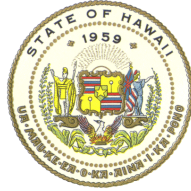


DAVID Y. IGE
GOVERNOR OF HAWAII



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 Committee on
WATER & LAND

Tuesday, February 15, 2022
8:30 AM

State Capitol, Conference Room 430, Via Videoconference

In consideration of
HOUSE BILL 1657
RELATING TO LEASES

House Bill 1657 proposes to require, as a condition precedent for any valid withdrawal of lands out of pasture leases for reforestation purposes, that the Division of Forestry and Wildlife (DOFAW) of the Department of Land and Natural Resources (Department) submit a funded action plan detailing the planned reforestation process for those lands and that the withdrawal be approved by the Board of Land and Natural Resources (Board). **The Department provides the following comments on this measure.**

As noted in the bill's preamble, this measure is a result of the important work of the Act 90 Working Group over the interim. In hearings before the Working Group, some testifiers expressed concern that DOFAW withdraws lands from pasture leases for reforestation purposes without a plan or funding to actually accomplish the reforestation.

The Department would like to clarify that the only occasion where lands were withdrawn from pasture leases over the objection of the lessee in recent years was for the State Department of Transportation's realignment of Saddle Road, now known as Daniel K. Inouye Highway, on Hawaii Island and in that case, withdrawals were required by the federal government and in particular the United States Fish and Wildlife Service (not DOFAW) to mitigate loss of critical habitat for the palila bird resulting from the State's realignment project. The Department does not object to presenting a funded action plan to the Board when seeking a withdrawal of land from a lease for reforestation purposes.

Thank you for the opportunity to comment on this measure.

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



Email: communications@ulupono.com

HOUSE COMMITTEE ON WATER & LAND
Tuesday, February 15, 2022 — 8:30 a.m.

Ulupono Initiative offers comments on HB 1657, Relating to Leases.

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 the 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 offers comments on HB 1657, which requires as a condition precedent for any valid withdrawal of lands out of pasture leases for reforestation purposes that the Division of Forestry and Wildlife (DOFAW) submit a funded action plan detailing the planned reforestation process for those lands and that the withdrawal be approved by the Board of Land and Natural Resources (BLNR).

Ulupono appreciates the efforts of the Working Group established by Act 139, SLH 2021, which was established to find potential remedies to fulfill the purposes of Act 90, SLH 2003. We recognize the importance of this group's task in helping the State address the appropriate management of active agricultural leases.

This bill specifically addresses pasture leases under the Department of Land and Natural Resources (DLNR) and the ability of the department to remove active agricultural leased pasture land out of production and into reforestation. We appreciate this measure seeking to require approval of a funded action plan prior to any withdrawn pasture lease. However, we have a few recommendations for this committee to consider:

- For clarity and transparency, a list of requirements should be outlined in the DOFAW's funded action plan to support the important approval process.
- As the Act 90 Working Group promoted inter-departmental collaboration, this measure should require DOFAW's funded action plan to include approval from both the BLNR and the Board of Agriculture.

Investing in a Sustainable Hawai'i



Ulupono supports the local livestock industry and its efforts to provide fresh, healthy products for Hawai'i's consumers. We still believe that DOA's affordable, long-term leases allow local ranchers to immediately take advantage of existing, appropriate lease structures that incentivize long-term investments into their respective operations, improving the economic viability, and increasing local food production for the State. Although this bill seeks to balance two competing interests, there is no need to recreate an existing structure within DLNR to manage agricultural lands.

Recently, the pandemic, along with devastating natural disasters and shipping supply issues, have heightened local food insecurity in our communities. With many leaders across our state saying that local agriculture can play an important role in our economic and social recovery, one theme around local food production rises to the top: the time to act is now. Local producers, like our ranchers, are a critical component of Hawai'i's food security. The local ranching community deserves our State's support by managing crucial, food-producing pasture leases within the DOA, a department whose mission and expertise to manage agricultural activities and related natural resources, including pastureland production, promotes local food production and directly supports State sustainability goals.

Thank you for the opportunity to testify on this measure.

Respectfully,

Micah Munekata
Director of Government Affairs

HB-1657

Submitted on: 2/14/2022 6:48:27 AM

Testimony for WAL on 2/15/2022 8:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lani Petrie	Kapapala Ranch	Oppose	No

Comments:

I oppose HB1657. As a stand alone bill separated from HB1658, HB1659, and HB1660 it lacks context. It would be like putting effort into a jigsaw puzzle that may not have all its pieces. Also, with the vetting process facing these four bills you may be left trying to put together a puzzle with pieces from another puzzle.

This bill basically says that reforestation is more important than pasture. This bill has no provisions for objective decision making and goal setting management decisions. Where's the incentive for a rancher to keep spending money on invasive weed control, or climate smart management of sequestering carbon in healthy soils which are maintained by good pasture management when all DOFAW has to do is show up with a promise.



Hawaii Cattlemen's Council, Inc.

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

HB1657
Relating to Leases

Tuesday, February 15, 2022, 8:30 AM
VIA VIDEOCONFERENCE

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

The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

The Hawaii Cattlemen's Council **offers comments on HB1657** to requires as a condition precedent for any valid withdrawal of lands out of pasture leases for reforestation purposes that the division of forestry and wildlife submit a funded action plan detailing the planned reforestation process for those lands and that the withdrawal be approved by the board of land and natural resources.

We advocate for the perpetuation of productive agricultural lands, and while this adds a level of protection by ensuring that any lands withdrawn from pasture require a funded action plan that is approved by the Board of Land and Natural Resources, we should be avoiding the removal of productive agricultural lands for reforestation. Forests are important, but the number of acres in pasture has been on the decline, which will have a direct negative impact on local beef production. When lands are removed from pasture, it is difficult to return it to working, productive status again in the future. Maintaining our productive agricultural lands is paramount to increasing food production, and reforestation projects should happen on lands that are not in agricultural production. We also believe that a funded plan should be submitted to, and approved by, both the Board of Land and Natural Resources as well as the Board of Agriculture. If land is being taken out of pasture, the Board of Agriculture should approve or deny any plan that may have a negative effect on food production. We respectfully request that Page 4, line 3 is amended to read:

(B) The board and board of agriculture approves the withdrawal.

We appreciate the Act 90 Working Group's efforts to seek solutions to this issue – leaseholders have been waiting 19 years for the transfer of their agricultural leases to the Department of Agriculture, and



one of the key reasons lands should be transferred is that the Department of Agriculture prioritizes agricultural production. This measure could be a possible step towards protecting agricultural lands from being taken out of production without a practical and funded plan.

Nicole Galase
Hawaii Cattlemen's Council



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February 15, 2022

HEARING BEFORE THE
HOUSE COMMITTEE ON WATER & LAND

**TESTIMONY ON HB 1657
RELATING TO LEASES**

Conference Room 430 & Videoconference
8:30 AM

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

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

The Hawai'i Farm Bureau provides comments on HB 1657, which requires as a condition precedent for any valid withdrawal of lands out of pasture leases for reforestation purposes that the division of forestry and wildlife submit a funded action plan detailing the planned reforestation process for those lands and that the withdrawal be approved by the board of land and natural resource.

HFB greatly appreciates the work of the Act 90 working Group and the efforts that have been made to accomplish the transfer of DLNR lands in agriculture production to DOA and respectfully requests the following amendments that will further clarify and facilitate the intent that State lands in agricultural use, including pasture use, will be transferred from DLNR to DOA.

- On page 3, modify lines 20 through 21 to read: (A) The division of forestry and wildlife submits a funded action plan to the board and the board of agriculture that details the planned reforestation process for those lands; and
- On page 4, modify lines 3 to read: (B) The board of land and the board of agriculture approves the withdrawal.

HFB also respectfully requests the addition of a deadline for the transfer of DLNR lands in agriculture production to DOA. Producers whose leases have not been transferred after the nearly 19 years since Act 90 continue to be in a state of limbo, without the security and stability necessary to make investments and infrastructure improvements, or even contemplate long-term plans. No business can operate this way.

Hawai'i's food producers are also land stewards who are an important part of Hawai'i's goals of greater self-sufficiency and conservation efforts. Enabling their continued work is in the best interest of the public. They should not be trapped in decades of debate about which agency controls their existence when it is the mission of one agency, DOA, to foster agriculture in Hawai'i. Supporting agriculture and conserving natural resources are not mutually exclusive. Producers should not be forced into waiting additional years while DLNR works to adjust its priorities, policies, and rules to expand its mission to support food production.

Thank you for taking our concerns into consideration and for your continued support of Hawai'i agriculture.

HB-1657

Submitted on: 2/14/2022 9:48:29 AM

Testimony for WAL on 2/15/2022 8:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
peter simmons	Individual	Oppose	Yes

Comments:

Aloha Chairperson Tarnas and Committee Members,

This suite of Bills HB 1657-1660 demonstrates that the Act 90 Committee listen to testimony and have been creative in constructing solutions to solve issues while holding fast to the notion that DLNR-DOFAW is best suited to house multiple use professional to manage complex – multiple use pastoral leases. While progress has been made, I respectfully disagree with DLNR-DOFAW enlarging their areas Kuleana to include sustainable pasture management.

The history of DLNR-DOFAW’s pasture lease administration has been discussed and has been found wanting. Their current desire to improve their performance is neither based on their Koa Action Plan nor their Forest Action Plan. Neither of their plans mentions sustainable food systems.

One large area of forest management responsibility that one Legislature intended for multiple use has been a sad, multiple-abuse, failure. The 1.1 million acres of Conservation, subzone Resource half of which is DLNR-DOFAW’s responsibility has been neglected for decades. These lands are designated for commercial forestry and recreation – how is DLNR-DOFAW doing at managing them? Where are their action plans to manage the resource of these abundant lands? These are the lands that lie above the former sugar lands to about 3,500’ elevation. These are the lands abandoned to Strawberry guava, fire ants and Rapid Ohia Death. So while abandoning their mission to utilize the Conservation Resource lands for recreation and forestry DLNR-DOFAW wants another responsibility to manage Pasture lands for forestry and recreation.

If the management of DLNR-DOFAW kuleana were successful they would have a much stronger case for expanding their portfolio. The reason so many people who are involved with healthy, productive, working landscapes are skeptical of DLNR-DOFAW is their history of unacceptable performance in key areas of their responsibilities. The Forest Action Plan has not been evaluated to match performance of their goals to their on the ground accomplishments ; it should be.

DLNR-DOFAW writes Action Plans that are aspirational and it does not take care of their unhealthy forests. In addition, to help save the planet from climate change by planting trees in already managed sustainable, watershed protecting, carbon sequestering pasture lands, we would be better served if DLNR-DOFAW began to manage their lower elevation woody, weed patches that are killing our hapuu, ohia and koa forests and are emitting the carbon of our rotting low

elevation forests. The State's Carbon sequestration plans could be upset by the carbon emitting decaying forests under their control.

When people see the beautiful Koa paneling at our State capital, I hope they are inspired to action to manage the Lands that provided the Koa. Sadly, the State's forests where the koa came from are in terrible shape. DLNR-DOFAW seems to have abandoned those lands in 1974. These multiple use lands became abused when abandoned by DLNR-DOFAW. These are the "junk" lands that were lovingly referred to by DLNR. The "junk" lands title comes from the fact that DLNR-DOFAW abandoned those State forests years ago.

Please consider requiring DLNR-DOFAW to conduct inventories of their neglected forest lands, assess their findings and create practical, place-based plans, including practical budgets that do not require federal matching dollars for their maintenance and enhancement. Please consider comparing the goals and aspirations of DLNR-DOFAW's action plans with what they have actually accomplished.

DLNR-DOFAW reminds me in their quest to become pasture managers of a Denis the Menace cartoon where Denis' Dad overhears Dennis praying for God to give him a cow. Denis' Dad asked him why he wants a cow and Dennis replies that if God gives him a cow then his Dad will have to buy him a horse to round him up.

A new Governor and most likely a new Chairperson of DLNR will be seated in less than one year. Let's give them the tools, inventories, assessments plans and budgets to reevaluate the feasibility of DLNR taking on more land and land responsibilities instead of managing what they have. It just might be the case that a new administration will manage all of DLNR current kuleana.

Mahalo for this opportunity to testify,

Peter D. Simmons

HB-1657

Submitted on: 2/14/2022 11:52:50 AM

Testimony for WAL on 2/15/2022 8:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Theresa M Thompson	Individual	Oppose	No

Comments:

I oppose HB1657.

I would like to see reforestation take place on lands that are not in ag production rather than converting pasture. I would also like for both BLNR and BOA to be required to approve the funded project.

Thank you,

Theresa Thompson