



GOV. MSG. NO. 1349

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 6, 2021

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 6, 2021, the following bill was signed into law:

SB1162 SD2 HD1 CD1

RELATING TO FOREST STEWARDSHIP.
ACT 221 (21)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO FOREST STEWARDSHIP.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 195F-1, Hawaii Revised Statutes, is amended to read as follows:

"[+]§195F-1[+] Findings and purpose. The legislature finds that:

(1) Much of the forest land in Hawaii is privately owned[+] and managed;

(2) The capacity to protect important watersheds and native Hawaiian plants and animals and to produce renewable forest resources is significantly dependent on these privately ~~owned~~ managed forest and formerly forested lands;

(3) The factors essential to the quality of life in Hawaii, including our water and air quality, mild climate, and habitat available for plants and animals unique to these islands, can be maintained and improved through good stewardship of ~~private~~ privately managed forest lands;



1 (4) To accomplish these purposes, the present system of
2 state and federal financial and technical assistance
3 programs needs to be expanded to promote the long-term
4 management of additional privately ~~owned~~ managed
5 forest and formerly forested lands throughout the
6 State; and

7 (5) A forest stewardship program should be established to
8 supplement the natural area reserves system's programs
9 under chapter 195 by encouraging ~~private~~ landowners
10 of privately ~~owned~~ managed forest and formerly
11 forested lands that cannot qualify as potential
12 natural area reserves to make long-term commitments to
13 protect, maintain, and restore important watersheds,
14 ~~timber~~ forest resources, forest products, fish and
15 wildlife habitats, isolated populations of rare and
16 endangered plants, native vegetation, and other lands
17 that provide significant public benefits.

18 The purpose of this chapter is to establish a program to
19 financially assist landowners in managing, protecting, and
20 restoring important natural resources in Hawaii's forested and
21 formerly forested lands."



1 SECTION 2. Section 195F-2, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Program implementation agreement" means a written forest
5 stewardship management contract between the board and program
6 applicant."

7 SECTION 3. Section 195F-3, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) There is established a forest stewardship program to
10 be administered by the board to assist [~~private landowners in~~
11 ~~managing, protecting, and restoring~~] landowners of privately
12 managed forest lands to manage, protect, and restore important
13 watersheds, native vegetation, [~~timber~~] forest resources, forest
14 products, fish and wildlife habitats, isolated populations of
15 rare and endangered plants, and other lands that are not
16 recognized as potential natural area reserves."

17 SECTION 4. Section 195F-5, Hawaii Revised Statutes, is
18 amended by amending subsections (a) and (b) to read as follows:

19 "(a) To participate in the forest stewardship program, the
20 applicant landowner shall prepare and submit [~~to the board~~] a
21 forest stewardship management plan that shall:



(1) Identify and describe the activities to be undertaken by the landowner to protect soil, water, aesthetic quality, recreation, [~~timber,~~] forest resources, forest products, water, fish, wildlife, and native plant resources on the land in a manner that is compatible with the objectives of the program, is consistent with this chapter, and qualifies under the board's list of approved activities;

(2) Be signed by all parties having an interest in or holding any encumbrance upon the property, and shall state that the parties agree to comply with the plan upon its approval; and

(3) Be approved by the board and available for public review.

(b) The board and other cooperating natural resource management agencies shall develop a list of approved management activities and practices that shall be eligible for cost-share assistance under the program in the following areas:

(1) Enhanced management and maintenance of vegetation on vital watershed lands;



(2) Sustainable growth and management of forests for
[timber] forest resources and [other] forest products
~~[on lands from which all or most of the native
vegetation had been removed prior to January 1, 1991];~~

(3) Management for non-native forest products; provided
that the land was not previously cleared of native
vegetation for the purpose of non-native forest
production;

[+3+] (4) Protection, restoration, and enhancement of
native plants and animals;

[+4+] (5) Management, maintenance, and restoration of
forests for shelterbelts, windbreaks, aesthetic
quality, and other conservation purposes ~~[on lands
from which all or most of the native vegetation had
been removed prior to January 1, 1991];~~

[+5+] (6) Agroforestry management ~~[on lands from which all
or most of the native vegetation had been removed
prior to January 1, 1991];~~

[+6+] (7) Management and maintenance of native fish and
wildlife habitats;



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C.D. 1

3 ~~[(8)]~~ (9) Other activities approved by the board, which are
4 consistent with this chapter."

7 1. By amending subsection (a) to read:

8 "(a) Payments from the forest stewardship fund shall not
9 exceed ~~[fifty]~~:

10 (1) Seventy-five per cent of the total cost of the
11 landowner in developing [~~and implementing~~] an approved
12 management plan[-]; and

13 (2) Fifty per cent of the total cost of the landowner in
14 implementing an approved management plan.

15 Total payments to any one landowner shall be determined by the
16 board, and the reasonable value of material, goods, and services
17 contributed toward the management plan by the landowner shall be
18 included in determining the amount of the landowner's cost. The
19 landowner shall be required to spend private funds before
20 reimbursements are made. In-kind services such as heavy
21 equipment and existing sources of labor may be utilized as a



1 portion of the landowner's contribution in implementing the
2 management plan that is consistent with this chapter."

3 2. By amending subsections (c), (d), and (e) to read:

4 "(c) To receive funds under the forest stewardship
5 program, an applicant shall:

- 6 (1) Be a landowner of ~~[private]~~ privately managed forest
7 land that is not managed under existing federal,
8 state, or private sector financial and technical
9 assistance programs and that is not recognized as a
10 potential natural area reserve. ~~[Private forest~~
11 ~~lands]~~ Privately managed forest lands under existing
12 federal, state, or private sector financial and
13 technical assistance programs may be eligible for
14 assistance under this program if the landowner agrees
15 to comply with the requirements of the program or if
16 forest management activities are expanded or enhanced
17 to meet the requirements of this chapter;
- 18 (2) Prepare and submit a forest stewardship management
19 plan as set forth in section 195F-5; and
- 20 (3) Enter into ~~[an]~~ a program implementation agreement
21 with the board ~~[to do the following:]~~ upon approval of



1 the forest stewardship management plan by the board
2 for implementation of all or selected portions of the
3 forest stewardship management plan. Upon approval of
4 the program implementation agreement by the board, the
5 applicant shall:

6 (A) Undertake and maintain the approved activities
7 under the management plan for not fewer than ten
8 years, unless the board approves modifications in
9 the plan;

10 (B) Complete all approved activities under the
11 [~~management plan~~] program implementation
12 agreement within the timetable agreed upon by the
13 board and the landowner consistent with the
14 intent of this chapter;

15 (C) Submit an annual progress report to be reviewed
16 by the board for each year in which the landowner
17 receives support under the program. This report
18 shall detail accomplishments, areas requiring
19 technical advice, and any proposed modifications
20 of the management plan; and



1 (D) ~~[Other]~~ Meet any other conditions deemed
2 necessary by the board to implement the purposes
3 of this chapter.

4 (d) The board shall review the annual progress report and
5 shall determine whether the landowner has met the objectives of
6 the management plan. To facilitate the review, the department
7 shall have the right to make inspections of the forest land
8 after prior ~~[landowner notification.]~~ notice to the landowner.
9 The board may approve alteration of the management plan to adapt
10 to current conditions. Amendments to the management plan shall
11 be available for public review.

12 (e) The board shall submit annually a detailed report to
13 the governor and legislature that shall:

14 (1) Identify management objectives that have been
15 completed on ~~[private lands]~~ privately managed forest
16 lands resulting from payments made pursuant to
17 section 195F-4(a)(1) and provide an analysis of
18 problems and issues encountered in meeting or failing
19 to meet objectives as set forth in the management
20 plans;



- 1 (2) Identify all reforestation, forest management,
2 education, and training objectives that have been
3 completed as a result of any expenditures made
4 pursuant to section 195F-4(a)(2);
- 5 (3) Describe the financial condition of the fund,
6 including receipts and expenditures from the previous
7 fiscal year; and
- 8 (4) Set forth plans and management objectives for the next
9 fiscal year."

10 SECTION 6. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect upon its approval.

APPROVED this 06 day of JUL , 2021




GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAII

Date: April 27, 2021
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2021.


President of the Senate


Clerk of the Senate

SB No. 1162, SD 2, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2021
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives