

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

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**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the Senate Committees on  
WATER AND LAND  
and  
AGRICULTURE AND ENVIRONMENT**

**Wednesday, March 17, 2021  
1:05 PM  
State Capitol, Via Videoconference, Room 229**

**In consideration of  
HOUSE BILL 469, HOUSE DRAFT 1  
RELATING TO TRANSFER OF NON-AGRICULTURAL PARK LANDS**

House Bill 469, House Draft 1 proposes to facilitate the transfer of certain non-agricultural park lands from the Department of Land and Natural Resources (Department) to the Department of Agriculture (DOA) pursuant to Act 90, Session Laws of Hawaii (SLH) 2003, and Chapter 166E, Hawaii Revised Statutes (HRS). House Draft 1 of the measure proposes the creation of a third-party advisory committee to assess lands that have not been transferred to determine whether the Department or DOA is the appropriate managing agency for the lands. House Draft 1 further proposes to provide that the Board of Land and Natural Resources (BLNR) and Board of Agriculture (BOA) are to review and consider the findings of the advisory committee prior to approving any disposition or transfer of the lands. **The Department appreciates the amendments made by House Draft 1 of the measure to evaluate conservation interests in the Department's agricultural landholdings instead of mandating the transfer of all such lands to DOA without analysis and offers the following comments.**

The Department proposes two amendments to this measure.

- The first proposed amendment suggests some changes to the process of identifying lands for transfer to DOA and the composition of the third-party advisory committee. See Proposed Amendment A attached.
- The second proposed amendment incorporates the substance of House Bill 1014, which was the Administration measure to give the Department greater flexibility to deal with pasture leases. See Proposed Amendment B attached.

**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

## Discussion

House Bill 469, House Draft 1 proposes to require DOA to send the Department a list of lands DOA has identified as disputed lands no later than January 1, 2022. In the event the Department and DOA disagree on the transfer of the lands, the BLNR is tasked with establishing a third-party advisory committee with membership representing the Department, DOA, the University of Hawaii College of Tropical Agriculture, cattle producers, agricultural producers, conservation districts and watershed partnerships. The advisory committee then evaluates the lands for various factors listed in the bill with the goal of determining whether the Department or DOA is the appropriate managing agency for the parcel of land. The BLNR and BOA are then required to review and consider the findings of the advisory committee prior to approving any disposition or transfer of disputed lands. If the Department and DOA are unable to reach a mutual agreement regarding the disposition or transfer of disputed lands, the disputed lands, and the leases or revocable permits encumbering them, shall remain under the jurisdiction and management of the Department until such time as a mutual agreement can be reached regarding their disposition.

Pursuant to Act 90, SLH 2003, now codified as Chapter 166E, HRS, the Department has transferred more than 19,000 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. Act 90, SLH 2003, requires each transfer to be individually reviewed and approved by both the BLNR and BOA. And they have been. Since 2003, numerous properties that the Department has offered to transfer to DOA have been rejected by DOA for various reasons including topography, lack of agricultural features like irrigation, inaccessibility, irregular parcel sizes, or non-compliant tenants that the DOA did not have the capacity to manage.

Additionally, 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 leases and revocable permits managed by the Department cover approximately 103,000 acres statewide. The attached map shows the number and location of lands potentially subject to transfer under Act 90, SLH 2003. The attached flyer entitled “Importance of Pasture Lands to DLNR’s Mission” provides additional information. It is important that the transfer of any additional lands to DOA carefully evaluate all the public trust values of these lands, such as:

- what resources are on the land,
- presence of endangered species,
- protection and care of our precious watersheds,
- recreational and hunting access,
- historical sites, and
- usability for agriculture.

The Department believes the involvement of an advisory committee such as proposed by the bill could help ensure that agricultural lands with resource value remain with the Department. For example, the

461-acre Onouli tract in Kealahou, Hawaii (Tax Map Key: (3) 8-1:005:001) is landlocked, unencumbered and not used for any agriculture though it is zoned in the agriculture district. It contains significant native forest resources that would be damaged by cattle grazing or other agricultural use, and is at a high-risk of conversion, wiping out native forests. It is in a region where substantial forest restoration and forestry production is developing and could be an important resource for supporting sustainable forestry management. If this sizable tract of land were to be approved for unconditional transfer to DOA, it would prevent the Department from directly managing the land for forestry conservation, and further threaten conversion of native forests in this region.

In addition, the Department's Division of Forestry and Wildlife (DOFAW) does have forest reserves, game management areas, and timber management areas that are found within agricultural district, totaling over 81,000 acres. These lands support forest product development and management, and therefore have an agricultural production component to them, but fall within the Department's commercial and cultural forestry mandates. DOFAW prefers that these areas remain under its management and within the agricultural district to support these types of activities.

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 introduced a measure this session, House Bill 1014, to give the Department greater flexibility to deal with pasture leases. Positive advancement in carbon sequestration challenges, wildlife management, wildfire protection, forestry development, and forest health concerns can be best managed by the Department through mutually beneficial practices with ranching, wildlife protection, and native forest restoration. Unfortunately, House Bill 1014 did not get a hearing in the House Finance Committee and did not cross over to the Senate.

When Hawaii's native forests are converted to grasslands, they lose about half of their stored carbon – a loss of 54 metric tons of carbon per acre.<sup>1</sup> Reforesting grasslands is the largest carbon sequestration opportunity for Hawaii to reach the goal of carbon neutrality by 2045 (Act 15, SLH 2018). The Department is inventorying its natural and working lands for carbon sequestration opportunities, and plans on utilizing this information to support and encourage carbon positive practices including a combination of grazing, soil improvement, agroforestry, and reforestation projects where appropriate. The Department also offers voluntary incentive programs for ranchers to reforest lands and is developing standards for carbon credit projects that could further diversify revenues for ranchers. The wholesale transfer of agricultural lands without analysis of natural resource value would sever the Department's direct role in overseeing these stewardship options.

In similar bills last session, ranchers assured the Legislature that they would implement conservation measures on their own and do not need Departmental oversight. However, many of the conservation accomplishments the ranchers cited were directly from funding and oversight by the Department, or from federal funds rather than rancher investment. While ranchers should be commended for these conservation measures, they are voluntary and there are no assurances that they will continue, particularly when the Department's direct role has been severed.

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<sup>1</sup> Baseline and Projected Future Carbon Storage and Carbon Fluxes in Ecosystems of Hawai'i Editors: Paul C. Selmants, Christian P. Giardina, James D. Jacobi, and Zhiliang Zhu U.S. Geological Survey Professional Paper 1834, 2017.

The Department prefers the framework of House Bill 469, House Draft 1, over the prior version in that it requires analysis of the public resource value of agricultural lands through an advisory committee. At the same time, the advisory committee would be an administrative burden to the Department, which is already facing significant budget cuts. The committee would be subject to Chapter 92, HRS and thus must hold open, sun-shined meetings, and maintain agendas, minutes and records. This would require additional staff positions including secretary/clerical, office space, equipment, supplies, travel and per diem for committee members, with estimated costs as high as \$200,000 annually. A general fund appropriation would be needed to support the proposed committee, as revenue from pasture leases are generally low and fall far short to adequately cover the costs of the proposed committee. Additionally, much of the lands used for pasture leases are ceded lands, so 20% of the lease revenues is paid to the Office of Hawaiian Affairs, and an additional 30% to the Department of Hawaiian Home Lands if the lands are former sugar cane lands.

The Department also notes that the proposed committee is not attempting to be balanced or represent native Hawaiian, hunting, traditional and customary and public access, or general public interests, as it comprises five entities representing agricultural interests out of seven total members. Additionally, the Department notes the watershed partnerships are voluntary alliances of public and private landowners including conservation managers and ranchers collaborating towards mutually beneficial conservation goals. The Department suggests that a representative of an organization committed to watershed protection would be an appropriate representative on the committee.

Alternatively, as state departments have been instructed to streamline their operations and eliminate committees, rather than creating a new and lop-sided committee that reviews controversies, these matters can be referred to the existing boards that are comprised of experts representing experts in native Hawaiian culture, conservation, and agriculture.

Thank you for the opportunity to comment on this measure.

## PROPOSED AMENDMENT A

The Department proposes the following amendments to SECTION 2, §166E-3(d), and SECTION 4 of the measure (amendments highlighted in gray shading):

"(d) No later than January 1, 2022, the department of agriculture shall transmit to the department of land and natural resources a list of all agricultural lands that it requests be transferred to it pursuant to this chapter that have not already been set aside to the department [of lands that it has identified as being disputed lands]. The department of land and natural resources shall review the list. In the event that the department and the department of land and natural resources disagree regarding the [disputed] lands, the board of land and natural resources shall establish a third-party advisory committee prior to any disposition or transfer of the [disputed] lands. The third-party advisory committee shall comprise the following members:

- (1) The chairperson of the board, or the chairperson's designee;
- (2) The chairperson of the board of land and natural resources, or the chairperson's designee;
- (3) A representative of the college of tropical agriculture and human resources of the University of Hawaii;
- (4) A representative of an organization that represents the interests of cattle producers in Hawaii;
- ~~(5) A representative of an organization that represents the interests of agricultural producers in Hawaii;~~
- ~~(6) A representative of an organization that represents the conservation districts in Hawaii; and~~

~~(7)~~ (5) A representative of an organization that represents watershed management partnerships in Hawaii.

(e) The third-party advisory committee established in subsection (d) shall review the [disputed] lands proposed for disposition or transfer and determine whether any of the lands requested:

- (1) Are suitable for food production for local consumption and export;
- (2) Contain important natural resources, including remnant native forests, important watersheds, or native or endangered plants and wildlife;
- (3) (3) Adjoin or are near forest reserves or are former forest lands and, as a result, have the potential for reforestation;
- (4) Are important for providing access to other public lands for management; traditional gathering; and public recreation, including hunting and trails; or
- (5) Could be used now or in the future for other public or priority purposes, such as public schools; institutions of higher education; affordable housing; renewable energy projects; or other income-producing opportunities or possibilities, such as commercial, hotel, mixed-use, or industrial use that could generate revenues for the State.

The third-party advisory committee shall recommend to the board and board of land and natural resources [determine] whether the department or the department of land and natural resources is the appropriate managing agency for the parcel of land.

The board and board of land and natural resources shall review and consider the findings of the third-party advisory committee prior to approving any disposition or transfer of [disputed] lands.

(f) If the department and the department of land and natural resources are unable to reach a mutual agreement regarding the disposition or transfer of [disputed] lands, the [disputed] lands, and the leases or revocable permits encumbering them, shall remain under the jurisdiction and management of the department of land and natural resources until such time as a mutual agreement can be reached regarding their disposition. For lands for which the department and department of land and natural resources reach a mutual agreement regarding their disposition, such lands shall be transferred to the department.

[As used in this subsection and subsections (d) and (e), "disputed lands" means state lands managed by the department of land and natural resources that may qualify for transfer to the department pursuant to Act 90, Session Laws of Hawaii 2003, but have not been transferred because of a disagreement between the department and department of land and natural resources regarding whether or not the land should be transferred.]

[(g) Beginning with the 2026-2027 fiscal year, and no less than every fifth fiscal year thereafter, the department and department of land and natural resources shall undertake the process set forth in subsections (d) through (f).]"

SECTION 4. This Act shall take effect on ~~[January 1, 2050]~~ July 1, 2021; provided that both this Act and Section 166E-3, HRS, shall be repealed on December 31, 2026.



## PROPOSED AMENDMENT B

Alternatively or additionally, the Department proposes that new SECTIONS 3, 4, 5 and 6 be inserted in the measure to provide as follows:

SECTION 3. Section 171-36, Hawaii Revised Statutes, is amended to read as follows:

**"§171-36 Lease restrictions; generally.** (a) Except as otherwise provided, the following restrictions shall apply to all leases:

- (1) Options for renewal of terms are prohibited;
- (2) No lease shall be for a longer term than sixty-five years, except in the case of a residential leasehold which may provide for an initial term of fifty-five years with the privilege of extension to meet the requirements of the Federal Housing Administration, Federal National Mortgage Association, Federal Land Bank of Berkeley, Federal Intermediate Credit Bank of Berkeley, Berkeley Bank for Cooperatives, or Department of Veterans Affairs requirements; provided that the aggregate of the initial term and extension shall in no event exceed seventy-five years;
- (3) No lease shall be made for any land under a lease which has more than two years to run;
- (4) No lease shall be made to any person who is in arrears in the payment of taxes, rents, or other obligations owing the State or any county;

- (5) No lease shall be transferable or assignable, except by devise, bequest, or intestate succession; provided that with the approval of the board of land and natural resources, the assignment and transfer of a lease or unit thereof may be made in accordance with current industry standards, as determined by the board; provided further that prior to the approval of any assignment of lease, the board shall have the right to review and approve the consideration to be paid by the assignee and may condition its consent to the assignment of the lease on payment by the lessee of a premium based on the amount by which the consideration for the assignment, whether by cash, credit, or otherwise, exceeds the depreciated cost of improvements and trade fixtures being transferred to the assignee; provided further that with respect to state agricultural leases, in the event of foreclosure or sale, the premium, if any, shall be assessed only after the encumbrances of record and any other advances made by the holder of a security interest are paid;
- (6) The lessee shall not sublet the whole or any part of the demised premises except with the approval of the board; provided that prior to the approval, the board shall have the right to review and approve the rent to be charged to the sublessee; provided further that in the case where

the lessee is required to pay rent based on a percentage of its gross receipts, the receipts of the sublessee shall be included as part of the lessee's gross receipts; provided further that the board shall have the right to review and, if necessary, revise the rent of the demised premises based upon the rental rate charged to the sublessee including the percentage rent, if applicable, and provided that the rent may not be revised downward;

- (7) The lease shall be for a specific use or uses and shall not include waste lands, unless it is impractical to provide otherwise;
- (8) Mineral and metallic rights and surface and ground water shall be reserved to the State; and
- (9) No lease of public lands, including submerged lands, nor any extension of any such lease, shall be issued by the State to any person to construct, use, or maintain a sunbathing or swimming pier or to use the lands for such purposes, unless such lease, or any extension thereof, contains provisions permitting the general public to use the pier facilities on the public lands and requiring that a sign or signs be placed on the pier, clearly visible to the public, which indicates the public's right to the use of the pier. The board, at the earliest practicable date, and where legally possible, shall cause

all existing leases to be amended to conform to this paragraph. The term "lease", for the purposes of this paragraph, includes month-to-month rental agreements and similar tenancies.

(b) The board, from time to time, upon the issuance or during the term of any intensive agricultural, aquaculture, commercial, mariculture, special livestock, pasture, or industrial lease, may:

- (1) Modify or eliminate any of the restrictions specified in subsection (a);
- (2) Extend or modify the fixed rental period of the lease; provided that the aggregate of the initial term and any extension granted shall not exceed sixty-five years; or
- (3) Extend the term of the lease,

to the extent necessary to qualify the lease for mortgage lending or guaranty purposes with any federal mortgage lending agency, to qualify the lessee for any state or private lending institution loan, private loan guaranteed by the State, or any loan in which the State and any private lender participates, or to amortize the cost of substantial improvements to the demised premises that are paid for by the lessee without institutional financing, such extension being based on the economic life of the improvements as determined by the board or an independent appraiser; provided that the approval of any extension shall be 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 sixty-five years;
- (3) In the event of a reopening, the rental for any ensuing period shall be the fair market rental at the time of reopening;
- (4) Any federal or private lending institution shall be qualified to do business in the State;
- (5) Proceeds of any mortgage or loan shall be used solely for the operations or improvements on the demised premises;
- (6) Where improvements are financed by the lessee, the lessee shall submit receipts of expenditures within a time period specified by the board, otherwise the lease extension shall be canceled; and
- (7) The rules of the board, setting forth any additional terms and conditions, which shall ensure and promote the purposes of the demised lands.

(c) The board at any time during the term of any intensive agricultural, aquaculture, or mariculture lease and when justified by sound economic practices or other circumstances, may permit an alternative agricultural, aquaculture, or mariculture use or uses for any portion or portions of the land demised. As a condition to permitting alternative uses, the board may require such other

modifications, including rental adjustments or changes in the lease as may be necessary to effect or accommodate the alternative use or uses. An alternative use or uses may be allowed by the board upon:

- (1) The application of the lessee;
- (2) Consent of each holder of record having a security interest in the leasehold; and
- (3) A finding by the board that the alternative use or uses are in the public interest.

(d) The board, from time to time, during the term of any agriculture, intensive agriculture, aquaculture, commercial, mariculture, special livestock, pasture, or industrial lease, may modify or eliminate any of the [restrictions] specified in subsection (a), extend or modify the fixed rental period of the lease, or extend the term of the lease upon a showing of significant economic hardship directly caused by:

- (1) State disaster, pursuant to chapter 209, including seismic or tidal wave, tsunami, hurricane, volcanic eruption, typhoon, earthquake, flood, or severe drought;  
or
- (2) A taking of a portion of the area of the lease by government action by eminent domain, withdrawal, or conservation easement; provided that the portion taken shall not be less than ten per cent of the entire leased area unless otherwise approved by the board; and provided

that the board determines that the lessee will not be adequately compensated pursuant to the lease provisions.

(e) The approval of any extension granted pursuant to subsection (d) shall be subject to the following:

- (1) The demised premises has been used substantially for the purposes for which they were originally leased;
- (2) The aggregate of the initial term and any extension granted shall not be for more than fifty-five years;
- (3) The rental shall not be less than the rental for the preceding term;
- (4) The rules of the board, setting forth any additional terms and conditions which shall ensure and promote the purposes of the demised lands; and
- (5) The length of the extension shall not exceed a reasonable length of time for the purpose of providing relief and shall in no case exceed five years.

(f) Any provision of this chapter to the contrary notwithstanding, the board may amend and extend pasture leases in furtherance of 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 sixty-five years; and
- (3) The board may consider key characteristics of public lands most likely to benefit from the amendment and extension of pasture leases, identification of public purposes to be promoted through lease amendment and extension, a description of the types of lessee obligations regarding natural resource conservation and stewardship that will serve to achieve the identified public purposes, a statement of the types of lease amendments that are desirable to promote these public purposes, eligibility requirements for pasture lessees, and applicant qualifications.

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 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."

SECTION 4. Section 171-59, Hawaii Revised Statutes, is amended to read as follows:

**"§171-59 Disposition by negotiation.** (a) A lease of public land may be disposed of through negotiation upon a finding by the board of land and natural resources that the public interest demands it. Where the public land is being sought under this section by a sugar or pineapple company, and the company is the owner or operator of a mill or cannery, then, for the purposes of this section, the economic unit shall be that acreage of public land which when taken together with the lands already owned or controlled or available to the company, when cultivated is found by the board to be necessary for the company's optimum mill or cannery

operation. In all other cases, public land to be sold under this section shall be an economic unit as provided in section 171-33(3).

After a determination is made to negotiate the disposition of a lease, the board shall:

- (1) Give public notice as in public auction, in accordance with the procedure set forth in section 171-16(a), of its intention to lease public land through negotiation setting forth the minimum conditions thereunder, the use for which the public land will be leased. Any person interested in securing the lease shall file an application with the board not later than forty-five days after the first publication of the notice;
- (2) Establish reasonable criteria for the selection of the lessee; provided that where the intended use of the land is agriculture, the department of agriculture shall establish the criteria;
- (3) Determine the applicants who meet the criteria for selection set by the board or the department of agriculture, as the case may be, and notify all applicants of its determination. Any applicant may examine the basis of the determination, which shall be in writing, to ascertain whether or not the conditions and criteria established by the board or the department of agriculture were followed; provided that if any applicant

does not notify the board of the applicant's objections, and the grounds therefor, in writing, within twenty days of the receipt of the notice, the applicant shall be barred from proceeding to seek legal remedy for any alleged failure of the board to follow the conditions and criteria.

If only one applicant meets the criteria for selection of the lessee, the board may, after notice as provided in (3), above, dispose of the lease by negotiation.

If two or more applicants meet the criteria for the selection of the lessee, the board shall select the lessee who submits the highest offer contained in a sealed bid deposited with the board.

(b) Disposition of public lands for airline, aircraft, airport-related, agricultural processing, cattle feed production, aquaculture, marine, maritime, and maritime-related operations may be negotiated without regard to the limitations set forth in subsection (a) and section 171-16(c); provided that:

- (1) The disposition encourages competition within the aeronautical, airport-related, agricultural, aquaculture, maritime, and maritime-related operations;
- (2) The disposition shall not exceed a maximum term of thirty-five years, except in the case of:
  - (A) Maritime and maritime-related operations, which may provide for a maximum term of seventy years; and

(B) Aquaculture operations, which may provide for a maximum term of sixty-five years; provided that aquaculture operations in good standing may seek to renew a lease issued under this section and, during the lease term, may engage in supportive activities that are related to or integrated with aquaculture; and

(3) The method of disposition of public lands for cattle feed production as set forth in this subsection shall not apply after December 31, 1988.

For the purposes of this subsection:

"Agricultural processing" means the processing of agricultural products, including dairying, grown, raised, or produced in Hawaii.

"Airport-related" means a purpose or activity that requires air transportation to achieve that purpose or activity; or an activity that generates revenue for the airport system as provided in section 261-7.

"Aquaculture" means the propagation, cultivation, or farming of aquatic plants and animals in controlled or selected environments for research, commercial, or stocking purposes, including aquaponics or any growing of plants or animals with aquaculture effluents.

"Maritime-related" means a purpose or activity that requires and is directly related to the loading, off-loading, storage, or distribution of goods and services of the maritime industry.

(c) Any provision of this chapter to the contrary notwithstanding, the board may issue pasture leases by negotiation for lands already under pasture use when doing so will 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:

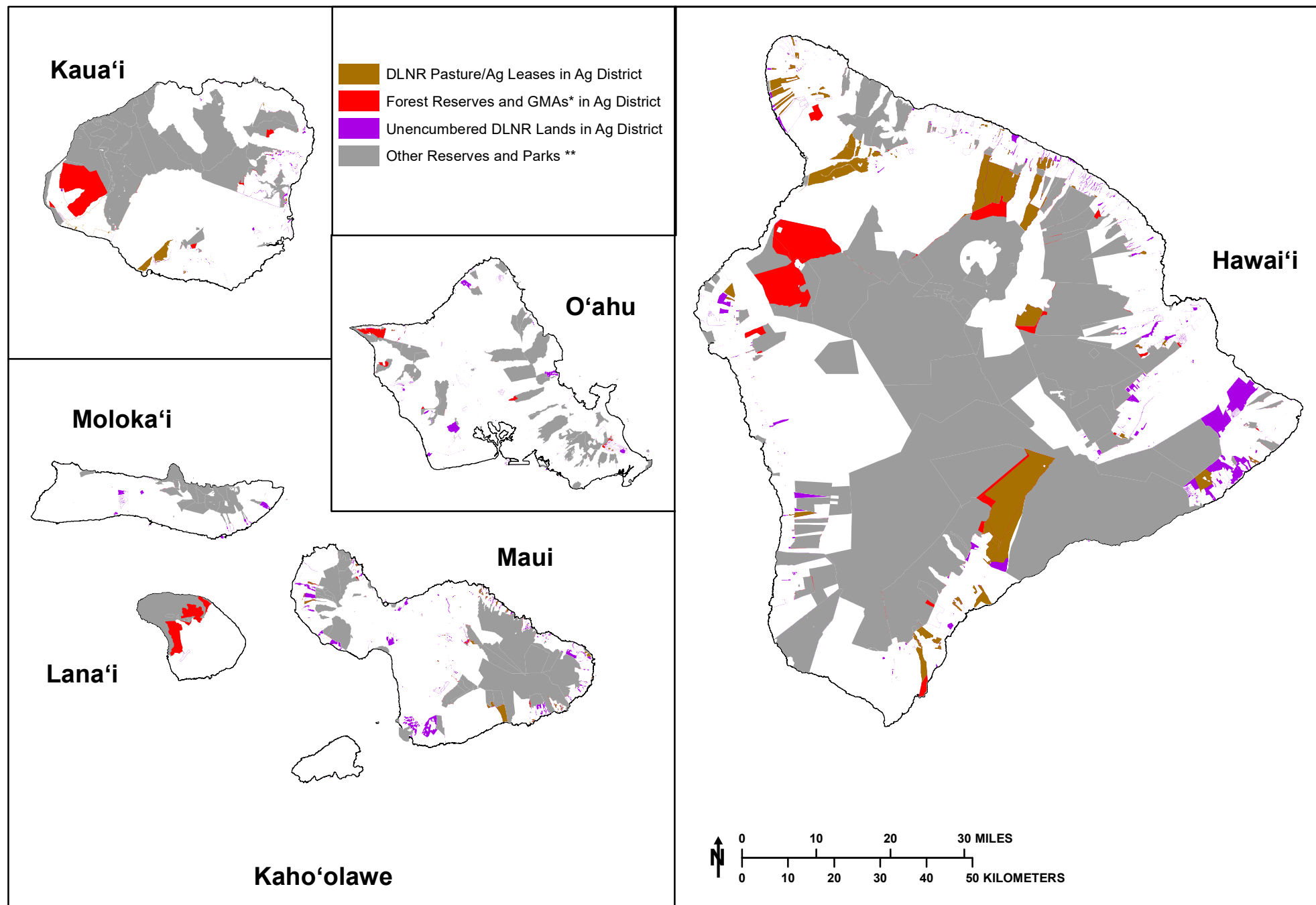
- (1) The term of any pasture lease issued under this subsection shall not be for more than sixty-five years; and
- (2) The board may consider key characteristics of public lands most likely to benefit from the negotiation of pasture leases, identification of public purposes to be promoted through negotiation of pasture leases, a description of the types of lessee obligations regarding natural resource conservation and stewardship that will serve to achieve the identified public purposes,

eligibility requirements for pasture lessees, and applicant qualifications.

The chairperson may set the rent for pasture leases issued 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; and any conservation or stewardship services required to be performed by the lessee under the lease. If an independent appraisal is procured to determine rent for a 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."

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

# DLNR Lands in the Ag District



\*GMA is Game Management Area. \*\*Areas include lands both within and outside of the Ag District and DLNR management, and are shown for context. Features approximate and subject to change. DLNR (808) 587-4170. March 2021.



## SUMMARY

## DESCRIPTION

## EXPECTED BENEFITS







## 2021 LEGISLATIVE PROPOSALS

The DLNR seeks greater flexibility under Chapter 166E, HRS to amend, extend, and issue new leases by negotiation. HB1014/SB1168 would give DLNR similar statutory flexibility as DOA for negotiating pasture leases.



### PASTURE LAND CONSERVATION VALUES



Water



Fire & Forest Health



Native Ecosystems



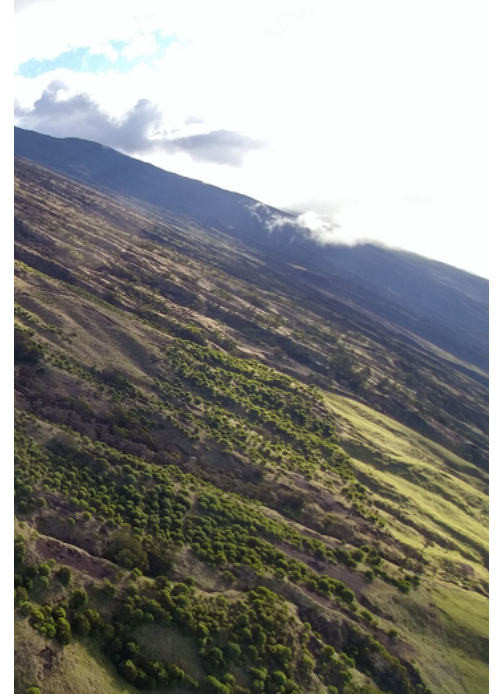
Forestry



Recreation

## DLNR PARTNERSHIPS WITH RANCHERS

## CLIMATE CHANGE AND CARBON NEUTRALITY



## CONTACT PERSON

**DAVID Y. IGE**  
Governor

**JOSH GREEN**  
Lt. Governor



**PHYLLIS SHIMABUKURO-GEISER**  
Chairperson, Board of Agriculture

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**TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEES ON WATER AND LAND  
AND  
AGRICULTURE AND ENVIRONMENT**

**MARCH 17, 2021  
1:05 P.M.  
VIA VIDEOCONFERENCE**

**HOUSE BILL NO. 469 HD1  
RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS**

Chairpersons Inouye, Gabbard and Members of the Committees:

Thank you for the opportunity to testify on House Bill 469 HD1. This bill establishes a mechanism for the transfer of certain non-agricultural park lands from the Department of Land and Natural Resources (“DLNR”) to the Department of Agriculture (“Department”) pursuant to Act 90, (2003), and Chapter 166E, HRS. The Department offers the following concerns and comments.

The Department appreciates the efforts of the Legislature to ensure that sufficient agricultural lands are available to support the State’s food sustainability and food security goals. This bill establishes a dispute resolution process for resolving any disagreements between the DLNR and the Department regarding the suitability for transfer of targeted agricultural parcels by establishing a third-party advisory committee to render a decision.

The Department believes that agricultural interests must be adequately represented in the establishment, member selection, and decision-making guidelines of the third-party advisory committee. The indefinite default retention of management



jurisdiction during dispute resolution to maintain the status quo may disincentivize the underlying intent of expediting the transfer of appropriate agricultural lands to the Department. A mandatory dispute resolution timeline placing a reasonable time frame in which to resolve the dispute may address that issue.

Additionally, the establishment of and providing administrative support for a third-party advisory committee, however, may require additional staffing and resources that the Department does not possess at this time. Should the Legislature be inclined to adopt this measure, the Department requests that additional funding be provided to implement its purpose, provided that such funding does not adversely impact the Administration's priorities in the Executive Budget.

Thank you for the opportunity to testify on this measure.



Email: [communications@ulupono.com](mailto:communications@ulupono.com)

SENATE COMMITTEES ON WATER & LAND AND AGRICULTURE & ENVIRONMENT  
Wednesday, March 17, 2021 — 1:05 p.m.

**Ulupono Initiative supports the intent of HB 469 HD 1, Relating to the Transfer of Non-Agricultural Park Lands.**

Dear Chair Inouye, Chair Gabbard, and Members of the Committees:

My name is Micah Munekata, and I am the Director of Government Affairs at Ulupono Initiative. We are a Hawai'i-focused impact investment firm that strives to improve quality of life throughout the islands by helping our communities become more resilient and self-sufficient through locally produced food; renewable energy and clean transportation; and better management of freshwater and waste.

**Ulupono supports the intent of HB 469 HD 1**, which establishes a mechanism for the transfer of certain non-agricultural park lands from the DLNR to the DOA pursuant to Act 90, SLH 2003, and chapter 166E, HRS.

Ulupono supports the local livestock industry and its efforts to provide fresh, healthy products for Hawai'i's consumers. With the DOA's affordable, long-term lease structure in place, local ranchers will be able to make the necessary investments into their respective operations, improving economic viability and increasing local food production for the State.

While we support the DLNR's mission to preserve natural resources and maintain watershed protection, Ulupono believes that all active agricultural pasture leases should be transferred to the DOA as per the intent of Act 90, SLH 2003. The DOA's mission and expertise to manage agricultural activities, including pasture land production, through a favorable lease structure promotes local food production. As Hawai'i's local food issues become increasingly complex and challenging, the agricultural industry will need additional resources and support to address and overcome them. We appreciate this committee's efforts to look at policies that support local food production and increase our state's food security and resilience.

Thank you for this opportunity to testify.

Respectfully,

Micah Munekata  
Director of Government Affairs

*Investing in a Sustainable Hawai'i*



**Hawaii Cattlemen's Council, Inc.**

COMMITTEE ON WATER AND LAND  
Senator Lorraine R. Inouye, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair

COMMITTEE ON AGRICULTURE AND ENVIRONMENT  
Senator Mike Gabbard, Chair  
Senator Clarence K. Nishihara, Vice Chair

**HB469 HD1**

RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS.

DATE: Wednesday, March 17, 2021  
TIME: 1:10 p.m.  
PLACE: VIA VIDEOCONFERENCE

Chairs Inouye and Gabbard, Vice Chairs Keith-Agaran and Nishihara, and Members of the Committees,

The Hawaii Cattlemen's Council **supports the original draft of HD1**, and respectfully suggest amendments to ensure that HB469 is a effective bill to address the issue of ensuring Act 90, 2003 is implemented. While the COVID-19 pandemic has exposed important issues to address, the transfer of these leases to DOA is still a pressing issue for Hawaii's ranchers and farmers. It is apparent, more so now than ever, that Hawaii needs to diversify its economy and support agriculture, an essential business. Ranchers need agriculture-appropriate lease terms and management to make prudent business decisions. This bill will provide much needed support to keep agriculture in active production.

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. We support the original version of HB469 because it sets a deadline for addressing leases that should be considered for transfer, and requires the Department of Agriculture and Department of Land and Natural Resources to mutually agree if a lease should stay under the management of the DLNR. Without a deadline for transfers to occur by, ranchers are left in uncertain circumstances which hinders their ability for long-term planning and increasing contributions to food production. In order for Hawaii to give agriculture the support it needs, agricultural lands should be transferred to DOA where lease terms are favorable and encourage improvements to the land and expansion of local food production.

We understand that there are lands that are eligible for transfer that DLNR would prefer to manage for the resources the lands hold. However, the potential for future management should not take precedence over the current work being done to produce agriculture. While Act 90 does specify that mutual agreement is necessary for transfers to occur, HB469 aims to ensure that there is a strong reason specified for not transferring agricultural land to the Department of Agriculture. We respect the DOA and DLNR's testimony that a third party committee would be an administrative burden, and suggest instead that the deputies of each department work with the lessee to gather information about the use of the land and present it to the boards of each department to make a decision. If a mutual decision is not made on the proper department



**Hawaii Cattlemen's Council, Inc.**

to manage the land, then the land should be placed under management for which the major current use of the lands are being utilized. This will ensure that agricultural production will get agricultural lease terms and management, but allows for lands to stay with the DLNR if there is currently work being done to reach DLNR's mission. While the prospect of potential management is understandable, it should not be given priority over the need for managing current activities.

We respectfully suggest the following amendments to achieve this:

1. Edit point 3, and remove points 4-6 to remove the third party committee and instead allow the deputies to collect information on the lands in question: (3) In the event that the department of agriculture and department of land and natural resources disagree regarding the ~~disputed~~ lands, ~~requiring the board of land and natural resources to establish a third party advisory committee prior to any disposition or transfer of the disputed lands~~ the deputy of the department of agriculture and the deputy of the department of land and natural resources shall meet with the lessee to gather information to present to the boards to determine the appropriate department to manage the land;
2. Re-insert the deadline of transferring lands to no later than December 31, 2023
3. Edit the list of features to consider to ensure current management is considered over potential management
  - (1) Are suitable for food production for local consumption and export;
  - (2) Contain important natural resources, including remnant native forests, important watersheds, or native or endangered plants and wildlife and are being actively managed by the department of land and natural resources;
  - (3) Adjoin or are near forest reserves or are former forest lands and, as a result, have the potential and plan for reforestation;
  - (4) Are important for providing access to other public lands for management; traditional gathering; and public recreation, including hunting and trails and has been actively managed for this; or
  - (5) Could be used now or in the future for other public or priority purposes, such as public schools; institutions of higher education; affordable housing; renewable energy projects; or other income-producing opportunities or possibilities, such as commercial, hotel, mixed-use, or industrial use that could generate revenues for the State.

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. With long-term leases based on agricultural production, ranchers will be even better situated to invest in long-term conservation practices.

There are still agricultural leases under the DLNR that should be transferred to the Department of Agriculture and we respectfully ask that the committee supports HB469 HD1 with the proposed amendments. We appreciate the opportunity to testify on this critical matter for our industry.

Nicole Galase  
Hawaii Cattlemen's Council  
Managing Director



P.O. Box 253, Kunia, Hawai'i 96759  
Phone: (808) 848-2074; Fax: (808) 848-1921  
e-mail [info@hfbf.org](mailto:info@hfbf.org); [www.hfbf.org](http://www.hfbf.org)

March 17, 2021

HEARING BEFORE THE  
SENATE COMMITTEE ON WATER AND LAND  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

**TESTIMONY ON HB 469, HD1**  
RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS

Conference Room 229  
1:05 PM

Aloha Chairs Inouye and Gabbard, Vice-Chairs Keith-Agaran and Nishihara, and Members of the Committees:

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 supports HB 469, HD1**, which requires the department of land natural resources and the department of agriculture to meet and identify the non-agricultural park lands that should be rezoned as those in the conservation district, requires that agricultural lands under the jurisdiction of the department of land and natural resources be transferred to the department of agriculture not later than 12/31/2023. It also requires the department of land and natural resources and department of agriculture to meet every five years to discuss transferring remaining lands and for the department of agriculture to inquire about any easements needed by the department of land and natural resources before offering a lease.

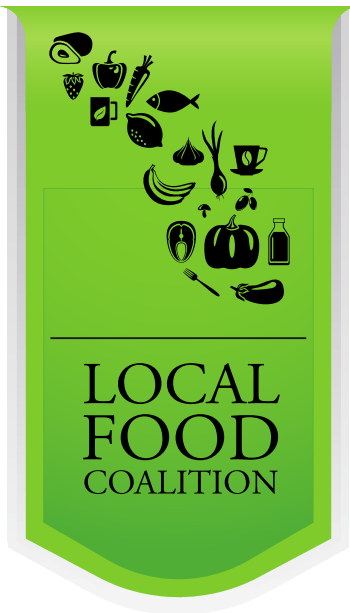
The intent of Act 90 SLH 2003 was to ensure the long-term productive use of agricultural lands across the islands by transferring them to DOA, which is better equipped to manage agricultural lands. Nearly 18 years later, farmers and ranchers are still waiting for Act 90 SLH 2003 to be fully implemented.

The success of ranchers and farmers is critical to the State's goal to double local food production. We know you recognize that DOA is the only agency structured to advance agriculture and make it practical for producers to succeed and provide our communities with what they need. For example, under DOA, lands are appraised on their agricultural value while under DLNR, lands are auctioned for lease at the highest rates possible,

which is typically unaffordable for farmers and ranchers. Additionally, DOA's long-term leases make it possible for farmers and ranchers to prudently invest in infrastructure improvement and resource conservation on the leased land.

Please pass this measure to support Hawaii's farmers and ranchers and our communities.





SENATE COMMITTEE ON WATER AND LAND  
AND  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

March 17, 2021 – 1:05 P.M. - Videoconference

**RE: HB 469 HD1 - Relating to the Transfer of Non-Agricultural  
Park Lands – In Support**

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

Aloha Chairs Inouye and Gabbard, Vice Chairs Keith-Agaran and Nishihara and Members of the Committees:

The Local Food Coalition supports HB 469 HD1, which establishes a mechanism for the transfer of certain non-agricultural park lands from the DLNR to the DOA pursuant to Act 90, SLH 2003, and chapter 166E, HRS.

Act 90 was passed in 2003 with the intent to transfer agricultural leases from DLNR to DOA. Farmers and ranchers need long term leases in order to reasonably invest in infrastructure improvements on the leased land. Without a deadline for transfer, they are left uncertain and it hampers any type of long-term planning. The success of ranchers and farmers is a key component in the State's goal to double local food production.

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 469 HD1. Thank you for the opportunity to submit testimony.

John Garibaldi  
808-544-8319  
[jgaribaldi@wik.com](mailto:jgaribaldi@wik.com)



March 12, 2021

Senator Lorraine R. Inouye, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair  
Senate Committee on Water and Land

Senator Mike Gabbard, Chair  
Senator Clarence K. Nishihara, Vice Chair  
Senate Committee on Agriculture and Environment

**Testimony in Support of HB 469, HD1, Relating to the Transfer of Non-Agricultural Park Lands (Establishes a mechanism for the transfer of certain non-agricultural park lands from the Department of Land and Natural Resources [DLNR] to the Department of Agriculture [DOA] pursuant to Act 90, SLH 2003, and chapter 166E, HRS; effective 1/1/2050.)**

**Wednesday, March 17, 2021; Conference Room 229 & Videoconference**

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 469, HD1** 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 469, HD1.** The purpose of this bill is to establish a mechanism for the transfer of certain non-agricultural park lands from the DLNR to the DOA pursuant to Act 90, Session Laws of Hawaii (2003) (Act 90), and Chapter 166E, Hawaii Revised Statutes.

**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.

Many farmers and ranchers have been awaiting the transfer of their land leases from the DLNR to the DOA pursuant to Act 90, which was enacted to ensure long-term productive use of public agricultural lands to be managed by the DOA, which department is better suited to administer agricultural lands. The almost 18-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. The establishment of a mechanism for the transfer of leases, including determination of a time deadline by which to accomplish said transfer from the DLNR to the DOA, as well as the continued collaboration between the departments regarding such transfers, would greatly assist with this effort.

LURF supports this measure as it believes that the DOA can best advance and sustain the needs of agriculture and the agricultural industry in this State. LURF also understands that lands under the DOA are appraised on their agricultural value while lands under the DLNR are auctioned for lease at the highest rates possible, which is commonly beyond the affordability of local farmers and ranchers. Additionally, long term leases issued by the DOA make it possible for agricultural stakeholders to prudently invest in infrastructure improvement and resource conservation on the leased land.

By recognizing the significance of, and need to assist the local agriculture industry, and implement measures which help to support the viability and maintenance of agriculture in the State, this bill significantly helps to promote economically viable agriculture, increased food production, and food self-sufficiency in Hawaii.

For the reasons stated above, LURF **supports HB 469, HD1**, and respectfully urges your favorable consideration of this bill.

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

**HB-469-HD-1**

Submitted on: 3/13/2021 1:57:52 PM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cathy Goeggel	Testifying for Animal Rights Hawai'i	Oppose	No

Comments:

This bill, which has been opposed by environmental groups as well as DLNR, would give away land belonging to all taxpayers to businesses, primarily the cattle industry, whose financial failures have been noted in their annual trek to the legislature for monies to keep them afloat. As stewards of all of Hawai'i's resources, please shelve this ill advised bill.

Mahalo

Cathy Goeggel

President, Animal Rights Hawai'i

**HB-469-HD-1**

Submitted on: 3/15/2021 5:06:49 AM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Genevieve Hao	Testifying for Kualoa Ranch	Support	No

Comments:

No Comment

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

HB469hd1, Relating to The Transfer of Non-Agricultural Park Lands  
Senate WTL/AEN Hearing  
Wednesday, March 17, 2021 – 1:05 pm  
Videoconference

Testimony By: Larry Jeffs  
Position: Support

Chairs Inouye and Gabbard, Vice Chairs Keith-Agaran and Nishihara, and Members of the Senate Joint WTL/AEN Committee:

I am Larry Jeffs, owner and operator of Larry Jeffs Farms, LLC. We have more than 42 years of Hawaii farm experience on Molokai and Oahu. I am a volunteer director, serving as Chair of the West Oahu Soil and Water Conservation District (SWCD). I have been an officer of the Hawaii Farm Bureau for many years.

We understand that there are still agricultural leases in DLNR that should be transferred to the DOA, where lease terms are favorable and encourage improvements to the land and expansion of local food production. This delay in lease transfers creates a situation where ranchers cannot do long-term planning to increase local grass-fed beef production.

We support the proposed amendments of the Hawaii Cattlemen's Council, Inc that replace the creation of a third-party committee with a process in which the HDOA and DLNR deputies work with the lessee about the use of the land followed by a presentation to the respective boards for decision making. When no decision is reached about the appropriate department to manage the land, the land is then placed under the management for which the land is currently utilized.

The original HB469 is preferred. However, the proposed amendments would ensure the long-term productive use of public agricultural lands through transfer and management by the HDOA, as intended in Act 90, which passed in 2003.

Ranchers, and all who are involved in agriculture production, need long-term leases before capital investments can be made for production.

Thank you for the opportunity to provide testimony.

**HB-469-HD-1**

Submitted on: 3/15/2021 9:47:50 AM

Testimony for WTL on 3/17/2021 1:05:00 PM

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

Comments:

**The Hawaii Aquaculture & Aquaponics Association (HAAA) strongly supports the intent of HB469 HD1** which sets a specific timeline for DLNR comply with Act 90 which was signed into law more than 17 years ago, requiring DLNR to transfer specific state ag leases to DOA, where they belong. Many farmers and ranchers have been waiting for decades to work under DOA's more beneficial and supportive lease program and management. If the State is serious about local food production and economic diversification, then the intent of this measure and its enforcement are essential. Thank you for the opportunity to testify in strong support of the very important measure for local agriculture producers and consumers. Please vote "yes" on HB 469 HD1.

**HB-469-HD-1**

Submitted on: 3/15/2021 9:55:40 AM

Testimony for WTL on 3/17/2021 1:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sara Moore	Testifying for Kealia Ranch	Support	No

Comments:

**I support HB 469**, which requires the department of land natural resources and department of agriculture to meet and identify the non-agricultural park lands that should be rezoned as those in the conservation district, requires that agricultural lands under the jurisdiction of the department of land and natural resources be transferred to the department of agriculture not later than 12/31/2023, requires the department of land and natural resources and department of agriculture to meet every five years to discuss transferring remaining lands, and requires the department of agriculture to inquire about any easements needed by the department of land and natural resources before offering a lease.

The intent of Act 90 SLH 2003 was to ensure the long-term productive use of agricultural lands across the islands by transferring them to DOA, which is better equipped to manage agricultural lands. This process mandated 18 years ago needs to be completed.

The success of ranchers and farmers is critical to the State's goal to double local food production. We believe that DOA is the agency best structured to advance agriculture and make it practical for producers to succeed and provide our communities with what they need. DOA's long-term leases make it possible for farmers and ranchers to thrive.

Please pass this measure to support Hawaii's farmers and ranchers and our communities.

Mahalo,

Sara Moore



**HB-469-HD-1**

Submitted on: 3/15/2021 10:28:16 AM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alan Gottlieb	Testifying for Ponoholo Ranch Limited	Support	No

Comments:

Please support HN 469 HD1 and we support the amendments suggested by the Hawaii Cattlemen's Council



Bobby Farias  
President  
Hawaii Meats, LLC  
91-319 Olai Street  
Kapolei, HI 96707

COMMITTEE ON WATER AND LAND  
Senator Lorraine Inouye, Chair  
Senator Gilbert Keith-Agaran, Vice Chair

COMMITTEE ON AGRICULTURE AND ENVIRONMENT  
Senator Mike Gabbard, Chair  
Senator Clarence Nishihara, Vice Chair

**Re: HB 469, HD1**

Wednesday, March 17, 2021, 1:05pm  
Conference Room 229  
VIA Video Conference

Aloha e Chairs Inouye & Gabbard, Vice Chairs Keith-Agaran & Nishihara, and Members of the Committees:

My name is Bobby Farias, part owner of Hawaii Meats LLC, I am a 3<sup>rd</sup> generation rancher from Kauai and I **support HB469, HD1**. Ranchers need agriculture-appropriate lease terms and management to make prudent business decisions. This bill will provide much needed support to keep agriculture in active production.

I support HB469 because it sets a deadline for addressing leases that should be considered for transfer, and requires the Department of Agriculture and Department of Land and Natural Resources to mutually agree if a lease should stay under the management of the DLNR. It allows DLNR to advocate for lands that are valuable to their mission, while giving agricultural lands a chance to be properly managed by DOA. Without a deadline for transfers to occur by, ranchers are left in uncertain circumstances which hinders their ability for long-term planning and increasing contributions to food production. Agriculture has always been a vital part of Hawaii's well-being, and our current situation unfolding due to COVID-19 highlights that importance even more. For Hawaii to give agriculture the support it needs, agricultural lands should be transferred to DOA where lease terms are favorable and encourage improvements to the land and expansion of local food production.

Ranchers are proponents for stewarding the land well and will continue to implement conservation practices when leases are transferred to HDOA. With long-term leases based on agricultural production, ranchers will be even better situated to invest in long-term conservation practices. But we need agricultural lease terms under DOA to be successful.

There are still agricultural leases under the DLNR that should be transferred to the Department of Agriculture and we respectfully ask that the committee support HB469.

Thank you for the opportunity to testify on this matter,

Bobby Farias  
President of  
Hawaii Meats, LLC

**HB-469-HD-1**

Submitted on: 3/16/2021 12:16:39 PM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bud & Katy Gibson	Testifying for Rocker G Livestock	Support	No

Comments:

The Department of Agriculture is the appropriate manager for agricultural leases. It is very important for our survival as food producers to get Act 90 implemented without further delay. The longer we take for our agriculture to become a priority the more in jeopardy we place our future ranchers and farmers. We have more interest in the stewardship and management of the land as it is our legacy for future generations to come. We have to be able to feed ourselves and not rely on outside imports that will have control. This past year should have testified to how vulnerable we are.



# SIERRA CLUB OF HAWAI'I

## SENATE COMMITTEE ON WATER AND LAND

## SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

March 17, 2021 1:05 PM

In **OPPOSITION** to **HB469 HD1**: Relating to the Transfer of Non-Agricultural Park Lands

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Aloha Chair Inouye, Chair Gabbard, and members of the committee,

On behalf of our 27,000 members and supporters, the Sierra Club of Hawai'i **OPPOSES HB469 HD1** to enable the transfer of 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.

### **Concerns over “third party” arbitration**

We appreciate the diligence and effort legislators are investing to craft solutions and incorporate feedback from all stakeholders. We do, however, still have concerns over the cattlemen’s amendments that were added to the HD1 to create a “third-party advisory committee” to review the disputed lands and determine which lands meet certain criteria for transfer, as the advisory committee proposed is still favorable to agricultural interests and lacks representation of native Hawaiian and broader community interests.

### **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 SB916(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.

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 HB469 HD1**.

**KAPAPALA RANCH**  
P. O. Box 537  
Pahala, HI 96777  
[Kapapala.ranch@aol.com](mailto:Kapapala.ranch@aol.com); [lanipetrie@aol.com](mailto:lanipetrie@aol.com)

March 17, 2021

Senate Committee on Water and Land  
Senate Committee on Agriculture and Environment

HB 469 HD1

Chair Inouye, Vice Chair Keith-Agaran and Memebers of the Water and Land Committee  
Chair Gabbard, Vice Chair Nishihara, Members of the Agriculture and Environment Committee

Thank for this opportunity to offer comment on HB 469 HD1. *This version of the original HB 469 unfortunately prolongs land management decisions which are long overdue.* Whether the management agenda is reforestation or the management agenda is food production Mother Nature will take each day and use it to grow what she deems worthy. Highly aggressive plants left unchecked will change landscapes beyond any ecologic redirection within reasonable economic parameters.



**Guava left ungrazed for 22 months**

Respectfully Submitted,

Lani C. Petrie

**HB-469-HD-1**

Submitted on: 3/13/2021 12:44:17 PM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brendan Balthazar	Individual	Support	No

Comments:

I am very much in support of transferring agg land from DLNR to the DOA. It is so sad that we are still discussing this. It was passed a long time ago. Lot of these state lands that are in the hands of farmers and ranchers are maintained well. DLNR does no maintainance on the lands that they already have lot of which is in forestry. And very very bad forestry. Nothing is managed. Most areas under the forestry have mostly invasive trees, brush , weeds and of no value to the state or its people. Lot of the areas are so dense that no recreation can happen. They either don't have the funding to maintain it or don't want to spend it. Yet they continue wanting to take more productive land that is producing food away. Ranchers maintain open space ,take care of invasive plants,maintain water, control errosion and yet produce food. We have no lumber industry. Most ranchers have areas with trees but it is managed. We ,yes you and I need to fight to preserve what little agg land we still have. Every one of you said you supported agg when you ran for office. Now is the time to prove what you said was the truth and not political BS. Support us and our efforts to put agg land under the department that turly is agg.

Brendan Balthazar

Diamond B Ranch



**HB-469-HD-1**

Submitted on: 3/13/2021 2:22:43 PM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dana Keawe	Individual	Support	No

Comments:

I support hb469 hd1

**HB-469-HD-1**

Submitted on: 3/14/2021 8:49:31 PM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alex Franco	Individual	Support	No

Comments:

I'm in support.

**HB-469-HD-1**

Submitted on: 3/13/2021 11:57:49 AM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jessica dos Santos	Individual	Oppose	No

Comments:

Aloha Chair Inouye, Chair Gabbard, and members of the Committees,

I oppose HB469 HD1, the "pasture" lands transfer bill. By transferring nearly 100,000 acres of public lands from the Department of Land and Natural Resources to the Department of Agriculture, the ranching industry could clear cut watershed forests and native species habitat, pay even less for our public trust resources, and even exempt development on these lands from state and county environmental and development laws. • Such a controversial measure should NOT be passed in light of the limited opportunity for public participation and dialogue over its final amended form. Please defer HB469.

Respectfully,

Jessica dos Santos

**HB-469-HD-1**

Submitted on: 3/13/2021 7:45:46 PM

Testimony for WTL on 3/17/2021 1:05:00 PM

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

Comments:

Aloha Chair Inouye, Chair Gabbard, and members of the Committees,

I oppose HB469 HD1, the "pasture" lands transfer bill. By transferring nearly 100,000 acres of public lands from the Department of Land and Natural Resources to the Department of Agriculture, the ranching industry could clear cut watershed forests and native species habitat, pay even less for our public trust resources, and even exempt development on these lands from state and county environmental and development laws. • Such a controversial measure should NOT be passed in light of the limited opportunity for public participation and dialogue over its final amended form. Please defer HB469.

**HB-469-HD-1**

Submitted on: 3/14/2021 9:05:11 AM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nanea Lo	Individual	Oppose	No

Comments:

Hello Chair Chair Inouye, Chair Gabbard, and members of the Committees,

My name is Nanea Lo. I come Papakālea, O'ahu currently residing in Mā'ili'ili in my ancestral homelands. I'm writing in OPPOSITION of HB469 HD1.

I oppose HB469 HD1, the "pasture" lands transfer bill. By transferring nearly 100,000 acres of public lands from the Department of Land and Natural Resources to the Department of Agriculture, the ranching industry could clear cut watershed forests and native species habitat, pay even less for our public trust resources, and even exempt development on these lands from state and county environmental and development laws. Such a controversial measure should NOT be passed in light of the limited opportunity for public participation and dialogue over its final amended form.

Please defer HB469.

me ke aloha 'Āina,

Nanea Lo

**HB-469-HD-1**

Submitted on: 3/14/2021 2:41:00 PM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Thomas Brandt	Individual	Oppose	No

Comments:

Oppose.

**HB-469-HD-1**

Submitted on: 3/14/2021 3:36:42 PM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brittney Hedlund	Individual	Oppose	No

Comments:

I oppose this bill because the language is so vague in terms of the transfer of land management. Protect our watershed lands and elaborate on markers that would make this a viable solution.

**HB-469-HD-1**

Submitted on: 3/14/2021 10:58:07 PM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Emily Olson	Individual	Oppose	No

Comments:

Aloha Chair Inouye, Chair Gabbard, and members of the Committees,

I oppose HB469 HD1, the "pasture" lands transfer bill. By transferring nearly 100,000 acres of public lands from the Department of Land and Natural Resources to the Department of Agriculture, the ranching industry could clear cut watershed forests and native species habitat, pay even less for our public trust resources, and even exempt development on these lands from state and county environmental and development laws. • Such a controversial measure should NOT be passed in light of the limited opportunity for public participation and dialogue over its final amended form. Please defer HB469.



**HB-469-HD-1**

Submitted on: 3/15/2021 8:07:32 AM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Harry von Holt	Individual	Support	No

Comments:

I support HB 469

**HB-469-HD-1**

Submitted on: 3/15/2021 9:56:52 AM

Testimony for WTL on 3/17/2021 1:05:00 PM

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

Comments:

Aloha Chair Inouye and Chair Gabbard, Vice-Chair Keith-Agaran and Vice-Chair Nishihara, and Members of the Committee,

**I support HB 469 HD1**, which requires the department of land natural resources and department of agriculture to meet and identify the non-agricultural park lands that should be rezoned as those in the conservation district, requires that agricultural lands under the jurisdiction of the department of land and natural resources be transferred to the department of agriculture not later than 12/31/2023, requires the department of land and natural resources and department of agriculture to meet every five years to discuss transferring remaining lands, and requires the department of agriculture to inquire about any easements needed by the department of land and natural resources before offering a lease.

The intent of Act 90 SLH 2003 was to ensure the long-term productive use of agricultural lands across the islands by transferring them to DOA, which is better equipped to manage agricultural lands. Nearly 18 years later, farmers and ranchers are still waiting for Act 90 SLH 2003 to be fully implemented.

The success of ranchers and farmers is critical to the State's goal to double local food production. We believe that DOA is the agency best structured to advance agriculture and make it practical for producers to succeed and provide our communities with what they need. For example, under DOA, lands are appraised on their agricultural value while under DLNR, lands are auctioned for lease at the highest rates possible, which is typically unaffordable for farmers and ranchers. Additionally, DOA's long-term leases make it possible for farmers and ranchers to prudently invest in infrastructure improvement and resource conservation on the leased land.

Please pass this measure to support Hawaii's farmers and ranchers and our communities.

Mahalo,

Frederick M. Mencher

**HB-469-HD-1**

Submitted on: 3/15/2021 10:01:08 AM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Randy Cabral	Individual	Support	No

Comments:

Support

**HB-469-HD-1**

Submitted on: 3/15/2021 10:11:30 AM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jimmy Gomes	Individual	Support	No

Comments:

Support HB 469 per HFB testimony

**HB-469-HD-1**

Submitted on: 3/15/2021 10:30:48 AM

Testimony for WTL on 3/17/2021 1:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Philippe Visintainer	Individual	Support	No

Comments:

Aloha Chair Inouye and Chair Gabbard, Vice-Chair Keith-Agaran and Vice-Chair Nishihara, and Members of the Committee,

**I support HB 469 HD1**, which requires the department of land natural resources and department of agriculture to meet and identify the non-agricultural park lands that should be rezoned as those in the conservation district, requires that agricultural lands under the jurisdiction of the department of land and natural resources be transferred to the department of agriculture not later than [12/31/2023](#), requires the department of land and natural resources and department of agriculture to meet every five years to discuss transferring remaining lands, and requires the department of agriculture to inquire about any easements needed by the department of land and natural resources before offering a lease.

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The success of ranchers and farmers is critical to the State's goal to double local food production. We believe that DOA is the agency best structured to advance agriculture and make it practical for producers to succeed and provide our communities with what they need. For example, under DOA, lands are appraised on their agricultural value while under DLNR, lands are auctioned for lease at the highest rates possible, which is typically unaffordable for farmers and ranchers. Additionally, DOA's long-term leases make it possible for farmers and ranchers to prudently invest in infrastructure improvement and resource conservation on the leased land.

Please pass this measure to support Hawaii's farmers and ranchers and our communities.

Mahalo,

**HB-469-HD-1**

Submitted on: 3/15/2021 11:00:46 AM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeri Moniz	Individual	Support	No

Comments:

We support the intent of HB 469 but prefer the language in SB 693. Thank you.

**HB-469-HD-1**

Submitted on: 3/15/2021 11:24:47 AM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
peter simmons	Individual	Support	No

Comments:

Peter D. Simmons, Retired, peterdsimmons@gmail.com

59-416 Ka Nani Dr.

Kamuela, Hawaii 96743

COMMITTEE ON WATER AND LAND

Senator Lorraine R. Inouye, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair

Senator Clarence K. Nishihara, Vice Chair

**HB469 HD1**

RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS.

DATE: Wednesday, March 17, 2021

TIME: 1:10 p.m.

PLACE: VIA VIDEOCONFERENCE

Aloha Chairs Inouye and Gabbard, Vice Chairs Keith-Agaran and Nishihara, and Members of the Committees,

I retired from Kamehameha Schools (KS) 11 years ago after a career in land management where I was responsible for 293,000 acres of Hawaii Island. I was responsible for agricultural and conservation designated lands and my responsibilities included pastures, parklands, forests, mountain tops, coastal lands and orchards. Prior to my work with KS I managed McCandless Ranch's 66,000 acres in South Kona of pasture, forest, orchards and coastal lands. .

I support the Hawaii Cattlemen's Council's testimony supporting this bill in its original draft of HD1.

I support the cattlemen's testimony because I have a deep love for Hawaii's forests and I believe that adding more land to DLNR's management burden will only accelerate the further destruction of more of the State's forests.

Everyone knows that the State has for 6 decades severely underfunded maintenance of Hawaii's forests. DLNR signaled how far over their heads they are, when they announced that they were successful in getting the U.S. Forest Service and our Federal Senators and Representatives to consider the State giving ownership of some of its forests to the USFS – because they have larger budgets and presumably will improve our forests or rather their forests.

How does DLN R's idea of giving away State forest land, so the forests will have a supposed better future align with their desire to acquire more land and land responsibilities (without a plan or funding)?

Taking lands that are being managed for pasture into a known future of deterioration by neglect should not be allowed, it's just wrong. It would be entirely different if, DLNR's DOFAW were caring for all, not some, of their present forest lands in ways that the Legislature intended.

Please consider:

- Creating a Land Advisory Committee, composed of professional land managers, landowners, Hawaii Cattlemen's Council, Hawaii Forest Industry Association, Foresters, Professional Land Managers and Hawaiian practioners to advise our Legislature on overall land matters including any proposals to give away State forests or parkland;
- Creating a land plan for the State which would consider the current status of all of Hawaii's land, how well they are fulfilling the legislative intent and what can be done to improve their status;
- Pledge to take better care of our forests by funding their maintenance; and



- Disallow acquisition of lands by the State in the absence of plans and budgets.

Sincere thanks for allowing me this opportunity to help,

Peter D. Simmons, Ret

**HB-469-HD-1**

Submitted on: 3/15/2021 12:04:01 PM

Testimony for WTL on 3/17/2021 1:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
John R. Gordines	Individual	Support	No

Comments:

Aloha Chair Inouye and Chair Gabbard, Vice-Chair Keith-Agaran and Vice-Chair Nishihara, and Members of the Committee,

**I support HB 469 HD1**, which requires the department of land natural resources and department of agriculture to meet and identify the non-agricultural park lands that should be rezoned as those in the conservation district, requires that agricultural lands under the jurisdiction of the department of land and natural resources be transferred to the department of agriculture not later than 12/31/2023, requires the department of land and natural resources and department of agriculture to meet every five years to discuss transferring remaining lands, and requires the department of agriculture to inquire about any easements needed by the department of land and natural resources before offering a lease.

The intent of Act 90 SLH 2003 was to ensure the long-term productive use of agricultural lands across the islands by transferring them to DOA, which is better equipped to manage agricultural lands. Nearly 18 years later, farmers and ranchers are still waiting for Act 90 SLH 2003 to be fully implemented.

The success of ranchers and farmers is critical to the State's goal to double local food production. We believe that DOA is the agency best structured to advance agriculture and make it practical for producers to succeed and provide our communities with what they need. For example, under DOA, lands are appraised on their agricultural value while under DLNR, lands are auctioned for lease at the highest rates possible, which is typically unaffordable for farmers and ranchers. Additionally, DOA's long-term leases make it possible for farmers and ranchers to prudently invest in infrastructure improvement and resource conservation on the leased land.

Please pass this measure to support Hawaii's farmers and ranchers and our communities.

Mahalo,

Johnny Gordines

Aloha Chair Inouye and Chair Gabbard, Vice-Chair Keith-Agaran and Vice-Chair Nishihara, and Members of the Committee,

**I support HB 469 HD1**, which requires the department of land natural resources and department of agriculture to meet and identify the non-agricultural park lands that should be rezoned as those in the conservation district, requires that agricultural lands under the jurisdiction of the department of land and natural resources be transferred to the department of agriculture not later than 12/31/2023, requires the department of land and natural resources and department of agriculture to meet every five years to discuss transferring remaining lands, and requires the department of agriculture to inquire about any easements needed by the department of land and natural resources before offering a lease.

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The success of ranchers and farmers is critical to the State's goal to double local food production. We believe that DOA is the agency best structured to advance agriculture and make it practical for producers to succeed and provide our communities with what they need. For example, under DOA, lands are appraised on their agricultural value while under DLNR, lands are auctioned for lease at the highest rates possible, which is typically unaffordable for farmers and ranchers. Additionally, DOA's long-term leases make it possible for farmers and ranchers to prudently invest in infrastructure improvement and resource conservation on the leased land.

Please pass this measure to support Hawaii's farmers and ranchers and our communities.

Mahalo,  
Robert Kuntz  
Makiki

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**HB-469-HD-1**

Submitted on: 3/15/2021 2:59:49 PM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Suzette Bacarro	Individual	Support	No

Comments:

Aloha Chairs Inouye and Gabbard Vice Chairs Keith-Agaran and Nishihara, and Members of the Committees,

I support the original draft of HD1, and suggest amendments to ensure that HB469 is an effective bill to address the issue of ensuring Act 90, 2003 is implemented. Hawaii needs to diversify its economy and support agriculture. I am in agreement with the Hawaii Cattlemen's Council, Inc. that suggest the amendments to HB469. There are still agriculture leases under the DLNR that should be transferred to the Department of Agriculture and I ask the committee supports HB469 HD1 with the proposed amendments.

Mahalo! Suzette Bacarro



Dr. Cindy Goldstein, PhD  
Ag Matters, LLC  
98-814 C Kaonohi Street  
Aiea, HI 96701  
[agmatters@hawaii.rr.com](mailto:agmatters@hawaii.rr.com)

<https://www.capitol.hawaii.gov/memberpage.aspx?member=mckelvey>

HB469\_HD1 Transfer of Non-Agricultural Lands  
Senate Committee on Water and Land & Committee on Agriculture and Environment  
Wednesday, March 17, 2021, at 1:05 pm

Position: **Support**

Chairs Senator Inouye and Senator Gabbard, Vice Chair Senators Keith-Agaran and Nishihara, and members of the Senate Committees,

I support HB469\_HD1 to transfer non-agricultural park lands from the DLNR to HDOA for agricultural leases. The transfer proposed in this legislation is long overdue. This process should be initiated in a timely manner allowing leases for farmers and ranchers. Discussions should continue with DLNR and HDOA meeting to move the process forward and transfer remaining lands.

HDOA is better suited for oversight and structuring agricultural land use. Long term leases are much needed to provide farmers and ranchers with the ability to make longer term business decisions about infrastructure investment and use of the land they lease. HB469\_HD1 will help ensure the stability and long-term productive use of agricultural lands at lease rates more in line with an agricultural land value.

One of the reasons beginning farmers are unable to fulfill their dreams and goals to operate a farm is lack of land and the unwillingness of lenders to even discuss loans when the status of land leases are short term and unstable. Successful farming and ranching agricultural operations that want to expand are often similarly stopped in their tracks due to lack of ability to secure land that is too expensive or land leases that are not attainable.

Thank you to your Senate committees for the opportunity to provide testimony in support of the future of Hawaii agriculture for farmers and ranchers statewide.

**HB-469-HD-1**

Submitted on: 3/15/2021 8:54:19 PM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kristin Mack Almasin	Individual	Support	No

Comments:

I am in support.

**HB-469-HD-1**

Submitted on: 3/15/2021 10:24:25 AM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rebecca M Goldschmidt	Individual	Oppose	No

Comments:

Aloha Chair Inouye, Chair Gabbard, and members of the Committees,

I oppose HB469 HD1, the "pasture" lands transfer bill. By transferring nearly 100,000 acres of public lands from the Department of Land and Natural Resources to the Department of Agriculture, the ranching industry could clear cut watershed forests and native species habitat, pay even less for our public trust resources, and even exempt development on these lands from state and county environmental and development laws. • Such a controversial measure should NOT be passed in light of the limited opportunity for public participation and dialogue over its final amended form. Please defer HB469.

Mahalo, Rebecca M Goldschmidt

**HB-469-HD-1**

Submitted on: 3/15/2021 11:17:32 AM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ivy Hsu	Individual	Oppose	No

Comments:

Aloha e Chair Inouye, Chair Gabbard, and members of the Committees,

I oppose HB469 HD1, the "pasture" lands transfer bill. By transferring nearly 100,000 acres of public lands from the Department of Land and Natural Resources to the Department of Agriculture, the ranching industry could clear cut watershed forests and native species habitat, pay even less for our public trust resources, and even exempt development on these lands from state and county environmental and development laws. • Such a controversial measure should NOT be passed in light of the limited opportunity for public participation and dialogue over its final amended form. Please defer HB469.



**HB-469-HD-1**

Submitted on: 3/15/2021 5:26:22 PM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Momi Ventura	Individual	Oppose	No

Comments:

Alohamai Chair's Inouye And Gabbard, And Other Members Of The Committee's, I Absolutely Oppose HB469 As With My Entire Ohana. By The Transfer Of 100,000 Acres Of Precious Lands From The Care Of DLNR To Transform These Lands To The Dept. Of Agriculture. The Ranch Industry Would Clear-Cut Our Unique Watershed Forrest, Native Hawaiian Species, Plants Found No Where Else In The World But Here In Hawa'i Nei. This Act Is Deplorable And To Irreparably Destroy These Very Important Lands Would Be Devastating. Such A Controversial Measure Should NOT Be Passed In Light Of The Limited Opportunity For Public Participation. Please Please Defer HB469

**HB-469-HD-1**

Submitted on: 3/15/2021 8:49:19 PM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Raelyn Reyno Yeomans	Individual	Oppose	No

Comments:

Strong opposition

**HB-469-HD-1**

Submitted on: 3/16/2021 12:26:55 PM

Testimony for WTL on 3/17/2021 1:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Volker Poelzl	Individual	Oppose	No

Comments:

March 16, 2021

To the Senate Committee on Water and Land

Testimony in opposition to HB 469: Relating to the Transfer of Non-Agricultural Park Lands

Aloha Chair Inouye, Vice Chair Keith-Agaran, and members of the committee:

I am submitting my testimony in strong opposition to HB 469. The proposed 93,000 acres of non-agricultural park land need to remain under the management of DLNR, because they serve multiple ecological functions, such as watershed protection and habitat for native plants and animals.

DLNR's mission is to

“enhance, protect, conserve and manage Hawaii’s unique and limited natural, cultural and historic resources held in public trust for current and future generations of the people of Hawaii nei, and its visitors”.

Even if the mission statement includes the phrase “in partnership with others from the public and private sectors”, this is not a blank check for an expanded private take-over of public land for profit, which is exactly what would result from the land transfer to the Department of Agriculture.

The proposed land transfers will not promote the use of these park lands for sustainable, small-scale organic farming that respects the ‘aina, promotes restorative farming, restores watersheds, and protects native plants and animals. Instead, we will have more grazing cattle herds. Cattle causes massive environmental problems, from methane gas, to soil degradation, and watershed pollution. At a time when we need to focus on our Hawaii 2050 sustainability plan, it should be obvious that cattle is not a sustainable solution for food production in our state, nor does it reduce greenhouse gases and environmental degradation.

The proposed land transfer does not serve the common good and does nothing to help protect and conserve Hawaii's land for future generation. I therefore urge this committee to hold this bill.

Mahalo nui loa,

Volker Poelzl