

STAND. COM. REP. NO. 3500

Honolulu, Hawaii

MAR 24 2022

RE: H.B. No. 1658  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committees on Water and Land and Agriculture and Environment, to which was referred H.B. No. 1658, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS,"

beg leave to report as follows:

The purpose and intent of this measure is to authorize the Department of Agriculture, prior to the transfer of non-agricultural park lands, to request information from the Department of Land and Natural Resources related to the establishment of necessary and reasonable easements upon the land.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; Department of Agriculture; Hawai'i Farm Bureau; Local Food Coalition; Hawaii Cattleman's Council, Inc.; Hilo Fish Company; and one individual. Your Committees received comments on this measure from the Land Use Research Foundation of Hawaii, Ulupono Initiative, and one individual.

Your Committees find that Act 90, Session Laws of Hawaii 2003 (Act 90), was enacted to transfer certain non-agricultural park lands from the Department of Land and Natural Resources to the Department of Agriculture. In 2021, the Act 90 Working Group,



established by Act 139, Session Laws of Hawaii 2021, determined that lands under the Department of Land and Natural Resources used for the primary purpose of agricultural production should be transferred to the Department of Agriculture following the conditions and procedures set out by Act 90, Session Laws of Hawaii 2003. Despite its intent to foster collaborative working relationships between the Department of Land and Natural Resources, Department of Agriculture, and lessees of multi-use agricultural lands, lengthy transfer processes have stalled the transfer of lands utilized for the primary purpose of agricultural production.

Your Committees have amended this measure by:

- (1) Exempting easements granted over public lands affecting the transfer of undeveloped public lands between the Department of Land and Natural Resources and the Department of Agriculture, pursuant to Act 90, from formal county subdivision process and approval requirements;
- (2) Requiring the Department of Agriculture to accept the transfer of and manage certain qualifying encumbered non-conservation, non-agricultural park lands, including pasture leases;
- (3) Providing that designated conservation lands not in current agricultural use shall remain under the Department of Land and Natural Resources;
- (4) Requiring 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;
- (5) Requiring a lessee to develop a conservation program and plan if conservation resources exist on the land;
- (6) Requiring approval from the Board of Land and Natural Resources and the Board of Agriculture before removing pasture lands for reforestation, or other public purposes;



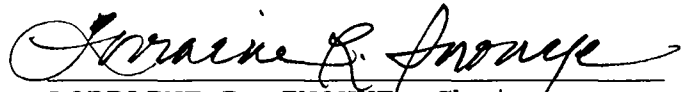
- (7) Inserting a savings clause;
- (8) Amending section 1 to reflect its amended purpose; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1658, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1658, H.D. 1, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committees on Water and Land  
and Agriculture and  
Environment,



MIKE GABBARD, Chair

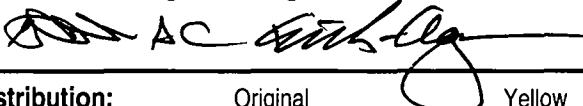


LORRAINE R. INOUYE, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i


**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:* <b>HB1658, HD1</b>	Committee Referral: <b>WTL/AEN, WKM/JDC</b>	Date: <b>3/23/22</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
MISALUCHA, Bennette E.	X			
RIVIERE, Gil	X			
FEVELLA, Kurt		X		
<b>TOTAL</b>	<b>4</b>	<b>1</b>		
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Agriculture and Environment**  
**AEN**

Bill / Resolution No.:* <b>HB 1658 HD1</b>	Committee Referral: <b>WTL / <u>AEN</u> / WAM / JDL</b>	Date: <b>03/23/22</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	/			
NISHIHARA, Clarence K. (VC)	/			
ACASIO, Laura		/		
RHOADS, Karl	/			
FEVELLA, Kurt		/		
<b>TOTAL</b>	<b>3</b>	<b>2</b>		
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

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