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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committees on
WATER & LAND
and
ENERGY & ENVIRONMENTAL PROTECTION

Wednesday, February 7, 2018
11:00 am
State Capitol, Conference Room 325

In consideration of
HOUSE BILL 1989
RELATING TO LAND USE

House Bill 1989 proposes to set a deadline of June 30, 2020 to complete the transfer of non-agricultural park lands from the Department of Land and Natural Resources (Department) to the Department of Agriculture (DOA). **The Department opposes this measure.**

As the bill explains, Act 90, Session Laws of Hawaii 2003, provided for the transfer of the Department's non-agricultural park lands to DOA. Act 90 states in part that upon mutual agreement and approval of the Board of Agriculture (BOA) and the Board of Land and Natural Resources (BLNR), DOA may accept the transfer of and manage certain qualifying non-agricultural park lands. Act 90 did not set forth a timeline for completing the transfers between the Department and DOA.

Since the enactment of Act 90, the BLNR has transferred 137 leases, 30 revocable permits and 14 vacant parcels covering approximately 10,824 acres statewide to DOA. The BLNR has approved the transfer of an additional 66 parcels covering approximately 1,147 acres to DOA. The Department and DOA are working through necessary land transfer procedures on those. In some instances, agriculture use occurs only on a portion of a parcel, requiring a survey and subdivision of the portion to be transferred to DOA. In other cases, the departments are reviewing lessee compliance issues or problems with the condition of the land.

The Department notes that there are a number of pasture leases, as well as unencumbered agricultural lands, that the BLNR has not approved for transfer to DOA because they are core to

the Department's mission¹ which includes areas that are in current or remnant native forests. The Department's Division of Forestry and Wildlife has requested that the Department retain management authority over certain of these lands to work with lessees and permittees and appropriate department staff on future compatible conservation management projects. The Department is reviewing its landholdings, and especially its pasture leases, for existing native forest, reforestation potential for watershed and forest carbon sequestration opportunities, hunting uses, access to the landlocked reserves, public recreation, and current biological and other significant resources. The Department has been working closely with DOA to identify those lands that do not meet the above criteria so that they can be transferred to DOA. For the remaining lands with promising potential for reforestation or other public benefits and uses, the Department and DOA have been meeting to discuss available options for addressing the concerns of lessees, DOA and the Department regarding such leases. One option discussed to date includes the Department working with lessees to identify portions of leases that could be fenced for reforestation, while leaving other areas in pasture use. The Department must therefore respectfully oppose this measure to the extent it seeks to transfer pasture leases when the leases have the potential for such projects.

House Bill 1989 of the bill provides that "Any lands identified for unconditional transfer as non-agricultural park lands and not transferred by June 30, 2020, shall be placed under the jurisdiction of the department of agriculture by July 1, 2021." As explained above, Act 90 provides for the transfer of non-agricultural park lands to DOA by **mutual agreement of the BLNR and BOA**. The Department respectfully suggests that this provision for an automatic transfer at a certain date may result in confusion or unintended consequences with regard to properties not approved by BLNR and BOA for transfer for management by DOA. The Department and DOA are working cooperatively to determine which parcels are transferred and when and to seek approval by BLNR and BOA. The Department will continue to work with DOA to meet the timelines in the bill to complete all transfers that the BLNR has approved.

Thank you for the opportunity to comment on this measure.

¹ The lands these leases encumber qualified to be classified as conservation lands when the land use districts were originally implemented, but were instead zoned agriculture in the original land classification.

HB-1989

Submitted on: 2/6/2018 8:39:39 AM

Testimony for WAL on 2/7/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Animal Rights Hawai'i	Oppose	Yes

Comments:

HB-1989

Submitted on: 2/5/2018 1:50:52 PM

Testimony for WAL on 2/7/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Walter Ritte		Oppose	Yes

Comments:

My name is Walter Ritte, and oppose HB1989.

Our State of Hawaii Constitution recognizes two beneficiaries of the ceded lands trust, 1) the general public and 2) the Hawaiians. OHA is the agency for one half (50%) of the two beneficiaries of the trust. As a beneficiary of this trust I would like to know what are the impacts on Hawaiian's ability to do traditional farming on land and sea. I am concerned that the Department of Ag. has allowed users of Ceded land to threaten the health and welfare of Hawaiians, our water, land and sea. The State does not have adequate information regarding their ceded lands and the revenues being made by the agencies using them, this have had, and will ha continue to have a negative impact on the Hawaiian beneficiaries. There should have been by now, a complete study on our ceded lands in order for all of you to make good decisions on its uses and dispositions. For these reason I oppose this bill 1989.

Walter Ritte

HB-1989

Submitted on: 2/5/2018 10:44:30 PM

Testimony for WAL on 2/7/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Nandoskar		Oppose	No

Comments:

Aloha. Please oppose HB1989 which would automatically move all potentially ag-friendly DLNR controlled lands to DoA. Please assess these lands individually and carefully before any legislation takes place.

Mahalo for your consideration.

HB-1989

Submitted on: 2/6/2018 2:45:23 AM

Testimony for WAL on 2/7/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Raul Nohea Goodness		Oppose	No

Comments:

I oppose HB1989, as it would allow the transfer of lands in the land trust without permission of the BLNR, which has responsibility to administer the trust relationship with beneficiaries, including Native Hawaiians, as required under the admissions act.

HB-1989

Submitted on: 2/6/2018 9:29:21 AM

Testimony for WAL on 2/7/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
naomi egami		Oppose	No

Comments:



The Nature Conservancy
Hawai'i Program
923 Nu'uauu Avenue
Honolulu, HI 96817

Tel(808) 537-4508
Fax(808) 545-2019
nature.org/hawaii

Testimony of The Nature Conservancy of Hawai'i
Commenting on H.B. 1989 Relating to Land Use
House Committee on Water and Land
House Committee on Energy and Environmental Protection
Wednesday, February 7, 2018, 11:00AM, Room 325

LATE

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 depends. The Conservancy has helped to protect nearly 200,000 acres of natural lands in Hawai'i. We manage 43,000 acres in 14 preserves and work in 19 coastal communities to help protect the near-shore reefs and waters of the main Hawaiian Islands. We forge partnerships with government, private parties and communities to protect Hawai'i's important watershed forests and coral reefs.

The Nature Conservancy provides the following comments on H.B. 1989 Relating to Land Use.

We hope the Legislature will pointedly encourage to the government agencies to work together and with agricultural lessees to resolve the matters that are the subject of H.B. 1989, but without needing to take the somewhat drastic step outlined in the bill.

Some of the DLNR leasehold properties in question include areas of important native forest and/or areas that are ripe for forest restoration. Many of the ranches that hold these leases are excellent stewards of those lands, including caring for the forest resources on them directly and through participation in watershed partnerships with DLNR and neighboring public and private landowners. Knowing many of the government and private parties involved, we are certain that all agree on the importance of finding the right combination of working and conservation uses of these lands. Those things are not mutually exclusive but can be mutually supporting, especially the various combinations of ranching and forestry.

Thank you for the opportunity to comment on this measure.

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LATE

HB-1989

Submitted on: 2/6/2018 8:57:26 PM

Testimony for WAL on 2/7/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
M. Markl	citizen	Oppose	No

Comments:

Hello Committee Chairs And Members:

I strongly oppose this bill. Please do not let this bill go forward. It is crucial to require that each of these lands have an up to date environmental assessment including the 110 acres adjacent to Kunoa Cattle Company slaughterhouse before any other legislative actions are even considered.

Thank you.

LATE

HB-1989

Submitted on: 2/6/2018 11:26:54 PM

Testimony for WAL on 2/7/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
MaryAnn Omerod		Oppose	No

Comments:

I STRONGLY OPPOSE HB1989

The State of Hawaii Constitution (ART. 12 SEC. 4) recognizes two beneficiaries of the ceded lands trust, 1) the general public and 2) the Hawaiians. OHA is the agency for one half (50%) of the two beneficiaries of the trust. 50% of the ceded lands is over one million acres.

Concerned that the Department of Agriculture has allowed corporate users of Ceded lands to threaten the health and welfare of Hawaiians, our water, land and sea. As a beneficiary of this trust I would like to know whether there has been an impact study on Hawaiian's ability to do traditional farming on lands, valleys and sea.

The State continues to transfer and swap lands without an accounting of the ceded lands and the revenues being made by the agencies using them. There are currently bills being presented to the House and Senate where no accountability is required. There should be no land swaps or transfer until there is a full accounting of the ceded lands.

HB-1989

Submitted on: 2/7/2018 8:38:05 AM

Testimony for WAL on 2/7/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omanapono Political Action Committee (HPAC)	Oppose	Yes

Comments:

We STRONGLY OPPOSE this bill as it may affect the interests of native Hawaiians who must be provided with a Pro Rats share of all proceeds from ceded lands. Mahalo.

LATE

LATE