

TESTIMONY
SB 2738



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Testimony of The Nature Conservancy of Hawai'i
(Provided by Mark Fox, Director of External Affairs)
Commenting on S.B. 2738, SD1 (Proposed) Relating to the Legacy Land Conservation Commission
Senate Committee on Water, Land, Agriculture, and Hawaiian Affairs
Wednesday, February 17, 2010, 2:45pm, Room 229

The Nature Conservancy supports the provision of S.B. 2738 to allow the chairperson of the Natural Area Reserve System Commission (NARSC) to appoint a designee to serve on the Legacy Land Commission (LLC) and for the LLC to elect a chair from its members. This amendment will provide important relief to the presently over-burdened volunteer position of NARSC chair.

However, though we appreciate the intent of the proposed SD1 to find additional sources of funding to support invasive species control, we are concerned the permanent amendment to authorize Land Conservation Fund (LCF) revenue to be used for controlling invasive species will negatively affect the purpose of the LCF to help acquire and protect important conservation, cultural, agricultural, and open space areas.

The DLNR's Land Conservation Fund, Natural Area Reserve Fund (NARF), and Special Land and Development Fund are all short of revenue and have their own very important priorities and missions to support. The LCF's land acquisition and the NARF's watershed and invasive species programs are already experiencing cuts of more than 50% because the conveyance tax source of funding is drastically reduced with the down real estate market. We don't think that statutorily authorizing new expenditures from the LCF will provide significant benefit to any one program, but may only serve to dilute or shift limited funds around between needy programs.

For example, in Fiscal Year 2007 the Legislature's provision of additional funding for coqui frog control was really a shifting of existing funds from other invasive species control programs, which then caused layoffs in the Island Invasive Species Committees' control programs and a hiatus in the Hawai'i Invasive Species Council's research grant program. Last Summer, \$900,000 was diverted from the Hawai'i Invasive Species Council's invasive species control, outreach and research programs to mitigate cuts in the critical prevention programs of the Department of Agriculture, *i.e.*, to prevent layoffs of 21 Plant Quarantine inspectors. Ironically, the control and outreach programs that have been cut are exactly the programs that most need to be activated now for the rapid response to the coqui frog outbreak in Waimanalo. However, diverting funds from other already diminished conservation programs may only serve to exacerbate the overall problems facing the protection of our environment and quality of life.

We appreciate the crisis situation that exists with respect to coqui frog invasions and we support a strong and coordinated response to address these invasions. Rather than permanently amending the Land Conservation Fund (or the Special Land and Development fund in H.B. 979 on Thursday), we think a better course of action is for the state, county, federal, and non-profit agencies to come together, assess and pool their resources, and develop and implement a rapid response plan—without legislation that may only serve to artificially move the money around.

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February 17, 2010

Sen. Clayton Hee, Chair
WTL Committee

RE: SB 2738 TENTATIVE Support (but opposed to invasive species amendment)

I am writing in tentative support of SB 2738 which would re-define the chairperson for the Legacy Lands Commission.

However, I must oppose the amendment which adds: "*costs related to the control and eradication of harmful invasive species infestations throughout the State*" to the permitted uses for this fund.

Support:

As the current Chair of both the Natural Areas Reserves Commission and the Legacy Lands Conservation Commission, I support the proposed change to the statute which would remove the requirement that the NARS chair also be chair of the LLCC. The proposal that a member of the NARS also be on the LLCC, and that the LLCC be able to chose it's own chair makes good sense. It insures there will be good communication between the commissions, which was the original intent of the act.

Opposition:

The Legacy Land Fund was created **to acquire Legacy Lands**. The re-allocation of LLC funds to deal with invasives species is completely outside the intent of the Legacy Lands Act, and inappropriate for the use of these funds.

We all know there is a need for dedicated funding for invasives control and the environmental community has been advocating for it for years. But, it needs its own dedicated funding source, not another cutting up of the over-burdened conveyance tax. Though not authorized, invasives control is now effectively a part of the NAR Fund, *i.e.*, each year the Legislature directs DLNR to use NAR Funds to support HISC/ISCs. This permanent change to the Legacy Land program is NOT the way to go. That's not what it was established for and it's a dangerous path.

Sincerely,



Dale B. Bonar

THE
TRUST
for
PUBLIC
LAND



HAWAII

**THE TRUST FOR PUBLIC LAND'S TESTIMONY
IN OPPOSITION TO SENATE BILL NO. 2738, S.D. 1**
Senate Committee on Water, Land, Agriculture and Hawaiian Affairs
Wednesday, February 17, 2010, 2:45 p.m., Rm. 229
<http://www.capitol.hawaii.gov/emailtestimony>.

The Trust for Public Land's (TPL's) Hawaiian Islands Program was one of the many conservation organizations that supported the passage of the Legacy Lands Act in 2005, which established the Legacy Land Conservation Fund (LLCF). The Legislature created the LLCF with broad support from the conservation and affordable housing community, and by a vast majority of both the House and Senate. TPL supported the original SB 2728 which would have allowed the Chair of the Natural Area Reserve Commission or his/her designated representative to serve on the Legacy Land Conservation Commission, and allowed the Legacy Land Conservation Commission to select its own chairperson. However, TPL opposes S.D. 1 to SB 2738, which authorizes expenditures from the LLCF for invasive species control because: (1) invasive species control is already funded through the Natural Area Reserve Fund at the direction of the Legislature, and (2) siphoning what little funding that remains in the LLCF for invasive species control is not consistent with the purpose of the LLCF and will dilute the effectiveness and purpose of the LLCF, which attracts millions of dollars of federal and private matching money for important agriculture, conservation, and cultural/heritage protection projects in Hawai'i that provide approximately six dollars of public benefit for every dollar invested.

- **Invasive Species Control Is Already Funded Through The Natural Area Reserve Fund.**

Conservation organizations have advocated for many years for a dedicated source of funding for invasive species control. However, this important function needs its own dedicated source of funding, rather than cutting up the already over-burdened real estate conveyance tax funds, particularly the LLCF. Although it is not specifically authorized,

invasive species control is now effectively a part of the Natural Area Reserve Fund. Each year, the Legislature directs the Department of Land and Natural Resources to use Natural Area Reserve funds to support invasive species control through the island invasive species committees. It is not necessary or desirable to dilute the effectiveness of the Legacy Land Conservation program by allowing expenditures from the LLCF to support activities already supported by the Natural Area Reserve Fund.

- **The Legacy Land Conservation Fund Leverages Millions in Federal Funding And Provides Important Public Benefits.**

The LLCF allows state, county, and non-profits to match millions of federal funds available for land conservation -- funding that has increased under President Obama's administration. For example, funding under the National Atmospheric and Oceanic Administration's Coastal Estuarine Conservation Program (CELCP) has increased from \$8 million under former President Bush, to approximately \$20 million under President Obama. One of TPL's Hawai'i projects, the Lapakahi State Historical Park -- was ranked #1 among 57 projects nationally this year for \$1.25 million of CELCP funding. Without the matching LLCF dollars, this project would not be possible, and Hawai'i would have lost \$1.25 million in matching federal dollars.

The LLCF has already suffered 50% cuts with the depressed economy. The State estimates that the amount of money generated by the conveyance tax will decrease 50% this fiscal year -- a proportionately much larger cut than any other department or program. If the amount of money in the LLCF is further decreased by diluting its purpose to include invasive species control, the State will lose matching federal funds, and once-in-a-lifetime opportunities to save land that supports local agriculture, conserves water resources, and sustains our Hawaiian heritage.

In general, every dollar spent from the LLCF generates 2-3 additional dollars of federal and/or private money. For example, last year, the Legacy Land Commission approved \$982,956.50 for the Division of Forestry & Wildlife's acquisition of the Honouliuli Preserve. These funds will be matched by close to \$2.7 million from the U.S. Army Compatible Use Buffer Zone (ACUB) Program, and \$627,809 from the U.S. Fish & Wildlife Service Recovery Land Acquisition Program,. Over 3,500 acres of land appraised at a fair market value of \$4.3 million will be placed in public hands at a total cost of only \$982,956.50 to State taxpayers (in other words, Hawai'i taxpayers will pay only 25% of the fair market value of the land). Protection of the Preserve also conserves important watershed that feeds O'ahu's main source of drinking water, secures habitat for many endemic threatened and endangered species found nowhere else in the world, and protects numerous cultural sites and landmarks.

TPL has completed 18 projects in Hawai'i that have protected over 36,000 acres of land. Hawai'i taxpayers have contributed approximately 30% or less of the fair market value in those transactions. The small amount in the LLCF allows the State, the counties, and non-profits, to leverage an additional 2-3 dollars of federal and/or private money for every LLCF dollar spent. For example, if the State LLCF money was not available for

the Honouliuli Preserve project, over \$3.3 million in federal dollars would be lost -- in just a single project. Without the LLCF, the people of Hawai'i will lose millions of federal and private matching dollars.

Moreover, the LLCF has conserved important lands with agricultural, conservation, and cultural/heritage value. For example, in January 2009, TPL assisted MA`O Farm in acquiring 11 acres of prime agricultural land in Wai`anae to support its organic farming operations, and its youth education and food sustainability programs for Wai`anae youth (MA`O is sending two dozen Wai`anae interns to Leeward Community College to receive their associate's degree). As described above, important watershed that feeds our drinking water aquifer will be protected by the Honouliuli Preserve project. With TPL's help, the State Parks Division is acquiring a privately owned coastal inholding within Lapakahi State Historical Park on Kohala, Hawai'i Island, preserving an important part of Hawai'i's pre-contact heritage. All of these projects were or are funded by the LLCF. Without the LLCF, these projects could not have occurred.

Small investments through the LLCF in agriculture, conservation, and our cultural heritage pay off over time. By protecting watershed land from development, government can avoid billions of dollars in operating expenses to treat contaminated drinking water or finding replacement water sources. By protecting agricultural land, we increase our isolated island chain's ability to feed itself, and generate our own energy. By protecting cultural/heritage lands, we sustain what makes us unique as a culture and as a world renowned visitor destination. Visitors who stay here to appreciate the culture spend more and stay longer. The small investments made possible by the LLCF result in immeasurable economic and social returns.

TPL has conducted studies in other areas of the nation which estimate that, for every dollar invested in conservation of land, an average of six dollars is returned in public benefits (e.g., treating drinking water sources, erosion and flood control, scenic resources). The LLCF is a wise use of taxpayer dollars and pays off six-fold in public benefits.

There is no doubt that the State faces serious financial times. However, cutting into the drastically slimmed down LLCF for invasive species control is not the answer. We therefore oppose S.D. 1 to Senate Bill 2738, and request that the members of this Committee vote against this bill.

Mahalo for this opportunity to testify -



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February 17, 2010

To: Senator Clayton Hee, Chair
Committee on Water, Land, Agriculture and Hawaiian Affairs

RE: Comments on SB 2738 RELATING TO THE LEGACY LAND CONSERVATION COMMISSION

I am writing in **support** of SB 2738 which allows the chair of the Natural Area Reserves System Commission to designate a member to represent the commission on the Legacy Land Commission and allows the Legacy Land Commission to select from among their members a chair.

I am in **opposition** of the proposed amendment which allows funding from the Legacy Land Conservation Fund (LLCF) to be used to, "*control and eradication of harmful invasive species infestations throughout the State*". This specific function not consistent with the intent of the LLCF and, although not specifically identified, is already partially covered by the Natural Area Reserves Fund.

There should be serious, separate, consideration and thought given to all requirements for the State to manage invasive species, plant and animal, to protect our natural resources and to support the Hawai'i Invasive Species Council and the separate county Invasive Species Councils.

Therefore, I respectfully request that this bill be passed un-amended.

Mahalo nui loa,

Cynthia K.L. Rezendes

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(END)