

SB 708

RELATING TO THE LEGACY LAND CONSERVATION PROGRAM

Amends section 173A-2.6, HRS, to require the legacy land conservation commission to recommend agricultural lands, including arable areas and areas containing existing agricultural infrastructure, as the top priority for acquisition under the legacy land conservation program.

WTL/AGL, WAM

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

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

**Before the Senate Committees on
WATER & LAND
and
AGRICULTURE**

**Thursday, January 31, 2013
2:00 PM
State Capitol, Conference Room 225**

**In consideration of
SENATE BILL 708
RELATING TO THE LEGACY LAND CONSERVATION PROGRAM**

Senate Bill 708 proposes to require the Legacy Land Conservation Program to recommend agricultural lands, including arable areas and areas containing existing agricultural infrastructure, as the top priority for acquisition under the Legacy Land Conservation Program. The Department of Land and Natural Resources (Department) supports the conservation and protection of agricultural lands, however, it does not support this measure for the following reasons:

- The proposed changes to Section 173A-2.6, Hawaii Revised Statutes, are not likely to serve the goal of protecting further agricultural lands. Since its inception in 2006, the Legacy Land Conservation Program has granted funding to all agricultural projects seeking funding, excepting one project that was ranked low due to management feasibility concerns, not due a lack of support for agricultural land protection. Increasing the number and quality of agricultural projects submitted and replenishing program funding are measures that would advance the intended goal of this bill.
- Creating an order that values one type of resource above others derails the carefully-crafted project selection criteria and ranking system set up by the volunteer members of the Legacy Land Conservation Commission. The Commission's current criteria for project selection allow the Commission to judge fairly between widely differing resource protection projects by focusing on items that are shared by all types of land acquisition projects (e.g., matching funds, likelihood of success, management planning, and community support). These criteria

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foster competition and allow the Commission to find the best value for State funds being spent. These criteria have recently gone through public review as part of the administrative rulemaking process (Section 13-140-39, Hawaii Administrative Rules).

- Lastly, creating an order for the priorities places agricultural lands first; however, it also provides an arbitrary ranking for the remaining priorities, placing “[l]ands containing cultural and archeological sites or resources that are in danger or theft or destruction,” as last in importance. The Department urges further consideration regarding the value of protection for cultural and archeological sites.

Due to these concerns, the Department respectfully declines support for Senate Bill 708.



CONSERVATION COUNCIL FOR HAWAI'I

Testimony Submitted to the Senate Committee on Agriculture
Hearing: Thursday, January 31, 2013 2:00 pm
Room 229

In Opposition to SB 708

Aloha. The Conservation Council for Hawai'i opposes SB 708, which requires the Legacy Land Conservation Commission to recommend agricultural lands, including arable areas and areas containing existing agricultural infrastructure, as the top priority for acquisition under the Legacy Land Conservation Program.

The different purposes of the legacy land fund and the values that are protected by this important program should not be prioritized in advance. Instead, each application for funding should be evaluated and prioritized on its merits. Agriculture is important, but so are the other purposes of this important land conservation program.

We resisted such an attempt to prioritize in advance purposes for which the City of Honolulu Clean Water and Natural Lands Fund could be used. Please oppose SB 708.

Mahalo nui loa for the opportunity to testify.

Sincerely,

Marjorie Ziegler



Hawai'i's Voice for Wildlife – Ko Leo Hawai'i no na holoholona lohiu

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To: Sen. Malama Solomon, Ph.D., Chair
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Committee on Water and Land

Sen. Clarence K. Nishihara, Chair
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From: Kiersten Faulkner
Executive Director, Historic Hawai'i Foundation

Committee Date: Thursday, January 31, 2013
2:00 p.m.
Conference Room 225

Subject: **SB 708, Relating to the Legacy Land Program**

On behalf of Historic Hawai'i Foundation (HHF), I am writing in opposition to SB 708, Relating to the Legacy Land Conservation Program. The bill would amend section 173A-2.6 HRS to require the legacy land conservation commission to prioritize agricultural lands for acquisition under the legacy lands acquisition program.

Since 1974, Historic Hawai'i Foundation has been a statewide leader for historic preservation. HHF's 850 members and numerous additional supporters work to preserve Hawaii's unique architectural and cultural heritage and believe that historic preservation is an important element in the present and future quality of life, economic viability and environmental sustainability of the state.

The Legacy Land Conservation Program is an important state program for funding the acquisition and protection of threatened resources, including lands that are important for a variety of natural, cultural, historic, scenic, recreational and societal values. Lands valued for agricultural production comprise one of the nine resource types covered by the program.

Agriculturally-valuable lands have received more than one-third of the legacy land funds. This leaves two-thirds of the funds available for lands valuable in the remaining eight categories, including watershed protection, parks, coastal areas and ocean access, natural areas, habitat protection, cultural and historic sites, open spaces and scenic resources, and recreational and public hunting areas. SB 708 would make agriculturally-productive lands still a higher priority than it already is, despite the evidence that this value set is already greatly supported and valued. In addition, SB 708 would rank order a set of priorities for lands of all other categories, and would place "lands containing cultural or archaeological sites or resources that are in danger of theft or destruction" as the least valuable and lowest priority.

HHF finds that such a legislative directive and policy statement would be a disservice to the many endangered cultural sites, ethnographic landscapes, historic properties, and traditional and cultural properties that are critical to both Native Hawaiians and other residents of Hawai'i. HHF believes that the Legacy Lands Commission is capable of balancing different project values and setting priorities based on the particular qualities and unique circumstances associated with each proposal.

Therefore, HHF opposes SB 708.

Historic Hawai'i Foundation

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Historic Hawai'i Foundation was established in 1974 to encourage the preservation of historic buildings, sites and communities on all the islands of Hawai'i. As the statewide leader for historic preservation, HHF works to preserve Hawai'i's unique architectural and cultural heritage and believes that historic preservation is an important element in the present and future quality of life, environmental sustainability and economic viability of the state.

Testimony of The Nature Conservancy of Hawai'i
Opposing S.B. 708 Relating to the Legacy Land Conservation Program
Senate Committee on Water and Land
Senate Committee on Agriculture
Thursday, January 31, 2013, 2:00PM, Room 229

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of the lands and waters upon which life in these islands depends. The Conservancy has helped to protect nearly 200,000 acres of natural lands in Hawai'i. Today, we actively manage more than 32,000 acres in 10 nature preserves on 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 opposes S.B. 708. Agricultural lands are already an important priority for protection using Legacy Land funds, and good agricultural projects have and will continue to compete successfully for Legacy Land funding in the existing open and transparent application process. We do agree that it would be reasonable to add the explanatory language regarding agricultural lands, i.e.:

Lands that are unique and productive agricultural lands, including arable areas and lands with existing agricultural infrastructure.

But, we don't think it is necessary to prioritize any of currently listed land types over any of the others.

Since its inception in FY2006, the Legacy Land program has funded a diverse variety of positive environmental, cultural, historical, and agricultural land protection projects supported by State agencies, counties and non-profits. State funds have been more than doubled with matches of federal, county and private funds, and significant discounts from sellers.

Currently, applicants for Legacy Land funding participate in a transparent competitive process. Proposals are reviewed and ranked by a diverse Commission of experts from a variety of fields as required by the Legacy Land authorizing law. The Legacy Land Commission makes recommendations on funding. Senate and House leadership is consulted prior to approval by the Board of Land and Natural Resources. Following BLNR approval, funds are released by the Governor.

A number of agricultural projects have already been funded by the Legacy Land program. If there are projects or entities that have not been well represented in the application process, the solution is to work together to put forward strong qualified proposals, not create an unfair preference for one of the valuable public purposes of this program over the others.

Thank you for this opportunity to provide testimony.

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SB708

Submitted on: 1/28/2013

Testimony for WTL/AGL on Jan 31, 2013 14:00PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	Individual	Support	No

Comments:

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