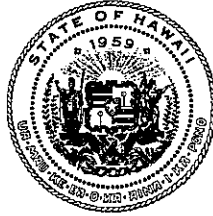
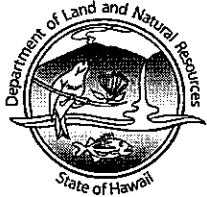


LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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**TESTIMONY OF THE CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES**

on Senate Bill 3102, Senate Draft 1 - Relating To The Land Conservation Fund

**BEFORE THE SENATE COMMITTEE ON
WAYS AND MEANS**

February 26, 2008

Senate Bill 3102, Senate Draft 1 is an Administration bill which proposes; (1) To allow public and private moneys to be deposited into the Land Conservation Fund (Fund) to be distributed as grants for acquisition of land having value as a resource to the State, and (2) To allow moneys from the Fund to be used for the operation, maintenance, and management of the acquired lands. The Department of Land and Natural Resources (Department) is in strong support of this bill.

Currently, the Legacy Land Conservation Program (Program) is funded through an annual transfer of 10% of the State's Conveyance Tax to the Fund. The Program is successfully partnering with State agencies, county agencies, and nonprofit land conservation organizations to protect a significant amount of the State's resource lands. For the first two years of this Program's existence, applicants have asked for sums of over \$11 million each year. The Program is able, with current funding from the land conveyance tax, to award \$4.7 million in grant funds per year. The amount by which funding requested exceeds that rewarded indicates a need for more funding. This need is further demonstrated by the quality of the projects coming before the Program that are not able to receive funding.

This bill allows moneys from any other private or public sources to be deposited in or credited to the fund, provided that mandates, regulations, or conditions on these funds do not conflict with Chapter 173A, Hawaii Revised Statutes (HRS). With this change, the Program will be able to accept additional funds that may be raised by supporters or contributed by donors to support the protection of the State's resource lands. Examples include private donations, grants from Charitable Foundations, public fund raising efforts, federal funds, state funds such as direct appropriations or funding from the Conservation Reserve Enhancement Program to purchase agricultural conservation easements, and county funds and even court settlement agreements.

Chapter 173A, HRS, currently only allows for money to be used for acquisition of resource lands. This does not address the fact that many of the lands purchased with this program have extremely fragile resources and require active management to safeguard their existence. This bill will allow use of up to 5% of the Fund for operations, maintenance and management of lands purchased with this Fund - if necessary to protect, maintain or restore resources at risk on these lands, or to provide for greater public access and enjoyment of these lands. It will provide needed funding for projects that do not have another source of operating funds to make urgently

needed improvements to lands purchased under this chapter to protect native species from encroaching invasive species, or prevent soil erosion on farm or coastal properties, and provide facilities, fencing, and signage for safe public access and use of recreational and cultural areas.

The Department is aware there are concerns from some land conservation organizations that allowing use of the fund for operations and maintenance and management would dilute the fund. The Department notes that the amount that would be made available is capped at 5% and restricted to cases where it is needed to protect, maintain or restore resources at risk or provide greater public access and enjoyment. The awarding of operations, maintenance and management funding would be through the same competitive process with acquisitions and go forward if judged a high priority. The Department is willing to work with the land conservation organizations and the committee to tighten up the language as the bill progresses through the next round of hearings.



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TESTIMONY BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS

SB3102 SD1

RELATING TO THE LAND CONSERVATION FUND

February 26, 2008

Chair Baker and Members of the Committee:

My name is Stephanie Whalen. I am President and Research Director of the Hawaii Agriculture Research Center (HARC). I am testifying today on behalf of the center, our research and support staff, and our members and clients.

HARC strongly supports the intent of SB 3102 SD1 Relating to the Land Conservation Fund.

It is important to provide an opportunity for the public to provide funds for land conservation with or without having to specify a specific property. This will leverage the state's commitment to conserving agricultural, cultural, and conservation land.

Also providing for the operation, maintenance and management of lands acquired by way of this fund is important as long as it is restricted as in (h) (4) of the proposed language. This paragraph is very important to retain in the bill so that this fund is not used up by operational demands.

Thank you for this opportunity to provide SUPPORT for SB3102 SD1, helping to preserve land in Hawaii for the public interest.



**THE TRUST FOR PUBLIC LAND'S TESTIMONY IN OPPOSITION TO
SB 3102**

**Senate Committee on Ways and Means
Tuesday, February 26, 2008, Room 211
testimony@capitol.hawaii.gov**

Aloha Chairperson Baker and Vice-Chair Tsutsui:

The Trust for Public Land (TPL) opposes SB 3102 Relating to the Land Conservation Fund. TPL was actively involved with this Legislature in the passage of the Legacy Lands Act, and thanks the committees for their support of this historic legislation. While it supports greater funding for the Department of Land and Natural Resources in general, it must oppose attempts to divert money from the Legacy Lands Fund to DLNR for general operation and maintenance.

TPL conserves land for people to enjoy as parks, gardens and other natural places, ensuring livable communities for generations to come. Nationwide, TPL has five program initiatives: (1) providing parks for people, (2) protecting working lands (farms, ranches, and forests), (3) conserving natural lands (wilderness, wildlife habitat), (4) safeguarding heritage lands (cultural and historical resources), and (5) preserving land to ensure clean drinking water and the natural beauty of our coasts and waterways. In Hawai'i, TPL has worked with public and private partners to conserve over 36,000 acres of land in the State, with a focus on coastal lands and lands important to Hawaiian communities.

TPL opposes SB 3102 for the following reasons:

1. The Legacy Lands Commission, which this Legislature created, was not consulted regarding this bill. I attended a Legacy Lands Commission meeting last week on February 6, 2008. The Commission was surprised to learn of the bill and had not been consulted. The Commission consists of experts in agricultural, science, Hawaiian cultural, and conservation. These individuals have first hand knowledge of how the program has worked for the past two years, and should have been consulted.
2. Although TPL supports more funding for DLNR, it must oppose diverting 5% of Legacy Lands Funds for operation and maintenance costs. In the past two years since this Legislature passed the Legacy Lands Act, the number of worthy projects has far exceeded available funds. Every project that has been funded has leveraged substantial matching federal, county, and/or private funds, making the limited dollars in the Legacy Lands Fund go farther. The funded projects met several criteria. All projects had: (1) willing landowners/sellers who had agreed to sell the property at a set price, (2) engaged communities calling for the preservation of the lands, (3) specific plans to manage the land, (4)

substantial matching funding, (5) significant natural and/or cultural resource value, and (6) current threats to the property that called for protection or acquisition. The experts on the Legacy Lands Commission weighed these factors, and as difficult as the task was, prioritized the projects for available funding. The amount of funding has always been less than the number of good projects. Taking away money from the Legacy Lands Fund for operation and maintenance will mean that fewer projects will be funded.

TPL therefore opposes SB 3102.

Mahalo for this opportunity to testify.

A handwritten signature in black ink that reads "Lea Hong". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Lea Hong
Hawaiian Islands Program Director



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Hawai'i Program
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Testimony of The Nature Conservancy of Hawaii
Supporting S.B. 3102 SD 1 Relating to the Land Conservation Fund
Senate Committee on Ways and Means
Tuesday, February 26, 2008, 10:45AM, Rm. 211

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of Hawai'i's native plants, animals, and ecosystems. The Conservancy has helped to protect nearly 200,000 acres of natural lands for native species in Hawai'i. Today, we actively manage more than 32,000 acres in 11 nature preserves on O'ahu, Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.

The Nature Conservancy supports S.B. 3102 SD 1 Relating to the Land Conservation Fund.

Under the Legacy Lands Act of 2005, the Legislature established an important source of dedicated funding for forest protection and affordable housing programs via the Natural Area Reserve Fund and the Rental Housing Trust Fund, respectively. This landmark legislation also created a source of revenue for important land acquisitions to protect natural, cultural, agricultural, and recreational areas and to preserve the opportunity for future generations to enjoy such lands in the way that their parents and grandparents enjoyed them.

This bill proposes two appropriate changes to the Land Conservation Fund authority:

1. It would allow grants and donations from other public and private sources to be deposited into the fund to support the land protection purposes of the fund.
2. It would provide for competitive awards to be used for management of lands acquired with fund resources, but not to exceed 5% of fund revenues. This second change is reasonable to help support important management needs related to land acquisitions, and the 5% limitation prevents undermining the primary purpose of the fund for land acquisitions.

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