

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, Conference Room 423**

**In consideration of
HOUSE BILL 2358
RELATING TO AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL
RESOURCES TO LEASE PASTURE LANDS ON TERMS THAT PROMOTE
COLLABORATIVE BENEFICIAL USE FOR FORESTRY, WILDLIFE,
RECREATIONAL, AND FOOD PRODUCTION PURPOSES**

House Bill 2358 proposes to authorize the Board of Land and Natural Resources (Board) to amend and extend existing pasture leases and to issue new pasture leases by negotiation in furtherance of public purposes the Department of Land and Natural Resources (Department) is responsible for promoting. **The Department strongly supports this Administration measure.**

Act 90, Session Laws of Hawaii 2003, codified into law as Chapter 166E, Hawaii Revised Statutes (HRS), provides for transfer of agricultural lands to the Department of Agriculture (DOA). The Department has transferred approximately 18,491 acres to DOA over the years. However, pasture lands are not classified the same as agricultural lands under the Department's public lands statute and are a critical part of the Department's forest protection and restoration, traditional gathering, and hunting and trails and other recreation responsibilities. The Department is retaining these lands and is willing to support extending and amending the pasture leases with the Department under collaborative management terms compatible with both grazing and public trust natural and cultural resource protection and enhancement.

The Hawaii State Constitution, Article XI, Section 1, requires that "(f)or the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State." The Department strongly believes this measure is a reasonable compromise that successfully fulfills the State's constitutional obligations.

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

This bill would provide incentives for the Department and ranchers to work together on mutually beneficial terms to promote public priorities by providing the Department with statutory powers similar to those exercised by DOA in the management of its leases. The bill proposes to authorize the Department to issue new pasture leases by direct negotiation with terms up to 65 years that include use restrictions on high resource value portions of the lease premises and allow the Department to factor use restrictions as well as the value of any land conservation and stewardship services lessees are required to perform under their leases into the determination of an appropriate rent to charge. The bill also proposes to give the Department the authority to amend existing leases to place use restrictions on high resource value portions of the lease premises and allow the Department to factor use restrictions and land conservation and stewardship services performed by lessees into determining an appropriate rent.

Finally, in discussions with the Office of Hawaiian Affairs (OHA), the Department was informed of their concern with the provision in the bill that would allow the Department to extend pasture leases up to an aggregate term of 99 years. In order to address OHA's concerns, the Department respectfully requests that an amendment be adopted to Section 2 of the measure that strikes that provision, retaining the current 65-year aggregate term limit. A proposed revised amendment (in grey highlight) is provided below:

“(g) Any provision of this chapter to the contrary notwithstanding, the board may amend and extend pasture leases to further public purposes that are the responsibility of the department to promote, including, without limitation, preserving existing native forest, reforestation for watershed enhancement and forest carbon sequestration opportunities, facilitating public hunting, establishing and maintaining public access to landlocked reserves, enhancement of public recreational opportunities, and protection and propagation of current biological and other significant resources, subject to the following:

- (1) The demised premises have been used substantially for the purpose for which they were originally leased;
- (2) The aggregate of the initial term and any extension granted shall not be for more than ~~ninety-nine~~ **sixty-five** years;

- (3) The public land has key characteristics that would benefit from the amendment and extension of a pasture lease, such as the capacity for public purposes to be promoted through a lease amendment and extension; and
- (4) The lessee under a pasture lease is agreeable to new lease obligations regarding natural resource conservation and stewardship that will achieve the identified public purposes.

Notwithstanding section 171-17, the chairperson may set the lease rent for the period of the lease term occurring after an amendment under this subsection on such terms and conditions as the chairperson may determine, including but not limited to a value that incentivizes or otherwise promotes ranching operations compatible with the public purposes that are the responsibility of the department to promote, including without limitation those specified above in this subsection. In arriving at a rental value, the chairperson may also consider: the specified use of the land; any restriction on grazing or other beneficial uses of the land or portions thereof by lessee; any conservation or stewardship services required to be performed by the lessee under the amended lease; and any withdrawal of lands from the lease premises. If an independent appraisal is procured to determine rent for an amended pasture lease, the chairperson may apply a lower rate of return if warranted after consideration of the public purpose served by the lease, use restrictions thereunder, and any obligation of the lessee to provide conservation or stewardship services."

Thank you for the opportunity to comment on this measure.



HB2358

RELATING TO AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO LEASE PASTURE LANDS ON TERMS THAT PROMOTE COLLABORATIVE BENEFICIAL USE FOR FORESTRY, WILDLIFE, RECREATIONAL, AND FOOD PRODUCTION PURPOSES

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** HB2358, insofar as it may authorize the leasing of public and “ceded” lands for up to 99 years, and thereby compromise the ability of future generations to ensure the best use of these lands, as well as potentially lead to the diminution of the “ceded” lands corpus. **OHA does acknowledge and appreciate that amendments being requested from the Department of Land and Natural Resources would obviate this concern.**

OHA appreciates this measure’s intent, to provide the Board of Land and Natural Resources (BLNR) with the flexibility to ensure that its agricultural land leases can accommodate the range of important roles served by its “pasture” land portfolio. OHA understands that despite their characterization as “pasture” lands, such lands may in fact play critical roles in the protection and maintenance of the ‘āina, such as by serving as “buffer” zones between native forests and watersheds and more intensive human uses; hosting undeveloped and unique native ecosystems themselves; and providing critical habitat to endangered and other native species. Accordingly, OHA appreciates that greater leasing flexibility may allow the BLNR and its lessees to more properly steward leased pasture lands, and accommodate and protect the various important roles they may play with respect to the ‘āina.

However, OHA does have concerns regarding the 99-year leases that would be authorized by this measure. The state constitution, the Admission Act, and Hawai'i Revised Statutes Chapter 171 establish specific fiduciary obligations on the part of the state and the BLNR, with regards to the over 1 million acres of state lands – the vast majority of which are “ceded” lands – subject to the public trust and public land trust. These fiduciary obligations include the duties of due diligence and undivided loyalty, in making these lands productive and maximizing their benefits for the Native Hawaiian and public beneficiaries of the public trust and public land trust. **By authorizing 99-year leases of state lands, this measure may invite the creation of century-long leasehold interests that substantially inhibit the BLNR and future generations from ensuring the best and most appropriate uses of public trust and public land trust lands, which may otherwise provide much greater benefits to both Native Hawaiians and the public.**

Moreover, in addition to tying the state's and future generations' hands in ensuring the appropriate disposition of public trust and public land trust lands, the long-term leases that would be authorized under this measure may lead to a sense of entitlement amongst lessees that can result and has resulted in the sale of public lands, the vast majority of which are "ceded" lands to which Native Hawaiians have never relinquished their claims. **OHA objects to the sale or alienation of "ceded" lands except in limited circumstances, and has significant concerns over any proposal that may facilitate the diminution of the "ceded" lands corpus.**

OHA is aware and appreciative of suggested amendments proposed by the DLNR that would amend this 99-year leasing authority, and establish a maximum aggregate cap on any pasture lease and lease extension to 65 years. OHA understands that this 65-year aggregate cap would be consistent with other leasing authorities currently held by both the DLNR and the Department of Agriculture, and believes that this amendment would mitigate its concerns regarding to this measure.

Accordingly, OHA urges the Committee to **HOLD** HB2358, or to adopt the amendments recommended in the DLNR's testimony. Mahalo nui for the opportunity to testify on this measure.

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, & HAWAIIAN AFFAIRS

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

**HOUSE BILL NO. 2358
RELATING TO AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL
RESOURCES TO LEASE PASTURE LANDS ON TERMS THAT PROMOTE
COLLABORATIVE BENEFICIAL USE FOR FORESTRY, WILDLIFE, RECREATIONAL,
AND FOOD PRODUCTION PURPOSES**

Chairperson Yamane and Members of the Committee:

Thank you for the opportunity to testify on House Bill 2358 relating to agricultural enterprises. This bill authorizes the Board of Land and Natural Resources to amend and extend existing pasture leases and to issue new pasture leases by negotiation in furtherance of public purposes the Department of Land and Natural Resources ("DLNR") is responsible for promoting. The Department offers the following comments regarding this measure.

This bill is intended to allow the DLNR to offer favorable lease terms for pasture leases to provide an incentive to existing lessees to remain under its management jurisdiction while also preserving DLNR's ability to carry out its responsibilities to preserve native forests, reforestation for watershed enhancement and carbon sequestration, facilitate access and opportunities for hunting and recreation, and protection of biological resources. The Department of Agriculture agrees that the DLNR is the appropriate agency for managing public lands for the public purposes delineated



in the measure. We have equally maintained that managing agricultural matters, including pasture and ranching operations, on state lands is an important, integral, and appropriate responsibility of the Department's mission. The Department has the expertise and resources in animal husbandry and care, disease and pest control, food safety, marketing, and distribution, that are necessary for overseeing and supporting ranching, dairy, and other pasture-oriented agricultural activities effectively.

In instances where the Department's and DLNR's respective management purviews exist concurrently on the same parcel or group of parcels, we believe a collaborative oversight arrangement can be achieved that preserves the respective departmental priorities without hindering or interfering with either department's ability to carry out their important missions. Such collaborative arrangements can be established by memoranda of agreement or understanding, lease restrictions, conditions placed on transfers of management authority, statutory changes, or rulemaking.

Thank you for the opportunity to testify on this measure.



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON WATER, LAND & HAWAIIAN AFFAIRS

Rep. Ryan I. Yamane, Chair

Rep. Chris Todd, Vice Chair

HB2358

Authorizes the Board of Land and Natural Resources to amend and extend existing pasture leases and to issue new pasture leases by negotiation in furtherance of public purposes the Department of Land and Natural Resources is responsible for promoting.

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 **opposes HB2358.**

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.

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. Hawaii's cattlemen support the transfer of agricultural lands, as DLNR and HDOA have different missions—DLNR is tasked with conserving natural, cultural, and historic resources. HDOA's mission is to expand Hawaii's agriculture industry and protect resources for food production. It's clear to see that agricultural leases that are producing food belong under HDOA. Moreover, 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. 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.

While **HB2358** aims to provide similar management of agricultural leases, there is already a mechanism for giving agricultural leases the appropriate terms—Act 90, 2003. That is why we support HB2035, which gives a deadline to enforce the transfer of leases and fulfill the intent of ensuring the long-term productive use of public agricultural lands

Nicole Galase
Hawaii Cattlemen's Council
Managing Director



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 oppose HB2358.

I do not trust the DLNR's intentions to manage the lands that we operate. This is a stop gap measure to maintain control of land that they fully intend to incorporate into the non-use status of the surrounding area of Hawaii Volcanoes National Park and the State of Hawaii Ka'u and Kapapala Forest Reserves.

30 years ago the Ranch agreed to turn over 1,250 acres of ideal native forest to DOFAW. Only a few trees have ever been used and an acre or two ever planted. This area is zoned Ag and thus was attractive to DOFAW because they would be able to work the land without the restrictions imposed in Conservation zoned areas yet little has been done to achieve their goal. There is another 540 acre Ag zoned parcel on the makai perimeter of the Ka'u Forest Reserve that is inundated with invasive weeds that has never been looked at for Koa management yet they have approached us to remove other ranch lands for Koa cultivation.

The Department as well as many other conservation organizations do not see the value of grazing animals and the role they play in managing land. Grazing animals are blamed for destroying forests, but if you look back at land policy or the lack of policy you find that these State lands have been poorly supported. Example is this lease which expired in the early 1970's. The former owner, C. Brewer stopped making leasehold improvements long before that, though, because at the end of a DLNR lease you own none of your improvements and if interested in continuance you need to go to public auction to buy yourself and all that you have done back. The HDOA leases are geared to proper stewardship through the life of the lease and at the end of a term the lessee is given the first option to lease it again after a new appraisal is completed.

The DLNR leases close to termination are allowed to fall apart as there is no incentive to continue good management practices. This leads to fences being allowed to fall down no longer containing animals in pastured areas. Cattle can quickly go feral in Hawaii's tropical environment and with no winter to contend with animals become adept at living on their own. Livestock was brought here by seamen to supply their vessels but no one thought to bring the canine and feline predators like coyotes, wolves and mountain lions that keep these animals in check. There is not a natural predator/prey balance here in Hawaii as they are in continental environments where they originated from.

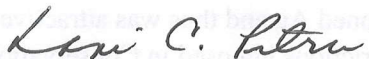
Revocable permits are not solution to having sound ecological, economical and socially acceptable land management. My parents operated this Ranch for 17 years trying relentlessly to secure tenure to the land and the water. Commercial financing was out of the question and no one would loan them money for quite some time. Finally under Act 237 some of the land we operate was converted to a long-term lease but the water remained on a 30 day revocable permit. Although the water is still under permit the Department has in the last several years made strides to resolving this issue.

I believe that all land should be managed for some determined landscape goal such as food, timber, recreation, and/or conservation. But the goal needs to be well planned, monitored, and reviewed as to whether the goal is achievable or not.

I ask that you consider transfer of these lands to the HDOA to manage and not, at the eleventh hour, consider changing the current DLNR's authority. Our stewardship does not go away because of a change in management, quite the contrary. We envision our operation being better able to work with conservation and public concerns because we would no longer fear losing our businesses and the investments that we've made for growing food.

Respectfully submitted,

KAPAPALA RANCH



Lani C. Petrie
Partner

HB-2358

Submitted on: 2/12/2020 5:12:33 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	Oppose	Yes

Comments:

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. Hawaii's cattlemen support the transfer of agricultural lands, as DLNR and HDOA have different missions—DLNR is tasked with conserving natural, cultural, and historic resources. HDOA's mission is to expand Hawaii's agriculture industry and protect resources for food production. It's clear to see that agricultural leases that are producing food belong under HDOA. Moreover, 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. 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.

While **HB2358** aims to provide similar management of agricultural leases, there is already a mechanism for giving agricultural leases the appropriate terms—Act 90, 2003. That is why we support HB2035, which gives a deadline to enforce the transfer of leases and fulfill the intent of ensuring the long-term productive use of public agricultural lands

HB-2358

Submitted on: 2/12/2020 10:50:55 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	Oppose	No

Comments:

We support the active adherence to the existing Act 90, which says agricultural lands should be managed by Department of Agriculture, therefor we oppose any transfer of agriculturally usable lands out of the hands of D.O.A. to any other agency including DLNR.

Mahalo,

I ranch so you can eat.



P.O. Box 253, Kunia, Hawai'i 96759
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e-mail info@hfbf.org; www.hfbf.org

February 13, 2020

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

TESTIMONY ON HB 2358
RELATING TO AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL
RESOURCES TO LEASE PASTURE LANDS ON TERMS THAT PROMOTE
COLLABORATIVE BENEFICIAL USE FOR FORESTRY, WILDLIFE, RECREATIONAL,
AND FOOD PRODUCTION PURPOSES

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 respectfully opposes HB 2358, which authorizes the Board of Land and Natural Resources to amend and extend existing pasture leases and to issue new pasture leases by negotiation in furtherance of public purposes the Department of Land and Natural Resources is responsible for promoting.

While this bill technically *allows* DLNR more flexibility with regard to agricultural leases, it *does not compel* DLNR to extend any lease, to improve the terms of any lease, or to reduce any rents. In addition, it allows DLNR to impose potentially restrictive conditions in return for the possibility of a lease extension. Therefore, we believe strongly that HB 2358 will prevent the purpose intended by the legislature when it passed Act 90 in 2003: to promote agriculture by transferring certain lands to the department of agriculture. We respectfully request that your committee instead pass HB 2035, which would support Hawaii's farmers and ranchers by completing the land transfer required by Act 90.

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

HB-2358

Submitted on: 2/13/2020 11:53:58 AM

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	Support	Yes

Comments:

[COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS](#)

Rep. Ryan Yamane, Chair

HB 2358__ TO LEASE PASTURE LANDS to PROMOTE USE for FORESTRY, WILDLIFE, RECREATIONAL & FOOD PRODUCTION PURPOSES

February 13

Ahahui Malama I Ka Lokahi strongly supports this bill, which would give the LNR Department powers similar to those exercised by DOAg in the management of its leases. As we meet in this Capitol building well adorned by Hawaiian Koa woodwork, we must conclude this bill is prudent with its potential that so many upland sites, never once plowed or clearcut of trees, would remain under the 1 agency with expertise to manage or restore Koa ecosystems.

When the Polynesian Voyaging Society searched for big koa trees to build voyaging canoes, sadly, due to the damage by cattle to local forests, they had to go to Alaska. 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. 31 he notes the new Volcanoes National Park was rescuing a Manele & Koa grove in Kipuka Puaulu, where he had just discovered wonderful new tree species barely saved while it was used to fatten cattle.

Michael Tam has written koa forested land on the Big Island by 1900 was gobbled up by ranchers to raise herds of cattle. Unfortunately, large forests were eliminated by grazing and girdling cattle. But in upper slopes, some fences once erected to keep cattle within boundaries can now keep the cattle out of prime sites where young koa trees can quickly sprout and grow. /martinandmacarthur.com/blogs/news

A Big Island paper reported last year 1,250 acres of DLNR forest in Ka'u might be harvested for koa wood for the first time in 30 years. This Kapapala Koa Canoe Management Area, within the Ka'u Forest Reserve north of Pahala, was set aside in 1991 to be sustainably harvested to provide koa wood for various community organizations that build traditional canoes. westhawaii.com/2019/04/01/hawaii-news/state-moves-forward-with-koa-

DLNR has transferred to DOA 18,000 acres of crop lands, but other cattle grazed lands can partnership programs for ranchers to protect endangered species, plant trees for habitat, carbon sequestration and forest products, plus 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 assisted ranchers interested in growing trees along with other agricultural products, and for carbon sequestration & sustainable harvest of wood as the expert forestry agency.

North Kona at Puuwaawaa is a once grazed Koa tract that is a model for recovery of special native forests from 90 years of livestock leasing. This dryer 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 Board transferred responsibility to the Division of Forestry and Wildlife, which with USDA forest scientists, has set up innovative projects. These Puuwaawaa lands represent a remarkable diversity of historical, natural, cultural and recreational resources like and hunting, while providing wildfire fuel suppression by some livestock grazing. The Mauna Kea Forest Restoration Project is a 2nd example of ongoing tree planting in upper mamane tree belt.

Please support this bill to so DLNR may facilitate diverse economic and environmental options in mauka landscapes. Mahalo,

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 HB2358 Relating to Authorizing the Department of Land and Natural Resources to
Lease Pasture Lands on Terms that Promote Collaborative Beneficial Use for Forestry, Wildlife,
Recreational and Food Production Purpose
House Committee on Water and 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.

HB2358 Authorizes the Board of Land and Natural Resources to amend and extend existing pasture leases and to issue new pasture leases by negotiation in furtherance of public purposes the Department of Land and Natural Resources is responsible for promoting.

The Nature Conservancy supports HB2358.

The Conservancy acknowledges that the current revocable lease situation is challenging for ranchers and that this bill provides a mechanism to address that without transferring thousands of acres of public trust land managed for multiple uses to a single use.

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.

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 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.

BOARD OF TRUSTEES

Mark E. Agne Duke E. Ah Moo Paul D. Alston (Chair) Dr. C. Tana Burkert Anne S. Carter Richard A. Cooke III Ka'iulani de Silva
Brian J. Doyle Dave Eadie Dr. Alan M. Friedlander Benjy Garfinkle James J.C. Haynes III Sean A. Hehir Brett MacNaughton
Kathy M. Matsui Janet Montag Alicia Moy Dustin E. Sellers Peter K. Tomozawa Richard N. Zwern

HB2358 (and SB2914) provide an option that both maintains the public trust and multiple uses of these lands and addresses the revocable lease situation by presenting DLNR the flexibility to negotiate pasture leases.

COMMITTEE ON WATER, LAND & HAWAIIAN AFFAIRS

Rep. Ryan I. Yamane, Chair

Rep. Chris Todd, Vice Chair

HB2358

Authorizes the Board of Land and Natural Resources to amend and extend existing pasture leases and to issue new pasture leases by negotiation in furtherance of public purposes the Department of Land and Natural Resources is responsible for promoting.

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,

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. Hawaii's cattlemen support the transfer of agricultural lands, as DLNR and HDOA have different missions—DLNR is tasked with conserving natural, cultural, and historic resources. HDOA's mission is to expand Hawaii's agriculture industry and protect resources for food production. It's clear that agricultural leases producing food belong under HDOA. Moreover, ranchers are proponents of stewarding the land well and will continue to implement conservation practices when leases are transferred to HDOA.

Win – Win. Conservation and food production.

HB2358 is not necessary. HB 2358 is trying to fit a square block into a round hole – it doesn't fit. Agriculturally producing leases managed by the Department of Agriculture. That's a fit.

You as our legislative body have already provided a mechanism for giving agricultural leases the appropriate terms—Act 90, 2003. That is why McCandless Ranch supports HB2035, which gives a deadline to enforce the transfer of leases and fulfill the intent of ensuring the long-term productive use of public agricultural lands.

Mahalo

Keith K. Unger
McCandless Ranch
HCC President

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

HB 2358, Relating to Authorizing the Department of Land and Natural Resources to Lease Pasture Lands on Terms That Promote Collaborative Beneficial Use for Forestry, Wildlife, Recreational and Food Production Purposes.

House WLH Hearing
Thursday, February 13, 2020
2:00 pm
Conference Room 423

Testimony By: Larry Jeffs
Position: Oppose, Prefer HB 2035

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).

It appears that the Department of Land and Natural Resources (DLNR) desires similar authority to the Department of Agriculture to manage agricultural leases. This seems duplicative and unnecessary since the agriculture leases are already managed by the Department of Agriculture. HB 2035 is preferred, needed and supported for the transfer of agricultural leases for food production.

Thank you for consideration of this testimony.

HB-2358

Submitted on: 2/11/2020 2:37:08 PM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members:

Please support HB2358.

Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihei, Maui

Dear Honorable Committee Members:

Please support HB2358.

Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihei, Maui

HB-2358

Submitted on: 2/11/2020 7:38:57 PM

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

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

Comments:

HB-2358

Submitted on: 2/11/2020 7:42:06 PM

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

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

Comments:

I strongly oppose this bill because it does not guarantee that the lease land will stay with us and that all of our hard work and improvements to the land could be taken away.

HB-2358

Submitted on: 2/11/2020 8:51:22 PM

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

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

Comments:

agricultural leases should be managed by the Department of Agriculture

HB-2358

Submitted on: 2/12/2020 5:51:23 AM

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

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

Comments:

HB-2358

Submitted on: 2/12/2020 5:16:37 AM

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

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

Comments:

HB-2358

Submitted on: 2/12/2020 10:45:42 AM

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

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

Comments:

HB-2358

Submitted on: 2/12/2020 10:47:51 AM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Fernandes	Individual	Oppose	No

Comments:

Aloha Please donot support HB2358. The DLNR dose not no how to manage pasture lands. To identify pasture land not agricultural is absoulutly absurd. Adminstrating these pasture leases belongs in the DOA. Mahalo Mike Fernandes.

HB-2358

Submitted on: 2/12/2020 12:35:59 PM

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

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

Comments:

HB-2358

Submitted on: 2/12/2020 1:55:48 PM

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

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

Comments:

HB-2358

Submitted on: 2/12/2020 1:59:16 PM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Leah Laramie	Individual	Support	No

Comments:

HB-2358

Submitted on: 2/12/2020 2:28:38 PM

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

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

Comments:

In strong support: HB 2358 proposes to authorize DLNR the same leasing authority as DOA for extending current leases by negotiation in furtherance of public purpose the DLNR is responsible for promoting. This would allow DLNR to negotiate lease extensions and arrangements for protecting water-sheds, partnering on hunting and forestry access and the many activities related to the protection, restoration & conservation of our natural & cultural resources. The nexus of pasture leases with DLNR's historical strengths and stewardship duty is in the best interest of our a'ina and the blessings we work to care for and protect. Please support HB 2358 - thank you.

HB-2358

Submitted on: 2/12/2020 10:58:43 PM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Frederick M. Mencher	Individual	Oppose	No

Comments:

HB-2358

Submitted on: 2/13/2020 2:29:40 AM

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

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

Comments:

Seventeen years ago, after much consideration, this law-making body mandated the transfer of agricultural leases from DLNR to DOA (Act 90). Because that mandate was ignored, farmers and ranchers have suffered serious consequences to their financial, physical, and mental health, not to mention their productivity supplying the State with much-needed local food.

This bill will not solve the problem. At first glance, it seems like a good idea to allow DLNR to retain the ag leases with expanded authority similar to that of DOA, to benefit agricultural lessees. However, upon closer scrutiny, **the proposed benefits are entirely discretionary on the part of the department.** In fact, the proposed amendment language includes TEN "mays" and zero "shalls". Lessees may never get long-term leases or other necessary arrangements if this bill is passed instead of HB 2035, which transfers ag leases to DOA.

DLNR's interpretation of its mission is not compatible with agricultural production, whereas DOA understands that its mission is to support agriculture, while ensuring that natural resources are properly stewarded. The two responsibilities are not mutually exclusive. DOA is the appropriate agency under which agricultural leases should be managed. Please hold this bill and pass HB 2035.

Thank you.

HB-2358

Submitted on: 2/13/2020 8:23:57 AM

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

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

Comments:

I support this bill

HB-2358

Submitted on: 2/13/2020 8:56:16 AM

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

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

Comments:

HB-2358

Submitted on: 2/13/2020 9:01:54 AM

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

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

Comments:

HB-2358

Submitted on: 2/13/2020 11:55:04 AM

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

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

Comments:

Apperently the person who wrote this has no clue of pasture, farming or ranching. Lot of these bills get put up by people who have no clue . They want to enjoy hiking but there will be none if the land as they know it now being taken care of by a farmer or rancher, is put in forest,with no maintenance because the department has no money . They now rely on the farmer or rancher who keeps the land in good condition at his own expense. What business person would pay to lease land for farming or cattle that is covered with trees or bushes. Cattle eat grass, and farmers need dirt to plant where the sun is not blocked by trees. How can you be ranching and farming with someone shooting on the same property? How can you produce food , care for your plants with the public walking all over the fields, or have your cattle in a paddock where the public is spooking them through fences, or leaving gates open? Will DLNR come to put them back ,fix the fence, replant the vegetables? Its like opening up your yard to the public and still trying to keep the grass and plants maintained. DLNR has not promoted any areas for wildlife. The best hunting in the whole state is on ranches. Why because they manage . The history of DLNR is to fence of an area then go in with a helicopter and shoot everything . Everything big small, pregnant or not. It is extermination. Then a few years later they realize that a lot of invasive plants that were controlled by the wildlife just take over . So that piece of ground that was once a well kept farm or ranch is not worth anything and not even can be enjoyed by anyone , you can't walk through the thorn bushes, black berry and other weeds and trees. Yes it is sad that those who want to introduce these laws don't go in the field and look at places that were taken out of food production and put in the hand of those who only claim they are good stewards of the land. Look back before trying to go forward down the wrong road again.

Brendan Balthazar