

SB 3102

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

on Senate Bill 3102 - Relating To The Land Conservation Fund

**BEFORE THE SENATE COMMITTEE ON
WATER AND LAND**

February 13, 2008

Senate Bill 3102 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 is in strong support of this measure.

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.

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

**Senate Committee on Water and Land
Senate Committee on Agriculture and Hawaiian Affairs
Wednesday, February 13, 2008, Room 414
testimony@capitol.hawaii.gov**

Aloha Chairpersons Hee and Tokuda, Vice-Chairs Kokubon and English, and
Committee Members:

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.



Lea Hong
Hawaiian Islands Program Director

END

SB 3102