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# A BILL FOR AN ACT

RELATING TO LAND MANAGEMENT.

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

PART I

SECTION 1. The legislature finds that Act 90, Session Laws of Hawaii 2003 (Act 90), was enacted to ensure the long-term, productive use of public lands leased, or available to be leased, for agricultural purposes by transferring certain non-agricultural park lands from the department of land and natural resources to the department of agriculture. While a small percentage of those lands have been transferred over the last eighteen years, many lands have not been transferred to the department of agriculture.

Now, more than ever, the public and Hawaii leadership recognize the importance of greater food self-sufficiency and the need to encourage agricultural activity and to diversify the economy. The Hawaii State Constitution, Hawaii State Plan, New Day Plan, Hawaii Comprehensive Economic Development Strategy, and other state policy documents all support increasing Hawaii's food self-sufficiency.



1       The legislature further finds that article XI, section 10,  
2 of the Hawaii State Constitution establishes that "[t]he public  
3 lands shall be used for the development of farm and home  
4 ownership on as widespread a basis as possible, in accordance  
5 with procedures and limitations prescribed by law."

6       The final report from the Act 90 working group, established  
7 by Act 139, Session Laws of Hawaii 2021, finds that lands under  
8 the department of land and natural resources used for the  
9 primary and substantial management objective of agricultural  
10 production should be transferred to the department of  
11 agriculture.

12       The Act 90 working group final report additionally finds  
13 that improved collaborative working relationships between the  
14 department of land and natural resources, the department of  
15 agriculture, and lessees of multi-use agricultural lands will  
16 facilitate the management or co-management of department of land  
17 and natural resources multi-use parcels to benefit public  
18 values, including food production, conservation, and natural  
19 resource management.

20       The legislature also finds that agricultural activities and  
21 natural resource management are not mutually exclusive. The



1 department of land and natural resources continues to regulate  
2 and manage natural resources statewide, such as dam safety,  
3 invasive species control, and hunting access, regardless of  
4 where these needs or threats are found. Both the department of  
5 agriculture and the department of land and natural resources  
6 collaborate to address management needs.

7 Therefore, the legislature finally finds that certain  
8 public lands classified for agricultural use, including pasture  
9 use, by the department of land and natural resources should be  
10 transferred to the department of agriculture for the purposes  
11 and in a manner consistent with article XI, section 10, of the  
12 Hawaii State Constitution. Both the department of land and  
13 natural resources and the department of agriculture will  
14 continue to collaborate on access easements and other natural  
15 resource conservation activity needs of the department of land  
16 and natural resources on the transferred lands.

17 PART II

18 SECTION 2. The purpose of this part is to facilitate the  
19 transfer of certain non-agricultural park lands from the  
20 department of land and natural resources to the department of  
21 agriculture, including pasture leases, pursuant to Act 90,



1 Session Laws of Hawaii 2003, and chapter 166E, Hawaii Revised  
2 Statutes, regarding non-agricultural park lands, by:

3 (1) Repealing the requirements that transfers of certain  
4 public lands classified for agricultural use by the  
5 department of land and natural resources shall receive  
6 approval of the board of land and natural resources  
7 and the board of agriculture prior to transfer to the  
8 department of agriculture;

9 (2) Requiring the department of agriculture to accept the  
10 transfer of and manage certain qualifying non-  
11 conservation, non-agricultural park lands, including  
12 pasture leases; and

13 (3) Requiring the department of agriculture, prior to  
14 offering a lease, to inquire with the department of  
15 land and natural resources regarding any necessary and  
16 reasonable easements required for the department of  
17 land and natural resources to access its landlocked  
18 forest reserves or other department of land and  
19 natural resources assets on the lands subject to the  
20 lease.



1       SECTION 3. Section 166E-1, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "[f]§166E-1[+] **Legislative findings.** The legislature  
4 finds that article XI, section 10, of the [~~state constitution~~]  
5 Hawaii State Constitution establishes that "the public lands  
6 shall be used for the development of farm and [~~homeownership~~]  
7 home ownership on as widespread a basis as possible, in  
8 accordance with procedures and limitations prescribed by law".

9       Therefore, the legislature finds that certain public lands  
10 classified for agricultural use, including all lands designated  
11 as intensive agricultural use, special livestock use, and  
12 pasture use under paragraphs (1) to (3) of section 171-10, by  
13 the department of land and natural resources should be  
14 transferred to the department of agriculture[, ~~with the approval~~  
15 ~~of the board of land and natural resources and the board of~~  
16 ~~agriculture,~~] for purposes and in a manner consistent with  
17 article XI, section 10, of the [~~state constitution.~~] Hawaii  
18 State Constitution.

19       The purpose of this chapter is to ensure the long-term  
20 productive use of public lands leased or available to be leased  
21 by the department of land and natural resources for agricultural



1 purposes, including pasture use, by allowing these lands to be  
2 transferred to and managed by the department of agriculture."

3 SECTION 4. Section 166E-3, Hawaii Revised Statutes, is  
4 amended by amending subsections (a) and (b) to read as follows:

5 "(a) Upon [~~mutual agreement and~~] approval of the board  
6 [~~and the board of land and natural resources~~]:

7 (1) The department [~~may~~] shall accept the transfer of and  
8 manage [~~certain qualifying~~] encumbered non-  
9 agricultural park lands[+], subject to the suitability  
10 of the land for agricultural activities and use, as  
11 determined by the board; and

12 (2) Certain assets, including position counts, related to  
13 the management of existing encumbered and unencumbered  
14 non-agricultural park lands and related facilities  
15 shall be transferred to the department[+];  
16 provided that designated conservation lands not in current  
17 agricultural use shall remain under the jurisdiction of the  
18 department of land and natural resources.

19 (b) The department shall administer a program to manage  
20 the transferred non-agricultural park lands under rules adopted  
21 by the board pursuant to chapter 91. The program and its rules



1 shall be separate and distinct from the agricultural park  
2 program and its rules. Non-agricultural park lands are not the  
3 same as, and shall not be selected or managed as ~~[are]~~ lands  
4 under agricultural park leases. Prior to offering a lease, the  
5 department shall inquire with the department of land and natural  
6 resources regarding any easements required by the department of  
7 land and natural resources to access landlocked forest reserves  
8 or other assets of the department of land and natural resources  
9 on the lands subject to the lease. Notwithstanding any other  
10 law to the contrary, the program shall include the following  
11 conditions pertaining to encumbered non-agricultural park lands:

- 12 (1) The lessee or permittee shall perform in full  
13 compliance with the existing lease or permit;
- 14 (2) The lessee or permittee shall not be in arrears in the  
15 payment of taxes, rents, or other obligations owed to  
16 the State or any county;
- 17 (3) The lessee's or permittee's agricultural operation  
18 shall be economically viable as specified by the  
19 board; and
- 20 (4) No encumbered or unencumbered non-agricultural park  
21 lands with soils classified by the land study bureau's



1 detailed land classification as overall (master)  
2 productivity rating class A or B shall be transferred  
3 for the use or development of golf courses, golf  
4 driving ranges, and country clubs.

5 The transfer of non-agricultural park lands shall be done in a  
6 manner to be determined by the board of agriculture."

7 PART III

8 SECTION 5. The purpose of this part is to balance the  
9 State's commitment to agriculture as a priority and the State's  
10 dedication to land stewardship and reforestation by requiring  
11 approval by the board of land and natural resources and the  
12 board of agriculture prior to removal of pasture lands for  
13 reforestation or other public purposes.

14 SECTION 6. The department of land and natural resources  
15 shall seek approval from the board of land and natural resources  
16 and the board of agriculture prior to the removal of any land  
17 designated for pasture leases for reforestation or other public  
18 purposes. If withdrawal is approved by both boards, adequate  
19 notice of not less than one year shall be provided to the  
20 then-current lessee or permittee.





1       The division of forestry and wildlife shall submit, to the  
2 board for approval, a realistic and funded action plan for  
3 reforestation purposes on current pasture lease lands.

4                               PART IV

5       SECTION 7. This Act does not affect rights and duties that  
6 matured, penalties that were incurred, and proceedings that were  
7 begun before its effective date.

8       SECTION 8. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10       SECTION 9. This Act shall take effect on July 1, 2050.



**Report Title:**

HDOA; DLNR; Pasture Leases; Land Transfers; Division of Forestry and Wildlife; Reforestation

**Description:**

Repeals certain board approval requirements for transfers of certain public lands classified for agricultural use by the Department of Land and Natural Resources to the Department of Agriculture. Clarifies that lands classified for agricultural use to include intensive agricultural, special livestock, and pasture uses. Requires the Department of Agriculture to accept the transfer of lands in pasture use by the Department of Agriculture. Requires the Department of Agriculture, prior to offering a lease, to inquire with the Department of Land and Natural Resources regarding any easements required for access to landlocked forest reserves or other assets on the lands subject to the lease. Requires approval from the Board of Land and Natural Resources and the Board of Agriculture before removing pasture lands for reforestation, or other public purposes. Requires the Department of Land and Natural Resources Division of Forestry and Wildlife to submit a realistic and funded action plan for reforestation on current pasture lands. Requires a 1-year notice to land lessees or permittees prior to approved withdrawal. Effective 7/1/2050. (SD2)

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