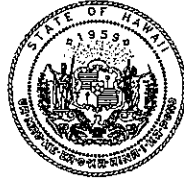


NEIL ABERCROMBIE  
Governor



RUSSELL S. KOKUBUN  
Chairperson, Board of Agriculture

JAMES J. NAKATANI  
Deputy to the Chairperson

State of Hawaii  
DEPARTMENT OF AGRICULTURE  
1428 South King Street  
Honolulu, Hawaii 96814-2512

TESTIMONY OF RUSSELL S. KOKUBUN  
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEES  
ON  
WATER, LAND, AND HOUSING  
AND  
AGRICULTURE

FEBRUARY 12, 2011  
2:45 P.M.  
ROOM 225

SENATE BILL NO. 1183  
RELATING TO PUBLIC LANDS

Chairpersons Dela Cruz and Nishihara, and Members of the Committees:

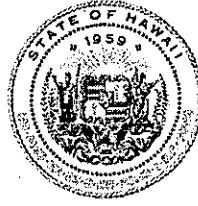
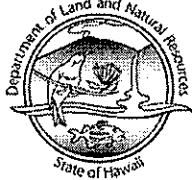
Thank you for the opportunity to testify on Senate Bill No. 1183. The purpose of this bill is to authorize the board and Department of Land and Natural Resources to enter into cooperative agreements with any state department to manage and develop vacant public lands for agricultural purposes or uses. The Department offers comments regarding this bill.

The Department believes this bill is unnecessary as it is our understanding that executive agencies are currently free to enter into agreements with other executive agencies when there is public benefit. The Department of Agriculture (DOA) has entered in several agreements with the Department of Land and Natural Resources (DLNR) over the years and continue to do so. The most recent example of a DOA partnership with DLNR is the memorandum of agreement that allows the DLNR to temporarily manage agricultural land identified for transfer to the DOA under the Non-Agricultural Parks program until the Governor's Executive order is finalized. Lands being considered for transfer include encumbered as well as vacant lands that the DOA intends to lease out to qualified farmers.

Thank you for your opportunity to testify on this measure.



NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
WILLIAM J. AILA, JR.  
Chairperson**

**Before the Senate Committees on  
WATER, LAND AND HOUSING  
and  
AGRICULTURE**

**Saturday, February 12, 2011  
2:45 PM  
State Capitol, Conference Room 225**

**In consideration of  
SENATE BILL 1183  
RELATING TO PUBLIC LANDS**

Senate Bill 1183 authorizes the Board of Land and Natural Resources (Board) and Department of Land and Natural Resources (Department) to enter into cooperative agreements with any state department to manage and develop vacant public lands for agricultural purposes or uses. The Department supports the general intent of this measure, but believes the bill is unnecessary.

Under Chapter 171, Hawaii Revised Statutes (HRS), the Department is authorized to manage and develop vacant public for various purposes and uses, including agricultural purposes and uses. As such, the Department has historically offered leases and month-to-month permits for agricultural uses on a regular basis. However, by Act 90, Session Laws of Hawaii 2003, the Legislature decided public lands classified for agricultural use should be transferred to, and managed by, the Department of Agriculture (DOA). Act 90 requires the Department and DOA to work together to effectuate the transfer of the Department's agricultural lands and lease to DOA. In furtherance of this mandate, the Board has since approved various agricultural lands and leases for transfer to DOA, which transfer will occur in phases. The Department and DOA will continue to work together on the transfer of additional agricultural lands and leases.

In addition, the Department regularly enters into collaborative agreements with other state department for numerous reasons, including agreements relating to the management and development of various public lands for various reasons.

For the reasons state above, the Department believes Senate Bill 1183 is unnecessary.

WILLIAM J. AILA, JR.  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI  
FIRST DEPUTY

WILLIAM M. TAM  
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  
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STATE PARKS



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February 11, 2011

## TESTIMONY

### RE: SB1183 RELATING TO PUBLIC LANDS

Chair Dela Cruz, Chair Nishihara and Members of the Committee:

Hawaii Farm Bureau Federation, on behalf of our commercial farm and ranch families and organizations in the State **supports the intent and suggests amendments to SB1183**, increasing the availability of public lands for agricultural use.

We strongly agree with the intent of this measure to provide access of vacant public lands for agricultural use. This is a good public trust use to provide for increase self sufficiency. However, we believe the content of the measure better fits other areas of the law.

First, regarding the amendment to §171-55.5. The law currently authorizes DLNR to enter into agreements to allow use of state lands for agricultural use with the City and County of Honolulu. In the name of parity, all Counties should be provided equal access. For this reason, we respectfully request amending this measure to address all Counties. (change highlighted)

"[H]§171-55.5[H] **Agricultural [plots.] uses.** (a) The department of land and natural resources, in cooperation with the department of agriculture and Counties the city and county of Honolulu, shall adopt rules in accordance with chapter 91 to allow for use of vacant public lands for farming or agricultural recreation.

This bill also seeks to provide better access to public lands not necessarily under the jurisdiction of DLNR for agricultural use. HRS §166-E currently provides for leasing of lands for non-Agricultural Park uses. Many have stated that DLNR's current scope is extremely broad. In this case, DLNR appears to be a "middleman" to facilitate use of the lands for agriculture. It is reasonable to request that this agreement occur between the Department with jurisdiction over the land and the Department of Agriculture. We therefore, request amending HRS §166E to allow DOA to enter cooperative agreements with other State agencies that have vacant lands that could be used for agricultural purposes.

**[§166E-1] Legislative findings.** The legislature finds that article XI, section 10, of the state constitution establishes that "the 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".

Therefore, the legislature finds that certain public lands classified for agricultural use by the department of land and natural resources should be transferred to the department of agriculture, with the approval of the board of land and natural resources and the board of agriculture, for purposes and in a manner consistent with article XI, section 10, of the state constitution.

Additionally, the legislature finds that there are other vacant public lands that could be used for agriculture. Therefore, the legislature finds that a cooperative agreement with any state department and the Department of Agriculture to manage and develop vacant public lands for agricultural purposes or uses is in the public interest.

The purpose of this chapter is to ensure the long-term productive use of public lands leased or available to be leased by the department of land and natural resources for agricultural purposes by allowing these lands to be transferred to and managed by the department of agriculture. [L 2003, c 90, pt of §1]

**§166E-3 Cooperative Agreements, Transfer and management of non-agricultural park lands and related facilities to the department of agriculture**

(a) The department may enter into a cooperative agreement to manage and develop vacant public lands for agricultural purposes.

Finally, the Department of Agriculture is struggling with budget cuts and increasing responsibilities. We respectfully request that necessary funding accompany this measure to allow the Department to carryout its' responsibilities. We do not want to have them bear any more unfunded mandates.

We respectfully request passage of this measure with the suggested amendments along with necessary financial support to the Department of Agriculture to carry out the intent of this measure. We appreciate this opportunity to provide our opinion on this matter. If there are any questions, please contact Warren Watanabe at 2819718. Thank you.