

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON WATER, LAND, AND HAWAIIAN AFFAIRS

FEBRUARY 13, 2020
2:00 P.M.
CONFERENCE ROOM 423

HOUSE BILL NO. 2035
RELATING TO NON-AGRICULTURAL PARK LANDS

Chairperson Yamane and Members of the Committee:

Thank you for the opportunity to testify on House Bill 2035. This measure requires the Department of Land and Natural Resources ("DLNR") to transfer to the Department of Agriculture ("Department") specified non-agricultural park lands by a specified deadline. Requires DLNR and the Department to jointly report on the status of the land transfer to the 2021 Legislature; and amends the definition of "agricultural activities" used in chapter 166E, HRS.

The Department supports this bill, and respectfully offers the following comments and recommendations.

The Department appreciates this measure's intent to expedite transfers of agricultural land to the Department, however, is concerned about the manner in which specific properties will be identified for transfer and the requirement to negotiate future leases by July 1, 2020. The Department respectfully requests the following amendments to the measure to address its concerns:



In Line 1 of the preamble on Page 2, and Line 9 of Section 3 on Page 3, replace the term “production” with the term “management.”

Replace the existing language in subparagraph (b) of the new section established in Section 2 of the measure with the following:

“(b) Any provision of this chapter to the contrary notwithstanding, any lands identified and approved for transfer by the board as non-agricultural park lands that have not been transferred by June 30, 2020, shall be placed under the management jurisdiction of the department by July 1, 2020. The department of land and natural resources shall be responsible for resolving all outstanding issues regarding any leases or agreements that are not in compliance with section 166E-3. The department shall assume management responsibility for leases and agreements transferred by July 1, 2020.”

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
WATER, LAND, & HAWAIIAN AFFAIRS**

**Thursday, February 13, 2020
2:00PM
State Capitol, Room 423**

**In consideration of
HOUSE BILL 2035
RELATING TO NON-AGRICULTURAL PARK LANDS**

House Bill 2035 proposes to require the transfer of specified non-agricultural park lands from the Department of Land and Natural Resources (Department) to the Department of Agriculture (DOA) by June 30, 2020, and amend the definition of “agricultural activities” in Chapter 166E, Hawaii Revised Statutes (HRS), to include the care and production of pasture lands within the meaning of the phrase “care and production of livestock or livestock products.” **The Department strongly opposes this measure.**

Pursuant to Act 90, Session Laws of Hawaii 2003, now codified as Chapter 166E, HRS, the Department has already transferred more than 18,000 acres of agricultural land to DOA, and additional transfers are in process – consisting of nearly all the agricultural crop land, such as former sugar cane land, held by the Department. The Department has generally excluded large-acre pasture leases from these transfers because of the high natural resource value of certain pasture lands. Some pasture lands are remnant native forests that have never been plowed and contain native and endangered plants and wildlife. They adjoin or are near forest reserves and, as a result, have great potential for reforestation, and/or are important in providing access to other public lands for management, traditional gathering, and public recreation including hunting and trails. The attached maps show the proximity of large tracts of pasture lands to forest reserves on Hawaii Island, and provide details on native ecosystems, potential for restoration and endangered species. The attached flyer entitled “Importance of Pasture Lands to DLNR’s Mission” provides additional information. The Department’s pasture lessees have nevertheless requested the Department to transfer their leases to DOA for management because DOA appears to have greater flexibility under its governing statutes and rules, to amend, extend, and issue new leases by negotiation.

The perceived need to transfer pasture leases to DOA can be relieved by providing the Department with statutory powers similar to those exercised by DOA in the management of its leases. Accordingly, the Administration has introduced a measure this Session, House Bill 2358, which

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

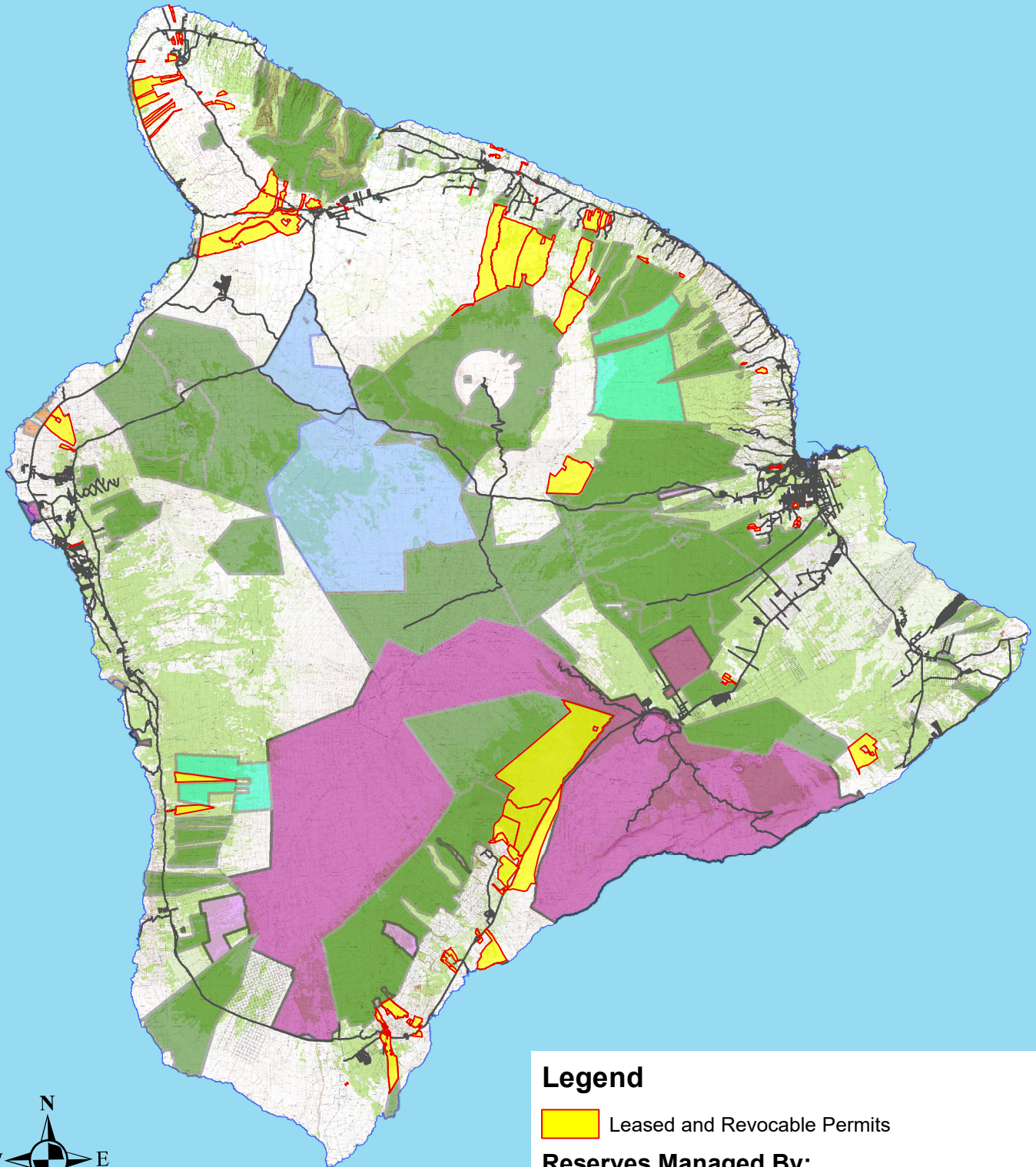
ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

also before the Committee today, to give the Department greater flexibility to deal with pasture leases. Positive advancement in carbon sequestration challenges, wildlife management, wildfire protection and forest health concerns can be best managed by the Department through mutually beneficial practices with ranching, wildlife protection, and native forest restoration. Mandating the transfer of these lands to DOA for pasture purposes will severely undermine the potential for reforestation and other natural resource protection uses of the land. For these reasons, the Department respectfully urges the Legislature not to pass this bill, and instead support House Bill 2358 (and its counterpart in the Senate, Senate Bill 2914) and allow the select pasture leases to remain under the Department's management.

Thank you for the opportunity to comment on this measure.

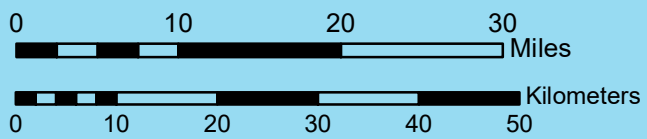
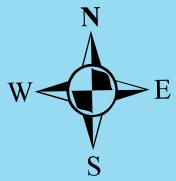


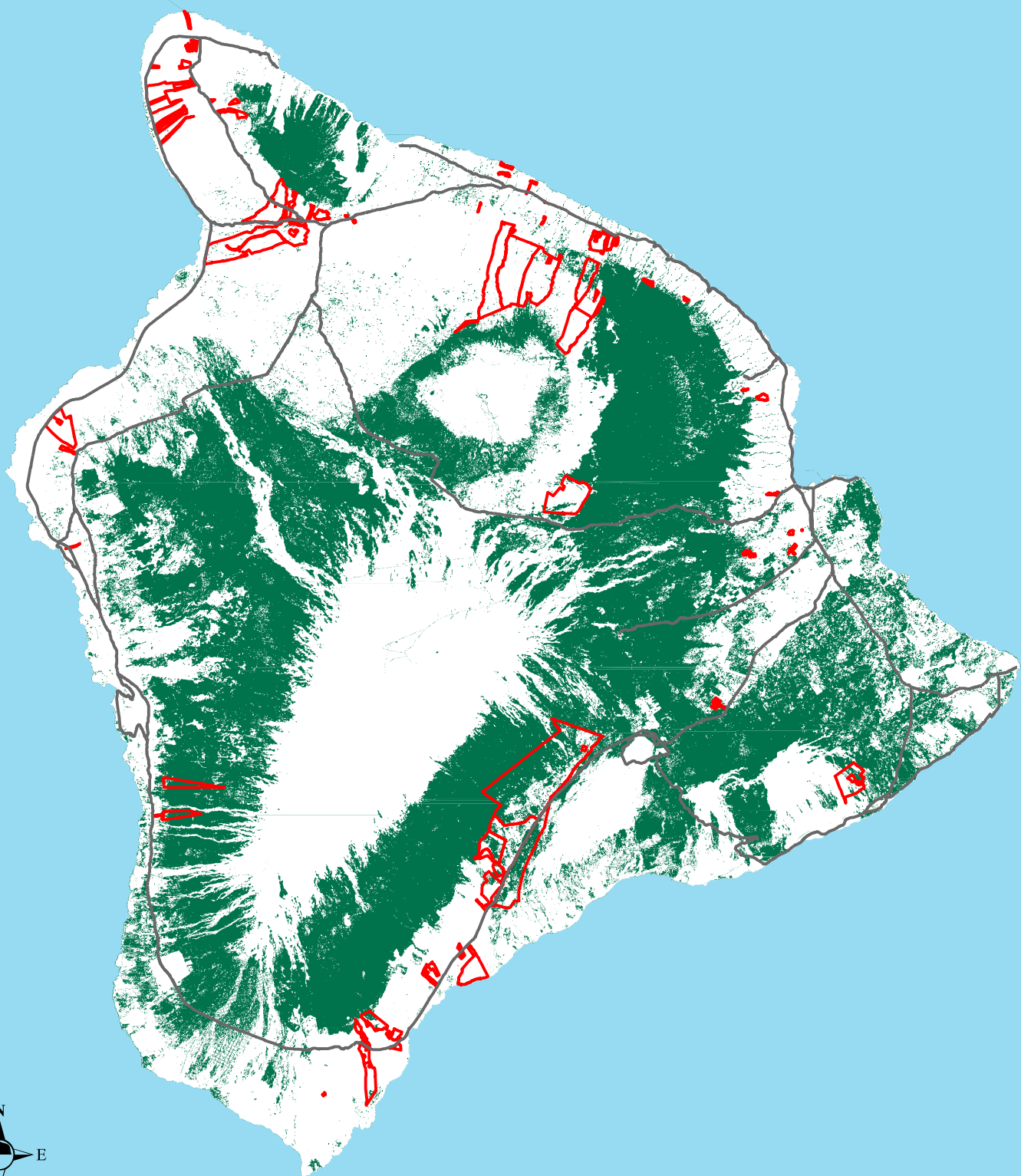
Legend

Leased and Revocable Permits

Reserves Managed By:

- Div. Forestry & Wildlife, or Jointly with Other Agency
- Div. State Park
- The Nature Conservancy
- U.S. Fish & Wildlife Service
- U.S. National Park Service
- U.S. Army








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Miles

0 5 10 20 30 40
Kilometers

Legend











-  Leased and Revocable Permits
-  Forested Native Ecosystems
-  Major Roads

02/06/20

Parcels with Potential for Restoration Native Ecosystems Before Human Contact



Legend

-  Leased and Revocable Permits
-  Native Montane Wet Forest
-  Native Lowland Wet Forest
-  Native Montane Mesic Forest
-  Native Lowland Dry Mesic Forest
-  Native Subalpine Shrubland
-  Native Montane Dry Forest
-  Native Lowland Dry Forest
-  Barren or Alpine
-  Major Roads









0 2.5 5 10 15 20 Miles

0 5 10 20 30 40 Kilometers

Parcels with Potential for Restoration Remaining Native Ecosystems



Legend

-  Leased and Revocable Permits
-  Native Montane Wet Forest
-  Native Lowland Wet Forest
-  Native Montane Mesic Forest
-  Native Lowland Dry Mesic Forest
-  Native Subalpine Shrubland
-  Native Montane Dry Forest
-  Native Lowland Dry Forest
-  Barren or Alpine
-  Major Roads



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Miles





0 5 10 20 30 40
Kilometers



0 2.5 5 10 15 20
Miles

0 5 10 20 30 40
Kilometers

Legend

-  Leased and Revocable Permits
-  Endangered Species in Parcels
-  Critical Habitat for Endangered Species
-  Major Roads

02/06/20



SUMMARY

DESCRIPTION

EXPECTED BENEFITS





2020 LEGISLATIVE PROPOSALS

SB2812/HB2577 would transfer pasture leases to DOA because DOA appears to have greater flexibility under Chapter 166E, HRS to amend, extend, and issue new leases by negotiation. However, those goals could be achieved instead through SB2914/HB2358 to give DLNR similar statutory flexibility for negotiating pasture leases.



PASTURE LAND CONSERVATION VALUES



Water



Fire & Forest Health



Native Ecosystems



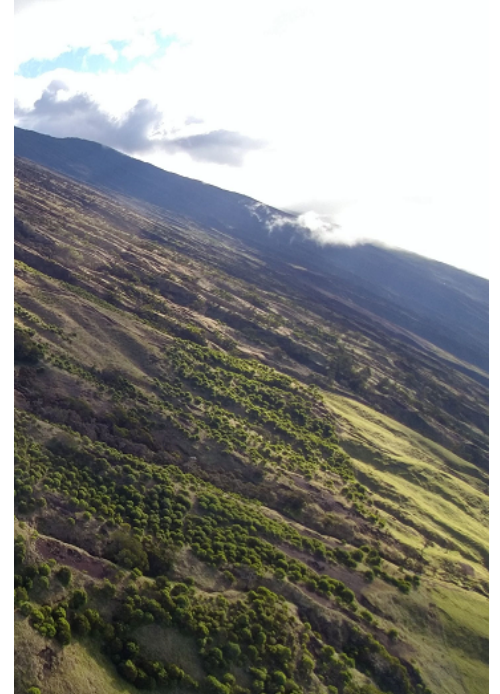
Forestry



Recreation

DLNR PARTNERSHIPS WITH RANCHERS

CLIMATE CHANGE AND CARBON NEUTRALITY



CONTACT PERSON



HB2035
RELATING TO NON-AGRICULTURAL PARK LANDS
Ke Kōmike Hale o ka Wai, ka 'Āina, a me ke Kuleana Hawai'i

Pepeluali 13, 2020

2:00 p.m.

Lumi 423

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB2035, which may significantly compromise the Department of Land and Natural Resources' (DLNR's) ability to properly protect and promote native forests, watersheds, and habitats, including the natural and cultural resources they contain.

Native Hawaiian culture, health, and identity is inextricably intertwined with the 'āina, including the plants, animals, resources, and sites that serve as the foundation of Native Hawaiian cultural practices, beliefs, and values. The DLNR, meanwhile, is the primary state agency responsible for the oversight and protection of lands and resources that in many ways constitute the 'āina, with specific divisions focused on properly protecting and managing forests and watersheds, conservation lands, native and endangered species, and cultural sites. Accordingly, ensuring that the DLNR and its divisions can and do fulfill their important responsibilities relating to the 'āina is of particular concern to OHA and its beneficiaries.

OHA expresses great concern that this measure may significantly compromise the DLNR's and its divisions' abilities to fulfill their kuleana, with regards to native forests, watersheds, critical habitats, and natural and cultural resources and sites found on and adjacent to the land parcels that would be transferred to the DOA. Accordingly, OHA understands that the transfer of these lands from the DLNR, which has the responsibility, institutional memory, and expertise to balance the many important roles of these "pasture" lands, to the DOA, which does not, could compromise lands, resources, and sites that are of particular significance to the Native Hawaiian community.

OHA recognizes and appreciates that the DLNR has put forth alternative measures, SB2914 and HB2358, that seek to address some the lease flexibility concerns apparently underlying this measure, while also ensuring that "pasture" lease extensions and conditions take into account the various roles that these lands may play in promoting and maintaining the integrity of the 'āina. OHA notes that our Board of Trustees **opposes** these measures, due primarily to the extremely long-term, 99-year lease terms that they would authorize for public, public land trust, and "ceded" lands. As OHA has consistently noted on other measures, such long-term, multigenerational leases may tie the hands of future generations in ensuring the best use of public land trust lands and "ceded" lands, and may lead to a sense of entitlement on the part of lessees that can lead and has in the past led to the alienation of "ceded" lands. Should these alternative measures be amended to remove such long-term lease provisions,

OHA's Administration would consider recommending to the Board of Trustees a change in the agency's position, so as to provide DLNR with the flexibility they need while also maintaining their important oversight.

Accordingly, OHA urges the Committees to **HOLD** HB2035. Mahalo nui for the opportunity to testify on this measure.



Meadow Gold Dairies



Written Testimony By: Glenn Muranaka
HB2035, Relating to Non-Agricultural Lands
House WLH Hearing – 2:00 pm
Thursday, February 13, 2020 – Room 423

Position: Support

Chair Yamane, Vice Chair Todd, and Members of the House WLH Committee:

My name is Glenn Muranaka, President and General Manager of Meadow Gold Dairies. Our company has been in Hawaii since 1897—123 years, providing Hawaii consumers with a variety of milk products and juices. Meadow Gold's long history has not come without effort. We continually adapt to our customers' and consumers' ever-changing needs, and we constantly evolve along with our industry, our community and our market. Over the years, this has required that we struggle, tighten our belts, innovate and work extremely hard, making us a better company in the process. The foundation of this work rests with the 305 employees that are committed to providing superior quality products.

Your support for HB 2035 is requested for what appears to be an enabling measure to move forward with the transfer of certain non-agricultural parklands from the Department of Land and Natural Resources to the Department of Agriculture. This was authorized by the Hawaii State Legislature in 2003 and despite notification to lessees of large acreages of land, mostly farmers and ranchers, no lands have been transferred. A statutorily imposed deadline for transfers will ensure the transfer of leases and further the long-term productive use of public agricultural lands.

HB 2035 makes clear that pastureland is included in the definition of agricultural activities.

Thank you for the opportunity to submit testimony. If you have any questions, please contact me at 944-5911.



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON WATER, LAND & HAWAIIAN AFFAIRS

Rep. Ryan I. Yamane, Chair

Rep. Chris Todd, Vice Chair

HB2035

Requires DLNR to transfer to DOA specified non-agricultural park lands by a specified deadline. Requires DLNR and DOA to jointly report on the status of the land transfer. Amends the definition of "agricultural activities" used in chapter 166E, HRS.

Friday, February 13, 2020, 2:00 pm
Conference Room 224, State Capitol
415 South Beretania Street

Chair Yamane, Vice Chair Todd, and Members of the Committee on Water, Land, & Hawaiian Affairs,

The Hawaii Cattlemen's Council **strongly supports HB2035** to set a deadline and enforce Act 90, 2003.

HCC is committed to supporting our civic leaders to promote a coherent state-wide policy for sustainable development. Using the 17 United Nations Sustainable Development Goals as a framework, we advocate policy that; increases local food production to promote food security, protects agricultural lands, promotes carbon neutrality, models sustainable land use, protects our watersheds, supports long-term stable employment that embraces technology and innovation, contributes to the health and well-being of the community, and encourages public, private and civic partnerships.

DLNR has publicly stated that we are trying to change the law to add pasture to the definition of agriculture. WE ARE NOT TRYING TO CHANGE THE LAW. Everyone agrees that pasture is clearly agriculture, including the attorney general in their testimony on HB 1890. We firmly believe that Act 90, 2003 refers to pasture leases—the intent of this bill is to fully clarify that. Act 90 clearly defines agricultural activities as, “the care and production of livestock, livestock products, poultry, or poultry products, or apiary, horticultural, or floricultural products, or the planting, cultivating, and harvesting of crops or trees.” The care and production of livestock requires pasture, and the language of Act 90, 2003 indicates that production of livestock is an agricultural activity.

Act 90 was passed in 2003 for the purpose of ensuring the long-term productive use of public agricultural lands by allowing these lands to be transferred to and managed by the department of agriculture. The delay in transferring agricultural lands hinders the ability for ranchers to do long-term planning. In a survey for a local grass-fed beef project, ranchers were asked if they wanted to increase the amount of cattle they keep in Hawaii to finish as local grass-fed beef. Of those that participated, 85% said they want to keep more cattle in Hawaii. However, barriers such as access to processing facilities, land availability, and short-term leases must be addressed for a producer to successfully increase the number of cattle they keep in Hawaii and ship less to the mainland for finishing.





Hawaii Cattlemen's Council, Inc.

Agricultural leases administered by HDOA will be better tailored to agricultural operations and the management of those natural resources for agricultural purposes and sustainability. It will aid in increasing local food production for the following reasons:

- HDOA's mission is for agricultural production and to gain greater self-sufficiency in food, whereas DLNR's mission is to manage Hawaii's natural, cultural, and historic resources.
- Lands under DLNR go to public auction for lease disposal and aim to generate the highest lease rents possible. Consistent with HDOA's mission, the terms and conditions of their leases including rent structure are viable for ag uses and encourage good stewardship of said resources for agricultural sustainability.
- Long lease terms under HDOA allow ranches to invest in improvements to the land and gives them confidence based on sufficient tenure to grow their operation.

Ranchers are proponents for stewarding the land well and will continue to implement conservation practices when leases are transferred to HDOA—the health of the land allows ranchers to continue their production. The transfer of lands to HDOA is critical for the success of agricultural producers, as these leases are based on agricultural value. With long-term leases based on agricultural production, ranchers will be even better situated to invest in long-term conservation practices. Ranchers and conservationists are often pitted against each other, when in fact, the values of both parties overlap. Recognizing the value of well-managed rangelands for providing ecosystem services will open more doors for the cattle industry and conservation to work together to achieve more. Nothing on the land will change. They will continue to be cooperators with their Local Soil and Water Conservation Districts, housed under DLNR's, and manage their conservation plans. They will continue to be valued partners in their Local Watershed Partnerships, housed under DLNR. The ranchers will continue to ranch, and continue to be excellent land stewards, and continue to provide public access and access for hunters, all as required in the lease whether it is managed by DLNR or HDOA. They will also continue to fight invasive species, provide watershed management, and carbon sequestration, and provide all of the other eco-system services they have always provided, all at no cost to the State or the general public. Only the State agency which administers the leases will change. Most people acknowledge that DLNR does not have sufficient resources to manage what they have now. If and when DLNR has more resources to manage more lands the lands can be transferred back to DLNR by the same means, Executive Order by the Governor, as they were supposed to be done by Act 90, 2003.

The transfer of these leases to HDOA is long overdue and important for Hawaii to gain food security. We respectfully ask this committee to support **HB2035** and we appreciate the opportunity to testify on this critical matter for our industry.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director



HB-2035

Submitted on: 2/12/2020 5:08:32 AM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Gottlieb	Ponoholo Ranch Limited	Support	Yes

Comments:

We have been at this for 17 years. Please support the legislative intent of Act 90, 2003!

DLNR has publicly stated that we are trying to change the law to add pasture to the definition of agriculture. WE ARE NOT TRYING TO CHANGE THE LAW. Everyone agrees that pasture is clearly agriculture, including the attorney general in their testimony on HB 1890. We firmly believe that Act 90, 2003 refers to pasture leases—the intent of this bill is to fully clarify that. Act 90 clearly defines agricultural activities as, “the care and production of livestock, livestock products, poultry, or poultry products, or apiary, horticultural, or floricultural products, or the planting, cultivating, and harvesting of crops or trees.” The care and production of livestock requires pasture, and the language of Act 90, 2003 indicates that production of livestock is an agricultural activity.

Act 90 was passed in 2003 for the purpose of ensuring the long-term productive use of public agricultural lands by allowing these lands to be transferred to and managed by the department of agriculture. The delay in transferring agricultural lands hinders the ability for ranchers to do long-term planning. In a survey for a local grass-fed beef project, ranchers were asked if they wanted to increase the amount of cattle they keep in Hawaii to finish as local grass-fed beef. Of those that participated, 85% said they want to keep more cattle in Hawaii. However, barriers such as access to processing facilities, land availability, and short-term leases must be addressed for a producer to successfully increase the number of cattle they keep in Hawaii and ship less to the mainland for finishing.

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conditions of their leases including rent structure are viable for ag uses and encourage good stewardship of said resources for agricultural sustainability.

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Ranchers are proponents for stewarding the land well and will continue to implement conservation practices when leases are transferred to HDOA—the health of the land allows ranchers to continue their production. The transfer of lands to HDOA is critical for the success of agricultural producers, as these leases are based on agricultural value. With long-term leases based on agricultural production, ranchers will be even better situated to invest in long-term conservation practices. Ranchers and conservationists are often pitted against each other, when in fact, the values of both parties overlap. Recognizing the value of well-managed rangelands for providing ecosystem services will open more doors for the cattle industry and conservation to work together to achieve more. Nothing on the land will change. They will continue to be cooperators with their Local Soil and Water Conservation Districts, housed under DLNR's, and manage their conservation plans. They will continue to be valued partners in their Local Watershed Partnerships, housed under DLNR. The ranchers will continue to ranch, and continue to be excellent land stewards, and continue to provide public access and access for hunters, all as required in the lease whether it is managed by DLNR or HDOA. They will also continue to fight invasive species, provide watershed management, and carbon sequestration, and provide all of the other eco-system services they have always provided, all at no cost to the State or the general public. Only the State agency which administers the leases will change. Most people acknowledge that DLNR does not have sufficient resources to manage what they have now. If and when DLNR has more resources to manage more lands the lands can be transferred back to DLNR by the same means, Executive Order by the Governor, as they were supposed to be done by Act 90, 2003.

HB-2035

Submitted on: 2/11/2020 9:53:39 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Weidenbach	Hawaii Aquaculture & Aquaponics Association	Support	No

Comments:

Pasture lands are the foundation of ranching and clearly should be included with the long overdue transfer of all DLNR-managed agricultural lands to HDOA.



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Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

February 13, 2020

HEARING BEFORE THE
HOUSE COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS

TESTIMONY ON HB 2035
RELATING TO NON-AGRICULTURAL PARK LANDS

Room 423
2:00 PM

Aloha Chair Yamane, Vice Chair Todd, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

The Hawaii Farm Bureau strongly supports HB 2035, which requires DLNR to transfer to DOA specified non-agricultural park lands by a specified deadline and requires DLNR and DOA to jointly report on the status of the land transfer. It also clarifies that agriculture activities in non-agricultural park lands includes the care and production of pasture lands.

Act 90 SLH 2003 has not been fully implemented to fulfill the intent of transferring land in agricultural use from the Department of Land and Natural Resources to the Department of Agriculture. The intent of Act 90 was to ensure the long-term use of agricultural lands by transferring them to HDOA, which is more equipped to manage agricultural lands.

The success of ranchers and farmers is a key component in the State's goal to double local food production. Farmers and ranchers need long-term leases in order to prudently invest in infrastructure improvement on the leased land. HDOA rules are set up to encourage agriculture and make it practical to do so. Lands for lease under HDOA are appraised on their agricultural value. DLNR's rules are to get the "Highest and Best use" for the lands and are often appraised at much higher values which tend to be unaffordable to farmers and ranchers.

Thank you for this opportunity to testify on this important subject.

HB-2035

Submitted on: 2/12/2020 1:38:53 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Yamauchi	Na Ala Hele Advisory Member for Island of Hawaii	Oppose	No

Comments:

I am strongly in opposition against House Bill 2035 that proposed require the transfer of specified non-agricultural park lands from the Department of Land and Natural Resources (Department) to the Department of Agriculture (DOA). The access of public lands for recreational and scientific and conservational activities requires access to public non-agricultural lands.

This bill could be very detrimental to trail and accesses. If these pasture-lease parcels are transferred to the Department of Agriculture, there is little we can do to negotiation public access on these lands. A good example of this is the now defunct dairy in 'O'okala and the road through it that access the Humu'ula Forest Reserve Unit (and our Humu'ula Trail). As it is now, Na Ala Hele continues to work with DLNR's Land Division to provide public accesses and reflect that in leases. Under DOA, we would not have that input, nor would they be obligated to seek or listen to our input. Also note that these are Public Trust lands that under the Hawai'i'i constitution are to be used for public benefit; something that locking a parcel up in a DOA pasture lease would narrow.

Please reconsider HB 2035. As it stands, this will be detrimental for public access to precious access trails to the people of Hawaii.

Sincerely,

Jeff Yamauchi



HOUSE COMMITTEE ON WATER, LAND & HAWAIIAN AFFAIRS
February 13, 2020 – 2:00 PM - Room 423

**RE: HB 2035 - Relating to Non-Agricultural Park Lands -
In Support**

Aloha Chair Yamane, Vice Chair Todd and Members of the Committee:

Hawai'i Aquaculture &
Aquaponics Association
Hawai'i Cattlemen's Council
Hawai'i Farm Bureau
Federation
Hawai'i Farmers' Union
United
Hawai'i Food Industry
Association
Hawai'i Food
Manufacturers Association
Kohala Center
Land Use Research
Foundation of Hawai'i
Maui Farm to School
Network (Maui F2SN)
Ulupono Initiative
College of Tropical
Agriculture and Human
Resources - University of
Hawai'i at Manoa

The Local Food Coalition **supports**, HB 2035 which requires DLNR to transfer to DOA specified non-agricultural park lands by a specified deadline and requires DLNR and DOA to jointly report on the status of the land transfer.

Act 90 was passed in 2003 with the intent to transfer agricultural leases from DLNR to DOA. Today, there are still leases that DLNR has not transferred. This legislation will enforce Act 90 by a certain deadline, and ensure that all active agricultural leases are transferred to the DOA, and specify that pasture leases are agricultural leases and should be transferred.

The Local Food Coalition is an organization comprising of farmers, ranchers, livestock producers, investors and other organizations working to provide Hawaii's food supply.

We respectfully request your support of HB 2035. Thank you for the opportunity to submit testimony.

John Garibaldi
808-544-8319
jgaribaldi@wik.com

HB-2035

Submitted on: 2/12/2020 4:04:59 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Steve Montgomery & Anita Manning	Ahahui Malama I Ka Lokahi /Hawaiians for the Conservation of Native Ecosystems	Oppose	Yes

Comments:

Ahahui Malama I Ka Lokahi does not support HB2035, which would abandon the careful process called for by Act 90, SLH 2003.

When the Polynesian Voyaging Society searched for big koa trees to build voyaging canoes, sadly, they had to go to Alaska due to the damage by cattle to local forests. In 1913, the first botanist working for the Territory, Joseph Rock, published the classic *Indigenous Trees of Hawaii*, in which he writes:

"The whole forest has suffered greatly, not only from the invasion of cattle, but also by forest fires, which have destroyed large areas." On p. 175: "Cattle are the great enemy of the Koa". On p. 31 he notes the Volcano Park was rescuing a Manele grove in Kipuka Puauulu, where he had just discovered wonderful new trees barely saved while it was used to fatten cattle.

As we meet in this Capitol building well adorned by forest products from Hawaiian Koa, we must conclude this bill is not prudent with its capricious decree that so many upland sites, never once plowed or clearcut of trees, would be placed without "mutual agreement" under an agency lacking the expertise to manage or restore native ecosystems of forests, wildlife and shrublands.

(See section **166E-3 "Transfer ...of non-agricultural park lands ... to department of agriculture**. Upon mutual agreement and approval of the board (of Ag) and the board of land and natural resources."

The bill does not again require, as the 2003 Leg. did:

"(1) The lessee or permittee shall perform in full compliance with the existing lease or permit;

(2) The lessee or permittee shall not be in arrears in the payment of taxes, rents, or other obligations owed to the State or any county;

(3) The lessee's or permittee's agricultural operation shall be economically viable"
law.justia.com/codes/hawaii/2012/title-11/chapter-166e/section-166e-3/

It is unclear what problem is to be solved, but the bill does lead to new ones; the following must be addressed:

1. No hearings can be called on parcel designation & land designations & must have this sunshine option.
2. no definitions on land designations
3. Allows sales (disposition) of apparently ceded lands;
4. Does not allow for public auctions which could bring more money to the state; "negotiations" open to abuse;
5. Chairperson of DOA has apparently total power to decide on land leasing and disposition;
6. Bill benefits mostly current land lessees who stand to profit, not the landscape or general public.
7. long-term, multigenerational leases (to 65 yr) may cut out changes by future generations desiring better uses of public trust lands and ceded lands, and can lead to a sense of entitlement on the part of lessees (E-8(4E) term of the lease that shall be not less than fifteen years nor more than sixty-five)
8. Fenced forests on mauka borders on will have cattle escapes into natural habitats and cause damage, so enforcement duties will remain for LNR

DLNR has transferred to DOA 18,000 acres of crop lands, but since cattle grazed lands offers partnership programs for ranchers to protect endangered species, plant trees for habitat, carbon sequestration, and forest products, and reduce fuel loads to lower risk of wildfires. It is critical that these lands remain with DLNR to protect their public trust natural and cultural values. The DLNR has provided for ranchers interested in growing trees along with other agricultural products, and for carbon sequestration & sustainable harvest of wood as the expert agency on forestry. We should retain the close working relationships DLNR provides to facilitate diverse economic viability options in mauka landscapes.

Mauna Kea Forest Restoration Project is an example of ongoing tree planting in upper mamane tree belt.

North Kona at Puuwaawaa is a huge tract that can be a model for recovery of special native forests from livestock grazing. This dry zone was economically marginal for ranching, so in 2002 to protect endangered species, plant trees for habitat recovery, and lower risk of wildfires, the DLNR has set up an innovative protect the natural and cultural values. The Board transferred responsibility to the Division of Forestry and Wildlife These lands represent a remarkable diversity of historical, natural, cultural and recreational resources: archaeological and cultural sites, a rich history of ancient and contemporary human use, livestock grazing and hunting.

Steven Lee Montgomery, Ph. D., Board Member
Ahahui Malama I Ka Lokahi /Hawaiians for the Conservation of Native Ecosystems
P.O. Box 720, Kailua, HI 96734 www.ahahui.net

To practice, promote and perpetuate a modern native Hawaiian conservation ethic that provides for a healthy Hawaiian ecosystem nurtured by human communities and serving as a model for local and global resource management.

**Testimony of The Nature Conservancy of Hawai'i
Supports HB2035 Relating to Non-Agricultural Park Lands
House Committee on Water, Land & Hawaiian Affairs
Thursday, February 13, 2020, 2:00 PM, Room 423**

The Nature Conservancy of Hawai'i is a non-profit organization dedicated to the preservation of the lands and waters upon which all life depends. The Conservancy has helped protect more than 200,000 acres of natural lands in Hawai'i and Palmyra Atoll. We manage 40,000 acres in 13 nature preserves and work in over 30 coastal communities to help protect the near-shore reefs, waters and fisheries of the main Hawaiian Islands. We forge partnerships with government, private parties and communities to protect forests and coral reefs for their ecological values and for the many benefits they provide to people.

HB2035 Relating to Non-Agricultural Park Lands.

The Nature Conservancy opposes HB2035.

Non-agricultural park lands and pasture lands are a part of DLNR's mission to steward diverse lands for public trust. The pasture lands under their management are comprised of remnant native forest but allow for grazing. These are lands that have never been plowed nor have the native forests been clear cut. They also contain remnant forests which are critical to Hawai'i's water security, provide habitat for Hawai'i's unique and vulnerable plant and animal species, offer a buffer to slow the spread of invasive species into more pristine native forest, as well as provide access for management, recreation and traditional gathering.

The Conservancy acknowledges there is common ground among DLNR, ranchers, conservation organizations/partnerships and other land users who are working collectively to effectively manage watersheds, native forests, invasive species, endangered species, public access, open space, climate impacts and agriculture. We believe we can work effectively together in the interest of the landscapes, forests and the people they support.

Acknowledging that the current revocable lease situation is challenging for ranchers, The Nature Conservancy supports multiple uses of these lands and believes DLNR's oversight of them provides more options for the people of Hawai'i, today and for multiple generations in the future.

A better option that both maintains the public trust use of these lands and addresses the revocable lease situation is to pass HB2358 (SB2914), which would present DLNR the flexibility to negotiate pasture leases.

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TESTIMONY FROM THE HAWAII CROP IMPROVEMENT ASSOCIATION

In Support of HB2035
Relating to the Non-Agricultural Park Lands

Senate Committee on Water, Land, and Hawaiian Affairs
Thursday, 02-13-20 at 2:00PM
House conference room 423

Chair Yamane, Vice-Chair Todd, and members of the committee:

The Hawaii Crop Improvement Association (HCIA) is in support of HB2035, Requires DLNR to transfer to DOA specified non-agricultural park lands by a specified deadline, requires DLNR and DOA to jointly report on the status of the land transfer, and amends the definition of "agricultural activities" used in chapter 166E, HRS.

It has been 16 years since the passage of Act 90, yet there has been little progress in transferring the land. The intent of Act 90 was to ensure the long-term use of agricultural lands by transferring them to HDOA, which is more equipped to manage agricultural lands.

Please support HB2035 to make agriculture more sustainable. Mahalo for your time and consideration.

Respectfully,

Emmanuel Zibakalam
Program Director, Hawaii Crop Improvement Association

The Hawaii Crop Improvement Association is a Hawaii-based non-profit organization that promotes modern agriculture to help farmers and communities succeed. Through education, collaboration, and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices, and build a healthy economy.



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON WATER, LAND, AND HAWAIIAN AFFAIRS

February 13, 2020 2:00 PM Room 423

In OPPOSITION to HB2035: Relating to Non-Agricultural Park Lands

Aloha Chair Yamane, Vice Chair Todd, and members of the joint committee,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **OPPOSES HB2035** to transfer nearly **one hundred thousand acres** of public watershed lands from the Department of Land and Natural Resources to the Department of Agriculture.

Not agricultural lands

The 93 thousand acres of land at issue in this bill are crucial watershed lands that have been used on a temporary basis for ranching activities and hunting. As the title of the bill says, these are “non-agricultural park lands.” It is appropriate for the agency responsible for managing the state’s watersheds for healthy forests, robust drinking water supplies, and native species habitat should be responsible for managing these high-value lands. The Department of Land and Natural Resources is that agency, not the Department of Agriculture.

Fix DLNR’s leasing, licensing, and permitting process

The real issue behind this bill is the challenge ranchers face in securing the proper land dispositions from DLNR. We understand this problem. The Club continues to be a consistent critic of the DLNR’s handling of public land dispositions, in particular the improper use of revocable permits like those ranchers are currently using for access to these public lands.

The proper solution here is to fix DLNR’s process for handling land and water dispositions, not to transfer specific pieces of property away from the very agency that should be managing them. The Club is committed to helping in this process. The committee should review SB915(2019) for guidance on ways to improve DLNR’s land disposition process in a way that protects public trust resources and state interests in the long-term health of public watershed lands, while also reducing the hurdles for small-scale, low-impact uses of public lands (such as ranching and pasture lands).

Act 90, SLH 2003 was a mistake that should not be repeated

The 2003 Legislature should have never identified specific tax map key numbers for transfer from one agency to another. That is special legislation, which is prohibited by the state's constitution. It is also bad policymaking.

The Legislature should focus on establishing general policy direction and providing the funding necessary to implement those policies. It is the task of the agencies to actually implement those policies, employing their relative expertise in each subject matter area.

In this situation, the real purpose of these lands is watershed protection and management. This is the source of our future water, this is the home for Hawai'i's native species. That makes these lands the responsibility of the Department of Land and Natural Resources, not the Department of Agriculture.

For these reasons, we urge this committee to **HOLD** this bill. Thank you very much for this opportunity to provide testimony in **opposition to HB2035**.

Mahalo,

A handwritten signature in cursive script, appearing to read 'M. Townsend', written in black ink on a white background.

Marti Townsend
Chapter Director



February 13, 2019

Testimony from
The Wildlife Society, Hawai'i Chapter
in opposition to HB2035 relating to non-agricultural park lands

House Committee on Water, Land & Hawaiian Affairs
Thursday, February 13, 2020
2:00 PM, State Capitol, Conference Room 423

The Wildlife Society (TWS), Hawai'i Chapter dedicates itself to the conservation and preservation of flora and fauna endemic to the Hawaiian Islands. TWS Hawai'i Chapter's objectives are to promote the sound stewardship of wildlife and their habitats in Hawai'i and the Pacific, promote the conservation of indigenous and endemic Hawaiian and other Pacific wildlife and their habitats, and promote the development of knowledge, skills, and abilities necessary for success of wildlife professionals and the conservation community in the State of Hawai'i and Pacific.

HB2035 proposes to transfer all non-agricultural park lands, also known as pasture lands, from the Department of Land and Natural Resources (DLNR) to the Department of Agriculture (DOA) by June 30, 2020. This could have major implications for native bird habitat. Much of these lands still maintain remnant forests and hold the best potential for large-scale reforestation. Transferring these lands to DOA would eliminate future opportunities for reforestation projects aimed at recovering endangered bird populations. Some of these pasture lands also serve as critical corridors, allowing forest birds to migrate up the mountain to cooler climates where there is less threat of mosquitos and avian malaria.

DLNR ownership of these lands is essential if we are to save species from extinction.

Thank you for the opportunity to comment on this measure.

KAPAPALA RANCH

P. O. Box 537

Pahala, HI 96777

808-936-2922

Kapapala.ranch@aol.com

February 12, 2020

Chair Yamane, Vice Chair Todd, and members of the Water, Land, and Hawaiian Affairs Committee.

We strongly support HB2035 and feel that the HDOA's mission can provide a solid and trustworthy platform for us operate on. Our livelihood hinges on the outcome of this legislation.

We were happy when we received our acceptance letter from the HDOA in 2009 informing us that they would be managing our leases, which included both GL 5374 and RP's 7637 and 7758. Several times we stopped into the Hilo DLNR Land Office to see whether things were moving on our transfer and we were told that they were working on the paperwork. Feeling safe that our efforts were not in vain for a long-term future, we kept making large investments into our new Kaniwai Water System, believing that our lease would end up in HDOA. The DLNR signed concurrence letters with USDA's Natural Resource Conservation Service, NRCS, agreeing to the improvements the Ranch was making, all within the parameters of our Conservation Plan.

We were concerned in 2012 when we weren't getting any notices or called into any meetings. We asked the HDOA staff what was the problem. They said that DOFAW was not wanting the lands to transfer. In 2013, after several meetings with key legislators we were cc'd on a letter sent by the DLNR to our Senator that there would be no Ranch at the termination of the lease in 2029. We were stunned!

Our emotions were running high with the fear of losing our million dollar investment in water, much less all the other leasehold improvements we had made as well our livelihood and home. We were then called to Honolulu in late 2014 to be handed our new proposed lease rent. In a standard 10 year rent reopener, the Department proposed a 1,000% increase in our lease rent! Chair Aila, at the time, asked us to cooperate with the Department doing a second appraisal. They hired the same appraiser which we just could not understand and came in with a second appraisal reduced to a 400% increase in land rent. Finding this still unacceptable due to flawed process, we labored for another two years through mediation and finally binding arbitration, settling at the rate that the Ranch's appraiser and the University of Hawaii's Extension Range Specialist had originally recommended. Our cost of this whole process was equal to three years of annual rent (\$104,000).

In February of 2018 we were asked by DLNR Deputy Bob Masuda to meet with DOFAW staff in Hilo to work on identifying lands that would be suitable for ranching and lands suitable for reforestation. The Department would work on transferring lands that would be ideal for ranching over to the HDOA. At that meeting, DOFAW staff handed us a map with their ideas of an equitable land split. It was not equitable from our perspective and would reduce the ranches capacity to 1/5 of what it was because of prime pasture area being withdrawn to plant Koa and the more marginal areas would be leased under a year to year rental. To expect a business to operate on a year to year basis is, in my opinion, an invitation to pack your bags. It is impossible to find new pasture for large numbers of cattle in a short time frame, therefore we considered it an area to begin a liquidation plan. We also would need to lay off the employees including my husband or myself since one of us would need to seek outside employment.

In October of 2018 Chair Suzanne Case joined us for a helicopter tour of the Ranch. After the flight we agreed to a facilitated meeting at some time in the near future. That meeting happened on July 3rd, 2019 and included the Chair, a BLNR member, DOFAW and Land Division staff, myself and my husband, the ranch accountant, and the ranch's resource consultant. The facilitator was chosen solely by Chair Case and had many years of association with her at the Nature Conservancy. After my presentation of a detailed production dilemma that we faced with their 2018 proposal DOFAW presented their plan. Their vision for the future of the Ranch would be inclusive of one 'landscape scale conservation area' starting at Kilauea and running to the summit of Mauna Loa and south to the Kahuku Unit of Hawaii Volcanoes National Park and encompassing the State's Ka'u and Kapapala Forest Reserves. This area would be 'big, protected, and connected' according to DOFAW.

The Department in consideration of our concerns promised to have us a draft lease to look at in about six months (January 2020) and we were to be included in the process in order that we could have input. We have not received even a phone call in the last seven months. Until it was announced at the November Cattlemen's Convention we had no idea of the Department's plans to initiate HB 2358 giving the DLNR equivalent leasing authority as the HDOA.

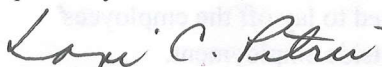
In my time here, there have been three major fires outside the Ranch, two in the National Park at the Mauna Loa Strip and one in the Kapapala Forest Reserve. Each fire blazed over several thousand acres. The Ranch, with reduced fuel loads, provided a buffer from the fires spreading from one conservation area to another. In the most recent fire of August 2018, the Ranch also provided water for the fire crews from DOFAW and HVNP to fill their pump trucks. The Ranch's bulldozer on the fifth day stopped the front of the fire from making a turn south that likely would have burned another few days. The water that we provided to DOFAW and HVNP fire crews came from our Kaniwai Reservoir through nine miles of pipe. There were no reservoirs when we came here 43 years ago in 1977 and today the ranch has 10,000,000 gallons of water storage and nearly 100 miles of new or well repaired transmission pipelines that can distribute water over 51 square miles (approximately the area of Kahoolawe). Our reservoirs also provide water habitat to the threatened Nene goose while the miles of pipelines delivering water also enhance game bird and other wildlife populations.

We understand the value of native forests and what it means to the community that we live in to preserve these areas so the Ranch, 30 years ago, willingly gave up 1,250 acres of pasture that was better suited for native forest to DOFAW. In the past 30 years there has been less than a few trees harvested and only two to three acres cultivated to native forest. Yet, they have asked us in the last two years to give up a lot more acreage for the purpose of planting Koa.

We support the public's right to use and enjoy the Forest Reserves and manage public access to these areas 365 days a year. Our interactive management with the public keeps the roads clean of rubbish and abandoned vehicles. Currently there about 300 requests per month which our answering service handles and another 25 per month handled directly by us and we bare the full burden of cost. Along with public access to the Reserves, we also work with DOFAW to open the Ranch during Game Bird Season for three months for the hunting public. This is costly as we are unable to work during those hunting days.

Please consider my testimony as we have been lifetime stewards to the lands of Kapapala.

Respectfully submitted,



Lani C. Petrie



February 11, 2020

Representative Ryan I. Yamane, Chair
Representative Chris Todd, Vice Chair
House Committee on Water, Land, & Hawaiian Affairs

Testimony in Support of HB 2035, Relating to Non-agricultural Park Lands (Requires the Department of Land and Natural Resources [DLNR] to transfer to the Department of Agriculture [DOA] specified non-agricultural park lands by a specified deadline; requires DLNR and DOA to jointly report on the status of the land transfer; amends the definition of “agricultural activities” used in Chapter 166E, Hawaii Revised Statutes [HRS].)

Thursday, February 13, 2020, 2:00 p.m., in Conference Room 423

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and utility companies. LURF’s mission is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii’s significant natural and cultural resources, and public health and safety.

LURF appreciates the opportunity to express its **support of HB 2035** and of the various agricultural stakeholder groups who defend the goals of viable agricultural operations and the conservation and protection of agriculture in Hawaii.

HB 2035. This bill proposes to require the DLNR to transfer to the DOA specified non-agricultural park lands by a specified deadline. The measure also amends the definition of “agricultural activities” used in HRS Chapter 166E and requires the DLNR and the DOA to jointly report on the status of the land transfer.

LURF’s Position. LURF members include property owners, farmers and ranchers who own, maintain, and engage in agricultural enterprises, and who consider efforts to protect and support agriculture significant to the continued conduct of their operations and to help sustain and preserve farming and ranching businesses into the future. LURF understands that many farmers and ranchers have been awaiting the transfer of their land leases from the DLNR to the DOA pursuant to Act 90, Session Laws of Hawaii (2003), which was enacted to ensure long-term productive use of public agricultural

lands to be managed by the DOA. The 17-year delay of the anticipated transfers, however, has impaired the ability of farmers and ranchers to establish and implement long-term plans for their operations, and the determination of a time deadline by which to accomplish the transfer of leases from the DLNR to the DOA would greatly assist with this effort.

LURF further supports this measure's clarification that "agricultural activities" in non-agricultural park lands shall include the care and production of pasture lands, since Act 90 (2003) expressly includes in its definition of "agricultural activities," the care and production of livestock and livestock products, which requires pasture. Livestock ranching is a significant component of Hawaii's agricultural sector, being a highly productive, expanding, and extremely valuable industry on all islands with an estimated current annual value of more than \$68 million.

In accordance with the State's policies to promote and foster agriculture and an atmosphere of acceptance for all agricultural practices, LURF **supports HB 2035** and respectfully urges your favorable consideration.

Thank you for the opportunity to present testimony regarding this matter.

**LARRY JEFTS FARMS, LLC
PO BOX 27
KUNIA, HAWAII 96759
(808) 688-2892**

HB 2035, Relating to Non-Agricultural Park Lands
House WLH Hearing
Thursday, February 13, 2020
2:00 pm
Conference Room 423

Testimony By: Larry Jeffs
Position: Support

Chair Yamane, Vice Chair Todd and Members of the House WLH Committee:

I am Larry Jeffs, owner and operator of Larry Jeffs Farms, LLC, which is part of our family-run business of farms on Oahu and Molokai, under the administrative umbrella of Sugarland Growers, Inc. We have more than 35 years of Hawaii farm experience on Molokai and Oahu. I am a volunteer director for the West Oahu Soil and Water Conservation District (SWCD).

HB 2035 seeks to clarify that pastures---used for the care and production of livestock--- is indeed an agricultural activity. It also seeks to establish a deadline for the transfer of pasture leases from the Department of Land and Natural Resources to the Department of Agriculture. This transfer of pasture leases was established in 2003, Act 90 and has not yet occurred.

This delay in lease transfers create a situation where ranchers cannot do long-term planning to increase local grass-fed beef production. Ranchers, as in all who are involved in agriculture production, need long-term leases before capital investments can be made for production. The Department of Agriculture is a better fit for the management of land resources for agriculture purposes.

Your support of this bill is appreciated. Thank you for consideration of this testimony.



Bringing back the birds

12 February 2020

House Committee on Water, Land, & Hawaiian Affairs
Conference Room 423
State Capitol
415 South Beretania Street
Honolulu, Hawai'i

RE: House Bill 2035 Relating to non-agricultural park lands

American Bird Conservancy is a 501(c)(3), not for profit membership organization whose mission is to conserve native birds and their habitats, working throughout the Americas to safeguard the rarest bird species, restore habitats, and reduce threats. Since 2009, ABC's Hawai'i Program has been working to conserve Hawaiian birds, notably with Palila, Millerbird, Kīwīkiū (Maui Parrotbill), and endangered Kaua'i forest birds. ABC's Seabird Program has been involved in conservation of seabirds on Kaua'i, O'ahu, and Maui Nui. ABC is also working to bring awareness of the issues of non-native animals. In recent years, ABC has supported efforts in the Hawaiian Islands to protect birds and habitats with protective fencing, ungulate and non-native mammalian predator control (e.g., Mauna Loa, Ka'ena Point, and Kīlauea Pt).

American Bird Conservancy strongly opposes HB2035 because it would hinder the protection and recovery of Hawai'i's native birds. One of the most important conservation actions to preserve our state's native and endangered birds is habitat restoration, particularly restoring native forests to previous pasturelands. This tactic has shown remarkable success across the state, and on the Island of Hawai'i it has been particularly notable at recreating native forests on Mauna Kea. The restored and protected forests have been used by endangered Palila in the subalpine forests of DLNR's Mauna Kea Forest Reserve, and by endangered 'Akiapōlā'au in the restored forests in the mauka sections of Hakalau Forest NWR.

The pasturelands identified for transfer to Department of Agriculture have sightings of numerous endangered species, and could provide important habitat for endangered birds along the flanks of Mauna Kea and Mauna Loa. These pasturelands contain some remnants of native forests, so could serve as critical seed sources and kīpuka for the active restoration of the native ecosystem. They also are adjacent to other, important reserves so improving these pastures would create significant new habitat for endangered and threatened birds.

Some pasture lands are remnant native forests that have never been plowed and contain native and endangered plants and wildlife. They adjoin or are near forest reserves and, as a result,



Shaping the future for birds

have great potential for reforestation, and/or are important in providing access to other public lands for management, traditional gathering, and public recreation including hunting and trails. Forcing this transfer will greatly undercut the ability of the Department of Land and Natural Resources to protect and steward the incredible, but increasingly at risk, natural resources of Hawai'i.

Mahalo for the opportunity to comment on these important decisions. Please notify us if we can provide additional information and clarification of the points raised above. Aloha –

Chris Farmer, Ph.D.

cfarmer@abcbirds.org

Hawai'i Program Director

PO Box 44

Hawai'i Volcanoes National Park, Hawai'i 96718

808-987-1779

HB-2035

Submitted on: 2/12/2020 10:43:48 AM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Frances Kama-Silva	Barbed S Ranch LLC	Support	No

Comments:

We strongly believe Act 90 needs to be adhered to which includes pasture land, which for us provides feed stock for our cattle operation. These pasture lands need to be managed by D.O.A. so that long term leases can be offered which in turn enable ranchers and farmers to better do long-term planning and financing. THIS IS ESSENTIAL TO PROVIDE HAWAII a SELF-SUFFICIENCY IN FOOD PRODUCTION!

I have read the testimony offered by the Hawaii Cattlemen's Council and agree with them.

Mahalo Nui,

I RANCH SO YOU CAN EAT

Chair Yamane, Vice Chair Todd, and Members of the Committee on Water, Land & Hawaiian Affairs:

McCandless Ranch **strongly supports HB2035** to set a deadline and enforce Act 90, 2003.

Act 90 was passed in 2003 for the purpose of ensuring the long-term productive use of public agricultural lands by allowing these lands to be transferred to and managed by the department of agriculture.

The delay in transferring agricultural lands is unacceptable. If we are serious about increasing local food production by 20% by 2030, difficult decisions need to be made. However this isn't one of them. You, as our legislative body, have already determined these leases need to be transferred to the Department of Agriculture (Act 90), it just hasn't happened.

The transfer of these leases to HDOA is 17 years overdue. HB2035 will insure that these leases are transferred in a timely manner.

McCandless Ranch appreciates the opportunity to testify on this critical matter for both our industry and for the food security of Hawaii.

Mahalo,

Keith K. Unger
McCandless Ranch
President - HCC

HB-2035

Submitted on: 2/12/2020 12:44:30 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bobby Farias	Hawaii Cattlemen's Council, Hawaii Meats LLC	Support	No

Comments:

I support HB2035 and the transfer of non-agricultural park lands from DLNR to DOA.

HB-2035

Submitted on: 2/12/2020 8:30:01 AM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jimmy Gomes	Ulupalakua Ranch	Support	No

Comments:

HB-2035

Submitted on: 2/12/2020 12:49:04 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
LIBRADO COBIAN	OAHU MOTORSPORTS ASSOCIATION	Oppose	Yes

Comments:

I oppose HB2035 the transfer of DLNR Non Ag Parkland to DOA.

Many Trails and Parks are accessible to the public through DLNR land.

The transfer of Non Ag Parkland from DLNR to DOA will restrict access by the Public to reach

Many Recreational Lands that DLNR provides to the State of Hawaii. Li Cobian



**Conservation Council
for Hawai'i**

Hawai'i's voice for wildlife

Kō Hawai'i / leo no nā holoholona lōhiu



**Submitted to the House Committee on Water, Land, and Hawaiian Affairs
Thursday, February 13, 2020 at 2:00pm
Conference Room 423
HB: 2035**

Conservation Council for Hawaii (CCH) opposes House Bill 2035 relating the transfer of Agricultural lands from the Department of Land and Natural Resources to the Department of Agricultural. Our forested lands are important to the overall health of our diverse ecosystems here in Hawai'i, maintaining healthy watersheds, protecting native flora and fauna, and native species are imperative to maintaining balance. Transferring of forest lands to the Department of Agricultural would negatively impact our delicate ecosystems by opening up the opportunity for grading and plowing to accommodate for production crops which would increase erosion, destroy forests that are important in carbon reduction, and endanger native species.

With our water resources already limited here in the islands, ensuring that our watersheds are protected and maintained so that our aquifers can be replenished is not negotiable. CCH supports Department of Land and Natural Resources maintaining the lands stated in HB 2035, their game management plans, Forest Stewardship plans, and partnerships with ranchers and private landowners to preserve watershed has proven beneficial and CCH would like to see this work continued.

Thank you for the opportunity to submit testimony in opposition of bill HB 2035.

**Telephone/Fax: 808.593.0255 | email: info@conservehi.org | web:
conservationcouncilhawaii.org**

P.O. Box 2923 | Honolulu, HI 96802 | Office: 250 Ward Ave. Suite 215 | Honolulu, HI 96814

President Rachel Sprague | Vice President: Lisa Hinano Rey | Secretary: Julie Leialoha

Treasurer: Sunshine Woodford | Directors: Robin Kaye, Steven Lee Montgomery

National Wildlife Representatives: Les Welsh, Rachel Sprague

Executive Director: Moana Bjur | Operations and Events Director: Jonnetta Peters



HB-2035

Submitted on: 2/11/2020 8:42:52 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Warren Watanabe	Maui County Farm Bureau	Support	No

Comments:

HB-2035

Submitted on: 2/12/2020 11:58:42 AM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Toni Withington	Ka Makani O Kohala Ohana	Oppose	No

Comments:

We are in a climate crisis. Science projections see our islands losing the ability to capture water in a warming climate. This demands that our upper elevations be covered with trees, not pastures. This bill moves us in the wrong direction. These lands need to stay in the umbrella of DLNR because it is best at preserving native forest conservation, hiking, hunting, forestry, and carbon sequestration. The last is vital. DOA has no program or staff to address this.

We in North Kohala on Hawaii Island can see this climate effect already in our persistent droughts. Vote NO on this bill.

Ka Makani O Kohala Ohana

Toni Withington, President

HB-2035

Submitted on: 2/11/2020 7:37:33 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Harry von Holt	Individual	Support	No

Comments:

HB-2035

Submitted on: 2/11/2020 7:39:14 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Vanessa Stevens	Individual	Support	No

Comments:

I support this Bill because it ensures that the improvements we are continually doing to preserve our land, make it more sustainable, bettering our cattle herds and grasslands will stay with us four years and years to come and not be a lost cause.

HB-2035

Submitted on: 2/11/2020 8:48:09 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Woody Child	Individual	Support	No

Comments:

Agricultural leases should be managed by the Department of Agriculture

HB-2035

Submitted on: 2/12/2020 5:15:33 AM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Taylor Kellerman	Individual	Support	No

Comments:

HB-2035

Submitted on: 2/12/2020 5:49:22 AM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Theresa M Thompson	Individual	Support	No

Comments:

HB-2035

Submitted on: 2/11/2020 5:02:17 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
J Ashman	Individual	Support	No

Comments:

I strongly support this measure. It is beyond belief that the legislature mandated this transfer of ag lands from DLNR to DOA (Act 90, 2003) 17 years ago and farmers and ranchers are still waiting. What is the justification for the 17-year delay? How is this bringing us closer to food self-sufficiency?

HB-2035

Submitted on: 2/12/2020 10:44:35 AM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Stevens	Individual	Support	No

Comments:

I firmly support this bill for carrying on our legacy, securing tradition, and supporting preservation and growth in our industry.

HB-2035

Submitted on: 2/12/2020 12:35:26 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Blake J LaBenz	Individual	Oppose	No

Comments:

HB-2035

Submitted on: 2/12/2020 12:58:45 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Metcalf	Individual	Oppose	No

Comments:

Dear Representatives,

I oppose this proposed legislation on a number of grounds:

- The basis for this proposed legislation is not true. Please see the DLNR testimony which shows that thousands of acres of land has been transferred or offered to the DOA.
- Control of ungulates is of utmost concern in our forests and watersheds and lands adjacent to them, especially with Rapid Ohia Death (ROD), which is a wound based pathogen. Ungulates wound ohia trees and thus open up the pathway for the spread of ROD. Automatic transfer of DLNR lands for ranching without proper mitigation of the additional threat of ROD from ungulates could further spread this major threat to our watersheds. DLNR has the knowledge and expertise for mitigating ROD thus is best positioned to manage this threat.
- Ranching can play an important part in helping to mitigate wildfire threat to our forests and watersheds by reducing fuel load if done correctly. Giving DLNR similar regulatory authority as the DOA for agricultural leases would be the most beneficial outcome overall for both Hawaii's agriculture, forests and watersheds.
- Many issues such as climate change, ROD, changes in fresh water supply and demand, etc. have occurred since the 2003 Act 90. This whole issue should be further studied before mandating an arbitrary deadline on these DLNR lands being transferred to DOA. An alternative would be to oppose this bill and instead support HB2358.

Respectfully submitted,

Mary E. Metcalf

Kailua Kona, Hawaii

HB-2035

Submitted on: 2/12/2020 1:17:32 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jesse Owens	Individual	Oppose	No

Comments:

Dear Committee on Water, Land & Hawaiian Affairs,

Please oppose HB2035 and other attempts to wholesale transfer DLNR "pasture" lands to DOA. Act 90, SLH 2003 sought to transfer lands only with the mutual agreement of the Board of Land and Natural Resources and the Board of Agriculture, to ensure a public process that considers various uses and stakeholders. While many areas were transferred, these Boards agreed that in some cases it was not in the best interest of the public trust to transfer these lands, and that they were better suited for DLNR for forestry, hunting, gathering, and hiking.

This bill would inappropriately skip that public process where each parcel is examined carefully and individually to truly determine whether pasture or other uses are the priority for these lands. The decision to manage lands under DLNR vs DOA is an enormously impactful and permanent. It should be done with care, close examination of each individual parcel, and public input. This bill sacrifices decisionmaking through a public process (the BLNR and BOA) for the special benefit of ranchers. Every interest group should have their voices equally able to be heard via the existing public process. Keep a public process for deciding the fate of our public lands.

This bill also sacrifices the opportunity to consider these lands for watershed protection, hiking, and hunting. Some of these lands contain old growth koa forests and endangered plants and animals. It would be counter the state's sustainability goals to forever commit these forests to agriculture. Again, each parcel is different and should be examined individually to determine what is most pono for the future of these vast landholdings.

Mahalo,

Dr. Jesse Owens

Ala Moana

HB-2035

Submitted on: 2/12/2020 1:19:58 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nicolai Barca	Individual	Oppose	No

Comments:

I strongly oppose this because it will negatively affect my access to hunting and hiking.

HB-2035

Submitted on: 2/12/2020 1:20:30 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Smith	Individual	Oppose	No

Comments:

I strongly oppose this measure. These are public trust lands, to be managed for the benefit of the people of Hawaii. They have high natural resource values, above and beyond the grazing leases currently awarded, and should remain with DLNR, and not privatized for the benefit of a few. Deforestation and cattle ranching are a significant driver of the climate change impacts we are already seeing. Many of these lands are prime former koa forest, converted by the Hawaiian oligarchy 150 years ago, and should eventually find their way back to forest. Please do not lock up these lands in a dwindling and unsustainable cattle industry for another 100+ years.

HOUSE COMMITTEE ON WATER, LANDS, & HAWAIIAN AFFAIRS

Thursday, February 13, 2020

2:00PM

State Capitol, Room 423

**In consideration of
HOUSE BILL 2035
RELATING TO NON-AGRICULTURAL PARK LANDS**

Testimony Submitted by Allen Allison, PhD

Representative Ryan Yamane and distinguished members of the Hawai'i House Committee on Water, Lands & Hawaiian Affairs, my name is Allen Allison. I am the Director of Natural Sciences at Bishop Museum and a member of the University of Hawai'i Graduate Faculty in Biology. However, I am providing this testimony as a private individual against HB 2035.

Land use and land management in Hawai'i are complex issues that are best addressed on an objective basis using all available information in consultation with stakeholders. The Department of Land and Natural Resources (DLNR), in collaboration with a number of other organizations, has developed a comprehensive information system to guide and inform the use and management of lands under its jurisdiction. Parcels that are today dominated by introduced grasses, and might seem well-suited for ranching, may in fact border natural forest and be good candidates for reforestation.

Rather than mandate the transfer of pasture lands and similar parcels to the Department of Agriculture through legislation, I would respectfully urge adoption of HB 2358 and its companion bill in the Senate, SB 2914, which gives DLNR greater flexibility to deal with the sorts of the issues that are being addressed in HB 2035.

Thank you for the opportunity to comment on this measure.

HB-2035

Submitted on: 2/12/2020 1:43:50 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Ley	Individual	Oppose	No

Comments:

I oppose this bill, because the DLNR needs to do its job and manage the lands for the public to use especially for hunters

HB-2035

Submitted on: 2/12/2020 1:54:11 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Clark	Individual	Oppose	No

Comments:

Aloha kākou,

I currently serve as a commissioner on the Hawai'i Natural Area Reserves System. I oppose this bill. Many pasture lands are important for conserving our native species. Transfer of these lands from DLNR to HDOA would have negative implications for current and future conservation efforts.

Mahalo,

Michelle Clark

HB-2035

Submitted on: 2/12/2020 1:54:19 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
John Bickel	Individual	Oppose	No

Comments:

We need to preserve the lands listed under this bill, most of which are remnant Native Forests that contain native and endangered plants and animals and land that has never been plowed. These parcels neighbor forest reserves and are optimal for reforestation efforts.

HB-2035

Submitted on: 2/12/2020 1:58:16 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Leah Laramiee	Individual	Oppose	No

Comments:

I oppose this bill as these lands should be used for their highest and best use. This may mean a combination of ranching, agriculture, agroforestry, forestry and recreation. DLNR is the agency best suited to work with lessees for this type of mixed management. These lands should be held in the public trust and not solely held by a single lessee for financial gain. Food security is vital to the state but under DLNR these lands can balance food sustainability with carbon sequestration and public access for hunting and hiking. DOA under their own admission recognizes they do not have the ability to manage these vital lands in this manner. I applaud their honesty and encourage you to recognize that these lands would better serve the public under DLNR management.

Mahalo for the opportunity to testify on this bill .

HB-2035

Submitted on: 2/12/2020 1:58:19 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Chimera	Individual	Oppose	No

Comments:

I oppose HB2035.

Sincerely, Charles Chimera

HB-2035

Submitted on: 2/12/2020 1:59:39 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jolie Wanger	Individual	Oppose	Yes

Comments:

Dear Chair Yamane,

I am writing testimony in opposition to HB2035. I oppose this bill because the non-agricultural park lands that would be transferred from DLNR to DOA are important lands for protection and restoration of native forests and habitat for endangered species. They are also important for groundwater recharge purposes. Recent studies by University of Hawaii ERO identified these low elevation areas, which are at high risk of invasion by non-native species, should be considered for priority watershed protection.

Respectfully submitted,

Jolie Wanger

HB-2035

Submitted on: 2/12/2020 1:59:46 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rick Warshauer	Individual	Oppose	No

Comments:

I suggest that the naure of the bill be amended to require the DLNR to alter their lease negotiations for pasture leases to be more favorable to leasses, especially where invasive species and climate changes have reduced the productivity of the land for livestock.

HB-2035

Submitted on: 2/12/2020 2:24:43 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Casey Takayama	Individual	Oppose	No

Comments:

HB-2035

Submitted on: 2/12/2020 2:22:48 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Moana Kea Among	Individual	Support	No

Comments:

I support this bill to help the Hawai'i Ranchers to continue with the Hawai'i State "Farm to Table" sustainability program. As the DLNR is very limited financially and lack the personnel to be good stewards of the massive pasture lands under their pervue, the DOA provides better options for our Hawai'i Ranchers to keep the Aina and the Hawai'i State Sustainability program thriving.

HB-2035

Submitted on: 2/12/2020 3:10:30 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
michelle montgomery	Individual	Oppose	No

Comments:

I oppose this bill because it does not include protections for current DLNR help "no agriculture parklands" in relation to native forests, watersheds, and endangered species. It also does not define what "non-agriculture parklands" are or what type of properties are potentially to be affected.

HB-2035

Submitted on: 2/12/2020 3:24:20 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Konia	Individual	Oppose	No

Comments:

Honorable Committee members,

I write in opposition to HB 2035.

HB 2035 proposes the transfer of specified non-agricultural park lands from the Department of Land and Natural Resources to the Department of Agriculture and seeks to amend the definition of "agricultural activities" in Chapter 166E, HRS.

I oppose this bill because we need to preserve these lands. Most of the lands referenced in this bill are remnant Native Forests that contain native and endangered plants, and animals. They are lands that have never been tilled. Further, these parcels neighbor forest reserves that are prime locations for reforestation efforts. The benefits of reforestation (for example greater diversity among native plant species) are directly related to resilience against climate change and stimulates island wide sustainability. To alter this potential future is irresponsible.

Thank you for your time and consideration,

Antoinette Freitas

email: konia808@gmail.com

HB-2035

Submitted on: 2/12/2020 3:48:26 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Milholen	Individual	Oppose	No

Comments:

HB-2035

Submitted on: 2/12/2020 8:36:43 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Roxane Stewart	Individual	Oppose	No

Comments:

HB-2035

Submitted on: 2/12/2020 8:54:53 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
janice palma-glennie	Individual	Oppose	No

Comments:

aloha,

please reject HB2035. The plan to transfer much of what is remnant Native Forests that contain native and endangered plants and animals and land that has never been plowed to the auspices of DOA is a bad idea. These parcels neighbor forest reserves and are far more suited for reforestation efforts.

please go back to the drawing board and find more suitable ways and agencies to protect lands that are clearly not agricultural in nature.

mahalo and sincerely,

janice palma-glennie

kailua-kona

HB-2035

Submitted on: 2/12/2020 9:03:46 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
tlaloc tokuda	Individual	Oppose	No

Comments:

HB 2035 is a very bad bill and I oppose it. **HB 2035** proposes the transfer of specified non-agricultural park lands from the Department of Land and Natural Resources to the Department of Agriculture by June 30, 2020 as well as amending the definition of "agricultural activities" in Chapter 166E, Hawaii Revised Statute, to include the care and production of pasture lands within the meaning of the phrase "care and production of livestock or livestock products."

CCH opposes this bill as we need to preserve the lands listed under this bill, most of which are remnant Native Forests that contain native and endangered plants and animals and land that has never been plowed. These parcels neighbor forest reserves and are optimal for reforestation efforts.

HB-2035

Submitted on: 2/12/2020 9:05:22 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lois Crozer	Individual	Oppose	No

Comments:

HB-2035

Submitted on: 2/12/2020 9:28:32 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
C. Kai Lucas	Individual	Oppose	No

Comments:

Dear Legislators

We need to preserve the lands listed under this bill, most of which are remnant Native Forests that contain native and endangered plants and animals as well as land that has never been cultivated. These parcels neighbor forest reserves and are optimal for reforestation efforts.

Please do NOT pass this bill.

mahalo,

Kai

HB-2035

Submitted on: 2/12/2020 10:09:01 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jill S Williams	Individual	Oppose	No

Comments:

We don't need more pasture or agricultural land. We have enough of that type of land. We need land that can be restored with native flora and fauna.

Thank you for your consideration.

HB-2035

Submitted on: 2/12/2020 10:27:12 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Rubinoff	Individual	Oppose	No

Comments:

Hawaii has very little native wildland left. Reducing it even further when there are rare Native Hawaiian species is a poor and irrevocable choice. We need to save the little bits of Native Hawaiian forest that are left for future generations. Agriculture is important, but it shouldn't come at the expense of DLNR lands dedicated to maintaining Native species. Furthermore, destruction of forest and intact vegetation through grazing and other practices will degrade water quality by increasing erosion and runoff into the remaining reefs will damage them. More needs to be done to save the little pieces of native forest left in the State, giving this land away to agriculture is a step in the wrong direction.

HB-2035

Submitted on: 2/12/2020 10:59:46 PM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeri	Individual	Support	No

Comments:

HB-2035

Submitted on: 2/13/2020 8:22:23 AM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrew Taylor	Individual	Oppose	No

Comments:

I oppose this bill

HB-2035

Submitted on: 2/13/2020 8:29:55 AM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Wall	Individual	Oppose	No

Comments:

To Hawaii State Legislature,

I want to voice my oppositon to HB2035 and support DLNR's stewardship of Hawai'i's unplowed pasture lands. These unplowed lands are critical buffers between critical remaining native forests and the thousands of acres of lands already plowed. Land conservation in Hawai'i should be a priority, and DLNR is uniquely qualified to manage these lands and the environmental legacies they represent. Some pasture lands are remnant native forests that have never been plowed and contain native and endangered plants and wildlife. I have worked in remnant native forests on Hawaii Island and I can speak from first hand experience that once these ecosystems are exposed to farming, agriculture, live stock -- restoring them to their previous state is troublesome if not impossible. Considering rapid 'ohi'a death and the threats agriculture has posed to native forests over the last 200 years, it seems obvious to keep native forests untouched and have protective corridors between forests and agriculture land. Further, the mandating the transfer of these lands to DOA for pasture purposes will severely undermine the potential for reforestation and other natural resource protection uses of the land.

Please support Hawai'i forests, their resotration, and native species by REJECTING the proposed land transfers in HB2035.

With kind regards and Aloha,

Dr. Chris Wall
UH MÄ• noa | Pacific Biosciences Research Center

HB-2035

Submitted on: 2/13/2020 8:30:47 AM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shawn Nichols	Individual	Oppose	No

Comments:

Pasture lands should remain with the DLNR. Dept of Ag and DLNR work together cooperatively to support our citizen's use of public lands but when it comes to pasture lands, it is a Natural Resource and as such should remain under the care of the Department of Land and **Natural Resources**.

HB-2035

Submitted on: 2/13/2020 8:43:01 AM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Megan Lamson Leatherman	Individual	Oppose	No

Comments:

Aloha House Representatives,

Please OPPOSE this bad bill (HB2035) that would move lands from the Dept of Land and Natural Resource into Dept of Agriculture. This would be detrimental to our forests and watersheds (and coral reefs). In this time of climate crisis where as a state we have committed to be carbon neutral by 2045 (Hawai'i Sustainability Initiative) this bill is a step in the wrong direction to convert non-agricultural lands into agriculture. We need to plant more trees (and protect the ones that are already exist such as these DLNR lands in question) in order to sink more carbon and sustain our future at a local and global scale.

If anything, if the introducers were concerned about our state's food security then they should work to convert more residential and commercial properties into ag lands but NOT convert any DLNR lands. Our state should be looking to convert more dormant agricultural properties into mixed forests, and NOT the other way around.

Many thanks for your time and dedication to the people of Hawai'i, and for shutting down House Bill 2035!

Sincerely,

Megan Lamson Leatherman

Honalo, North Kona, Hawai'i

HB-2035

Submitted on: 2/13/2020 8:55:31 AM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gregory FRIEL	Individual	Support	No

Comments:

HB-2035

Submitted on: 2/13/2020 9:01:30 AM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Daniela Escontrela	Individual	Oppose	No

Comments:

I strongly oppose this bill. These lands should be held and cared for by DLNR for the public trust and the enjoyment by future generations.

HB-2035

Submitted on: 2/13/2020 11:12:15 AM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia M Godfrey	Individual	Oppose	No

Comments:

Aloha kakou.

The purpose of the Department of Land and Natural Resources is to protect Hawaii's natural lands and guide behavior of human activity within those lands. The remit of the Department of Agriculture is to find and use land for the benefit of human residents of the Islands. I believe the DLNR, from their agency's mission, is the better of the two agencies to preserve and maintain what I have personally experienced as buffer lands between the watersheds and native species habitats now under its control.

As an example. I moved to Waimea on the Big Island in 1980, from my native Kona. It was for many years common to see the native pueo, or native owl, in my Waimea yard, and ranging around the outskirts of the town hunting above the rough pasture. By the time I moved to Oahu in 2000, the pueo had retreated further up the mountainsides of the last of the Koolaus and out to Mauna Kea, as pasture land became housing and field crops.

During that time I wrote up a magazine interview with Monty Richards, then head of Kahua Ranch, a longtime producer of lamb, beef and diversity crops on the mountain road between Waimea and Hawi. . Mr. Richards waved a hand up to two pu'u, hills, above the ranch house and asked me to tell him the difference between the two. They were both his hills, but one was enclosed and was dark green, covered in mainly native trees and understory. The other was open to his pasture and was bald- no trees, just grass. "We don't have to keep native life on that pu'u," he said,"but we do, because we know it is good for the health of the land."

Lands currently left by the DLNR in rough pasture and native forest growth encourage the well-being of native flora and fauna. We are by no means an organic farming/ranching state. Native populations need buffers from human activity.

I do not believe the bill expresses a solid need for the state to shuffle land ownership in this way. Both agriculture and nature are important endeavors for Hawaii to nurture, but only one of those areas of concern is irreplaceable.

I suggest providing water to Hawaiian Homelands homesteads , or perhaps reassessing former sugar and pineapple lands for the uses the Department of Agriculture posits.

I suggest fifty percent of Hawaii land be left in wilderness, as an example of what a government concerned with the survival of the health of the planet can do.

HB-2035

Submitted on: 2/13/2020 11:30:52 AM

Testimony for WLH on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brendan Balthazar	Individual	Support	No

Comments:

I am in strong support of this bill. It is ranchers who keep invasive plants and bugs under control, Not DLNR. It is ranchers who fuel for wild fires under control not DLNR. We are the better stewards of the land then DLNR, and as an ag industry Ranchers should come under the DOA. KLNR has a past history of not taking care of land they just let it go and the excuse is not enough funding. If they left it in the hands of farmers and ranchers the land would always be taken care of and not at their expense.

Brendan Balthazar

Diamond B Ranch

Form Letter in Support of HB2035

Dear Chairman Yamane,

Aloha Chair Yamane, Vice-Chair Todd, and members of the committee,

I support HB2035, which requires DLNR to transfer to DOA specified non-agricultural park lands by a specified deadline. It also clarifies the care and production of pasture land constitutes an "agricultural activity".

This bill reinforces Act 90, enacted 2003, which authorizes the transfer of certain non-agricultural park lands from DLNR to DOA. Farmers and ranchers have been waiting 17 years for the transfer of their leases and believe the management of their lease within DOA is best suited for their operations.

Thank you for the opportunity to submit testimony.

Mahalo!

Sincerely,

County Farm Bureau
Susan Chouljian
Glenn Shinsato
Guy Galimba
Patricia Iwamoto
Alvin Tsuruda
John Giblin
Frederick Mencher
Simon Russell
Brad Seymour
Eric Hansen
William Durston
John Gordines
Ian Boyle
Bart Lofton
Justin Cadiz
Megan Kono
Adam Killerman
Randy Cabral
Susan Cabral

Alan Tada
Robert Paull
Gilly Jackson
Jerry Nishek
Isaac Miller
Alika Napier
Sandi Kato-Klutke
Melvin Matsuda
Daphne Ramsbottom
Maile Kamisugi
Phil Becker
Ron Kauha'aha'a
James Gomes
Luly Unemori
Tiffani Hull
Stephanie Whalen
Lorie Obra
Emily Taaroa
Melvin Kunitaka
Arman Wiggins

Matt Lyum
Kylie Matsuda-Lum
Amy Martens
James Fang
Alice Sharp
Greg Kowal
Luana Beck
Mark Crawford
Blake Vance
Stephen Takamiyashiro
Mario Gaggero
Michael Kohn
James Tavares
Joe Munechika
Charles King
Martha Lanoza
Mary Offley
Jill Coombs