

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 14, 2011 8:15 AM  
**To:** WLOtestimony  
**Cc:** oluolu@maui.net  
**Subject:** Testimony for HB785 on 2/14/2011 9:00:00 AM

**LATE TESTIMONY**

Testimony for WLO 2/14/2011 9:00:00 AM HB785

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Helen Nielsen  
Organization: Hawaiian Islands Land Trust  
Address:  
Phone:  
E-mail: [oluolu@maui.net](mailto:oluolu@maui.net)  
Submitted on: 2/14/2011

Comments:

I am writing in opposition to this bill which redirects Legacy Lands funds for other purposes than what it was intended for. The LL funds go through a very thorough process for acquisition; the LL Commission, the L&NR Commission, Chair, House Speaker, Senate Chair, the AG all review these funds' release. The assumption that the funds would generate more economic activity elsewhere is not justified. Please reconsider taking away this valuable resource for land conservation, which not only generates jobs but also contributes to the health and well-being of our lands and our people. Mahalo.

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THE  
TRUST  
*for*  
PUBLIC  
LAND

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HAWAII

**THE TRUST FOR PUBLIC LAND'S TESTIMONY  
IN OPPOSITION TO HOUSE BILL NO. 785  
House Committee on Water, Land, & Ocean Resources  
Monday, February 14, 2011, 9:00a.m., Rm. 325  
<http://www.capitol.hawaii.gov/emailtestimony>.**

The Trust for Public Land (TPL) opposes House Bill 785, which temporarily suspends the distribution of a portion of the conveyance tax to the Legacy Land Conservation Fund (LLCF), and directs the use of these funds to salaries and fringe benefits for employees hired by the Department of Land and Natural Resources, Invasive Species Council, or outside contractors for the purpose of invasive species control and mitigation, reforestation and sediment run-off mitigation. While TPL understands the need for invasive species control and mitigation, reforestation, and sediment run-off mitigation, as well as the desire to generate jobs and economic activity within the State, suspending the valuable LLCF is not the appropriate solution.

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 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 opposes H.B. 785 because: (1) invasive species control and mitigation, reforestation, and sediment run-off mitigation are already funded, (2) siphoning what 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, and (3) lands acquired and protected through the LLCF already support all three objectives of H.B. 785 (invasive species control and mitigation, reforestation and sediment run-off mitigation).

- **Invasive Species Control and Mitigation, Reforestation, and Sediment Run-Off Mitigation Are Already Funded**

Invasive species control and mitigation is already funded through the Natural Area Reserve Fund at the discretion of the legislature. 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. Similarly, re-forestation and sediment run-off mitigation are funded through the Division of Forestry and Wildlife and the Department of Health (Clean Water Branch). 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, and other divisions.

- **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 in 2009 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. Likewise, TPL believes it will receive a high CELCP ranking in 2012 for the preservation of 64 acres of coastal wetlands in Paukūkalo, Wailuku, Maui. The Paukūkalo Coastal Wetlands property has been slated for luxury development but is now for sale. These wetlands, surrounded by five Hawaiian Homestead communities, could be owned and managed by the Department of Hawaiian Home Lands (DHHL) for the general public to enjoy. Without the LLCF's availability in 2012-2013, Hawai'i will likely lose out on access to the CELCP federal funds which have a match requirement, and the property will have been purchased for development.

The LLCF has already suffered 50% or more cuts with the depressed economy. The amount of money generated by the conveyance tax in the past years has been significantly less than in the previous high real estate sales environment. If the amount of money in the LLCF is further decreased by diluting its purpose to include invasive species control, reforestation, and sediment run-off mitigation, 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, in 2009 year, the Legacy Land Commission approved \$982,956.50 for the Division of Forestry & Wildlife's acquisition of the Honouliuli Forest Reserve. These funds were 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 were 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 Reserve 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 22 projects in Hawai'i that have protected over 39,655 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 have been 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 that have created jobs and educational opportunities. For example, in January 2009, TPL assisted MA'O Organic Farms 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. With the additional land, MA'O was able to expand its farming operations, allowing it to send two dozen Wai'anae interns to Leeward Community College to receive their associate's degree (they receive tuition waivers and a monthly \$500 stipend). As described above, important watershed that feeds our drinking water aquifer is protected by the Honouliuli Forest Reserve 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. Also with TPL's help, the nonprofit Livable Hawai'i Kai Hui is acquiring a 5-acre parcel in Maunaloa, O'ahu (aka Hawai'i Kai) that contains Hāwea heiau complex and Keawāwa Wetland. This property was slated for development, but with funding from the Legacy Land Conservation Fund and O'ahu's Clean Water and Natural Lands Fund, it is now slated to be restored and cared for by Livable Hawai'i Kai Hui for the public to enjoy and learn from in perpetuity.

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 relatively 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 House Bill 785, and request that the members of this Committee vote against this bill.

- **Lands acquired and protected through the LLCF already support all three objectives of H.B. 785 (invasive species control and mitigation, reforestation and sediment run-off mitigation).**

House Bill 785 reads, "The legislature intends this act to create job opportunities by appropriating funds for those public purposes. The legislature believes that employing persons will generate more economic activity within the State than acquiring land from entities or persons of presumably higher incomes." [Economic value of conservation.] In addition, land acquisition under the LLCF in and of itself leads to greater oversight and control of invasive species populations, native reforestation, and the mitigation of or complete prevention of sediment run-off.

Mahalo for this opportunity to testify -



Lea Hong  
Hawaiian Islands Program Director  
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# HAWAIIAN ISLANDS LAND TRUST

**Board of Directors  
2011**

February 12, 2011

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**RE: Opposition to HB785**

*Secretary*

Fred Langille

My name is Dale Bonar and I am the Executive Director of the Hawaiian Islands Land Trust. In addition, I serve as the Chairperson of the State Natural Areas Reserve System and the Legacy Land Conservation Fund Commission.

Rick Bennett

The Hawaiian Islands Land Trust strongly opposes HB785. While we enthusiastically support the adequate funding of Invasive Species prevention and eradication programs, the transfer of the Legacy Land fund as proposed is simply robbing Peter to pay Paul. This shift of funds between critical conservation programs cripples the already seriously stressed programs

John Henshaw

Donna Howard

Peter McKenney

Peter Merriman

McD Philpotts

The DLNR's Land Conservation Fund (LCF) has the critically important mission of supporting the permanent protection of important habitat, cultural, agricultural, historic and conservation lands. The LCF's land acquisition programs have already experienced cuts of more than 50% because the conveyance tax source of funding has been reduced with the down real estate market.

Jonathan Scheuer

David Shores

Jo Ann Yukimura

**Staff**

Dale B. Bonar

*Executive Director*

The resources provided by the LCF has allowed eligible state and county agencies and land conservation nonprofits to leverage every LCF dollar with at least three dollars in matching funds from federal, county and private entities. Loss of the LCF funds will effectively block most of the land protection efforts that have been so successful in four years of the Legacy Lands program.

Kathleen Buenger

James Crowe

Denby Freeland-Cole

Please do not decimate this incredibly successful program.

Scott Fisher

Sincerely,

Monica George

Jennifer Luck

Cynthia Rezendes

Doug Sensenig

Dale B. Bonar, Ph.D.

Sara Smith

Executive Director