

HB-469

Submitted on: 2/5/2021 8:15:13 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

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

Comments:

I support HB469 Relating to the transfer of non agricultural park lands.

HB-469

Submitted on: 2/6/2021 4:35:13 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bud & Katy Gibson	Individual	Support	No

Comments:

Aloha

We agree with the testimony submitted by Hawaii Cattlemen's Council concerning HB469. . Especially the importance of being under the Department of Agriculture because the lease terms are based on land production and not land value as it is with DNLR. With long term leases under DOA, the burden of high lease rents will no longer exist. This will allow us to be more productive and provide us an opportunity to be better stewards of our land and allow us to focus more on our local food production. We need to get this accomplished so we can move forward with what we are good at, which is producing food for those folks who are not capable to do so.

Mahalo

Bud and Katy Gibson

HB-469

Submitted on: 2/7/2021 5:24:05 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

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

Comments:

I support this bill.



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON WATER AND LAND

February 9, 2021 9:15 AM

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

Aloha Chair Tarnas, Vice Chair Branco, and members of the committee,

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

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 HB 469**.

HB-469

Submitted on: 2/7/2021 4:40:51 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Peter Simmons	Individual	Support	No

Comments:

My name is Peter Simmons and I write in support of HB 469. Ranching is part of agriculture; it's logical and appropriate for DOA to have primary responsibility of Agricultural lands. But it's more complex than simple logic. There is a history of DLNR leasing lands for ranches. And some of the pasoral leases have areas of conservation value that are a public interest.

Placing primary responsibility of ranch leases with DOA makes sense so long as the best interests of the land are taken into account. This bill recognizes the terms in leases that can protect the publics conservation interest.

Please consider not allowing withdrawal of lands from pasture leases until such time as there are financial means and management capability to improve the land. DLNR withdrawing land from leases without managment plans and means to implement those plans should not be permitted.

Thank you for considering my testimony,

Peter Simmons

that are of a mixed nature - working landscapes espeially pasture lands are an example.

which provide conservation benefits also additionally generate social and economic benefits and help alleviate food in security. That is not to say that



February 7, 2021

COMMITTEE ON WATER & LAND

Rep. David A. Tarnas, Chair

Rep. Patrick Pihana Branco, Vice Chair

COMMITTEE ON HOUSING

Rep. Nadine K. Nakamura, Chair

Rep. Troy N. Hashimoto, Vice Chair

Re: **HB469** Relating to the transfer of non-agricultural park lands

In Support

Dear Rep. Tarnas, Rep. Branco, Rep. Nakamura, Rep. Hashimoto and members of the Committees:

GreenWheel Food Hub works to support better health outcomes among Hawaii's citizens, and supports the passage of this bill because it will contribute to providing Hawaii's people with more and better access to healthy local produce.

It will do so by making more affordable land available to farmers through appropriate appraisal and favorable lease terms.

The bill also promotes a structured and orderly process to transfer responsibility from DLNR to DOA.

"Win-win" may be a trite expression but seems appropriate in this case. Both consumers and the agricultural community will benefit. It should also increase the proportion of agricultural products grown locally instead of imported—contributing to the resilience of our state in the event of disaster.

Larry Geller
Project Director
GreenWheel Food Hub

HB-469

Submitted on: 2/7/2021 5:21:29 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

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

Comments:

Aloha Chair Tarnas, Vice-Chair Branco, and members of the committee,

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. 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

Submitted on: 2/7/2021 5:39:44 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

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

Comments:

The Hawaii Aquaculture & Aquaponics Association (HAAA) strongly supports HB469 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 this measure and its enforcement are essential. Thank youi 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.

HB-469

Submitted on: 2/7/2021 6:05:51 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alan K Yoshida	Hawaii Farm Bureau	Support	No

Comments:

Aloha Chair Tarnas, Vice-Chair Branco, and members of the committee,

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.

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

Mahalo

HB-469

Submitted on: 2/7/2021 6:19:52 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Randall Kennedy	Individual	Oppose	No

Comments:

Dear Chair Tarnas, Vice-Chair Branco and Members of the House Committee on Water and Land,

This testimony is in OPPOSITION to HB469.

I feel this measure would reduce DLNR's and its divisions' abilities to fulfill their public trust kuleana, with regards to the protection and enhancement of native forests, watersheds, critical habitats, and natural and cultural resources and sites found on and adjacent to the land parcels that would be transferred to the DOA.

Mahalo for the opportunity to testify on this measure.



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

COMMITTEE ON WATER & LAND
Representative David A. Tarnas, Chair
Representative Patrick Pihana Branco, Vice Chair

Re: HB 469

Tuesday, February 9, 2021, 9:15am
Conference Room 430
VIA Video Conference

Aloha e Chair Tarnas, Vice Chair Branco, and Members of the Committee:

My name is Bobby Farias, part owner of Hawaii Meats LLC, I am a 3rd generation rancher from Kauai and I **support HB469**. 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



Email: communications@ulupono.com

HOUSE COMMITTEE ON WATER & LAND
Tuesday, February 9, 2021 — 9:15 a.m.

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

Dear Chair Tarnas and Members of the Committee:

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 HB 469, which requires the Department of Land and Natural Resources (DLNR) and Department of Agriculture (DOA) 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 DLNR be transferred to the DOA not later than 12/31/2023; requires the DLNR and the DOA to meet every five years to discuss transferring remaining lands; and, requires the DOA to inquire about any easements needed by the DLNR before offering a lease.

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

HB-469

Submitted on: 2/7/2021 8:11:40 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kristin	Individual	Support	No

Comments:

I support HB 469 because Hawaii needs to show real support for agricultural producers and our local food systems. Ranchers are good stewards of the land and contribute to conservation and food security and need lease terms appropriate for agriculture, so they are able to invest more into conservation and food production. Agriculture is a tough business already and it is incredibly disappointing to watch the government continually turn their backs family ranchers that truly invest their whole lives into conserving the land they care for, while providing safe and healthy local food.

HB-469

Submitted on: 2/7/2021 8:17:37 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Aileen Yeh	Individual	Support	No

Comments:

I support HB469, which would put a deadline on Act 90, 2003 to transfer agricultural lands from DLNR to DOA. Ranchers are long overdue for getting their leases transferred to the DOA.

Long-term leases are necessary for ranchers and other producers to qualify for loans and contracts to improve and maintain infrastructures. Because these are agricultural leases, they should be transferred to the Department of Agriculture.

HB-469

Submitted on: 2/7/2021 8:49:13 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Wendy Miles	Individual	Oppose	No

Comments:

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

Aloha,

The State of Hawaii has been a national and global leader in its commitments to remain in the Paris Agreement and become carbon neutral by 2045. Hawaii was also the first ever state in the United States to host the IUCN World Conservation Congress, and is known internationally for its commitment to biodiversity conservation. Finally, Hawaii is home to almost HALF of the endangered species in the entire United States (502 species were listed as endangered in Hawaii as of 2020).

HB 469 is counter to the commitments that the State of Hawaii made to curb greenhouse gas emissions and protect native biodiversity.

DLNR plays a fundamental role in preserving the health of Hawaii’s environment, and this role will be undermined if DLNR lands are transferred over for agricultural use. The lands DLNR manages – both pristine and damaged – are a key asset that will help the State of Hawaii meet its greenhouse gas emissions reduction targets. Both forested and reforested lands are particularly productive at sequestering carbon. Furthermore, biodiversity in Hawaii depends on these lands, and the needs of Hawaii’s species will evolve as the climate changes.

The island geography of Hawaii will constrain species from moving pole-ward with warming temperatures caused by climate change. Similarly, the peaks of Hawaii’s mountains limit the extent to which species can escape to cooler temperature at higher elevations. Added to this is the patchwork of land use types across the islands, further constraining the mobility of species and limiting the options available to conservation practitioners. It is therefore critical that any land currently under the stewardship of DLNR remain so to give their staff the needed flexibility to best manage Hawaii’s wildlife today and into the future.

DLNR plays a critical role in the health of Hawaii’s ecosystems, which in turn helps to safeguard freshwater resources, agriculture, and human health.

It is therefore my strong recommendation that the State oppose HB 469, and support bills that help equip DLNR with the needed resources to fulfil their mandate to steward the natural resources of the Hawaiian Islands.

Sincerely,

Wendy Miles, PhD

HB-469

Submitted on: 2/7/2021 9:37:51 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
William G. Jacintho	Maui Cattlemen's Association	Support	No

Comments:

Supporting HCC's Testimony

Thank you

HB-469

Submitted on: 2/7/2021 8:49:29 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Warren Watanabe	Maui County Farm Bureau	Support	No

Comments:

Maui County Farm Bureau supports 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.

HB-469

Submitted on: 2/7/2021 9:53:04 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kyle Caires	Individual	Support	No

Comments:

As an independent rancher, I support HB469; the lease transfer agricultural lands to HDOA opens doors for Hawaii's ranchers and farmers to remain viable. At the same time, grazing management and stewardship of these public lands in active livestock production will, in most cases, help manage fuel loads, mitigating the risk for wildfires, while also building soil health.

Personal Testimony in SUPPORT of HB 469
RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LAND
by
Jenee S. Odani, DVM, DACVP

House Committee on Water and Land
Tuesday, February 9, 2021
9:15 am; via Video Conference

Aloha Chair Tarnas, Vice Chair Branco, and members of the committee:

My name is Jenee Odani, and I am the Extension Veterinarian with the University of Hawaii at Manoa's College of Tropical Agriculture and Human Resources. I am grateful for the opportunity to provide personal testimony in **SUPPORT of HB 469**. This testimony does not represent the position of the University of Hawaii nor CTAHR.

Hawaii's cattle ranchers manage and preserve over 750,000 acres of rangeland. However, to properly manage these lands, ranchers need long-term land leases so they can continue to invest in improving the infrastructure. Ranchers play a "long game" and understand that they must sustainably manage the land to ensure the long-term success of their cattle operation. For this reason, I support the transfer of agricultural leases under DLNR to the Hawaii Department of Agriculture.

Thank you for the opportunity to testify on this matter.

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committees on
WATER & LAND
and
HOUSING**

**Tuesday, February 9, 2021
9:15 AM
State Capitol, Room 430**

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

House Bill 469 proposes to set a deadline for 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), and to require the two departments to periodically meet to discuss the potential for future land transfers. **The Department opposes this measure to the extent it mandates the transfer of lands from the Department to DOA without regard to other public trust priorities.**

House Bill 469 requires the Department and DOA to meet no later than one year after the effective date of the measure to identify by mutual agreement the non-agricultural park lands under the jurisdiction of the Department that are not in use for the public purpose for which they were leased and should be rezoned as lands in the conservation district and remain under the jurisdiction of the Department. All other non-agricultural park lands currently leased and being utilized for the agricultural public purpose defined by their current lease agreements are required to be transferred to DOA. Furthermore, all non-agricultural park lands under the jurisdiction of the Department and not identified as described above are to be placed under the jurisdiction of DOA no later than December 31, 2023. In other words, all non-agricultural park lands under the Department will be transferred to DOA unless both the Department and DOA agree that they are not being used for the agricultural public purpose for which they were leased and should be rezoned to conservation lands.¹

¹ The fallacy of this bill centers on the idea that lands historically zoned "agricultural" aren't important for natural and cultural resource protection, or also that they should never be used for other public or priority purposes such as public schools, colleges (e.g., West Oahu University once was agricultural land), affordable homes and rentals, renewable energy projects or other income producing opportunities like commercial, resort or mixed uses that could provide the much needed support to the State's financial situation.

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

The Department objects to the proposed transfer process set forth in the bill. If the Department wants to keep agricultural land, it has to prove that the land “is not in use for the public purpose for which it has been leased and should be rezoned as lands in the conservation district.” These leases include over 100,000 acres. Those criteria only address whether the land is currently leased for agricultural production, resulting in an automatic transfer the lands to DOA. Instead, there should be criteria that analyze 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.

Further, the Department does have grazing agreements within or adjacent to forest reserves that support mitigation of wildfire threats that are essential to protecting rare native forests and important watershed lands. It appears that the broad language of this bill would include transferring even these leased forest reserves to DOA.

Additionally, even unencumbered agricultural lands appear to have to be transferred to DOA under the measure, including over 32,000 acres. This follows because the lands need to fulfill two criteria to be retained by the Department: 1) not being used for their purpose they were leased for and 2) should be rezoned to conservation land. In other words, *unencumbered lands not appropriate for conservation land would also be required to be transferred to DOA, without an analysis of whether DOA benefits from those lands, or whether they could be used for other public purposes.*

Pursuant to Act 90, SLH 2003, now codified as Chapter 166E, HRS, the Department has already 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.

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 attached map shows the number and location of lands potentially subject to transfer under this bill. The attached flyer entitled “Importance of Pasture Lands to DLNR’s Mission” provides additional information.

Act 90 required each transfer to be individually reviewed and approved by both the Board of Land and Natural Resources and the Board of Agriculture. 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. *Apparently, House Bill 469 would compel the DOA to manage tens of thousands of acres that it has not necessarily requested or analyzed to be appropriate for agricultural use, and which the Department may have considerable interest in retaining to protect multiple public trust resources.*

The proposed process favoring transfer to DOA will have unintended consequences detrimental to the public trust. 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 type of activities, but the mandate of the bill is worded so broadly that these lands might also have to be transferred to DOA because they are not appropriate to be rezoned in the conservation district.

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 has introduced a measure this session, House Bill 1014 that is also before the committee at today's hearing, 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. Mandating the transfer of these lands to DOA for pasture purposes will severely undermine the potential for reforestation and other multi-use natural resource protection of the land.

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.² 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

² 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.

transfer of lands proposed by the present measure 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.

For these reasons, the Department respectfully urges the Legislature not to pass this bill (House Bill 469), and instead support House Bill 1014 and allow the select lands to remain under the Department's management.

Alternatively, the Department proposes the following amendment to this measure (amendments highlighted in gray shading):

"(d) No later than one year after the effective date of this Act, the department of agriculture ~~and~~ 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. The department of land and natural resources shall review the list and determine whether any of the lands requested: (i) contain important natural resources including remnant native forests, important watersheds, and/or native and endangered plants and wildlife; (ii) adjoin or are near forest reserves or are former forest lands and, as a result, have potential for reforestation; (iii) and/or are important in providing access to other public lands for management, traditional gathering, and public recreation including hunting and trails; or (iv) could be used now or in the future for other public or priority purposes such as, without limitation, public schools, colleges, affordable homes and rentals, renewable energy projects or other income producing opportunities or possibilities such as commercial,

hotel, mixed uses, or industrial use that could provide the much needed support to the State's financial situation. The department and the department of land and natural resources shall meet and ~~[identify]~~ determine by mutual agreement ~~[the non-agricultural park lands under the jurisdiction of the department of land and natural resources that are not in use for the public purpose for which it has been leased and should be rezoned as lands in the conservation district]~~ whether all or any portion of the lands included in the list, or any portion of the lands under a lease or revocable permit encumbering the lands on the list, should be withdrawn from the lease or revocable permit or otherwise reserved to the department of land and natural resources by conservation easement or other reservation of rights and ~~[should]~~ remain under the jurisdiction of the department of land and natural resources. If the department and the department of land and natural resources are unable to reach a mutual agreement as to the transfer of any lands on the list, such 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 as to their disposition. ~~[All other non-agricultural park]~~ As to those lands for which the department and the department of land and natural resources reach mutual agreement regarding disposition, ~~[currently leased and being utilized for the agricultural public purpose defined by their current lease agreements]~~ such lands shall be transferred to the department.

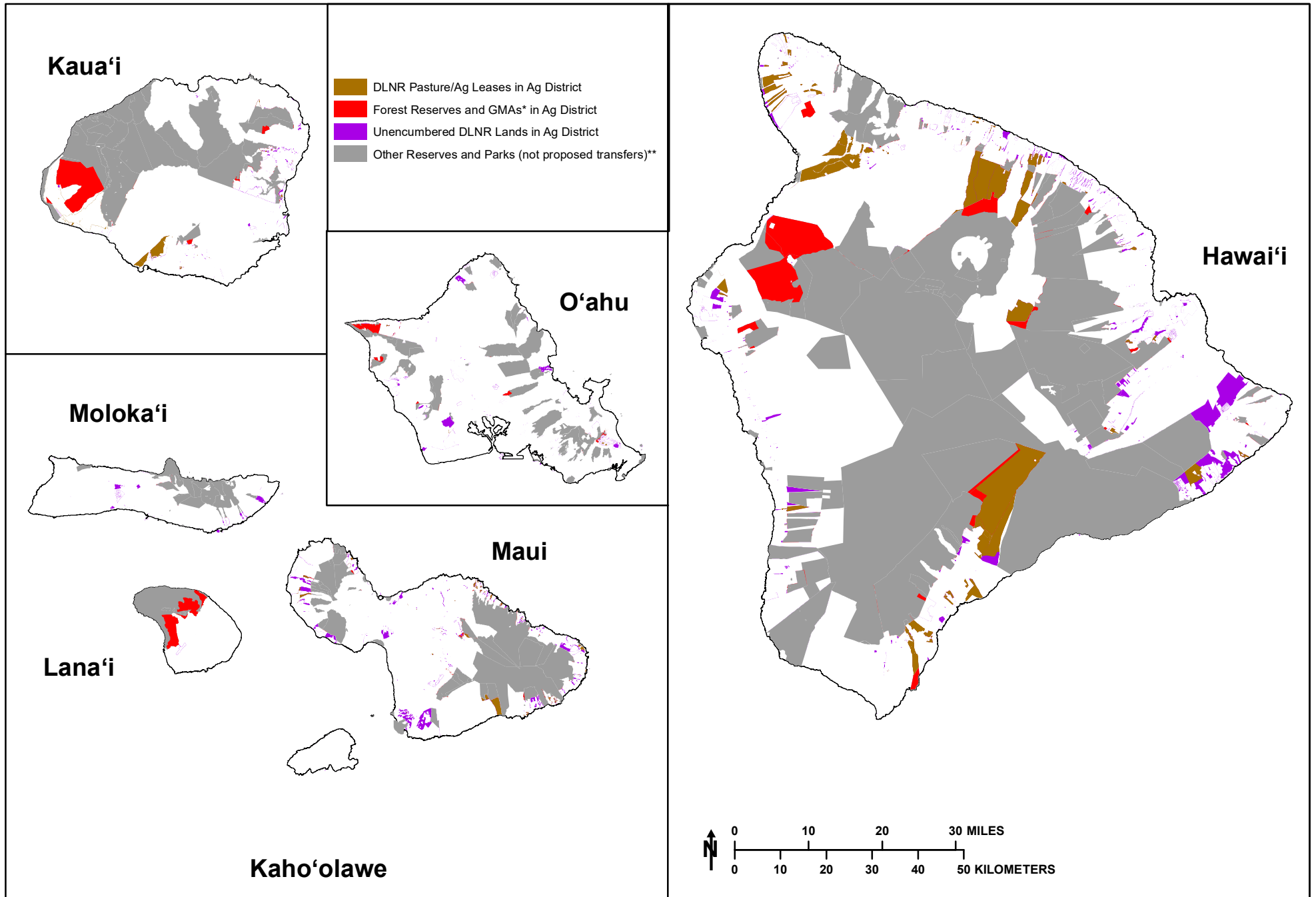
~~[(e) All non-agricultural park lands under the jurisdiction of the department of land and natural resources and not identified~~

pursuant to subsection (d) shall be placed under the jurisdiction of the department no later than December 31, 2023.]

([f]e) Beginning in the [2016-2017] 2022-2023 fiscal year, and no less than every fifth fiscal year thereafter, the department of agriculture and the department of land and natural resources shall meet and determine additional lands that may be appropriate for transfer from the department of land and natural resources to the department for the purposes of this chapter."

Thank you for the opportunity to comment on this measure.

Lands That Could Be Transferred to DOA By HB 469



*GMA is Game Management Area. **The gray layer "Other Reserves and Parks" shows lands not anticipated to be transferred to DOA via HB469, but included for context. Features approximate and subject to change. DLNR (808) 587-4170. Feb 2021.



SUMMARY

DESCRIPTION

EXPECTED BENEFITS





2020 LEGISLATIVE PROPOSALS

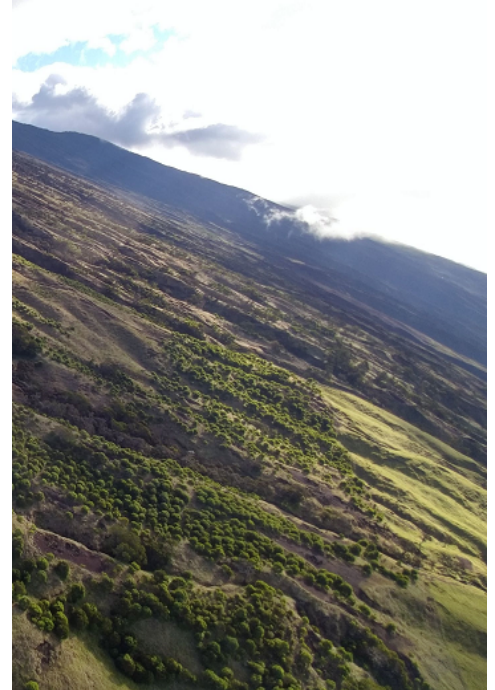
SB2812/HB2577 would transfer pasture leases to DOA because DOA appears to have greater flexibility under Chapter 166E, HRS to amend, extend, and issue new leases by negotiation. However, those goals could be achieved instead through SB2914/HB2358 to give DLNR similar statutory flexibility for negotiating 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

HB-469

Submitted on: 2/8/2021 5:46:27 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

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

Comments:

Please support this bill, it helps to secure the livelihood of us ranchers and the production of agriculture in our islands.

Vanessa Stevens

SC Ranch Co.

HB-469

Submitted on: 2/8/2021 5:51:01 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
chloe stevens	Individual	Support	No

Comments:

I support this bill and hope you will too.

HB-469

Submitted on: 2/8/2021 6:26:41 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jimmy Gomes	Individual	Support	No

Comments:

I am in support for HB469. Our testimony is written by Hawaii Cattlemens Council.

HB-469

Submitted on: 2/8/2021 5:55:15 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

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

Comments:

I fully support this bill and would appreciate you doing the same. It ensures that the hard work of labor and love that we put into our land and animals will continue to prosper and ensure security for our future.



HAWAII CROP IMPROVEMENT ASSOCIATION

In Support of HB469
Relating to The Transfer of Non-Agricultural Park Lands

House Committee on Water and Land
House Committee on Housing

Date: Tuesday, February 9, 2021

Time: 9:15 a.m.

Place: Via Video Conference

Chair Tarnas, Chair Nakamura, Vice-Chair Branco, Vice-Chair Hashimoto, and members of the committees:

Thank you for allowing the Hawaii Crop Improvement Association the opportunity to provide testimony in support of HB469 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.

One of the largest obstacles farmers and ranchers face is access to feasible financing and lease terms. The mutually agreed upon transfer of agricultural lands to HDOA will help ensure proper agricultural business valuations and lease terms allowing for access to feasible financing and capital improvement projects.

Mahalo for the opportunity to testify in support of HB469. If you have any questions, please contact me at your convenience.

Sincerely,

Emmanuel Zibakalam

Executive Director, Hawaii Crop Improvement Association

The Hawaii Crop Improvement Association is a Hawaii-based non-profit organization that promotes modern agriculture to help farmers and communities succeed. Through education, collaboration, and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices, and build a healthy economy.



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON WATER AND LAND

Rep. David Tarnas, Chair

Rep. Patrick Branco, Vice Chair

HB469

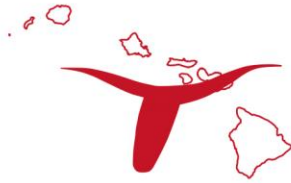
Requires the department of land natural resources and department of agriculture to meet and identify the non-agricultural park lands that should be rezoned as those in the conservation district. Requires that agricultural lands under the jurisdiction of the department of land and natural resources be 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. Requires the department of agriculture to inquire about any easements needed by the department of land and natural resources before offering a lease.

DATE: Tuesday, February 9, 2021
TIME: 9:15 a.m.
PLACE: VIA VIDEOCONFERENCE

Chair Tarnas, Vice Chair Branco, and Members of the Committee on Water and Land,

The Hawaii Cattlemen's Council **supports HB469**. 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 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.



Hawaii Cattlemen's Council, Inc.

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. They will continue to be cooperators with their local Soil and Water Conservation Districts, and manage their conservation plans under DOA leases. They will continue to fight invasive species, provide watershed management, and carbon sequestration, and provide all of the other eco-system services they have always provided, all at no cost to the State or the general public. But they 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 supports HB469. We appreciate the opportunity to testify on this critical matter for our industry.

Nicole Galase

Hawaii Cattlemen's Council

Managing Director

HB-469

Submitted on: 2/8/2021 7:26:37 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Keith	McCandless Ranch	Support	No

Comments:

McCandless Ranch strongly supports HB469. 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, now more than ever, that Hawaii needs to diversify its economy and support agriculture. Ranchers need agricultural-appropriate lease terms to make prudent business decisions and long term capital improvements. This bill will provide much needed support to keep these lands in active agricultural production and help Hawaii attain our food sustainability goals.



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

February 9, 2021

HEARING BEFORE THE
HOUSE COMMITTEE ON WATER AND LAND

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

Conference Room 423
8:30 AM

Aloha Chair Tarnas, Vice Chair Branco, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawaii Farm Bureau strongly supports HB 469, 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.

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

HB469, Relating to The Transfer of Non-Agricultural Park Lands
House WAL Hearing
Tuesday, February 9, 2021
Videoconference

Testimony By: Larry Jeffs
Position: Support

Chair Tarnas, Vice Chair Branco, and Members of the House WAL
Committee:

I am Larry Jeffs, owner and operator of Larry Jeffs Farms, LLC, which is part of our family-run business of farms on Oahu and Molokai, under the administrative umbrella of Sugarland Growers, Inc. We have more than 35 years of Hawaii farm experience on Molokai and Oahu. I am a volunteer director for the West Oahu Soil and Water Conservation District (SWCD).

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 create a situation where ranchers cannot do long-term planning to increase local grass-fed beef production.

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

HB469 sets December 31, 2023 as a deadline for addressing leases considered for transfer, to include mutual agreement by DLNR and DOA when a lease should remain under DLNR. Further, it requires the two agencies to meet periodically to discuss the potential for future land transfers.

Your support of HB469 will help increase Hawaii's capacity for import replacement.

Thank you for the opportunity to provide testimony.

HB-469

Submitted on: 2/8/2021 8:13:59 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

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

Comments:

Aloha House Leadership,

I support **HB469**.

Every year agriculture is at the forefront of media, minds, and mouths.

The COVID-19 pandemic has exposed important issues to address and elevated the importance of agriculture across the islands yet again. 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.
- DLNR needs support managing invasives and their growing acreage of lands with a dwindling budget.

This bill provides much needed support to keep agriculture and sustainability both in balance.

Thank you for considering my testimony,

Michelle Gorham

KAPAPALA RANCH

P. O. Box 537

Pahala, HI 96777

Kapapala.ranch@aol.com

lanipetrie@aol.com

Committee on Water, Land, and Hawaiian Affairs

February 9, 2021

9:15 AM

Video Conference

HB469

Chair Tarnas, Vice Chair Branco and Members of the Committee:

We **strongly support** HB469 which requires the Department of Land and 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 12/30/2023. Requires the Department of Land and Natural Resources and the Department of agriculture to meet every five years to discuss transferring remaining lands. Requires the Department of Agriculture to inquire about any easements needed by the Department of Land and Natural Resources before offering a lease.

Ranches require long-term land tenure to allow for long-term land decisions. Defining the boundaries of what should be in conservation and what should be in agriculture shall create the stability we require to plan and execute sound management practices.

‘Public purpose’ is a broad generalization. Producing food serves the public purpose and providing recreational areas serves the public purpose. But trying to manage the two together is only easy to those that don’t have to do anything but talk about it.

We need clear definition of which lands we may operate in order that food production be a priority and those lands would be best managed by the Department of Agriculture pursuant to Act 90.

Respectfully submitted,

KAPAPALA RANCH

Lani C. Petrie

HB469

Requires the department of land natural resources and department of agriculture to meet and identify the non-agricultural parklands 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. Requires the department of agriculture to inquire about any easements needed by the department of land and natural resources before offering a lease.

DATE: Tuesday, February 9, 2021
TIME: 9:15 a.m.
PLACE: VIA VIDEOCONFERENCE

Chair Tarnas, Vice Chair Branco, and Members of the Committee on Water and Land,

Thank you for the opportunity to testify on HB369, which we are in support of. My family and I operate a beef cattle ranch on a DLNR leases on Hawaii Island that we support being transferred to the Department of Agriculture as provided for in the 2003 Hawaii Sessions Law, Act 90. We have a concern that as written the term “easement” is too broad and should specify an easement for DLNR to have access to land locked forest reserves or similar DLNR assets.

After being subjected to a sizable withdrawal of nearly thirty percent of our leasehold that put us into a financial tailspin that we barely survived, it was clearly evident to us that DLNR’s mission does not support Article XI, section 3 of the Hawaii State Constitution. We have had numerous discussions with other pastoral lessees over the years that have been subject to similar treatment by the DLNR. DLNR has nearly one million acres in its forest reserve and natural area reserve programs. Less than a tenth of the public lands remain in pastoral use. We have put over a million dollars of USDA, Natural Resource Conservation Service and Farm Service Agency funding combined with our own matching funds and hard work into conservation practices on our leasehold. Other pastoral lessees have done the same, whereby the lessees for the betterment of these public lands have secured millions of federal dollars. Although DLNR claims to have cooperative programs to improve these public lands we and other lessees have never been approached to collaborate. I believe if we were approached we would find that some of our goals are truly not so far apart.

We have worked hard to care for these lands, produce wholesome food and many of us have worked many hours overtime to revive and promote local food production. During the Covid pandemic it became evident we play an important role in food security. The entirety of the beef cattle industry has done well to coordinate donations and accelerate marketing beef to meet our

local needs. Our slaughter plants have done well to safely harvest our production and it is apparent that we manage a food resource that 100% of could be liquidated in times of emergencies like these.

In closing, the lands that make up our pastoral lease and others, these lands have been part of Hawaii's Beef Cattle industry for nearly 200 years and we are humbly asking you to continue protecting these agricultural lands to promote diversified agriculture, increase our food self-sufficiency and to secure the availability of these lands for future production.

HB-469

Submitted on: 2/8/2021 8:41:14 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
DeeDee Bertelmann	Individual	Support	No

Comments:

HB-469

Submitted on: 2/8/2021 8:51:15 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Whitney Boteilho	Individual	Support	No

Comments:

My name is Whitney Boteilho and I strongly support HB469. My family is one of many ranching family's whose current lease is managed by DLNR. Ranchers like myself are good stewards of the land and contribute to conservation and food security. Act 90, 2003 is long overdue and should be implemented for the purpose of increasing food production. If leases are transferred to the Department of Agriculture, lease terms would much more appropriate for agriculture, thus allowing ranchers to be able to invest more into conservation and food production. I appreciate the opportunity to testify on this matter.

HB-469

Submitted on: 2/8/2021 8:53:11 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Aileen K . F. Yeh	Individual	Support	No

Comments:

Aloha Chair Tarnas, Vice-Chair Branco, and members of the committee,

Without long-term leases, producers and ranchers cannot get funding or loans or contracts to improve and maintain infrastructure.

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. 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,



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

HOUSE COMMITTEE ON WATER & LAND
February 9, 2021 - 9:15 A.M. - Videoconference

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

Aloha Chair Tarnas, Vice Chair Branco and Members of the Committee:

The Local Food Coalition supports HB 469, which among other things, requires the department of land and natural resources (DLNR) and department of agriculture (DOA) to meet and identify the non-agricultural park lands that should be rezoned as those in the conservation district, and 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.

Act 90 was passed in 2003 with the intent to transfer agricultural leases from DLNR to DOA. The LFC supports HB 469 because it sets a deadline for the transfer of certain non-agricultural park lands from DLNR to DOA, and requires the two departments to meet every five years to discuss the potential for future land transfers. 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. Thank you for the opportunity to submit testimony.

John Garibaldi
808-544-8319
jgaribaldi@wik.com

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

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

**BEFORE THE COMMITTEE ON WATER & LAND
AND
COMMITTEE OF HOUSING**

**TUESDAY, FEBRUARY 9, 2021
9:15 A.M.
CONFERENCE ROOM 325**

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

Chairpersons Tarnas and Nakamura and Members of the Committees:

Thank you for the opportunity to testify on House Bill 469. This bill requires the department of land and 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. It further 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 12/21/2023, 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 Department offer the following comments.

The Department of Agriculture supports the intent of this bill and we appreciate the Legislature's attention to this matter. We continue to have significant interest by



ranchers in our non-agricultural parks program and support the cattle and ranching industry through encouraging the best management of the land.

HB-469

Submitted on: 2/8/2021 9:13:19 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne Boteilho	Individual	Support	No

Comments:

LATE

HB-469

Submitted on: 2/8/2021 9:26:09 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

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

Comments:

Please support Hawaii's food producers by passing this bill. Thank you.

LATE

HB-469

Submitted on: 2/8/2021 9:30:06 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Iris Boteilho	Individual	Support	No

Comments:

HB-469

Submitted on: 2/8/2021 9:56:38 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie A Whalen	Individual	Support	No

Comments:

The DOA is the appropriate agency to handle agricultural leases. They provide agricultural rates not best as highest as DLNR does. They also provide long term leases making investments by the lessee more likely.

thank you for this opportunity to testify in support of HB 469

Stephanie whalen

LATE

HB-469

Submitted on: 2/8/2021 11:11:46 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

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

Comments:

Aloha Chair Tarnas, Vice-Chair Branco, and members of the committee,

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

Kealia Ranch

Hawaii County

LATE

HB-469

Submitted on: 2/8/2021 11:16:18 AM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
james Kimo Falconer	Individual	Support	No

Comments:

Please support HB 469. The transfer from DLNR to DOA of non-agriculture ag parks lands is long over due.

LATE

HB-469

Submitted on: 2/8/2021 7:55:55 PM
Testimony for WAL on 2/9/2021 9:15:00 AM

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

Comments:

This is long overdue. We in the ranching business are always on shaky ground. DLNR takes lot of productive ranch land and puts it under forestry and they take it from the ranch . Then prime land that the rancher put a lot of time and money in to make it like productive for cattle is now lost to forestry to plant trees. These trees will never produce food, and it will take away a lot of open space. Forestry takes a lot of land then does nothing with it. I personally are experiencing this. They can't manage what land is currently under forestry and they keep trying to take more. They should not be given even 1 acre until they can show the state that they are taking care of what land is under their care. These lands are over grown with lots ,and lots of invasive trees, brush, black berry, fireweed,and other weeds. Sad to be a rancher who takes care of this state land like it is their own, only to be under constant threat of loosing it. How can anyone make long term investments . Department of Agg understands this very well , unlike DLNR who only is looking for more land to do nothing with.

Brendan Balthazar

LATE

HB-469

Submitted on: 2/8/2021 8:52:54 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
christy gusman	Individual	Support	No

Comments:

I Support this bill

The DLNR is taking currently used Ranch lands and putting them in to the Forrestry Programs mid pandemic weve lost hundreds of acres of RANCH land because DLNR is NOT doing their jobs they are shutting down RANCHERS operations across MAUI COUNTY

- Ranchers are good stewards of the land and contribute to conservation and food security
- Cite specific examples of how your operation stewards the land for future generations
- With lease terms appropriate for agriculture, ranchers will be able to invest more into conservation and food production
- Act 90, 2003 is long overdue and should be implemented for the purpose of increasing food production
- The Department of Agriculture is the appropriate manager for agricultural leases

LATE

HB-469

Submitted on: 2/8/2021 9:59:37 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
James W Tavares	Individual	Support	No

Comments:

As a farmer on the Island of Maui, I support HB 469.

LATE

HB-469

Submitted on: 2/8/2021 8:55:53 PM

Testimony for WAL on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christy Kajiwara Gusman	HAWAII YOUTH LIVESTOCK ASSOCIATION	Support	No

Comments:

- WE SUPPORT THIS BILL
- DLNR IS TAKING LANDS CURENTLY ACTIVELY IN RANCH USE AND MAKING IT FORRESTRY this is bad and is increasing the in the Waikomoio to Hana area where there is an increase in Rat lung Worm, Miconia and other invasive species growing out of control. If they had left it in Ranching the ranchers would be controlling these lands and the invasive species.
-
- Ranchers are good stewards of the land and contribute to conservation and food security
- Cite specific examples of how your operation stewards the land for future generations
- With lease terms appropriate for agriculture, ranchers will be able to invest more into conservation and food production
- Act 90, 2003 is long overdue and should be implemented for the purpose of increasing food production
- The Department of Agriculture is the appropriate manager for agricultural leases

LATE

Aloha Chair Tarnas, Vice Chair Branco, and Members of the Committee on Water and Land,

I would like to express my strong **support** for HB 469.

This bill requires agricultural land currently under the jurisdiction of the DLNR to be transferred to the Department of Agriculture no later than 12/31/2023.

I am a multi-generational Hawaii Rancher located on the island of Hawaii. For five consecutive generations, my family has diligently stewarded our ranch lands to ensure that following generations have access to the same lifestyle and opportunities as we do. These efforts have always included the management of our delicate natural resources, as we depend on these resources to work symbiotically with our operations. We recognize that streams, springs, invasive species, ungulates, soil, and ground forage need to be taken care of, as our ecosystems rely on natural synergies of these resources. These efforts are not cheap; however we have been fortunate enough to have the security in knowing that the land would remain under our management for the foreseeable future.

The raising of livestock is not a short-term game. Investments and decisions are made not in hours, days or seasons, but decades. As a state, we often talk about the need for food security, without considering the many factors that contribute to building a resilient food system with our farmers and ranchers, not apart from them. Act 90 was passed with this understanding in mind. Act 90 was passed in 2003. That is not a typo. Act 90 was passed in 2003. It has been tied up for far too long and needs to be implemented. If we envision an economy that is more diversified, it is critical that focus not only on new efforts to expand industries like agriculture, but also existing enterprises that have been participating in contributing to our economy for decades.

In light of the Covid-19 pandemic, the need for food security has never been more evident, yet unnecessary bureaucratic processes delay our established producers from being able to make sound decisions for the long-term benefit of their food producing operations. Producers like Kapapala Ranch are a part of the fabric of the Hawaii agricultural industry, and it is in the best interest of the state to ensure that they are given the opportunity to continue to do what they have been doing for decades, which is producing food, jobs, and being good land stewards. It is clear that the Department of Agriculture is the most appropriate manager for agricultural leases, as they understand the challenges and opportunities our farmers and ranchers are faced with, and will build in favorable lease terms and encourage improvements to the land through the lens of both stewardship and local food production. HB469 simply sets a deadline for addressing leases that should be considered for transfer, rather than dragging this process out any longer, and risk seeing more of our producers' businesses go under in light of the extensive uncertainty.

Thank you for your consideration of this important matter.

Jacob D. Tavares