighting for the core 875,000 acres of our most pristine watershed, and they have pledged to "manage 1/3" of those critical watershed forests by 2030.

Which of our ailing forests and natural resources are going to be helped and which are not? From the context of the action plan it can be seen that our forests are being attacked and overrun and that DOFAW has done well with the resources they have to protect let alone enhance. But they are losing – we are losing. Even when all hands are working smart and hard and we're losing the battle. In the midst of an emergency confronting our highest quality native forests it isn't prudent to begin a new project.

Because of DLNR's present situation, please reconsider having complex pasture leases reside in DLNR's lease portfolio. I suggest allowing HDOA, DLNR and the lessee to jointly plan each complex working landscape using techniques similar to the ones Neil and Lani described. Having worked out the details of the plan, a lease that facilitates the plan can be co-created and collaboratively managed.

DOFAW taking the lead on forest matters including withdrawals, easements, public hunting etc. And HDOA takes responsibility for lease administration. When ranch business issues are involved the ranchers and the land will benefit most with contact with those who have the greatest agricultural and ranch expertise – they are in the HDOA.

Possible legislative matters:

The report suggests a law be created that requires DLNR to demonstrate fiscal ability to perform on withdrawn from lessees is wise. Additionally please consider requiring DLNR's DOFAW to create plans for complex landscapes that it proposes to withdraw from pasture leases.

If it is the case that an indefinite boundary agreement between departments is presently illegal, perhaps the law should be changed. It would simplify withdrawals and easements without creating undo risk.

Finally, on page 9 of DOFAW's Forest Action Plan is an Act that I had never read or heard of, that is "The Aloha Act Hawaii Revised Statutes 5-7.5". In reading the act, I am humbled by my short-comings. The act sets a very high standard. It seems that prior discussions would have benefitted from a deeper understanding of the "Aloha Spirit" Act".

Thank you for this opportunity to testify,

Peter D. Simmons, retired

[§5-7.5] "Aloha Spirit". (a) "Aloha Spirit" is the coordination of mind and heart within each person. It brings each person to the self. Each person must think and emote good feelings to others. In the contemplation and presence of the life force, "Aloha", the following unuhi laula loa may be used:

"Akahai", meaning kindness to be expressed with tenderness;

"Lokahi", meaning unity, to be expressed with harmony;

"Oluolu", meaning agreeable, to be expressed with pleasantness;

"Haahaa", meaning humility, to be expressed with modesty;

"Ahonui", meaning patience, to be expressed with perseverance.

These are traits of character that express the charm, warmth and sincerity of Hawaii's people. It was the working philosophy of native Hawaiians and was presented as a gift to the people of Hawaii. "Aloha" is more than a word of greeting or farewell or a salutation. "Aloha" means mutual regard and affection and extends warmth in caring with no obligation in return. "Aloha" is the essence of relationships in which each person is important to every other person for collective existence. "Aloha" means to hear what is not said, to see what cannot be seen and to know the unknowable.

(b) In exercising their power on behalf of the people and in fulfillment of their responsibilities, obligations and service to the people, the legislature, governor, lieutenant governor, executive officers of each department, the chief justice, associate justices, and judges of the appellate, circuit, and district courts may contemplate and reside with the life force and give consideration to the "Aloha Spirit". [L 1986, c 202, §1]

KAPĀPALA RANCH

P. O. Box 537

Pahala, HI 96777

Kapapala.ranch@aol.com, lanipetrie@aol.com

ACT 90 Working Group Hearing

November 17, 2021 1:00pm

Via video conference

Co-Chairs Inouye and Tarnas
Members of the Committee

We thank you for the Draft Proposal. It could offer a possible solution to a complex situation where the outcome for the ‘whole’ is better than alignment with the inherent needs of one (agency or individual).

We brought up this very concept of a new category of lease and presented it to the DLNR at a special facilitated meeting on July 3, 2019. Attached are the minutes from that meeting as well as an illustration for discussion on formulating a new lease

Three months later, the DLNR presented their plans at the Hawaii Cattlemen’s Council Convention to seek legislative approval for equivalent powers as the Board of Agriculture (reference HB2358). We felt this action was like grabbing a scalpel for a critical surgery before even prepping us (the patient) because virtually none of the follow-up steps from July 3rd had been addressed yet.

In summary, since that meeting in 2019, the DLNR never:

- Scheduled a follow-up meeting
- Completed the “Quick List”
- Addressed the “Key Issues and Ideas” for the Ranch and DOFAW to discuss

We had mutually agreed to work on this within a six month window so that prior to the opening of the 2020 Legislature we might conceptually have an idea of what a multi-purpose lease might look like. It has been over two years and we have had no contact with the DLNR.

Either they have no time or they have no intent to work through the details of a multi-purpose lease. Thus we are inclined to support the position of the Hawaii Cattlemen’s Council and their testimony.

Respectfully submitted,

KAPĀPALA RANCH

Lani C. Petrie

Attachments

**Kapāpala Ranch & DLNR/DOFAW
Facilitated Discussion**

3 July 2019

Kapāpala Ranch Headquarters

SUMMARY

Updated: 12 July 2019

Progress on Meeting Objectives

- 1) Better understand management priorities and options for Kapāpala Ranch (KR) lands for the Ranch & for DLNR. – **EXCELLENT PRESENTATIONS & DISCUSSIONS. Good foundation for continuing work together.**
 - *Link to Lani Petrie's July 3rd presentation – bit.ly/KapapalaLedg*
 - *DOFAW Team presentation included in email with Meeting Summary*
- 2) Identify key issues & possible win-win options for the Ranch and DLNR to explore together, including a collaborative management plan and/or agreement. – **SHORT LIST of Key Issues and Ideas agreed. LONG LIST of options, questions & ideas captured in Corral, which can be taken up in future meetings, as useful.**
- 3) If possible, find 1-2 “early wins” to build trust and collaboration among partners. – **ACHIEVED. Specific actions agreed & leads identified.**
- 4) Agree on next steps to develop win-win options, including key information needed and next meeting. **INITIATED. Next meeting with DOFAW staff & with Suzanne Case agreed and will be scheduled shortly.**

Quick Actions (including additional actions agreed on drive to airport):

- **Audrey** send copies of DOFAW slides to Lani – **DONE**
- **Audrey & Leah** send Meeting Summary with next steps by July 12 - **DONE**
- **Gordon** clarify if 20% discount is included in current Kapāpala Ranch lease rent
- **Gordon** shar copy of current lease with Lani & DLNR/DOFAW team
- **Leah** ask Tri-Mountain Alliance if Kapāpala Ranch could be invited to next meeting.
- **David** attend next meeting of Tri-Mountain Alliance, if feasible
- **David** call Sara to schedule follow-up trip to Kapāpala with Suzanne, especially to visit potential reforestation areas (after DOFAW site visit)
- **Steve** coordinate site visit to look at alternative reforestation areas with Jay, Ian, Irene & the Ranch
- **Suzanne** check with Gordon on 10-year extensions

Key Issues and Ideas for KR and DOFAW to discuss

- Draft DOFAW- led Lease for discussion– **Gordan & Suzanne w/ David & Lani**
 - This will be a new kind of lease for DLNR
 - What are DOFAWs options?

- What is HDOA doing that DLNR can adapt?
- Look at RPs → Long Term
- Look at 35 years → 65 years
- Timeframe: ~6 mo
- Cooperative Koa Management – **Steve with Jay, Ian & Irene**
 - Check out 2 proposed koa reforestation sites on KR map in presentation
 - Explore salvage options
- Draft “boilerplate” language for a Memorandum of Understanding (MOU) between DOFAW & KR – **David & Irene with Steve & Team**
- Understand Lani & Bill’s plans for passive Income/semi-retirement on Ranch to help guide DOFAW-led lease – **Lani?**

CORRAL of Questions, Options & Ideas for future discussion

Note: This list was captured throughout our discussion, and clustered after the meeting by Audrey

Priorities for discussion at future meetings should be identified jointly, and it’s OK to drop items by mutual agreement.

- Understanding cattle operation basics
 - Ways for DOFAW to help the bottom line
 - Timing/phasing/scale is key; can’t do big areas at once
 - 65 year lease
 - Financing
 - Time to change vegetation (e.g. goats and guava)
- HDOA lease elements that are ag/ranch-friendly (from Lani’s presentation & discussion)
 - Rent based on agricultural values
 - Agricultural use it is exempt from public auction
 - Current Lessee has the Right of First Refusal to new lease rent when reappraised at lease end
 - 65 year lease allows Ranch to do much more with land.
 - Allow for additional crops after appraisal to adjust lease rent for new crop
 - Processing facilities on site
- Invasive species & game management
 - Public access and invasive species
 - Options for Christmas Berry and non-useable acres.
 - Mouflon control and management
 - Management hunting (not public)
 - Threat of addition of gorse
 - Small controlled burns and animals
 - Bird Game Management Agreement to document long-term collaboration
- Koa
 - Koa reforestation methods
 - Koa plantation and harvesting details and cooperative opportunities
 - Koa harvesting use & sale on KR (salvage harvest)
- Nene management to increase nesting and habitat
- Water and future water development
- Ecotourism / new income
 - Outfitting/ camping
- Cooperative management agreement on specifics
- Creative cost savings

- Lease rent discount or amendment
- Capital costs (Fencing, catchment, road, water)
- Liability insurance
 - Withdraw unusable land from lease to reduce liability insurance?
- \$41K/year for Ranch to manage bird access and hunting calculated during lease renegotiation, including conservative estimate of staff time
 - \$7,200/year for phone service for public access

Participants

Kapāpala Ranch Lani Petrie, Kapāpala Ranch Owner
 Bill Petrie, Kapāpala Ranch Owner
 Bill Price, Accountant
 Kirk Gadzia, Resource Management Services & Certified Educator with Holistic Management Institute

BLNR: Jimmy Gomes, BLNR Board Member

DLNR Suzanne Case, DLNR/BLNR Chair
 David Smith, DOFAW Administrator
 Gordon Heit, DLNR Lands Division – Hawai‘i Island
 Ian Cole, DOFAW East Hawai‘i Wildlife Biologist
 Jay Hatayama, DOFAW Forestry Manager, Hawai‘i Island
 Steven Bergfeld, DOFAW Hawai‘i Island Branch Manager

Facilitation Audrey Newman, Facilitator
 Leah Laramée, DOFAW & Assistant Facilitator

Useful Background for Future Meetings

Ground Rules

- ❖ All ideas and opinions will be respected
- ❖ Everyone participates; no one dominates
- ❖ Share your knowledge
- ❖ Listen with an open mind
- ❖ Help us stay on time & topic
- ❖ No side conversations; please turn off cell phones/emails

Clear Group Agreements - heard on Audrey’s calls before the meeting (for future reference)

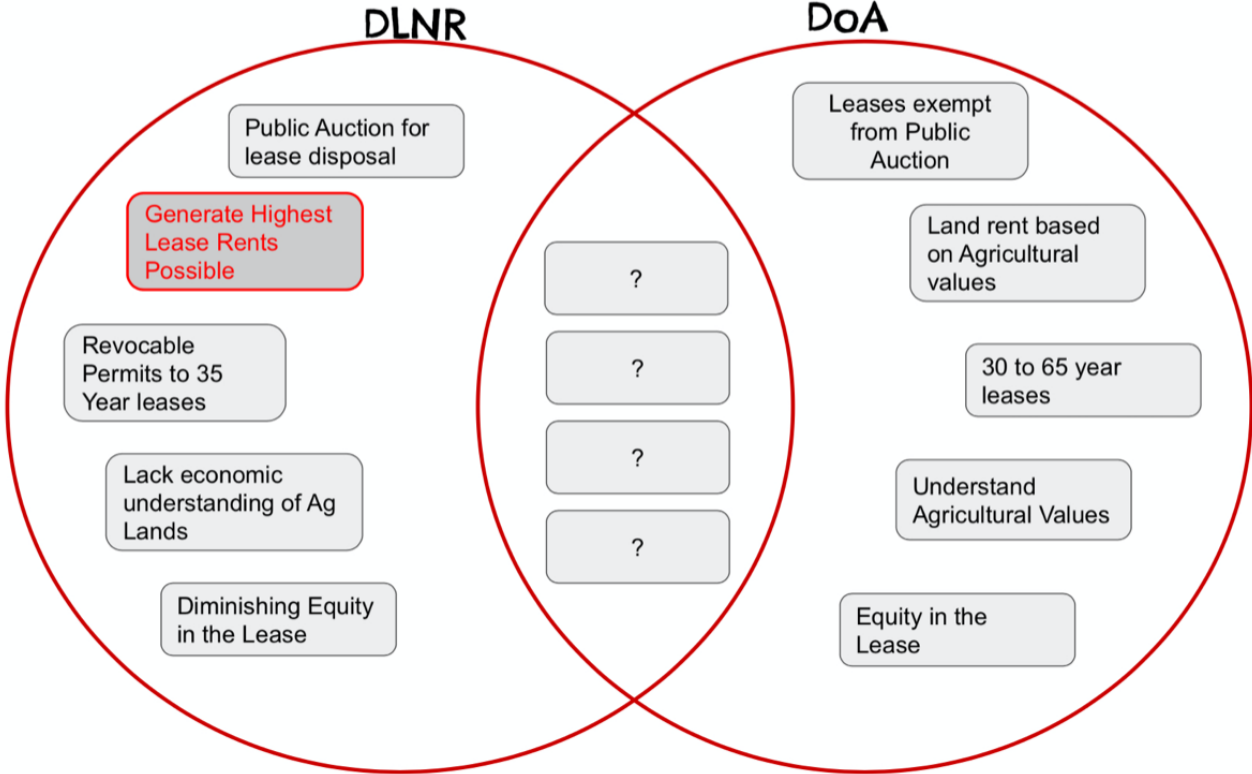
- Everyone wants good long-term resources mgmt. for these lands
- Almost everyone described “success” as some form of cooperative management agreement between the Ranch & DOFAW
- DLNR recognizes & appreciates that Bill & Lani are good land stewards & valuable partners on many state & local programs, including invasive species mgmt., fire management and more
- DLNR needs a reliable, long-term lessee on KR
- Rent renegotiation was challenging for everyone; want to move forward
- Good working relationships between the Ranch & HI Island DLNR team

Feedback

<p style="text-align: center;">PLUS</p> <p style="text-align: center;">Really worked; do again at future meeting</p>	<p style="text-align: center;">DELTA</p> <p style="text-align: center;">Changes to improve future meeting</p>
Facilitator did a great job	Didn't get to do field trip
Being at the Ranch	Less chocolate
Getting a better understanding of the Ranch's business and what is important to them	
Lani and Suzanne got some questions and concerns out in the open	
Hearing deep concerns and history	
Good size of group	
Jimmy and Kirk	

All meeting flipcharts available on request from Leah Laramee (Leah.J.Laramee@hawaii.gov)

Overview DLNR vs DOA





Hawaii Cattlemen's Council, Inc.

ACT 90 Working Group
Senator Lorraine Inouye, Co-Chair
Representative David Tarnas, Co-Chair

Wednesday November 17, 2021, 1:00 p.m.
VIA VIDEOCONFERENCE

Co-Chairs Inouye and Tarnas and Members of the Act 90 Working Committee,

The Hawaii Cattlemen's Council appreciates the opportunity to review and offer comments on the draft Act 90 Working Group Report to the Legislature. We recognize the attempt to take the input of the concerned leaseholders into consideration. We suggest that the eligible transfers identified are expedited for transfer (111 eligible for transfer subject to DOA acceptance, and 15 eligible for transfer when easements are provided), as it has been 18 years since Act 90, 2003 passed into law. We are interested in learning the identity and plans for the 57 parcels that are ineligible for transfer due to DLNR priorities. The Hawaii Cattlemen's Council strongly advocates that these lands, which are zoned either agricultural or pasture, be prioritized for those intents. Pasture lands are decreasing with each census, but keeping ranchers as stewards on the land gives the state an opportunity to reach both food security and conservation goals.

We are concerned about the finding that parcels used primarily and exclusively for agriculture be transferred to DOA, but multi-use parcels should stay with DLNR. This disincentivizes leaseholders from implementing conservation work or forestry in conjunction with cattle production. However, how will this be determined? DLNR previously claimed that caring for livestock is not agriculture, although it is defined as an agricultural activity in Act 90, 2003. If this can be clarified and developed as a recommendation, this would move the process of transfers in the right direction to fulfill Act 90.

We are not in support of Recommendation 2, but instead believe the smarter course of action would be to transfer the lands to DOA and work on a collaborative basis with DLNR from there. Based on page 4 of the Draft Report, it is clear that DOA already holds the appropriate lease abilities to manage for agriculture and which will encourage agriculture to thrive on the leases. We suggest that instead of multi-use lands staying with DLNR, that they are transferred to DOA for management, while efforts for DLNR to collaborate on the multi use purposes are pursued with the facilitation of the multi-use lands specialist position in Recommendation 4B on page 5. Keeping multi-use lands with DLNR and creating legislation to authorize DLNR to amend and extend pasture leases and develop lease rents based on agricultural use values (Recommendation 2) would further delay the leaseholders from getting the lease terms needed, as the legislation and rule making process would take time. For this reason, we oppose this route and instead believe the leases should transfer to DOA, which would solve the issue for the leaseholders in a more direct fashion, and as determined by Act 90, 2003. An additional concern is that even with the ability to extend



Hawaii Cattlemen's Council, Inc.

leases and offer rent based on agricultural use value, it does not require BLNR to do so, and the leaseholders may still be at jeopardy of their lease being reprioritized to another use.

We agree with Recommendation 3 that would require DLNR to seek BLNR approval before taking land out of pasture use and to submit a funded action plan. We believe it should also include approval from BOA, and it should be specified that the funded action plan is also approved. In order to fully address the issue of keeping agricultural lands in working production, it should apply to current pasture, not former pasture.

We also appreciate Recommendation 4 for the facilitation of cooperative relationships between DLNR, DOA, and lessees of multi-use agricultural lands, but would recommend that the position be specific in its job description to ensure that both agricultural production and conservation thrive, and be led by the intent of Act 90 and Article XI, Section 10 of the State Constitution that "public lands shall be used for the development of farm and homeownership on as widespread a basis as possible, in accordance with procedures and limitations prescribed by law." We also urge for this collaboration to happen after agricultural lands have transferred to DOA, since they already have the appropriate lease term abilities in place. We have concerns about where possible funding for this positions would come from, and which department the position would be housed in, but believe it would be beneficial to have a facilitator of collaboration.

We would like to express thanks to the working committee for holding these sessions and giving the opportunity to testify.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director



Hawai'i Aquaculture & Aquaponics Association
Hawai'i Cattlemen's Council
Hawai'i Farm Bureau Federation
Hawai'i Farmers' Union United
Hawai'i Food Industry Association
Hawai'i Food Manufacturers Association
Kohala Center
Land Use Research Foundation of Hawai'i
Maui Farm to School Network (Maui F2SN)
Ulupono Initiative
College of Tropical Agriculture and Human Resources - University of Hawai'i at Manoa

ACT 90 WORKING GROUP
November 17, 2021 – 1:00 P.M. - Videoconference

RE: Comments Regarding the Transfer of Non-Agricultural Park Lands

Aloha Co-Chair Inouye, Co-Chair Tarnas and Members of the Working Group:

The Local Food Coalition thanks the working group for providing lessees of non-agricultural park lands managed by the Department of Land and Natural Resources (DLNR) and the Department of Agriculture (DOA) the opportunity to provide testimony regarding their experiences.

Act 90 was passed in 2003 with the intent to transfer agricultural leases from DLNR to DOA. The Local Food Coalition supported the original version of HB 469 that established a deadline to transfer these lands. Farmers and ranchers need long-term leases in order to reasonably invest in infrastructure improvements on the leased land. Without a deadline for transfer, they are left uncertain and hampers any long-term planning. The success of ranchers and farmers is a key component in the State's goal to double local food production.

We appreciate you taking the time to listen to all parties and identify potential solutions to this complex issue.

The Local Food Coalition is an organization comprised of farmers, ranchers, livestock producers, investors and other organizations working to provide Hawaii's food supply.

Thank you for the opportunity to submit testimony.

Kendall Matsuyoshi
808-544-8345
kmatsuyoshi@wik.com

act90written

From: James Duffy <jamesduffy1567@gmail.com>
Sent: Wednesday, November 10, 2021 3:34 PM
To: act90written
Subject: Act 90

My name is Jim Duffy. I am the owner of 4-J Livestock Co. and a retired Hawaii Supreme Court Justice. While I do not have a state-owned agricultural lease, I write in strong support of Act 90 and the transfer of public agricultural lands from the DLNR to the Hawaii Department of Agriculture. I respectfully submit that the transfers are long-overdue and will provide farmers and ranchers with the security that their leases would support continued agriculture production. Thank you



P.O. Box 253, Kunia, Hawai'i 96759
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e-mail info@hfbf.org; www.hfbf.org

Act 90 Working Group
November 17, 2021
1:00 P.M.

VIA VIDEOCONFERENCE

Submitted via email to: Act90Written@capitol.hawaii.gov

Testimony on the Act 90 Working Group Draft Report to the Legislature

Aloha Co-Chair Inouye, Co-Chair Tarnas, and Members of the Working Group,

I am Brian Miyamoto, Executive Director of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

HFB sincerely appreciates the time and effort of the Working Group (WG) in considering the concerns of the leaseholders and the agencies responsible for these leases. We recognize that achieving a reasonable resolution of this matter is a complicated task. We have reviewed the draft Working Group report and would like to share the following concerns.

Time is of the essence. There should be a deadline to transfer agricultural lands in production to DOA. It is clear that Act 90, passed 18 years ago, was intended to transfer agricultural leases from DLNR to DOA. Those whose leases have not been transferred continue to be in a state of limbo, unable to avail themselves of the advantages afforded under a DOA lease. They do not have the security and stability that comes with a long-term lease in order to make investments and infrastructure improvements or even contemplate long-term plans. How are they supposed to run a business with this insecurity? How can they adequately maintain or improve the land with short-term leases that do not lend themselves to appropriate funding or investment?

We are talking about lessees who are food producers *and* land stewards who are an important part of Hawai'i's goals of greater self-sufficiency and conservation efforts. Enabling their continued work is in the best interest of the public. They should not be trapped in decades of debate about which agency is responsible for their existence when it is the mission of one agency, DOA, to foster agriculture in Hawai'i. Fostering agriculture and conserving natural resources are not mutually exclusive. Producers should not be forced into waiting additional years while DLNR works to adjust its priorities, policies, and rules to expand its mission to accommodate them. **HFB continues to urge the transfer of agricultural lands in production to DOA, with appropriate lease conditions to ensure both that natural resources are protected and that any future lease withdrawals are reasonable and appropriate.**

We are confused about the Working Group's differentiation between lands under DLNR **used primarily and exclusively for agricultural purposes** that should be transferred to DOA, **and those which have multiple uses, such as for conservation, public recreation, and other public purposes** in accordance with DLNR's mission, that should remain under DLNR's

management. We believe that this distinction is unwarranted. All lands have multiple uses, benefits, and resource protection needs.

We share the concerns of Peter Simmons, former long-time Kamehameha Schools land manager. It is no secret that the lack of funding for Hawai'i's natural resources, including forest lands, has led to disastrous neglect. It is impossible for DLNR to manage all the land it is currently responsible for. Much of the nearly 800,000 acres of land that DLNR DOFAW is directly responsible for is in dire need of immediate attention and action. It was no surprise, but is so disheartening to be reminded of the devastating spread of invasive strawberry guava through native forests and critical watersheds, the tens of thousands of acres of invasive *Albizia*, the Rapid Ohia Death killing our important ohia trees island-wide, and the demise of our native ecosystems along with its native birds. Those of us in agriculture are faced with similar encroachment of invasive weeds and other pests that threaten any food production unless adequately managed.

We echo Mr. Simmons' query, "How does it make sense that DLNR-DOFAW weighted down with the above and more responsibilities with meager budget wants to take on more land responsibilities, develop a new project of planting trees to transition from managed pasture lands to conservation ohia-koa forest? In the light of the above lands and resources in dire straits, we need to ask is this the right time for a new albeit noble goal? We're losing our existing forests and their resources and DLNR-DOFAW wants to plant new ones. It just doesn't make sense. It's not good for Hawai'i's existing forests or our land."

What does makes sense is to collaborate with agricultural producers who can be partners in long-term conservation efforts while engaged in farming and ranching on the land. This is already being done successfully and it should continue. DLNR can focus on the forests currently under their management. Long-term management of our precious resources, both natural and agricultural, should be the goal.

Thank you for the opportunity to provide testimony. On behalf of our farmer and rancher members who supply Hawai'i's residents and visitors with fresh produce, meats, flowers, plants, and other agricultural products, while stewarding the land and keeping our islands green and beautiful, we appreciate your continued support of Hawai'i's producers.



Email: communications@ulupono.com

ACT 90 WORKING GROUP
Wednesday, November 17, 2021 — 1:00 p.m.

Dear Chair Inouye, Chair Tarnas, and Members of the Working Group:

My name is Micah Munekata, and I am the Director of Government Affairs at Ulupono Initiative. We are a Hawai'i-focused impact investment firm that strives to improve the quality of life throughout the islands by helping our communities become more resilient and self-sufficient through locally produced food; renewable energy and clean transportation; and better management of freshwater and waste.

Act 139, SLH 2021, established a working group of legislators and DLNR and DOA administrative officials to ascertain the process and status of the transfer of non-agricultural park lands from DLNR to DOA pursuant to Act 90, SLH 2003 and to determine the challenges and potential remedies to facilitate the process of fulfilling the purposes of Act 90, SLH 2003. Ulupono Initiative appreciates this working group's efforts during the last several months to discuss this important legislation from 2003 and to find potential solutions to Act 90's implementation.

The current draft report provides a brief synopsis of Act 90's background, the challenges associated with the 2003 Act, and legislative recommendations for the 2022 Legislature to consider. Ulupono recognizes the importance of this group's task in helping the State address the appropriate management of active agricultural leases.

Ulupono continues to support the local livestock industry and its efforts to provide fresh, healthy products for Hawai'i's consumers. As such, we still believe that with DOA's affordable, long-term leases in place, local ranchers will be able to immediately take advantage of an existing, appropriate lease structure to make the necessary investments into their respective operations, improving economic viability and increasing local food production for the State. There is no need to recreate an existing structure within DLNR to manage agricultural lands. By doing so, local ranchers will be at the mercy of the legislative process during an election year and be subject to a lengthy rule-making process that will undoubtedly delay any local rancher potential benefit for many years to come.

Recently, the pandemic, along with devastating natural disasters and shipping supply issues, has heightened local food insecurity for our communities. With many leaders across

Investing in a Sustainable Hawai'i

our state saying that local agriculture can play an important role in our economic and social recovery, one theme around local food production rises to the top: the time to act is now. Local producers, like our ranching industry, are the lifeline Hawai'i needs to meet our food security needs; they just need a little support. The current appropriate lease structure exists in DOA, and the local ranching community deserves our State's support to follow through on a law enacted over 18 years ago. While Act 90, SLH 2003, has provided various agricultural land transfers to date, there are still critical, food producing pasture leases that are subjected to unfavorable lease terms that threaten the State's goal to increase local food security. DOA's mission and expertise to manage agricultural activities and related natural resources, including pastureland production, through a favorable lease structure promotes local food production and directly supports State sustainability goals.

We ask the working group to consider adjusting language in the recommendations sections as such:

1. For recommendation #3, include both the BOA and the BLNR in the DOFAW approval process.
2. For recommendation #4 (A), add language to require land classification as "agricultural multi-use" when lands include agricultural and natural resource value.
3. For recommendation #4 (B), clarify where the specialist position will reside and how this position will be different from other DLNR and DOA land specialist positions that have been involved in this process to date.

As this working group report is finalized, we urge the members to work with the local ranching community in the development of any detailed legislative measure seeking to facilitate the process of fulfilling Act 90, SLH 2003.

Respectfully,

Micah Munekata
Director of Government Affairs