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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committees on
HAWAIIAN AFFAIRS
and
WATER AND LAND

Friday, January 31, 2020
1:45pm
State Capitol, Conference Room 229

In consideration of
SENATE BILL 3019
RELATING TO TRADITIONAL HAWAIIAN PRACTICES

Senate Bill 3019 proposes to amend Section 183C-4, Hawaii Revised Statutes (HRS), to allow traditional agricultural systems such as loko i'a; māla; lo'i; the cultivation of Polynesian introduced traditional Hawaiian crops; and sugar, pineapple and diversified agriculture as identified under Section 226-7, HRS, to be permissible uses in all zones of the Conservation District. In addition, it would permit a tiny home, a dwelling unit less than 500-ft², with water and sewage disposal system that complies with applicable laws. **The Department of Land and Natural Resources (Department) acknowledges the intent of this measure, but respectfully opposes this measure.**

Conservation District lands are comprised primarily of lands in existing forest and water reserve zones and include areas necessary for protecting watersheds and water sources, scenic and historic areas, parks, wilderness, open space, recreational areas, habitats of endemic plants, fish and wildlife, and all submerged lands seaward of the shoreline. The Conservation District also includes lands subject to flooding and soil erosion.

Conservation Districts are administered by the Board of Land and Natural Resources (Board) and uses are governed by rules promulgated by the Department.

The Department and the Board have customarily regulated uses of Conservation District lands with discretion via the Conservation District Use Application process. Senate Bill 3019 "permits" uses in the Conservation District for classes of agriculture and residency that may be contrary to

the purpose and objectives of the Conservation District and are not generally uses historically associated with many of the lands regulated by the Department and the Board. Protection of the Conservation District is fundamental to Hawai'i's water, forests and beaches, open space and wilderness, and natural ecosystems.

Decisions to permit all uses of conservation district lands is the domain of the Department and the Board with such uses being regulated under a discretionary process via Conservation District Use Applications.

With respect to traditional Hawaiian farming, the Department works with applicants to identify local traditional place-based systems through mapping, search of historical records, input from lineal descendants and long-standing community members, and site visits. For example, although most lo'i kalo can be found in what is now the Agricultural District or the Urban District, some kuleana are located in the lower portions of the mauka Conservation District. Fishponds are found along the shoreline generally in the Conservation District; many local communities are now restoring under a streamlined Conservation District Use Permit process developed by the Department to protect our natural and cultural resources and promote restoration.

With respect to tiny homes, the conservation district regulations provide for permitting of home structures under certain circumstances with Department and Board review and approval. By longstanding public design to protect our various land uses, most housing in Hawai'i is directed to the Urban and Rural Districts.

New conversions of Conservation District land to farms where there have been none, whether for traditional crops or not, and new construction of homes in the Conservation District, require careful consideration. The Conservation District use permit review process provides this. Permitting any uses "by right" jeopardizes the Departments ability to have oversight over our State's natural and cultural resources.

Moreover, we are concerned that such actions might lead to unintended consequences is a similar fashion as "kuleana" parcels within the Conservation District which are conveyed on the real estate market as luxury properties because the development of a residence on a kuleana parcels is "permitted" by statute as long as one can prove that the parcel was once used as a residence.

The Department has always worked cooperatively and efficiently with applicants who would like to make judicious uses of Conservation District lands consistent with the purpose of the Conservation District. The Department is willing to discuss this matter with relevant groups to understand what regulatory needs we can address, and if warranted, consider administratively streamlining our regulatory processes for these types of actions, where deemed an appropriate use, similar to the streamlining processes we developed for fishpond revitalization and small scale beach restoration projects.

Thank you for the opportunity to comment on this measure.

COUNTY COUNCIL

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January 29, 2020

**TESTIMONY OF MASON K. CHOCK
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON**

SB 3019, RELATING TO TRADITIONAL HAWAIIAN PRACTICES

Senate Committee on Water and Land
Senate Committee on Hawaiian Affairs

Friday, January 31, 2020

1:45 p.m.

Conference Room 229

Dear Chair Kahele, Chair Shimabukuro, and Members of the Committees:

Thank you for this opportunity to provide testimony in support of SB 3019, Relating to Traditional Hawaiian Practices. My testimony is submitted in my individual capacity as Member of the Kaua'i County Council.

SB 3019 confirms the State of Hawai'i's affirmative obligation to ensure that traditional and customary rights of native Hawaiians are not adversely impacted by its regulatory actions. Traditional Hawaiian farming systems and methods must be encouraged to support the efficient use of conservation lands for food production.

Thank you again for this opportunity to provide testimony in support of SB 3019. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

Sincerely,

MASON K. CHOCK
Councilmember, Kaua'i County Council

AMK:ks

SB-3019

Submitted on: 1/28/2020 7:12:27 PM

Testimony for HWN on 1/31/2020 1:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Oppose	No

Comments:

SB-3019

Submitted on: 1/29/2020 5:59:35 PM

Testimony for HWN on 1/31/2020 1:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl	Individual	Comments	No

Comments:

Depending on the conservation lands and the community, we should support this effort. We know from previous experience that there are criteria for conservation lands (8 in the case of on Mauna Kea which were ignored) and they should be met.



Pono Hawai'i Initiative

Josh Frost - President • Patrick Shea - Treasurer • Kristin Hamada
Nelson Ho • Summer Starr

Thursday, January 30, 2020

Relating to Traditional Hawaiian Practices
Testifying in Support

Aloha Chair and members of the committee,

The Pono Hawai'i Initiative (PHI) **supports SB3019 Relating to Traditional Hawaiian Practices**, which allows traditional Hawaiian farming systems, traditional Hawaiian crops, and small-scale farming on lands designated as conservation districts. Traditional Native Hawaiian farming has always played a vital role in preserving and sustaining the quality of life without creating adverse impacts to the land and ahupua'a. Allowing traditional Hawaiian crops and farming goes hand in hand with conservation and being good stewards of the land.

SB3019 will help encourage more sustainable farming which will lead to greater crop diversity and food security.

For all these reasons, **we urge you to move this bill forward.**

Mahalo for the opportunity,
Gary Hooser
Executive Director
Pono Hawai'i Initiative