

GOV. MSG. NO. 1349

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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,

Aand V

DAVID Y. IGE Governor, State of Hawai'i

A BILL FOR AN ACT

ACT 221

S.B. NO.

1162

S.D. 2 H.D. 1

C.D. 1

RELATING TO FOREST STEWARDSHIP.

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

1	SECT	ION 1. Section 195F-1, Hawaii Revised Statutes, is
2	amended to	o read as follows:
3	" [+]	<pre>§195F-1[] Findings and purpose. The legislature</pre>
4	finds tha	t:
5	(1)	Much of the forest land in Hawaii is privately
6		owned[+] and managed;
7	(2)	The capacity to protect important watersheds and
8		native Hawaiian plants and animals and to produce
9		renewable forest resources is significantly dependent
10		on these privately [owned] <u>managed</u> forest and formerly
11		forested lands;
12	(3)	The factors essential to the quality of life in
13		Hawaii, including our water and air quality, mild
14		climate, and habitat available for plants and animals
15		unique to these islands, can be maintained and
16		improved through good stewardship of [private]
17		privately managed forest lands;



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To accomplish these purposes, the present system of 1 (4) state and federal financial and technical assistance 2 3 programs needs to be expanded to promote the long-term management of additional privately [owned] managed 4 forest and formerly forested lands throughout the 5 6 State; and A forest stewardship program should be established to 7 (5) supplement the natural area reserves system's programs 8 under chapter 195 by encouraging [private] landowners

of privately [owned] managed forest and formerly 10 forested lands that cannot qualify as potential 11 natural area reserves to make long-term commitments to 12 protect, maintain, and restore important watersheds, 13 [timber] forest resources, forest products, fish and 14 wildlife habitats, isolated populations of rare and 15 endangered plants, native vegetation, and other lands 16 17 that provide significant public benefits.

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

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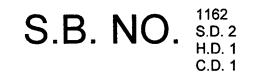
SECTION 2. Section 195F-2, Hawaii Revised Statutes, is 1 amended by adding a new definition to be appropriately inserted 2 3 and to read as follows: ""Program implementation agreement" means a written forest 4 stewardship management contract between the board and program 5 6 applicant." SECTION 3. Section 195F-3, Hawaii Revised Statutes, is 7 8 amended by amending subsection (a) to read as follows: 9 "(a) There is established a forest stewardship program to be administered by the board to assist [private-landowners in 10 managing, protecting, and restoring] landowners of privately 11 12 managed forest lands to manage, protect, and restore important watersheds, native vegetation, [timber] forest resources, forest 13 products, fish and wildlife habitats, isolated populations of 14 15 rare and endangered plants, and other lands that are not recognized as potential natural area reserves." 16 SECTION 4. Section 195F-5, Hawaii Revised Statutes, is 17 amended by amending subsections (a) and (b) to read as follows: 18 To participate in the forest stewardship program, the 19 "(a) 20 applicant landowner shall prepare and submit [to the board] a forest stewardship management plan that shall: 21

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1	(1)	Identify and describe the activities to be undertaken
2		by the landowner to protect soil, water, aesthetic
3		quality, recreation, [timber,] forest resources,
4		forest products, water, fish, wildlife, and native
5		plant resources on the land in a manner that is
6		compatible with the objectives of the program, is
7		consistent with this chapter, and qualifies under the
8		board's list of approved activities;
9	(2)	Be signed by all parties having an interest in or
10		holding any encumbrance upon the property, and shall
11		state that the parties agree to comply with the plan
12		upon its approval; and
13	(3)	Be approved by the board and available for public
14		review.
15	(b)	The board and other cooperating natural resource
16	managemen	t agencies shall develop a list of approved management
17	activitie	s and practices that shall be eligible for cost-share
18	assistanc	e under the program in the following areas:
19	(1)	Enhanced management and maintenance of vegetation on
20		vital watershed lands;

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1	(2)	Sustainable growth and management of forests for
2		[timber] forest resources and [other] forest products
3		[on lands from which all or most of the native
4		vegetation had been removed prior to January 1, 1991];
5	(3)	Management for non-native forest products; provided
6		that the land was not previously cleared of native
7		vegetation for the purpose of non-native forest
8		production;
9	[(3)]	(4) Protection, restoration, and enhancement of
10		native plants and animals;
11	[-(4)]	(5) Management, maintenance, and restoration of
12		forests for shelterbelts, windbreaks, aesthetic
13		quality, and other conservation purposes [on-lands
14		from which all or most of the native vegetation had
15		been removed prior to January 1, 1991];
16	[-(5)]	<u>(6)</u> Agroforestry management [on lands from which all
17		or most of the native vegetation had been removed
18		prior to January 1, 1991];
19	[(6)]	(7) Management and maintenance of native fish and
20		wildlife habitats;

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1	[(7)] <u>(8)</u> Management of outdoor recreational opportunities;
2	and
3	[(8)] (9) Other activities approved by the board, which are
4	consistent with this chapter."
5	SECTION 5. Section 195F-6, Hawaii Revised Statutes, is
6	amended as follows:
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 o	f the landowner's contribution in implementing the
2	managemen	t 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] <u>a program implementation</u> agreement
21		with the board [to do the following:] upon approval of

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1	the 1	Forest stewardship management plan by the board
2	for :	implementation of all or selected portions of the
3	fores	st stewardship management plan. Upon approval of
4	the p	program implementation agreement by the board, the
5	appl	icant 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

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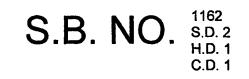
1	(D) [Other] <u>Meet any other</u> conditions deemed
2	necessary by the board to implement the purposes
3	of this chapter.
4	(d) The board shall review the annual progress report and
5	shall determine whether the landowner has met the objectives of
6	the management plan. To facilitate the review, the 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 <u>management</u> 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;

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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	SECT	ION 6. Statutory material to be repealed is bracketed
11	and stric	ken. New statutory material is underscored.
12	SECT	ION 7. This Act shall take effect upon its approval.

APPROVED this 06 day of JUL , 2021

Arind M So

GOVERNOR OF THE STATE OF HAWAII

S.B. No. 1162, S.D. 2, H.D. 1, C.D. 1

THE SENATE OF THE STATE OF HAWAI'I

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

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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.

(Am

Scott K. Saiki Speaker House of Representatives

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Brian L. Takeshita Chief Clerk House of Representatives