



STATE OF HAWAII
HAWAII CLIMATE CHANGE MITIGATION & ADAPTATION
COMMISSION
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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Chair, DLNR
Director, OPSD

Commissioners:
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Director, C+C DPP
Director, Maui DP
Director, Hawaii DP
Director, Kauai DP
The Adjutant General
Manager, CZM

**Testimony of
Leah Laramée
Coordinator, Hawai'i Climate Change Mitigation and Adaptation Commission**

**Before the Senate Committees on
WATER AND LAND
&
AGRICULTURE AND THE ENVIRONMENT**

**Friday, February 3, 2023
1:00 PM
State Capitol, Via Videoconference, Conference Room 224**

**In opposition of
Senate Bill 77
RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS**

Senate Bill 77 authorizes the Department of Agriculture (DOA) to request information from the Department of Land and Natural Resources (DLNR) related to the establishment of necessary and reasonable easements upon the lands. Amends legislative findings regarding non-agricultural park lands. Requires the DOA to accept the transfer of and manage certain qualifying non-agricultural park lands. Requires the DOA, prior to offering a lease, to inquire with the DLNR regarding any easements required for access to landlocked forest reserves or other assets on the lands subject to the lease. Requires the lessee to develop a conservation program and plan if conservation resources exist on the land. Requires approval from the Board of Land and Natural Resources (BLNR) and the Board of Agriculture (BOA) before removing pasture lands for reforestation, or other public purposes. **The Hawai'i Climate Change Mitigation and Adaptation Commission (Commission) opposes this measure and offers the following comments.**

The State of Hawai'i's commitment to uphold the Paris Climate Accord and progressive move towards zero emissions clean economy by 2045 requires that we actively invest in reducing our emissions and mitigate greenhouse gases (primarily carbon dioxide - CO₂). Protecting our existing forested lands is vital in meeting the State's climate change goals as forests, and in particular old-growth native forests, serve as carbon sinks, removing carbon from the atmosphere. Many of the affected lands in this bill contain old-growth native forest, endangered species, public hunting, trails, historic sites, traditional and customary cultural practices, access to the shoreline and mauka lands, and other public trust values and are most appropriately managed under DLNR.

Forestry, native forest restoration, watershed protection, and, fire fuel suppression, are important components of protecting the carbon stored in these resources and DLNR has the capacity and the mandate to conduct these activities. Whereas forests in the agricultural district are unprotected. They can be clear-cut, or otherwise converted to non-forest uses. Furthermore, SB77 contradicts the findings of the Act 90 Working Group and the original intent of Act 90, which requires review by both the BLNR the BOA. DLNR provides oversight to safeguard their natural and cultural uses.

DLNR provides funding for ranchers to remove invasive species, reduce fuel loads to lower the risk of wildfires, and grow trees for conservation, carbon sequestration credits, or sustainable harvest of wood products. DLNR provides flexibility and support for many land uses, which may be key to ensuring future economic viability across these lands. Forestry also protects fresh water recharge, as well as reduces erosion that smothers nearshore fisheries that are an important part of our food security. Keeping certain pasture lands under DLNR is critical for Hawaii's climate change resilience.

For these reasons the Commission opposes this bill and instead respectfully recommends passage of HB14 which provides a balanced approach, consistent with the Working Group's recommendations, to address the rancher's need for long-term tenure and stability and support the State's climate goals.

Mahalo for the opportunity to submit testimony in opposition of this measure.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
1428 South King Street
Honolulu, Hawai'i 96814-2512
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**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE**

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

**FEBRUARY 3, 2023
1:00 pm
CONFERENCE ROOM 224 & VIDEOCONFERENCE**

**SENATE BILL NO. 77
RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS**

Chairpersons Gabbard and Inouye and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill 77. This bill authorizes the Department of Agriculture to request information from the Department of Land and Natural Resources related to the establishment of necessary and reasonable easements upon the lands before the transfer of non-agricultural park lands. Amends legislative findings regarding non-agricultural park lands. Requires the Department of Agriculture to accept the transfer of and manage certain qualifying non-agricultural park lands. 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 the lessee to develop a conservation program and plan if conservation resources exist on the land. Required approval from the Board of Land and Natural Resources and the Board of Agriculture before removing pasture lands for reforestation, or other public purposes. The Department respectfully provides comments.

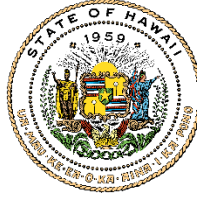
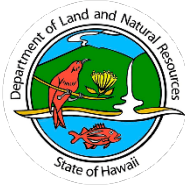


The Department of Agriculture appreciates the tremendous efforts of the Act 90 working group to improve the process for transfer of agricultural lands and looks forward to continue working with the Department of Land and Natural Resources.

Thank you for the opportunity to testify.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

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DAWN N.S. CHANG
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LAND
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Testimony of
DAWN N. S. CHANG
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Senate Bill 77 is inconsistent with the Final Report of the Act 90¹ Working Group submitted to the Legislature on December 21, 2021 (Report), which is the approach the Department supports. The bill would require the wholesale transfer of agricultural/pasture lands currently under DLNR

¹ Act 90, Session Laws of Hawai'i 2003, codified into law as Chapter 166E, Hawai'i Revised Statutes (HRS), provides for transfer of agricultural lands to DOA. DLNR has transferred more than 19,000 acres to DOA over the years.

management to DOA, except for designated conservation lands not in current agricultural use. This is a tiny fraction of the lands in question. However, the Act 90 Working Group Report found that DLNR should retain management of those agricultural lands designated as multiple-use agricultural lands:

The Working Group further finds that certain agricultural lands under DLNR have multiple management objectives, which can include agricultural production, forestry, native forest restoration, watershed protection, habitat conservation, public recreation, fire fuel suppression, and other public purposes which clearly fall within DLNR's purview and mission. These multiple-use lands should remain under DLNR's management.

As the new administration begins, DLNR is committed to work together with DOA to find a mutual agreement on the appropriate manager for these lands. DLNR and DOA's new leadership are in regular communication, and both Departments' staff are already prioritizing the satisfaction of Act 90. DLNR has identified 116 General Leases (GLs) and Revocable Permits (RPs) that could be potentially transferred to DOA (subject to the approval of the BOA and BLNR) totaling 19,800 acres. An additional 15 GLs and RPs totaling 6,700 acres could be appropriate to transfer to DOA if public access easements are placed on the lands and reserved to DLNR in the executive orders setting them aside to DOA. DLNR is interested in retaining or further reviewing 68 GLs and RPs totaling 77,200 acres. Most of the lands in this final category consist of five large GLs with irreplaceable native forest, endangered species, and recreational values. Visit an interactive map: <https://arcg.is/1DrmL1>

The bill is so broadly worded that it may also mandate transfer of certain unencumbered lands managed by DLNR, subject to BOA approval. This is particularly concerning as many of these lands are in the process of being set aside as Forest Reserves and Natural Area Reserves, with public hearings conducted, and in certain cases, BLNR approval granted. A bill to mandate transfer of these lands would result in the loss of considerable effort that DLNR has already invested in managing and designating these lands. More concerning, though, is DLNR would not be able to actively protect the public trust resources on these lands, which are of low value for agriculture yet highly valued for natural and cultural resources.

Senate Bill 77 is predicated on the notion that lands historically zoned "agricultural" are not important for natural and cultural resource protection, or that they should never be used for other public or priority purposes such as public schools, colleges (e.g., University of Hawaii at West Oahu campus 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. In fact, many areas zoned as agricultural land are critical watershed, endangered species habitat, and important hunting areas. Some are unencumbered, landlocked, or otherwise unsuitable for agriculture, and some contain old-growth native forest, like the 451-acre Onouli tract in Kona.

The Conservation District boundaries leave out large tracts of intact native forest and endangered species habitat. In fact, the 1992 State Land Use District Boundary Review published by the Office of Planning states:

...many sensitive environmental resources were in the Agricultural District which left them vulnerable to development. Many of the lands in Agricultural District were agricultural in name only. The boundary review has recommended that sensitive environmental areas be reclassified to Conservation or be protected by other means.²

DLNR recommends the existing Act 90 process that requires approval by both BLNR and BOA be retained. These boards can weigh agricultural values, as well as other public trust values of these lands, such as:

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

Pasture lands are a critical part of DLNR's land inventory and many contain elements making them suitable for forest protection, restoration, recreation, traditional and cultural gathering, public hunting, and other recreation purposes such as access. Many mauka pasture lands are former native forests where trees were cut down and cattle introduced. The attached maps show the proximity of large tracts of pasture lands to forest reserves on Hawai'i Island, and provide details on native ecosystems, potential for restoration and occurrence of endangered species. The maps also demonstrate that pasture lands in the conservation district are made up of relatively small acreages in a handful of pasture leases, but they are primarily encumbered. Under this bill, even those designated conservation lands would be transferred to DOA if they are in current agricultural use. Thus, this bill results in transfer of essentially all DLNR pasture lands – approximately 100,000 acres, with BOA approval. DLNR is seeking to retain some of the lands both in the agricultural and conservation district and is willing to support extending and amending the pasture leases with DLNR under collaborative management terms compatible with both grazing and public trust natural and cultural resource protection and enhancement as appropriate.

As noted above, the bill proposes to transfer almost all the subject lands to DOA and remove BLNR's decision-making authority. Only small portions of a few parcels designated in the Conservation District that are unencumbered would be left under DLNR. The measure would then insert the BOA in the decision-making process for these tiny remaining sections of land. This is not a balanced proposal. The bill empowers the BOA to advance agricultural interests while removing the BLNR's powers to safeguard natural and cultural resources. The current Act 90 process where both boards are decision-makers in the transfer of lands is balanced and respects the interests and expertise of both boards.

The perceived need to transfer pasture leases to DOA can be relieved by providing the DLNR with statutory powers similar to those exercised by DOA in the management of its leases. Another bill introduced this Session, House Bill 14, seeks to give DLNR the authority to amend

2 [1992 Hawai'i State Land Use District Boundary Review](#).

existing pasture leases and issue new pasture leases by direct negotiation that that would allow DLNR to base rent on the value of the land's agricultural uses instead of charging fair market rent as Chapter 171, HRS, currently requires.

Senate Bill 77 would have severe negative impacts on DLNR and the natural resources it stewards. DLNR requests that the Committees respect the findings of the Act 90 Working Group and allow DLNR to continue to manage multiple-use agricultural lands in a collaborative relationship with DOA.

Mahalo for the opportunity to testify in opposition to this measure.



SUMMARY

DESCRIPTION

EXPECTED BENEFITS





LEGISLATIVE PROPOSALS

The Act 90 Working Group recommends DLNR receive flexibility under Chapter 166E, HRS to amend, extend, and issue new leases by negotiation. The perceived need to transfer pasture leases to the DOA can be relieved by providing the DLNR with statutory powers similar to DOA's, facilitating long-term tenure and stability for ranchers.



PASTURE LAND CONSERVATION VALUES



Water



Fire & Forest Health



Native Ecosystems



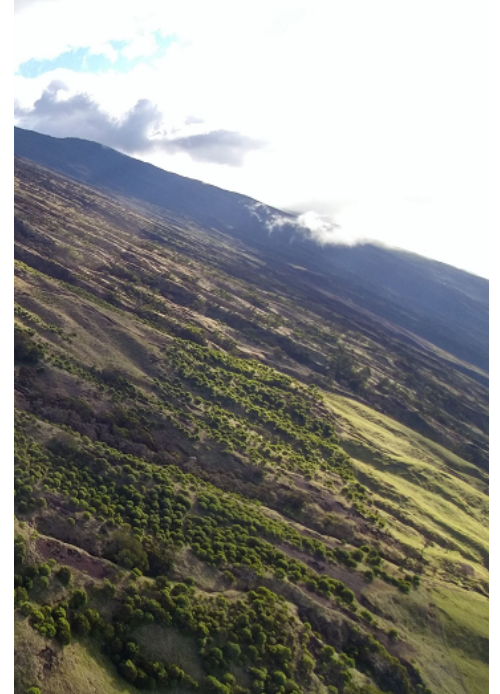
Forestry



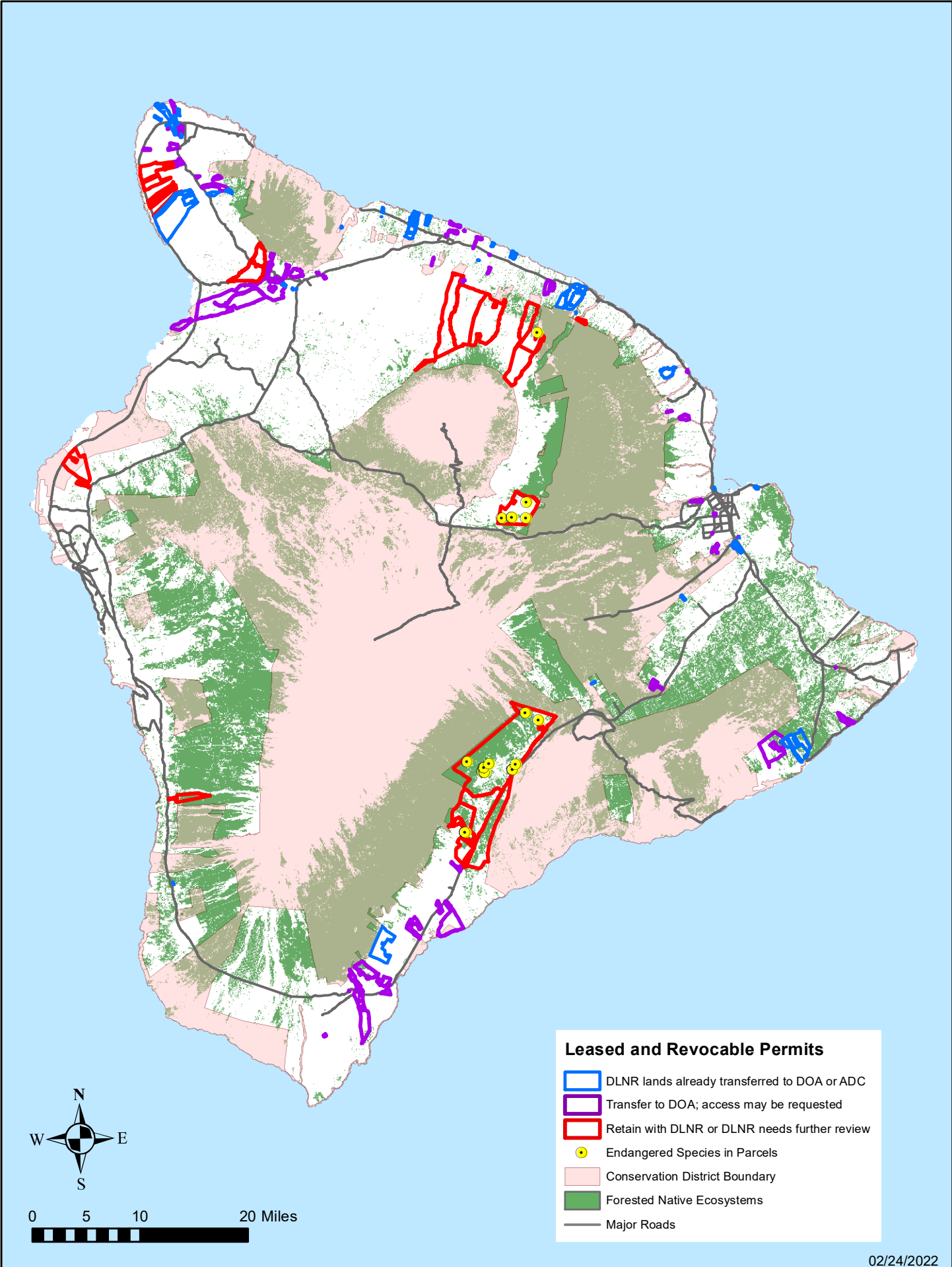
Recreation

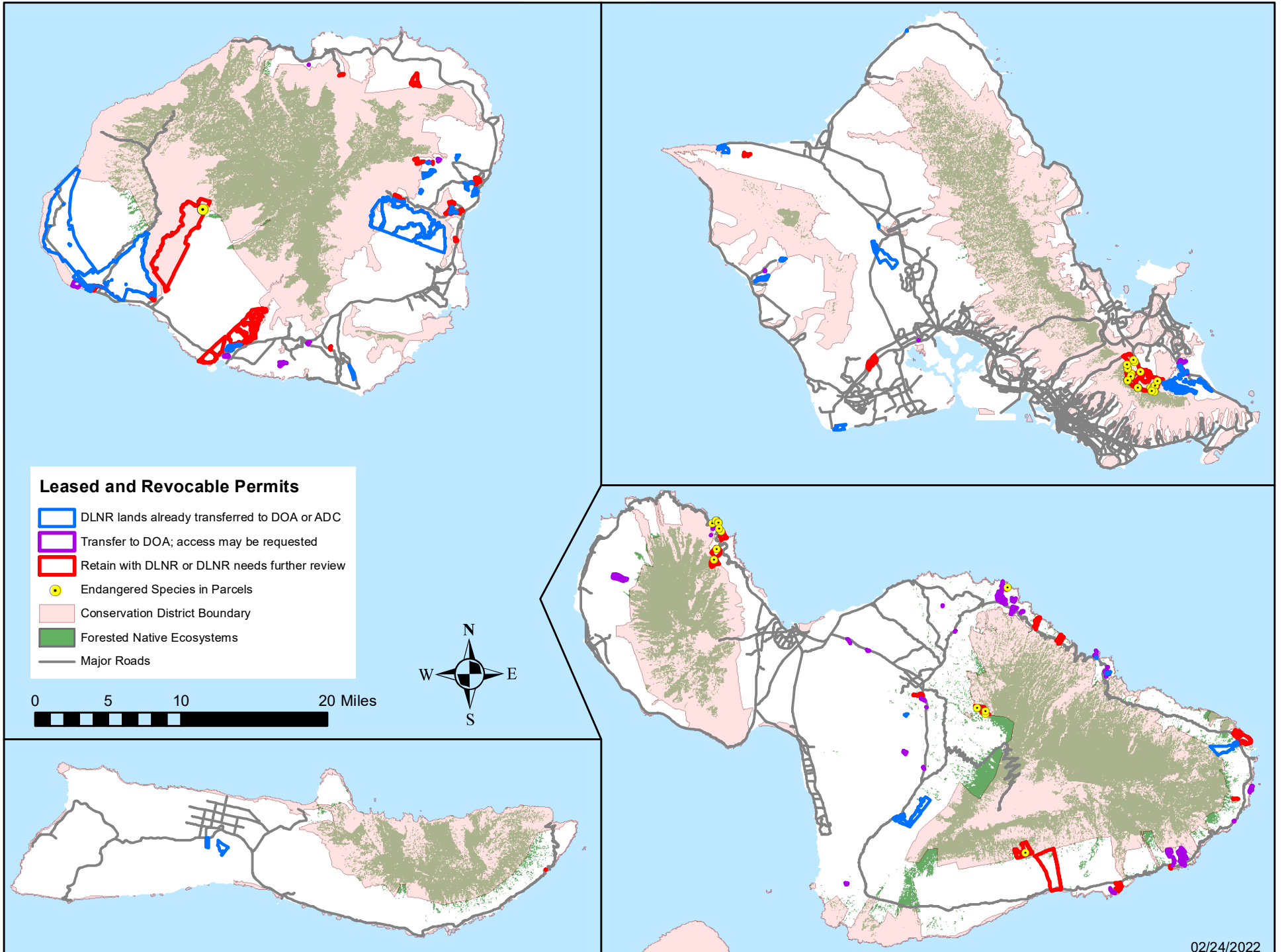
DLNR PARTNERSHIPS WITH RANCHERS

CLIMATE CHANGE AND CARBON NEUTRALITY



CONTACT PERSON

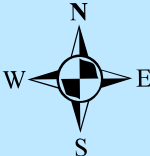
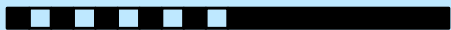




Leased and Revocable Permits

- DLNR lands already transferred to DOA or ADC
- Transfer to DOA; access may be requested
- Retain with DLNR or DLNR needs further review
- Endangered Species in Parcels
- Conservation District Boundary
- Forested Native Ecosystems
- Major Roads

0 5 10 20 Miles





January 31, 2023

Senator Lorraine R. Inouye, Chair
Senator Brandon J.C. Elefante, Vice Chair
Senate Committee on Water and Land

Senator Mike Gabbard, Chair
Senator Herbert M. "Tim" Richards, III, Vice Chair
Senate Committee on Agriculture and Environment

Comments Regarding SB 77, Relating to the Transfer of Non-agricultural Park Lands (Before the transfer of non-agricultural park lands, authorizes the Department of Agriculture [(DOA)] to request information from the Department of Land and Natural Resources [DLNR] related to the establishment of necessary and reasonable easements upon the lands. Amends legislative findings regarding non-agricultural park lands. Requires the DOA to accept the transfer of and manage certain qualifying non-agricultural park lands. Requires the DOA, prior to offering a lease, to inquire with the DLNR regarding any easements required for access to landlocked forest reserves or other assets on the lands subject to the lease. Requires the lessee to develop a conservation program and plan if conservation resources exist on the land. Requires approval from the Board of Land and Natural Resources [BLNR] and Board of Agriculture [BOA] before removing pasture lands for reforestation, or other public purposes.)

Friday, February 3, 2023, 1:00 p.m.; State Capitol, Conference Room 224 & Videoconference

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers, and utility companies. LURF's mission is to advocate for reasonable, rational, and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF appreciates the opportunity to present comments regarding SB 77 in support of the various agricultural stakeholder groups who defend the goals of viable agricultural operations and the conservation and protection of agriculture in Hawaii.

SB 77. The underlying intent of this bill is to effectuate and facilitate the transfer of certain public lands classified for agricultural use from the DLNR to the DOA pursuant to Act 90, Session Laws of Hawaii (2003) (Act 90); Chapter 166E, Hawaii Revised Statutes; and for the purposes and in a manner consistent with Article XI, Section 10, of the Hawaii Constitution, which establishes that “the public lands shall be used for the development of farm and homeownership on as a widespread a basis as possible, in accordance with procedures and limitations prescribed by law.”

In furtherance of said transfer of public lands, an Act 90 working group was established by Act 139, Session Laws of Hawaii 2021, which group has determined that certain lands under the DLNR used for “the primary and substantial management objective of agricultural production” should be transferred to the DOA if an easement were provided to allow DLNR or the public to access an adjacent parcel.

The purposes of this bill specifically include the adoption of a recommendation from the Act 90 working group that authorizes the DOA to request from the DLNR, prior to any transfer of certain qualifying non-agricultural park lands, any information related to the establishment of necessary and reasonable easements upon the lands.

SB 77 requires the DOA to accept the transfer of and manage certain qualifying non-agricultural park lands, as well as to inquire with the DLNR regarding any easements required for access to landlocked forest reserves. The measure also requires the lessee to develop a conservation plan, and the approval of both the BLNR and BOA before removing pasture lands for reforestation or other public purposes.

In short, this bill authorizes the transfer agricultural lands to DOA, but also ensures that DLNR will continue to retain access to landlocked forest reserves, and leaseholders to maintain a conservation plan.

LURF’s Position. LURF members include property owners, farmers and ranchers who own, maintain, and engage in agricultural enterprises, and who consider efforts to protect and support agriculture significant to the continued conduct of their operations and to help sustain and preserve farming and ranching businesses into the future.

Many farmers and ranchers have been awaiting the transfer of their land leases from the DLNR to the DOA pursuant to Act 90, which was enacted to ensure long-term productive use of public agricultural lands to be managed by the DOA, which department is better suited to administer agricultural lands. The now 20-year delay of the anticipated transfers, however, has impaired the ability of productive farmers and ranchers to establish and implement long-term plans for their operations, and to confidently continue their production.

LURF understands that when land is taken out of management, Hawaii’s environment and the increasing prevalence of invasive species make it costly and difficult to return agricultural operations back to productive working order. It is therefore imperative that these operating agricultural businesses be afforded full support.

LURF appreciates that this measure promotes cooperation between the DOA and DLNR; understands the significance of effectuating and facilitating the transfer of certain public lands classified for agricultural use from the DLNR to the DOA pursuant to Act 90; recognizes that the DOA can best advance and sustain the needs of agriculture and the agricultural industry in Hawaii; and acknowledges the need of the DOA to be provided with information relating to the establishment of reasonable and necessary easements upon those lands in order that it can best advance and sustain the needs of agriculture and the agricultural industry in this State.

LURF therefore fully supports SB 77, particularly since the bill recognizes the need for establishment of a collaborative working relationship between the DLNR and the DOA and makes more significant effort to advance the transfer of agricultural lands.

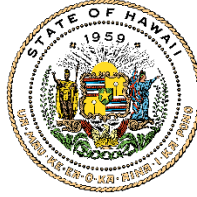
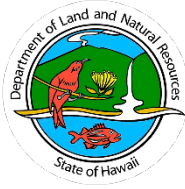
LURF further believes that continued collaboration between the departments as well as input from all stakeholders regarding such transfers, and the establishment of clear, consistent, well-defined, and mutually agreed upon processes are vital to accomplish the long-awaited transfers and leases of land effectively and successfully.

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

Thank you for the opportunity to present comments and concerns regarding this measure.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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- what resources are on the land,
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The perceived need to transfer pasture leases to DOA can be relieved by providing the DLNR with statutory powers similar to those exercised by DOA in the management of its leases. Another bill introduced this Session, House Bill 14, seeks to give DLNR the authority to amend

2 [1992 Hawai'i State Land Use District Boundary Review](#).

existing pasture leases and issue new pasture leases by direct negotiation that that would allow DLNR to base rent on the value of the land's agricultural uses instead of charging fair market rent as Chapter 171, HRS, currently requires.

Senate Bill 77 would have severe negative impacts on DLNR and the natural resources it stewards. DLNR requests that the Committees respect the findings of the Act 90 Working Group and allow DLNR to continue to manage multiple-use agricultural lands in a collaborative relationship with DOA.

Mahalo for the opportunity to testify in opposition to this measure.



SUMMARY

DESCRIPTION

EXPECTED BENEFITS





LEGISLATIVE PROPOSALS

The Act 90 Working Group recommends DLNR receive flexibility under Chapter 166E, HRS to amend, extend, and issue new leases by negotiation. The perceived need to transfer pasture leases to the DOA can be relieved by providing the DLNR with statutory powers similar to DOA's, facilitating long-term tenure and stability for ranchers.



PASTURE LAND CONSERVATION VALUES



Water



Fire & Forest Health



Native Ecosystems



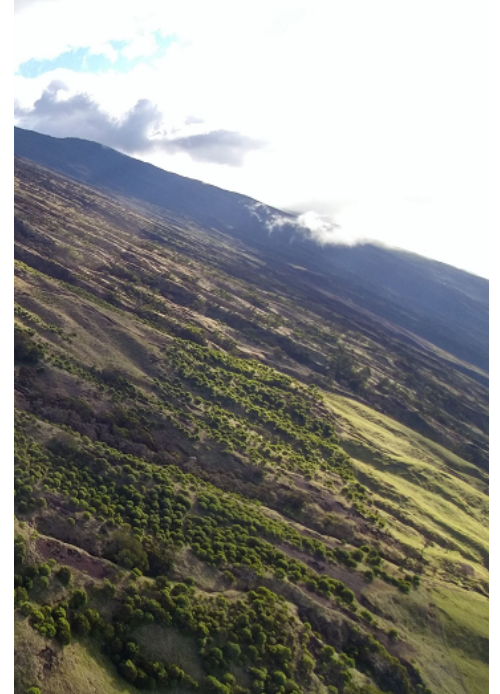
Forestry



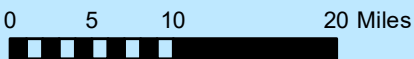
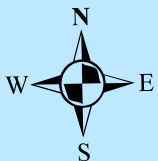
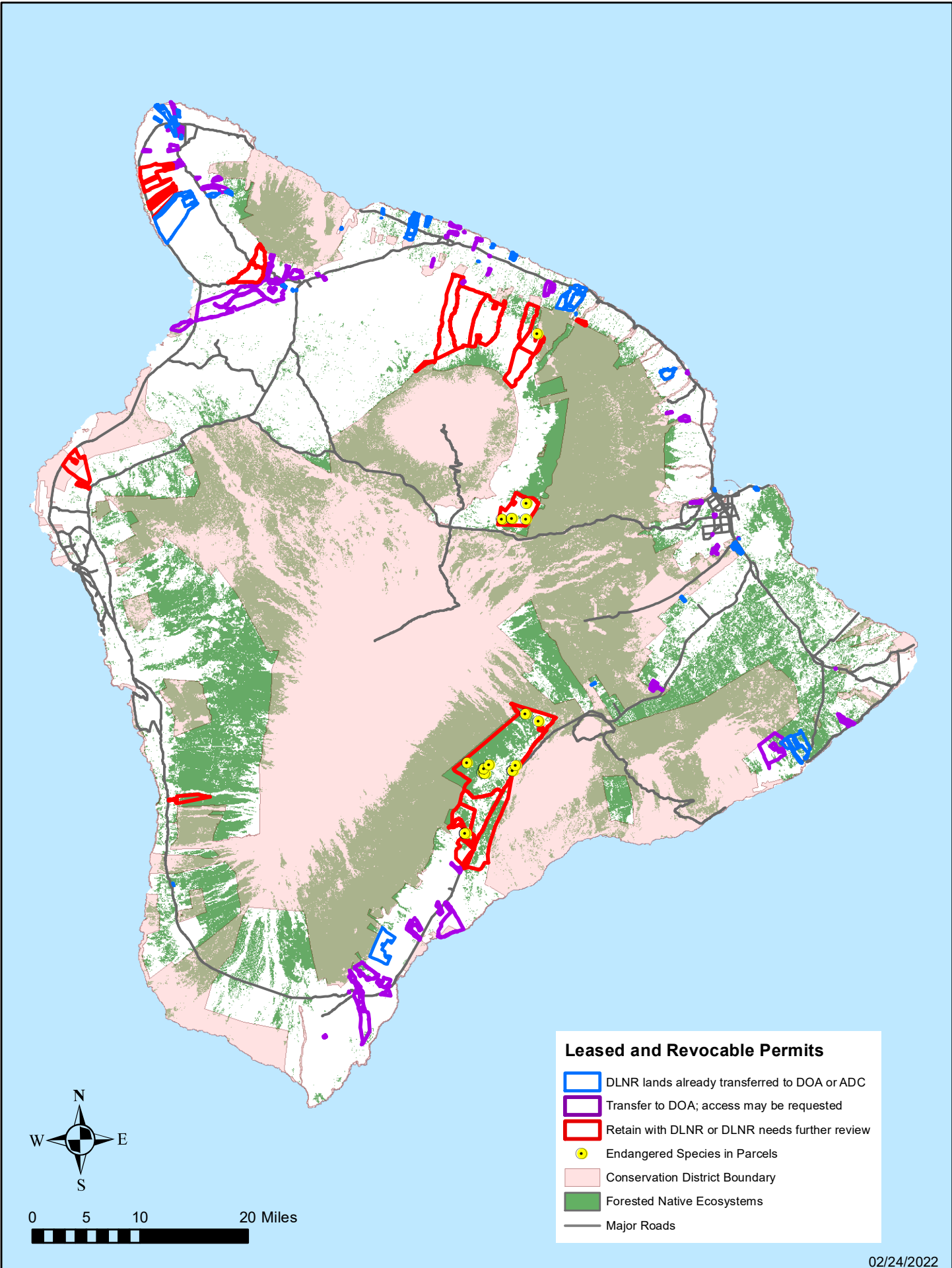
Recreation

DLNR PARTNERSHIPS WITH RANCHERS

CLIMATE CHANGE AND CARBON NEUTRALITY

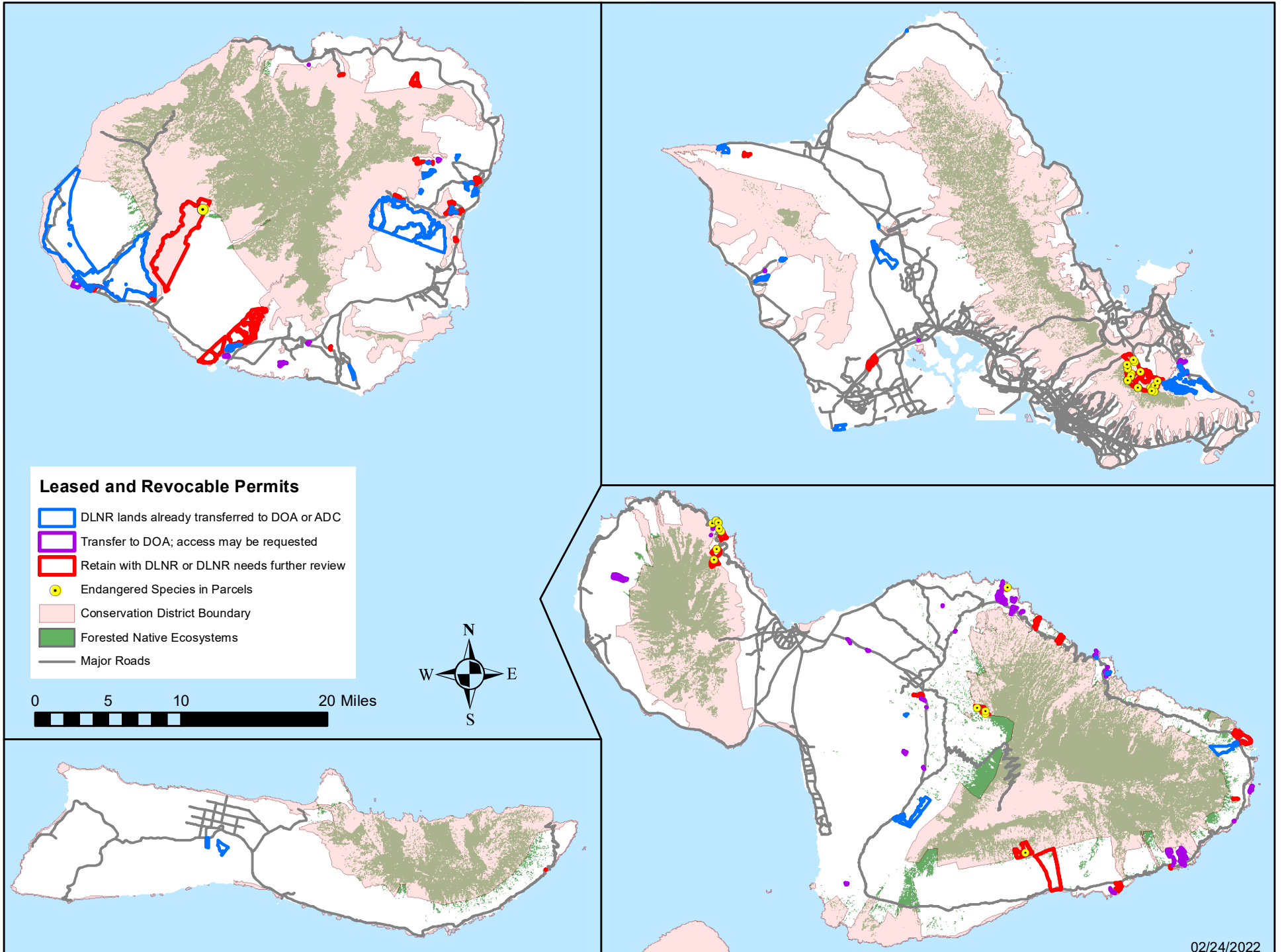


CONTACT PERSON



Leased and Revocable Permits

- DLNR lands already transferred to DOA or ADC
- Transfer to DOA; access may be requested
- Retain with DLNR or DLNR needs further review
- ☺ Endangered Species in Parcels
- Conservation District Boundary
- Forested Native Ecosystems
- Major Roads





SB77
RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS
Senate Committee on Agriculture and Environment
Senate Committee on Water and Land

February 3, 2023

1:00 PM

Room 224

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on **SB77**, which would authorize the transfer of certain public lands from the jurisdiction of the Department of Land and Natural Resources (DLNR) to the Department of Agriculture (DOA) for farm and home ownership, which could potentially result in the alienation of public lands from the public land trust.

OHA wishes to emphasize that this measure would authorize the transfer of public lands to DOA, thereby facilitating the potential permanent alienation of public lands from the public land trust which exists for the benefit of present and future generations¹ and to which OHA possesses a vested interest² in for the betterment of conditions of Native Hawaiians.³ Pursuant to HAR §4-158-2(15), DOA has the power to “conduct all public auctions and drawings pertaining to the disposition of public lands and other property authorized by the board[.]”

OHA wishes to emphasize that the Crown and Government lands of the Hawaiian Kingdom, often referred to as “Ceded Lands” of the Public Land Trust corpus, are continuously held in trust for the betterment of the conditions of Native Hawaiians.⁴ In addition to its codification within the Hawai‘i Admissions Act, lawmakers sought to ensure the continuous uplifting of Native Hawaiian socio-economic status through the creation of OHA and the enacting of these principles into State law.⁵ OHA serves as the principal public agency of the State responsible for the programs and activities of Native Hawaiians,⁶ whose well-being is often positively impacted by the programs and services funded by revenue from the public land trust.

¹ Haw. Stat. Con. Art. XI, Sec. 1 (1978).

² Haw. Stat. Con. Art. XII, Sec. 4 (1978) and Haw. Stat. Con. Art. XII, Sec 6 (1978).

³ Pub. L. 86-3, 73 Stat. 4, Sec. 5(b) (1959).

⁴ Pub. L. 86-3, 73 Stat. 4; Hawai‘i Admissions Act of 1959.

⁵ HRS §10-3.

⁶ Id.

This measure would essentially establish a mechanism that would violate the State's fiduciary obligations under the public trust and public land trust by leading to the alienation of public and "ceded" lands. Under Article 11, section 1 of the Hawai'i State Constitution and Chapter 171, Hawai'i Revised Statutes (HRS), the State through the BLNR holds in trust approximately 1.3 million acres of public lands, including the natural and cultural resources they contain, for the benefit of present and future generations. Much of these lands are also subject to the Public Land Trust created by Article 12 of the Hawai'i State Constitution and section 5(f) of the Admission Act, which requires that a portion of revenues derived from Public Land Trust lands be dedicated to OHA, for the purpose of bettering the conditions of Native Hawaiians. **The trust status of these lands imposes upon the State specific fiduciary obligations of due diligence and undivided loyalty in ensuring its trust corpus is productive and that its benefits are maximized for Native Hawaiian and public beneficiaries.**

While OHA is and will continue to be a staunch advocate for agricultural producers, many of whom are Native Hawaiian hānai 'ai (food-producer practitioners), we are concerned that the proposed measure, as written, would allow for perpetual leases of agricultural lands, effectively putting public lands into private ownership and control, contrary to the public interest and the purposes of the Public Land Trust. **Should the Committee choose to move this measure forward, OHA does offer amendments below that would mitigate our concerns:**

(g) Removal of any land pursuant to subsection (e) shall be subject to the prior approval by the board of land and natural resources of a feasible and funded action plan submitted by the division of forestry and wildlife for reforestation or other conservation purposes on current pasture lease lands; nor shall any land be crown and government lands commonly referred to as "ceded lands" that were conveyed to the State by virtue of section 5(b) and 5(f) of the Act of March 18, 1959 (73 Stat. 4, the Admissions Act).

OHA appreciates the opportunity to provide comments on this measure and respectfully asks that the Committees **accept our recommendation to mitigate our concerns with SB77.** Mahalo nui loa.

McCandless Ranch
Keith Unger

SB77 Support

McCandless Ranch strongly supports SB77 because it will keep ranchers in business.

It is essential to Hawaii that ranchers stay in business. Ranchers are everyday boots on the ground working to secure and increase Hawaii's local food production. Well managed ranch lands encourage healthy soils and coverages, is a barrier to invasive species, mitigates flood damage and minimizes fire hazards. Well managed soils sequester more carbon than well managed forests.

Should these ranch lands ever be taken back by DLNR, they will forever be lost to ranching and food production, and will deal a blow to Hawaii's Food Sustainability Goals.

The Hawaii Cattlemen's Council works tirelessly to attract and encourage young ranchers, but it is difficult. Transferring Ag lands to the Department of Agriculture ensures existing and future ranchers an opportunity to invest in the industry (or continue to invest) knowing that the state supports them with long term, ag friendly lease.

McCandless supports SB77 because it corrects loopholes in the original Act 90, (ie no longer requires mutual consent by both Department of Ag and DLNR and requires the Department of Agriculture to accept the transfer of all qualifying lands) and encourages open dialogue between the Department of Agriculture and DLNR in regard to easements and access to these lands.

In regard to SB77's requirement to commit to a conservation plan, not a problem because we are already doing the conservation work. Our livelihood depends on well managed lands.

The Act 90 concept of transferring working, qualified agricultural lands to the Department of Agriculture is long overdue. SB77 appropriately modernizes Act 90 to allow these transfers.



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair

Senator Herbert M. "Tim" Richards, III, Vice Chair

COMMITTEE ON WATER AND LAND

Senator Lorraine R. Inouye, Chair

Senator Brandon J.C. Elefante, Vice Chair

SB77

RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS

Friday, February 3, 2023, 1:00 PM
Conference Room 224 & Videoconference

Chairs Gabbard and Inouye, Vice Chairs Richards and Elefante, and Members of the Committee,

The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four 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 **strongly supports SB77** regarding the transfer of non-agricultural park lands. This bill requires the Department of Agriculture to accept the transfer of and manage certain qualifying non-agricultural park lands. It also requires the Department of Agriculture to inquire with the Department of Land and Natural Resources regarding any easements required to landlocked forest reserves and requires the lessee to develop a conservation plan. It requires approval of both boards before removing pasture lands for reforestation or other public purposes.

This bill will transfer agricultural lands to DOA, but also ensures that DLNR still has access to landlocked forest reserves, and requires the leaseholder to continue to maintain their conservation plan.

The purpose of Act 90, 2003 is to ensure the long-term productive use of public agricultural lands by allowing these lands to be transferred to and managed by the Department of Agriculture. This bill ensures that the purpose of Act 90, 2003 is realized and guided by the identification of agricultural lands, including all lands designated as intensive agricultural use, special livestock use, and pasture use, rather than the current situation of land transfers blocked by the impediment of mutual agreement by both boards. This unnecessary impediment has resulted in leaseholders still waiting for their agricultural lands to transfer to the Department of Agriculture 20 years later.

Ranchers are proponents for stewarding the land well and will continue to implement conservation practices when leases are transferred to DOA—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. If the state truly wants to support agriculture, transferring agricultural lands from DLNR to DOA will help many productive



leaseholders continue their production and land stewardship with confidence that they will be supported in their agricultural operations.

According to the State Ag Land Use Baseline, 1.1 million acres of the state's land was in grazing use in the 1980s. In 2015, that number dropped to 761,000 acres. The 2020 State Ag Land Use Baseline reports that pasture continues to decline on Oahu and Hawaii Island. Astute land stewards are well aware that when land is taken out of management, Hawaii's environment and prevalence of invasive species make it costly and difficult to get it back to working order. It is extremely important that we support those who are still operating as agricultural businesses. This bill would do that by transferring agricultural leases to the department that holds agriculture as a priority.

We appreciate the opportunity to testify on this priority for our industry.

Nicole Galase
Hawaii Cattlemen's Council



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

Hawai'i Alliance for Progressive Action (HAPA) Opposes: SB77

Friday, February 3rd, 2023 at 1pm, Conference Room 224

Aloha Chair Inouye/Gabbard, Vice Chair Elefante/Richards and Members of the Committees,

HAPA opposes SB77, which 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, among other changes.

SB77 would reduce the state's ability to ensure appropriate management for tens of thousands of acres of public lands that may host important ecological and cultural resources and sites and that may also be critical to watershed integrity and our islands' water security.

Approximately 100,000 acres of public lands that would be transferred under this bill are crucial watershed lands that have been used on a temporary basis for cattle grazing. If transferred to the Department of Agriculture, these public lands could be opened to ranching activities including unrestricted grazing and clear cutting of forests, and access for hiking, hunting, and cultural traditions would be jeopardized. It is appropriate for the agency responsible for managing the state's watersheds, native species habitat, cultural sites, and other public trust values in our public lands to maintain its management responsibility over these high-value lands.

We ask that you please defer SB77. Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Anne Frederick', written in a cursive style.

Anne Frederick
Executive Director



MAUI COUNTY FARM BUREAU

PO Box 148, Kula, HI 96790
mauicountyfarmbureau.org

TESTIMONY

COMMITTEE ON AGRICULTURE AND ENVIRONMENT
COMMITTEE ON WATER AND LAND

February 3, 2023

1:00 PM

Conference Room 224

SB 77

RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS

Chair Gabbard, Chair Inouye and Members of the Committees:

Maui County Farm Bureau (MCFB) appreciates this opportunity to testify on this important issue. MCFB is a general agriculture advocacy organization representing farm and ranch families and organizations on the island of Maui.

MCFB strongly supports SB77, relating to the transfer of non-agricultural park lands.

Hawaii is at a critical time in agriculture. There are many new entrepreneurial farms and ranches are developing with an associated demand for land. Challenges with leases on privately held lands have created a demand for lease of state ag lands. While some of the DLNR lands have viable agricultural operations, some lands are vacant and provide opportunities for expansion of the State ag park system.

Hawaii needs a strategy to provide long term lease for agricultural operators. In the mean time, this measure provides a solution to ensure that successful operations on these lands can continue to invest and provide towards Hawaii's goal of increased self sufficiency while providing opportunities for new operators.

MCFB respectfully requests your strong support of SB77 transferring agricultural lands under DLNR jurisdiction to HDOA. MCFB also supports the condition requiring a conservation plan, that is consistent with State and County law.

Thank you for this opportunity to provide our opinion on this matter. Please contact Warren Watanabe at 8082819716 if there are any questions.

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

SB77, Relating to The Transfer of Non-Agricultural Park Lands
Senate WTL/AEN Hearing
Friday, February 3, 2023 – 1:00pm
Room 224
Testimony By: Larry Jeffs
Position: Support

Chairs Gabbard and Inouye, Vice Chairs Richards III and Elefante, and Members of the Senate WTL/AEN Joint Committee:

I am Larry Jeffs, owner and operator of Larry Jeffs Farms, LLC. We have more than 42 years of Hawaii farm experience on Molokai and Oahu. Our family farms produce about 1 million pounds weekly of import replacement produce. I am a volunteer director, serving as Chair of the West Oahu Soil and Water Conservation District (SWCD). I have been an officer of the Hawaii Farm Bureau for many years.

The pandemic has increased public awareness of the need for import replacement agriculture production. Pasture lands for ranchers can be an expanded contributor to import replacement production.

This transfer of certain non-agricultural park lands from DLNR to the DOA is supported. The transfer is long overdue and creates 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.

This measure removes process barriers and identifies certain requirements that address the concerns of DLNR and DOA. We strongly support these requirements:

- Requires DOA to accept the transfer of and manage certain qualifying non-agricultural park lands; removes the need for mutual agreement by both boards
- Requires DOA to ask DLNR about any required easements to landlocked forest reserves; assures DLNR access
- Requires lessee to develop a conservation plan; ensures and emphasizes the stewardship role of ranchers
- Requires both boards to approve the removal of pasture lands for reforestation or other public purposes; increases assurance the lands are supported for agricultural production

Your consideration of support for SB77 is appreciated and needed.

Thank you for the opportunity to provide testimony.



SIERRA CLUB OF HAWAI'I

SENATE COMMITTEES ON WATER AND LAND AND AGRICULTURE AND THE ENVIRONMENT

February 3, 2023

1:00 PM

Conference Room 224

In **OPPOSITION** to **SB77**: Relating to the transfer of non-agricultural park lands

Dear Chair Inouye, Chair Gabbard, Vice Chair Elefante, Vice Chair Richards, and members of the Committees,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **OPPOSES SB77**, which may result in the loss of critical protections for nearly one hundred thousand acres of public watershed lands currently managed by the Department of Land and Natural Resources ("DLNR").

Watersheds and public trust uses of public lands need continued protection

The Sierra Club has significant concerns regarding this measure's potential unintended impacts on the range of public interests, including watershed protection, that may arise from the forcible transfer of "pasture" lands from the DLNR to the Department of Agriculture ("DOA"). By removing the Board of Land and Natural Resources' ("BLNR's") discretion as to what public agricultural lands should be surrendered to the Department of Agriculture, this bill would curtail if not eliminate the DLNR's ability to apply its considerable staff expertise and capacity to manage agricultural land uses, including livestock cultivation and the clearing of remnant native forests, that may otherwise impact native species habitat, cultural sites, public and practitioner access for recreational and cultural purposes, and watershed integrity critical to maintaining our islands' water cycle in the era of climate change.

Agriculture and conservation can coexist

The Sierra Club does appreciate that this bill allows the BLNR to designate certain agricultural lands as conservation lands and thereby retain control over these lands. However, this may result in the unnecessary foreclosure of agricultural practices that may otherwise be compatible with non-agricultural values of reclassified conservation land, or in unnecessary impacts to non agricultural values and interests in lands otherwise primarily used for agriculture. In many cases, agriculture and conservation values, as well as broader public and cultural interests, can be maintained on the same parcels of land, but only with sufficient management expertise and capacity to facilitate and balance both. Requiring the BLNR to choose between agricultural and conservation uses will prevent this balance from being realized.

Access easements alone cannot protect the full range of public interests in these lands

The Sierra Club appreciates that this bill provides the BLNR with the ability to request access

easements prior to the issuance of a lease for lands transferred from the DLNR to the DOA. However, access easements alone are not sufficient to protect the range of important public interests in transferred lands. For example, easements would not allow for the protection of cultural sites or native and endangered species habitat on transferred land parcels, and would not provide for the management measures needed to ensure that certain land uses, such as ungulate grazing, do not result in runoff and other impacts to adjacent watershed and shoreline areas.

Conservation plans and programs and soil and water conservation district rules will lack sufficient subject matter scope and are unlikely to be reliably enforced

Finally, the Sierra Club acknowledges that this draft would provide for future pasture land lessees to, in some instances, develop a conservation program, consistent with a conservation plan approved by the chair of the board of agriculture, and comply with soil and water conservation district rules and regulations. However, it is unclear whether and how such conservation programs or plans or soil and water conservation district rules and regulations will reflect or incorporate the necessary expertise to address the full breadth of public interests in these leased lands, including natural and cultural resource protection and the protection of adjacent watershed areas. Moreover, it is unclear how the department of agriculture will have sufficient management and oversight capacity to monitor compliance with and enforce the provisions of any such plans or programs, even and especially if they were sufficient in breadth.

BLNR discretion to retain lands should be maintained

For the reasons above, the Sierra Club respectfully urges the Committees to ensure that the discretion granted to the BLNR to retain certain agricultural or pasture lands, as reflected in Act 90, be retained.

For these reasons, we urge the Committees to **HOLD** SB77. Thank you very much for this opportunity to testify.



Email: communications@ulupono.com

SENATE COMMITTEES ON WATER & LAND AND AGRICULTURE & ENVIRONMENT
Friday, February 3, 2023 — 1:00 p.m.

Ulupono Initiative supports SB 77, Relating to the Transfer of Non-Agricultural Park Lands.

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

My name is Micah Munekata, and I am the Director of Government Affairs at Ulupono Initiative. We are a Hawai'i-focused impact investment firm that strives to improve 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 choices, and better management of freshwater resources.

Ulupono supports SB 77, which authorizes the Department of Agriculture to request information from the Department of Land and Natural Resources related to the establishment of necessary and reasonable easements upon the lands before the transfer of non-agricultural park lands; amends legislative findings regarding non-agricultural park lands; requires the Department of Agriculture to accept the transfer of and manage certain qualifying non-agricultural park lands; 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 the lessee to develop a conservation program and plan if conservation resources exist on the land; and, 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.

Ulupono continues to support the local livestock industry and its efforts to provide fresh, healthy products for Hawai'i's consumers. Additionally, the local livestock industry prides itself on being stewards of the land, providing needed conservation efforts to increase productivity and yields while also supporting Hawaii's natural resources.

We continue to 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.

Investing in a Sustainable Hawai'i



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. If we as a community are serious about supporting local food production and agriculture's role here in Hawai'i, we must support our local farmers and ranchers now.

Thank you for the opportunity to testify on this measure.

Respectfully,

Micah Munekata
Director of Government Affairs

SB-77

Submitted on: 2/2/2023 4:16:52 AM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alan Gottlieb	Testifying for Ponoholo Ranch Limited	Support	Written Testimony Only

Comments:

Please support SB 77



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 1, 2023

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

TESTIMONY ON SB 77
RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS

Conference Room 224 & Videoconference
1:00 PM

Aloha Chairs Inouye and Gabbard, Vice-Chairs Elefante, and Richards, and Members of the Committees:

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 supports SB 77 and urges you to pass this much-needed measure that will make a real difference to Hawai'i's farmers who are working to increase food production in the islands while stewarding the land they farm.

This bill recognizes that food production and natural resource conservation are equally important, constitutionally protected public purposes, not mutually exclusive, and that both must be achieved.

Long overdue to resolve a 20-year state of limbo

The bill will finally resolve the stagnation resulting from Act 90 of 2003, which was intended to ensure the long-term productive use of public land leased for agricultural purposes by transferring certain of those lands from DLNR to DOA. During all these years, ag producers have had no stability or security to conduct long-term planning and investments.

Bill addresses DLNR and public trust concerns

Much of the controversy about the lease transfer issue stems from the misperception that transferring lands in agricultural production to DOA will take away from its mission. This bill continues DLNR's duty and ability to protect native species habitat, cultural sites, public and practitioner access for recreational and cultural purposes, and watershed integrity. And it goes even further – it requires three-agency natural resource oversight to ensure that public interests are protected.

DLNR retains its management responsibility and authority to manage natural resources

DLNR retains its management responsibility and authority to manage natural resource assets no matter which agency holds the lease.

- All transferred leases will be subject to DLNR easements or rights of entry established to allow access to conservation activities, hunting, gathering, and recreation.
- Farmers and ranchers are required to work with the DLNR Soil and Water Conservation Districts to develop and implement an enforceable conservation program.
- The program will dictate practices and systems to protect the land against deterioration and prevent environmental degradation.
- No leases will be offered unless DOA staff reviews and the Board of Agriculture approves them. The Board has the ability and duty to require and enforce specific conditions protecting the property's natural resources AND can cancel leases when appropriate.

These DLNR lands are already being stewarded by agricultural producers who rely on the conservation of natural resources for their livelihood. Providing them with support and beneficial lease terms under the DOA will only further their ability to make investments in conservation efforts on the land.

Withdrawal of the lease and reforestation is still available

DLNR will not lose its ability to reforest pasture lands.

- The bill authorizes agriculturally leased lands to be withdrawn for reforestation when there is a DLNR plan and adequate resources available for implementation.
- As can be seen, by the many acres of land already withdrawn for reforestation, no one benefits when farms are prematurely taken out of production only to lay fallow, become vulnerable to fires, or be inundated with suffocating invasive weeds, diseases, and destructive feral animals because no one is on the land to manage it.

Best interest of the public

Hawai'i's food producers are an important part of the State'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 further decades of debate about which agency controls their existence when it is the mission of one agency, DOA, to foster agriculture in Hawai'i, while collaborating with DLNR to ensure the protection of natural resources.

Thank you for the opportunity to provide our comments and thank you for your continued support of Hawai'i's agricultural community.

**Testimony of The Nature Conservancy
Opposing SB 77, Relating to the Transfer of Non-Agricultural Park Lands.**

**Committee on Agriculture and Environment
Committee on Water and Land
February 3, 2023, 1:00 pm
Conference Room 224 and via Videoconference**

Aloha Chair Gabbard, Chair Inouye, Vice Chair Richards, Vice Chair Elefante, and Members of the Committees:

The Nature Conservancy (TNC) opposes SB 77, Relating to the Transfer of Non-Agricultural Park Lands, which would require the transfer of lands from the Department of Land and Natural Resources (DLNR) to the Department of Agriculture (DOA).

TNC opposes requiring automatic transfers of non-agricultural park lands from DLNR to DOA without Board of Land and Natural Resources (BLNR) approval. The pasture lands under DLNR management are comprised of remnant native forest but allow for grazing. These are lands that have never been plowed nor have the native forests been clear cut. They also contain remnant forests which are critical to Hawai'i's water security, provide habitat for Hawai'i's unique and vulnerable plant and animal species, offer a buffer to slow the spread of invasive species into more pristine native forest, sequester carbon, reduce erosion that smothers nearshore fisheries that are an important part of our food security, as well as provide access for management, recreation, and traditional gathering. Retaining pasture lands under DLNR is critical for Hawai'i's climate change resilience.

TNC supports individual reviews of parcels to determine whether the land in question should be managed by DOA or DLNR. As such, we support HB 14, which would authorize the BLNR to amend and extend existing pasture leases and to issue new pasture leases by negotiation in furtherance of public purposes. This authority would allow the Board flexibility in leasing pasture lands while protecting high value resource portions of the leased land. BLNR has the expertise and responsibility to consider other factors, such as forest, recreation, cultural and historical preservation, etc. when deciding what should be transferred.

Acknowledging that the current revocable lease situation is challenging for ranchers, TNC supports the highest and best use of these lands and believes DLNR's oversight of them provides more land use options for the people of Hawai'i, today and for generations in the future.

Mahalo for the opportunity to provide comments on SB 77.

The Nature Conservancy of Hawai'i and Palmyra is a non-profit organization dedicated to the preservation of the lands and waters upon which all life depends. The Conservancy has helped protect more than 200,000 acres of natural lands in Hawai'i and Palmyra Atoll. We manage 40,000 acres in 13 nature preserves and work in over 50 coastal communities to help protect and restore the nearshore reefs and fisheries of the main Hawaiian Islands. We forge partnerships with government, private parties, and communities to protect forests and coral reefs for their ecological values and for the many benefits they provide to people.

BOARD OF TRUSTEES

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Duncan MacNaughton Jean E. Rolles Crystal K. Rose Nathan E. Smith

Founders: Samuel A. Cooke Herbert C. Cornuelle

SB-77

Submitted on: 2/2/2023 10:39:55 AM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cara Oba	Testifying for HECA Carbon Sequestration Task Force	Oppose	Written Testimony Only

Comments:

Aloha Kakou Agriculture and Environment Committee Chair Gabbard, Water and Land Chair Inouye, and Members of both Committees,

SB77 is an improper compromise in addressing the concerns of Act 90's implementation. The Act 90 Working Group recommended that lands with multiple management objectives remain under the Department of Land and Natural Resources management. With this bill, the transference of all non-agricultural park lands designated for agricultural purposes to Department of Agriculture would effectively ignore and terminate any multi-use land management objectives. SB77 removes the authority and support of BLNR and DLNR respectively in the management of multi-use lands.

Hawai'i is land-limited and we need to use our lands to serve community needs first. We need to find balance and provide for both our water and food security needs. Climate change impacts of drought, wildfire, and erosion will require us to manage lands judiciously. It is within DLNR's purview to provide that type of guidance and support in assessing our communities' evolving risks and needs. They are able to work with farmers and ranchers on issues of invasive species, habitat conservation, and reducing fire risk. DLNR also considers quality of life for our communities regarding access to lands for hunting and recreation. Lands that are solely for agriculture have and continue to be transferred to DOA. It is the multi-use lands that are our primary concern. The Hawaii Environmental Change Agents Carbon Sequestration Task Force strongly opposes this bill.

Mahalo,

Cara Oba

Carbon Sequestration Task Force

Hawaii Environmental Change Agents (HECA)

SB-77

Submitted on: 2/2/2023 11:35:30 AM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Scott Enright	Testifying for Hawaii Sustainable Beef Enterprises	Support	Written Testimony Only

Comments:

My name is Scott Enright and on behalf of Hawaii Sustainable Beef Enterprises, LLC (HSBE), a ranching and beef processing company operating statewide, we strongly support SB 77.

In Hawaii, historically, the ranching community has been a productive agricultural sector and excellent stewards of the land. We, in this State and here at the legislature, often discuss food sustainability issues. The ranchers in Hawaii have been successfully running cattle in the state for 150 years, that is food sustainability. The purpose of Act 90, 2023 is to ensure the long-term productive use of public agricultural lands by allowing these lands to be transferred to and managed by the Department of Agriculture. This bill ensures that the purpose of Act 90, 2023 is realized. As a former Chair of Hawaii Department of Agriculture, in the Abercrombie and Ige Administration, I personally worked on the issue surrounding Act 90 for years and understand that moving this bill forward is in the best interest of the State. HSBE appreciates the opportunity to testify and strongly supports the Committee to move this bill forward.



1 February 2023
Kihei, Maui, Hawaii

Dear Committee Members-

I am presenting this testimony on behalf of the Maui Nui Marine Resource Council to state our strong opposition to SB 77 which would require the transfer of DLNR-managed non-agricultural parklands to HDOA and eliminate required DLNR review and approval of such transfers.

Act 90 (2003) established a balanced process to transfer non-agricultural parklands from DLNR to HDOA upon the mutual agreement of the Board of Land and Natural Resources (BLNR) and Board of Agriculture (BOA). This year's bills SB 77 (and HB 698) seek to amend Act 90 by mandating the transfer of approximately 100,000 acres from DLNR to HDOA without BLNR reviewing these parcels for their suitability for transfer. These bills both contradict the findings of the 2021 Act 909 Working Group and the original intent of Act 90, which requires review by both the BLNR and the BOA.

The Act 90 Working Group, which the Legislature created, recommended that "certain agricultural lands under DLNR have multiple management objectives, which can include agricultural production, forestry, native forest restoration, watershed protection, habitat conservation, public recreation, fire fuel suppression, and other public purposes which fall within DLNR's purview and mission. These multiple-use lands should remain under DLNR's management." The BLNR has the expertise and responsibility to consider factors beyond agricultural suitability when deciding what should be transferred.

Keeping certain pasture lands under DLNR is critical for Hawaii's climate change resilience and safeguarding a range of ecosystem services such as protecting freshwater recharge and reducing erosion that smothers nearshore fisheries. Many of the lands affected by SB 77 contain old-growth native forest, endangered species, public hunting, trails, historic sites, traditional and customary cultural practices, access to the shoreline and mauka lands, and other public trust values and are most appropriately managed under DLNR. In contrast, DOA-managed forests in the agricultural district are unprotected. They can be clear-cut or otherwise converted to non-forest uses. DLNR provides necessary oversight to safeguard their natural and cultural uses.

HB 14, a viable alternative to both SB 77 and HB 698, gives DLNR the ability to negotiate lease terms with the ranchers similar to DOA but continues DLNR oversight to protect natural resources. HB14 provides a balanced approach, consistent with the Act

90 Working Group's recommendations, to address the rancher's need for long-term tenure and stability. DLNR further provides funding for ranchers to remove invasive species, reduce fuel loads to lower the risk of wildfires, and grow trees for conservation, carbon sequestration credits, or sustainable harvest of wood products. DLNR provides flexibility and support for many land uses, which may be key to ensuring future economic viability across these lands.

Again, the Maui Nui Marine Resource Council agrees with the findings of the Act 90 Working Group, finds a viable alternative to SB 77 in HB 14, and is strongly opposed to SB 77 moving forward. Please hold SB 77.

Mahalo nui for allowing me to testify on this important matter.

John Starmer,

A handwritten signature in blue ink, appearing to read 'John Starmer', written over a light blue horizontal line.

Chief Scientist and Communications Coordinator,
Maui Nui Marine Resource Council

SB-77

Submitted on: 2/2/2023 12:01:02 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nathaniel Myers	Testifying for Waihunahuna Foundation	Support	Written Testimony Only

Comments:

Aloha Chairs Inouye and Gabbard, Vice-Chairs Elefante, and Richards, and Members of the Committees:

I support SB 77 and urge you to pass this much-needed measure that will make a real difference to Hawai‘i’s farmers who are working to increase food production in the islands while stewarding the land they farm.

This bill recognizes that food production and natural resource conservation are equally important, constitutionally protected public purposes, not mutually exclusive, and that both must be achieved.

Long overdue to resolve a 20-year state of limbo

The bill will finally resolve the stagnation resulting from Act 90 of 2003, which was intended to ensure the long-term productive use of public land leased for agricultural purposes by transferring certain of those lands from DLNR to DOA. During all these years, ag producers have had no stability or security to conduct long-term planning and investments.

Bill addresses DLNR and public trust concerns

Much of the controversy about the lease transfer issue stems from the misperception that transferring lands in agricultural production to DOA will take away from its mission. This bill continues DLNR’s duty and ability to protect native species habitat, cultural sites, public and practitioner access for recreational and cultural purposes, and watershed integrity. And it goes even further – it requires three-agency natural resource oversight to ensure that public interests are protected.

DLNR retains its management responsibility and authority to manage natural resources

DLNR retains its management responsibility and authority to manage natural resource assets no matter which agency holds the lease.

- All transferred leases will be subject to DLNR easements or rights of entry established to allow access to conservation activities, hunting, gathering, and recreation.
- Farmers and ranchers are required to work with the DLNR Soil and Water Conservation Districts to develop and implement an enforceable conservation program.
- The program will dictate practices and systems to protect the land against deterioration and prevent environmental degradation.

- No leases will be offered unless DOA staff reviews and the Board of Agriculture approves them. The Board has the ability and duty to require and enforce specific conditions protecting the property's natural resources AND can cancel leases when appropriate.

These DLNR lands are already being stewarded by agricultural producers who rely on the conservation of natural resources for their livelihood. Providing them with support and beneficial lease terms under the DOA will only further their ability to make investments in conservation efforts on the land.

Withdrawal of the lease and reforestation is still available

DLNR will not lose its ability to reforest pasture lands.

- The bill authorizes agriculturally leased lands to be withdrawn for reforestation when there is a DLNR plan and adequate resources available for implementation.
- As can be seen, by the many acres of land already withdrawn for reforestation, no one benefits when farms are prematurely taken out of production only to lay fallow, become vulnerable to fires, or be inundated with suffocating invasive weeds, diseases, and destructive feral animals because no one is on the land to manage it.

Best interest of the public

Hawai'i's food producers are an important part of the State'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 further decades of debate about which agency controls their existence when it is the mission of one agency, DOA, to foster agriculture in Hawai'i, while collaborating with DLNR to ensure the protection of natural resources.

Thank you for the opportunity to provide our comments and thank you for your continued support of Hawai'i's agricultural community.

Mahalo,

Nathaniel Myers, Director

Waihunahuna Foundation

KAPĀPALA RANCH

P. O. Box 537

Pahala, HI 96777

Kapapala.ranch@aol.com

lanipetrie@aol.com

COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair

Senator Tim Richards, III, Vice Chair

COMMITTEE ON WATER AND LAND

Senator Lorraine R. Inouye, Chair

Senator Brandon J. C. Elefante, Vice Chair

SB77

RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS

Friday, February 4, 2023, 1:00 PM

Conference Room 224 & Video Conference

Chairs Gabbard and Inouye, Vice Chairs Richards and Elefante and Members of the Committees:

We at Kapāpala Ranch strongly support SB77. Not only was the law passed in 2003, but at a BLNR meeting we attended in 2007 DLNR staff was instructed by the Board to get certain revocable permit lands that we operated out for long-term disposition. In 2009 we received our letter from the the DOA introducing themselves as our new land agent. The DOA completed an in-person lease inspection of GL5374, RP7637, and RP7758 within months of this letter. Yet here we are 14 years later with nothing but a soon-to-expire lease.

The clause of Act 90 requiring mutual agreement between the BLNR and the BOA has not worked. In the course of 20 years multiplied by the number of agency appointees and staff someone will find some reason to disagree. In the meantime the agricultural lands that the law was intended to protect are becoming more vulnerable to being less and less productive especially as the leases are closer to expiration.

The DOA's governing rules which allow a lessee to have a first right of refusal to a new lease upon expiration are necessary for perpetual land stewardship. Whereas the DLNR's rules of public auction to renew leases do not support good stewardship. How can a lessee keep putting money into a property that they stand to lose? I have tried to communicate to DOFAW that if they want more forestry projects then lessees need to have equity upon expiration of leases. We have always been in favor of growing trees on suitable lands if it is economical.

KAPAPALA RANCH

Best management practices of the public trust lands we operate have always been on our agenda and will continue no matter which agency holds the lease. In 1990, we affirmatively agreed with DOFAW to remove 1,250 acres for koa reforestation and have continually worked at keeping cattle out of the area. In 1989 we agreed to participate with DOFAW's public game bird hunting which just finished its 33rd season. Since 1977 we have always allowed the public to get to the Forest Reserves above the Ranch. The demand for public access has grown exponentially in the past 46 years and so has our ability to manage these accesses grown into a highly operative interactive system allowing 365 day access.

Please pass SB77 so that agricultural enterprises can have a firm platform to conduct business and continue to steward public trust land while growing food for our communities.

Thank you for hearing our testimony.

Very Sincerely,

KAPAPALA RANCH

Lani C. Petrie *Bill Petrie*

Lani and Bill Petrie

Chair Gabbard and House Vice Chairs Richards and Ehlert and Members of the Committee
We at Kapapala Ranch strongly support SB77. Not only was the law passed in 2003, but at a
BLNR meeting we attended in 2007 DLNR staff was instructed by the Board to get certain
reversible permit lands that we operated out for long-term disposition. In 2009 we received our
letter from the DOA introducing themselves as our new land agent. The DOA completed an
in-person lease inspection of GL3374, RP7637, and RP7758 within months of this letter. Yet
there was 14 years later with nothing but a soon-to-expire lease.
The clause of Act 90 requiring mutual agreement between the BLNR and the BOA has not
worked. In the course of 20 years multiplied by the number of agency appointees and staff
someone will find some reason to disagree. In the meantime the agricultural lands that the law
was intended to protect are becoming more vulnerable to being less and less productive
especially as the leases are closer to expiration.
The DOA's governing rules which allow a lessee to have a first right of refusal to a new lease
upon expiration are necessary for perpetual land stewardship. Whereas the DLNR's rules of
public action to renew leases do not support good stewardship. How can a lessee keep putting
money into a property that they stand to lose? I have tried to communicate to DOFAW that if
they want more forestry projects then lessees need to have equity upon expiration of leases. We
have always been in favor of growing trees on suitable lands if it is economical.

SB-77

Submitted on: 1/31/2023 7:30:00 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Catherine West Dale	Individual	Oppose	Written Testimony Only

Comments:

I do not support these measures.

Act 90 (2003) establishes a process to transfer non-agricultural park lands from DLNR to HDOA upon the mutual agreement of the Board of Land and Natural Resources (BLNR) and Board of Agriculture (BOA). This year's bills [HB698](#) and [SB77](#) seek to amend Act 90 by mandating the transfer of these lands from DLNR to HDOA – approximately 100,000 acres – and removing the requirement that BLNR review these parcels for their suitability for transfer. The BLNR has the expertise and responsibility to consider other factors, such as forest, recreation, cultural and historical preservation, when deciding what should be transferred. Many of the affected lands contain old-growth native forest, endangered species, public hunting, trails, historic sites, traditional and customary cultural practices, access to the shoreline and mauka lands, and other public trust values and are most appropriately managed by DLNR.

SB-77

Submitted on: 2/1/2023 5:10:10 AM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Taylor Kellerman	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support this Bill as our Agriculture lands are important to the state's objective for more local food production in an effort to achieve better food security for the state of Hawaii

Mahalo

Taylor Kellerman

Director of Diversified Agriculture

Kualoa Ranch Hawaii

SB-77

Submitted on: 2/1/2023 8:19:26 AM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Wendy Miles	Individual	Oppose	Written Testimony Only

Comments:

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

Act 90 (2003) establishes a process to transfer non-agricultural park lands from DLNR to HDOA upon the mutual agreement of the Board of Land and Natural Resources (BLNR) and Board of Agriculture (BOA). This year’s bills HB698 and SB77 seek to amend Act 90 by mandating the transfer of these lands from DLNR to HDOA – approximately 100,000 acres – and removing the requirement that BLNR review these parcels for their suitability for transfer. The BLNR has the expertise and responsibility to consider other factors, such as forest, recreation, cultural and historical preservation, when deciding what should be transferred.

Many of the lands that will be impacted by SB77 contain old-growth native forest, endangered species, public hunting, trails, historic sites, traditional and customary cultural practices, access to the shoreline and mauka lands, and other public trust values and are most appropriately managed under DLNR.

Forests in the agricultural district are unprotected. They can be clear-cut, or otherwise converted to non-forest uses. DLNR provides oversight to safeguard their natural and cultural uses.

Keeping certain pasture lands under DLNR management is critical for biodiversity and biocultural conservation in Hawaii, particularly in the context of future climate change. I am therefore opposed to SB77.

Mahalo for the opportunity to testify,

Wendy Miles, PhD

SB-77

Submitted on: 2/1/2023 8:33:55 AM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Crampton	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. The DOA and DLNR already have a mechanism in place to discuss the suitable transfer of lands. This bill replaces that thoughtful discussion with an automatic transfer that may result in the loss of ecologically and culturally sensitive lands. The DLNR has the expertise and responsibility to consider other factors, such as forest, recreation, cultural and historical preservation, when deciding what should be transferred. Many of the affected lands contain old-growth native forest, endangered species, public hunting, trails, historic sites, traditional and customary cultural practices, access to the shoreline and mauka lands, and other public trust values and are most appropriately managed by DLNR.

SB-77

Submitted on: 2/1/2023 8:47:22 AM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Virginia Tincher	Individual	Oppose	Written Testimony Only

Comments:

Chairs Gabbard and Inouye, Vice Chairs Richards and Elefante and committee members,

There are good reason to consider rejecting this bill.

- Removes DLNR's ability to use it's judgement in managing multi-use lands currently being used for agricultural purposes.

- DLNR has been and continues to evaluate lands for best use and transfers lands to DOA as is deemed appropriate

- The Act 90 Working Group, created by the legislature, recommended that multiple-use lands remain under DLNR's management.

- DOA is not able to make determinations about mixed use or increased conservation action. Once lands are transferred for agricultural purposes, there is little to encourage conservation actions. The only requirement in the bill mentions conservation plans if there are resources on the property itself (would not matter if it is adjacent to native forest) not to mention that conservation actions are not under DOA's expertise.

- DLNR by contrast, takes an active role in supporting ranchers take conservation action regarding invasive species, wildfire management, conservation opportunities, and diversifying their ag income.

- Forcing the transfer of lands to DOA disregards the diversity of needs and longer view required in evaluating how to best serve the community as a whole.

Virginia Tincher

Aina Haina, Oahu

Member of Citizens Climate Lobby Hawaii and Hawaii Environmental Change Agents (HECA)

SB-77

Submitted on: 2/1/2023 9:08:35 AM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ashley Romero	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose bill SB77. A large majority of Hawaii's natural areas have been destroyed through ranching and agricultural purposes and many of these areas designated as agricultural land are hardly even used. It is important for the function of Hawaii's ecosystems and the future of its people that we do our best to conserve and restore these places with important ecological functions and cultural value. With the funding DLNR has received, they are working hard to ensure that these lands can be conserved for the many benefits it provides. These benefits include and are not limited to: water production, native forest and endangered species, public hunting, historic and important trails, traditional and customary cultural practices, access to shoreline and mauka lands and other public values. The old growth native forests, endangered species, and other precious resources these lands hold would be better managed by the DLNR. As someone who is genuinely invested in the future of Hawaii and it's people I beg of you to please consider the consequences of these actions. I have seen too much destruction of our natural resources in my lifetime and the effects of the destruction that happened before my time. It is often hasty action and importance placed on monetary gain that has had the biggest detrimental impact on these islands. Please think about the long term impacts of this, the state of our native forests and natural resources, and the future of our keiki and oppose SB77.

SB-77

Submitted on: 2/1/2023 9:21:28 AM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James B Friday	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Gabbard, Chair Inouye, Vice-chair Richards, and Vice-chair Elefante,

I am writing to oppose SB77. An effect of this bill would be to accelerate loss of our native forests. As a professional forester, I have spent decades working to protect our native forests, most recently from Rapid Ohia Death, and restore former pasture lands to native forest in areas where ranching has proven uneconomic. Significant areas that are considered “pasture” under Act 90 are actually forests. These forests are important for watershed protection, habitat for our native species, and potential economic production of timber and other forest resources. It is critical that the Board of Land and Natural Resources be given the opportunity to weigh in on land transfers to avoid loss of these forest lands. DLNR has the mandate and expertise to manage forests; HDOA does not. Please read the DLNR position paper on this issue and vote against SB77.

Mahalo for listening,

J. B. Friday

Hilo

SB-77

Submitted on: 2/1/2023 10:05:15 AM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dr. Hanna Mounce	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill. Have lands protected with DLNR is critical for future restoration efforts. We have so little forest left and we are seeing the results with massive run off and flooding issues. For those pastures to ever have a chance at becoming forest again, they must stay with DLNR, not DOA.

Sincerely,

Dr. Hanna Mounce

SB-77

Submitted on: 2/1/2023 10:59:20 AM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Hillary Foster	Individual	Oppose	Written Testimony Only

Comments:

I oppose Amending Act 90 by mandating transfer of all pasture lands to DOA because it eliminates its balanced and prudent requirement of parcel-by-parcel review by the BLNR and BOA to determine the appropriate steward. Pasture lands under DLNR management - almost 100,000 acres - are public lands with multiple public benefits. They were originally native rainforest, and many still contain native forests that are critical for water supply, are home to endangered plants and animals, provide access for traditional gathering, and allow public recreation including hunting and trails. They often abut large natural areas. By retaining these lands under DLNR management, use of these public lands is carefully balanced to allow both agricultural benefits (through grazing and silvopasture) and public forest and recreation benefits.

SB-77

Submitted on: 2/1/2023 11:54:53 AM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carl J. Berg	Individual	Oppose	Written Testimony Only

Comments:

As a professional ecologist and owner of Hawaiian Wildlife Tours, I am opposed to all legislation that will decrease the acreage available for native habitat or native habitat restoration.

Carl J. Berg, Ph.D.

SB-77

Submitted on: 2/1/2023 1:22:04 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Randy Cabral	Individual	Support	Written Testimony Only

Comments:

Strongly Support

SB-77

Submitted on: 2/1/2023 3:10:52 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rob Weltman	Individual	Oppose	Written Testimony Only

Comments:

The BLNR/DLNR is the best agency for managing state land with uses other than agriculture, including mixed uses. Transferring state lands from the DLNR to the Department of Agriculture would remove the conservation and other land stewardship that the DLNR provides for those lands, replacing it with a lessee conservation responsibility. Few or no agricultural lessees have the competency of the DLNR in conservation. It would likely also lead to loss of public access to these public lands.

Please reject bill SB77.

SB-77

Submitted on: 2/1/2023 4:17:19 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kelli Kon	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB77 on the very principle that I want more areas that are managed for the purpose of restoration and re-wilding than land that is managed for agriculture. I also think there needs to be more DLNR oversight regarding what lands count as pasture that can be transferred to a less conservation-minded department-- as a graduate student who studies native insects, I know lots of pastureland actually serves as habitat for native Omiodes moths, which can be easily threatened by ant introductions. Pastureland that is also developed can lend more oppotrunities for invasives to get closer to pristine habitat via access roads. I urge an opposition to this bill to keep native forests safer.

SB-77

Submitted on: 2/1/2023 5:26:16 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
laurel brier	Testifying for Kauai Climate Action Coalition	Oppose	Written Testimony Only

Comments:

Why? DLNR has done a good job in elauating lands for best use and transfers lands to DOA as appropriate. The Act 90 working group recommends the multi use lands remain under DLNR's management. Most of the affected lands are most appropriately managed by DLNR.

SB-77

Submitted on: 2/1/2023 5:41:15 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Harvey Arkin	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Inouye, Chair Gabbard, Vice Chair Elefante, Vice Chair Richards, and members of the Committees,

I OPPOSE SB77 which transfers nearly one hundred thousand acres of acres of public lands from the Department of Land and Natural Resources to the Department of Agriculture and removes the requirement that the Board and Land and Natural Resources' review the suitability of parcels before the for transfer to the Department of Agriculture.

The transfer of these public lands to the Department of Agriculture—especially without Board of Land and Natural Resources' discretion—may result in the loss of critical protections of public watershed lands and threaten the restoration and preservation of ecosystems that are home to native and endangered species and that can mitigate the impacts of our climate crisis.

I respectfully urge the committees to HOLD SB77. Mahalo nui for allowing me to testify on this important matter.

Sincerely,

SB-77

Submitted on: 2/1/2023 5:58:18 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patricia Blair	Individual	Oppose	Written Testimony Only

Comments:

No, no, no

SB-77

Submitted on: 2/1/2023 6:01:17 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Greg Puppione	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Inouye, Chair Gabbard, Vice Chair Elefante, Vice Chair Richards, and members of the Committees,

I OPPOSE SB77 which transfers nearly one hundred thousand acres of acres of public lands from the Department of Land and Natural Resources to the Department of Agriculture and removes the requirement that the Board and Land and Natural Resources' review the suitability of parcels before the for transfer to the Department of Agriculture.

The transfer of these public lands to the Department of Agriculture—especially without Board of Land and Natural Resources' discretion—may result in the loss of critical protections of public watershed lands and threaten the restoration and preservation of ecosystems that are home to native and endangered species and that can mitigate the impacts of our climate crisis.

I respectfully urge the committees to HOLD SB77. Mahalo nui for allowing me to testify on this important matter.

*Sincerely,
Greg Puppione*

SB-77

Submitted on: 2/1/2023 6:18:25 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cheryl Reeser	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Inouye, Chair Gabbard, Vice Chair Elefante, Vice Chair Richards, and members of the Committees,

I OPPOSE SB77 which transfers nearly one hundred thousand acres of acres of public lands from the Department of Land and Natural Resources to the Department of Agriculture and removes the requirement that the Board and Land and Natural Resources' review the suitability of parcels before the for transfer to the Department of Agriculture.

The transfer of these public lands to the Department of Agriculture—especially without Board of Land and Natural Resources' discretion—may result in the loss of critical protections of public watershed lands and threaten the restoration and preservation of ecosystems that are home to native and endangered species and that can mitigate the impacts of our climate crisis.

These actions would be irreversible to Hawaii's lands. I respectfully urge the committees to HOLD SB77.

Mahalo nui,

Cheryl Reeser

SB-77

Submitted on: 2/1/2023 6:24:28 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE SB77 which transfers nearly one hundred thousand acres of acres of public lands from the Department of Land and Natural Resources to the Department of Agriculture and removes the requirement that the Board and Land and Natural Resources' review the suitability of parcels before the for transfer to the Department of Agriculture.

The transfer of these public lands to the Department of Agriculture—especially without Board of Land and Natural Resources' discretion—may result in the loss of critical protections of public watershed lands and threaten the restoration and preservation of ecosystems that are home to native and endangered species and that can mitigate the impacts of our climate crisis.

I respectfully urge the committees to HOLD SB77. Mahalo nui for allowing me to testify on this important matter

SB-77

Submitted on: 2/1/2023 6:46:40 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diane Ware	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Inouye, Chair Gabbard, Vice Chair Elefante, Vice Chair Richards, and members of the Committees,

I OPPOSE SB77 which would transfer nearly one hundred thousand acres of acres of public lands from the Department of Land and Natural Resources to the Department of Agriculture and removes the requirement that the Board and Land and Natural Resources' review the suitability of parcels before the for transfer to the Department of Agriculture.

This is mind boggling to me, one who values native forest, it's bird and wild creatures like snails which I have seen, watershed protection, and climate protection. Our future on this earth depend on the integrity of nature's services.

The transfer of these public lands to the Department of Agriculture—especially without Board of Land and Natural Resources' discretion—may result in the loss of critical protections of public watershed lands and threaten the restoration and preservation of ecosystems that are home to native and endangered species and that can mitigate the impacts of our climate crisis.

I respectfully urge the committees to HOLD SB77. Mahalo nui for allowing me to testify on this important matter.

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

TESTIMONY ON Senate Bill 77
RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS

Conference Room 224 & Videoconference
February 3, 2023 at 1:00 p.m.

Aloha Chairs Inouye and Gabbard, Vice-Chairs Elefante, and Richards, and Members of the Committees:

I submit this testimony in strong support of Senate Bill 77. This bill will deliver long overdue full implementation of Act 90 of 2003. Act 90 was passed into law with the intent of ensuring the long-term productive use of public land leased for agricultural purposes by transferring certain lands from the Department of Land and Natural Resources (DLNR) to Hawaii Department of Agriculture (HDOA).

For nearly 20 years, agricultural producers on subject lands leased from DLNR have been caught in the middle of a political and administrative debate about the implementation of Act 90. These family farms have suffered year after year from uncertainty about the future of their leases, some of which are subject to revocation with 30 days' notice. These farmers and ranchers have no stability or security to engage in long-term planning and investments for their businesses. This is bad for agriculture, food security, and rural economies in our state, especially on Hawaii Island.

These DLNR lands are already being stewarded by agricultural producers who rely on the conservation of natural resources for their livelihood. Providing them with support and beneficial lease terms under HDOA will only further their ability to make investments in conservation efforts on the land.

Public lands suffer when farms are prematurely taken out of production. With no farmer stewarding the land, formerly working lands lay fallow, become vulnerable to fires, and are inundated with suffocating invasive weeds, diseases, and destructive feral animals. Remediation and restoration of unmanaged lands is costly to taxpayers and beyond the feasible scope of operations for DLNR and HDOA. These agencies need farmers to care for State lands day in and day out.

Hawai'i's food producers should not be trapped in a politicized debate about which agency controls their existence. Act 90 makes it clear that HDOA should oversee agricultural uses of State lands. For these reasons, I strongly support SB 77. Thank you for the opportunity to share my testimony.

Mahalo,

Megan M. Blazak, MBA
Hilo, HI

SB-77

Submitted on: 2/1/2023 7:19:22 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Craig Tanaka	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Inouye, Chair Gabbard, Vice Chair Elefante, Vice Chair Richards, and members of the Committees,

I OPPOSE SB77 which transfers nearly one hundred thousand acres of acres of public lands from the Department of Land and Natural Resources to the Department of Agriculture and removes the requirement that the Board and Land and Natural Resources' review the suitability of parcels before the for transfer to the Department of Agriculture.

The transfer of these public lands to the Department of Agriculture—especially without Board of Land and Natural Resources' discretion—may result in the loss of critical protections of public watershed lands and threaten the restoration and preservation of ecosystems that are home to native and endangered species and that can mitigate the impacts of our climate crisis.

I respectfully urge the committees to HOLD SB77. Mahalo nui for allowing me to testify on this important matter.

*Sincerely,
Craig Tanaka*

SB-77

Submitted on: 2/1/2023 7:39:17 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrea Nandoskar	Individual	Oppose	Written Testimony Only

Comments:

Oppose!

SB-77

Submitted on: 2/1/2023 8:33:17 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Matt	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Inouye, Chair Gabbard, Vice Chair Elefante, Vice Chair Richards, and members of the Committees,

I OPPOSE SB77 which transfers nearly one hundred thousand acres of acres of public lands from the Department of Land and Natural Resources to the Department of Agriculture and removes the requirement that the Board and Land and Natural Resources' review the suitability of parcels before the for transfer to the Department of Agriculture.

The transfer of these public lands to the Department of Agriculture—especially without Board of Land and Natural Resources' discretion—may result in the loss of critical protections of public watershed lands and threaten the restoration and preservation of ecosystems that are home to native and endangered species and that can mitigate the impacts of our climate crisis. There are hundreds if not thousands of unfarmed existng acres that should get government support through legislation and funding. Encourage new efficient farming techniques such as vertical farming and agrivoltaic farms on the existing ag lands first. max them out then take it from there.

I respectfully urge the committees to HOLD SB77. Mahalo nui for allowing me to testify on this important matter.

Sincerely,

SB-77

Submitted on: 2/1/2023 11:21:12 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Frederick M. Mencher	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs Inouye and Gabbard, Vice-Chairs Elefante and Richards, and Members of the Committees:

I support SB 77 and urge you to pass this much-needed measure that will make a real difference to Hawai‘i’s farmers who are working to increase food production in the islands while stewarding the land they farm.

This bill recognizes that food production and natural resource conservation are equally important, constitutionally protected public purposes, not mutually exclusive, and that both must be achieved.

Long overdue to resolve a 20-year state of limbo

The bill will finally resolve the stagnation resulting from Act 90 of 2003, which was intended to ensure the long-term productive use of public land leased for agricultural purposes by transferring certain of those lands from DLNR to DOA. During all these years, ag producers have had no stability or security to conduct long-term planning and investments.

Bill addresses DLNR and public trust concerns

Much of the controversy about the lease transfer issue stems from the misperception that transferring lands in agricultural production to DOA will take away from its mission. This bill continues DLNR’s duty and ability to protect native species habitat, cultural sites, public and practitioner access for recreational and cultural purposes, and watershed integrity. And it goes even further – it requires three-agency natural resource oversight to ensure that public interests are protected.

DLNR retains its management responsibility and authority to manage natural resources

DLNR retains its management responsibility and authority to manage natural resource assets no matter which agency holds the lease.

- All transferred leases will be subject to DLNR easements or rights of entry established to allow access to conservation activities, hunting, gathering, and recreation.
- Farmers and ranchers are required to work with the DLNR Soil and Water Conservation Districts to develop and implement an enforceable conservation program.

- The program will dictate practices and systems to protect the land against deterioration and prevent environmental degradation.
- No leases will be offered unless DOA staff reviews and the Board of Agriculture approves them. The Board has the ability and duty to require and enforce specific conditions protecting the property's natural resources AND can cancel leases when appropriate.

These DLNR lands are already being stewarded by agricultural producers who rely on the conservation of natural resources for their livelihood. Providing them with support and beneficial lease terms under the DOA will only further their ability to make investments in conservation efforts on the land.

Withdrawal of the lease and reforestation is still available

DLNR will not lose its ability to reforest pasture lands.

- The bill authorizes agriculturally leased lands to be withdrawn for reforestation when there is a DLNR plan and adequate resources available for implementation.
- As can be seen, by the many acres of land already withdrawn for reforestation, no one benefits when farms are prematurely taken out of production only to lay fallow, become vulnerable to fires, or be inundated with suffocating invasive weeds, diseases, and destructive feral animals because no one is on the land to manage it.

Best interest of the public

Hawai'i's food producers are an important part of the State'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 further decades of debate about which agency controls their existence when it is the mission of one agency, DOA, to foster agriculture in Hawai'i, while collaborating with DLNR to ensure the protection of natural resources.

Thank you for the opportunity to provide our comments and thank you for your continued support of Hawai'i's agricultural community.

Mahalo,

Frederick M. Mencher

SB-77

Submitted on: 2/2/2023 7:09:44 AM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Vanessa Stevens	Individual	Support	Written Testimony Only

Comments:

I support this Bill,

with pasture lands on the decline and food security becoming more and more scarce, the passing of SB77 will allow us ranchers the security to invest more into conserving our land and increasing food production sustainably for future generations to come.

Vanessa Stevens

Kelli Lundgren
Individual, Resident of Hawaii, Maui County
Not a Paid Lobbyist

February 2, 2023

RE: **SB77** 2023, Relating to the Transfer of Non-Agricultural Park Lands.

OPPOSE SB77

Dear Senators:

Concerned about Hawaii's fragile and threatened land, water, and endemic species, I'd like to emphasize that Hawaii's Division of Land and Natural Resources (DLNR) has been extremely instrumental and effective in managing Hawaii's public lands, endemic species, and water resources in its care; from multi-use land, to delicate ecosystems, to protecting endangered plants and animals, to dealing with invasive species.

Since ACT90, the DLNR has transferred 19,000 acres to Hawaii's Department of Agriculture (DOA) after thorough review of ecological and cultural impacts. This process has been successful. DLNR review is effective and critically important.

For SB77 to give the DOA permission to request public land without DLNR review is detrimental in so many ways. The DOA's focus is agriculture, not conservation. Potential future Natural Area Reserves are being considered for the land desired by the DOA. Threatened species currently are trying to survive on several of the parcels in DOA's consideration.

The language of SB77 states DOA will create a conservation plan for land transfer. However, once domesticated animals trod upon ohi'a undergrowth, once a fresh water resource is contaminated, once a virus consumes another endangered bird, it's hard to turn back the process.

Please keep careful review of public land transfer with the DLNR. Oppose SB77. It is the right thing to do.

Mahalo,

Kelli Lundgren

SB-77

Submitted on: 2/2/2023 8:15:36 AM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jimmy Gomes	Individual	Support	Written Testimony Only

Comments:

I am in support of bill SB77

SB-77

Submitted on: 2/2/2023 8:54:58 AM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jason Moniz	Individual	Support	Written Testimony Only

Comments:

SB77

RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS

Friday, February 3, 2023, 1:00 PM

Conference Room 224 & Videoconference

Chairs Gabbard and Inouye, Vice Chairs Richards and Elefante, and Members of the Committee,

We are Jason and Jeri Moniz, owners of KK Ranch a beef cattle ranch on a DLNR state lease at Hanaipoe on the northern slopes of Mauna Kea. Thank you for the opportunity to testify on SB77. We **strongly supports SB77** and support the transfer of pastoral leases under agriculture production to the management of the Department of Agriculture (HDOA). Hanaipoe, **nearly 200 years ago**, was the site where King Kamehameha III placed the first three Mexican vaqueros that arrived from California. These vaqueros taught the original paniolos how to herd cattle on horseback, and began bringing the free roaming cattle under managed controlled grazing. This was the start of the ranching of cattle that continues in Hawaii today.

We believe that the HDOA is better suited to manage lands under agricultural production because they better understand producer needs and they are mandated to grow agricultural production in Hawaii. DLNR on the other hand clearly favors and focuses their efforts on protecting natural resources, particularly native flora and fauna through their Division of Forestry and Wildlife (DOFAW). DLNR'S administration and DOFAW have continuously criticize ungulates including livestock as being detrimental to their endeavors. We can't see how an agency that frequently criticizes grazing livestock can also advocate for their continued existence.

The pastoral leases that have been grazed and maintained as open pastures are relatively free of exotic flora overgrowth and are very attractive to DOFAW for reforestation. This is in contrast to many of the State forest reserves that they manage that are badly overgrown with aggressive non-native species. DOFAW has clearly indicated that they desire to reforest many of the leases that have been in cattle production for almost 200 years versus rehabilitating the forest reserves already under their control. Left to their management we believe DOFAW does not have the resources to prevent these lands in pastoral leases from also becoming overgrown with exotics.

Cattle producers should not be punished and pushed aside from lands they have managed and stewarded for nearly 200 years. Proper grazing of livestock also provides other environmental beneficial attributes like wildfire control and carbon sequestration. We believe SB77 will safeguard ranches and continue to promote those attributes and their continued contribution to agriculture production.

Thank you for your consideration and please support SB77.

SB-77

Submitted on: 2/2/2023 9:07:27 AM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Charles Stevens	Individual	Support	Written Testimony Only

Comments:

I strongly support this Bill.

As cattle ranchers on the Big Island, the passing of this bill will give us ranchers the security to invest even more into sustainable practices allowing us to continue to increase food production. With pasture lands becoming more and more scarce, this Bill would give us security for future generations.

Charles Stevens

SB-77

Submitted on: 2/2/2023 11:56:08 AM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cynthia King	Individual	Oppose	Written Testimony Only

Comments:

Agricultural lands are not uniform and should not be treated as such. DLNR must have an opportunity to review and approve all proposed land transfers, and evaluate the implications for maintaining access to forest reserves, hiking trails, and hunting areas, in addition to the presence of important historic and cultural resources. Hawaii supports a diversity of native fauna and flora, which are both ecologically unique and bioculturally irreplaceable. Many species are critically endangered and require management across land areas and jurisdictions, and these species do not understand the intricacies of land use planning and zoning.

SB-77

Submitted on: 2/2/2023 12:15:25 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cristina Bacchilega	Individual	Oppose	Written Testimony Only

Comments:

Dear Chairs and Members of the Committee,

I oppose this bill because it transfers lands from DLNR to the Department of Agriculture removing the DLNR review process concerning the suitability of the parcels. The restoration and protection of ecosystems here in Hawai'i nei will be further in jeopardy if this bill passes. Please vote AGAINST this bill! Thanks,

Cristina Bacchilega

SB-77

Submitted on: 2/2/2023 12:37:13 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kananiokaaina C. Holbron	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Inouye, Chair Gabbard, Vice Chair Elefante, Vice Chair Richards, and members of the Committees,

I OPPOSE SB77 which transfers nearly one hundred thousand acres of acres of public lands from the Department of Land and Natural Resources to the Department of Agriculture and removes the requirement that the Board and Land and Natural Resources' review the suitability of parcels before the for transfer to the Department of Agriculture.

The transfer of these public lands to the Department of Agriculture—especially without Board of Land and Natural Resources' discretion—may result in the loss of critical protections of public watershed lands and threaten the restoration and preservation of ecosystems that are home to native and endangered species and that can mitigate the impacts of our climate crisis.

I respectfully urge the committees to HOLD SB77. Mahalo nui for allowing me to testify on this important matter.

Sincerely,

Kananiokaaina Holbron

SB-77

Submitted on: 2/2/2023 12:54:35 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Janet Ashman	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs, Vice Chairs, and members of the Committees,

As one who has worked on agricultural issues for over 30 years, I strongly support this bill and hope that this is the year it finally gets passed. Farmers and ranchers have been desperately seeking the stability of long term leases under HDOA that cannot be provided under DLNR. The intent of Act 90 from 20 years ago was not to prolong or prohibit the transfer to HDOA based on potential future use of the land by DLNR, but to assure that the lands would be used in a manner that did not diminish their natural resource value.

This bill provides the necessary assurances. DLNR retains its management responsibility and authority to protect natural resource assets. The bill also mandates additional measures that must be taken to protect and conserve those resources, as well as allowing DLNR to withdraw the lease from HDOA in the future, under fair and reasonable conditions, to engage in reforestation activities.

The passage of this bill is in the public interest; it is a well thought-through measure that fulfills the constitutional mandates of both conservation and food productivity for self-sufficiency.

Thank you for your support of Hawai'i's agricultural community.

SB-77

Submitted on: 2/2/2023 2:57:29 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marilyn Mick	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Inouye, Chair Gabbard, Vice Chair Elefante, Vice Chair Richards, and members of the Committees,

I OPPOSE SB77 which transfers nearly one hundred thousand acres of acres of public lands from the Department of Land and Natural Resources to the Department of Agriculture and removes the requirement that the Board and Land and Natural Resources' review the suitability of parcels before the for transfer to the Department of Agriculture.

The transfer of these public lands to the Department of Agriculture—especially without Board of Land and Natural Resources' discretion—may result in the loss of critical protections of public watershed lands and threaten the restoration and preservation of ecosystems that are home to native and endangered species and that can mitigate the impacts of our climate crisis.

I respectfully urge the committees to HOLD SB77. Mahalo nui for allowing me to testify on this important matter.

Sincerely, Marilyn Mick, Honolulu

SB-77

Submitted on: 2/2/2023 3:00:26 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Samantha Kaneakua	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Inouye, Chair Gabbard, Vice Chair Elefante, Vice Chair Richards, and members of the Committees,

I OPPOSE SB77 which transfers nearly one hundred thousand acres of acres of public lands from the Department of Land and Natural Resources to the Department of Agriculture and removes the requirement that the Board and Land and Natural Resources' review the suitability of parcels before the for transfer to the Department of Agriculture.

The transfer of these public lands to the Department of Agriculture—especially without Board of Land and Natural Resources' discretion—may result in the loss of critical protections of public watershed lands and threaten the restoration and preservation of ecosystems that are home to native and endangered species and that can mitigate the impacts of our climate crisis.

I respectfully urge the committees to HOLD SB77. Mahalo nui for allowing me to testify on this important matter.

Ke aloha,

Samantha Kāneakua

SB-77

Submitted on: 2/2/2023 3:01:49 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Deborah Chang	Individual	Oppose	Written Testimony Only

Comments:

Aloha Senators of the Water and Land and Agriculture and Environment Committees:

I object to the proposed changes in SB77 to §166E-3 (a), which remove the requirement of mutual approval between the boards of land and natural resources and agriculture prior to transfer and management of non-agricultural park lands and related facilities to the department of agriculture. Vast acreage throughout the state may be designated “agricultural” but contain endangered species, and natural and cultural resources that need protection from uses that might threaten those values. The DLNR has the expertise and depth of experience in judging which lands may contain sensitive resources requiring special management and protection. Removing DLNR from this assessment and approval process would be a major error and increase the likelihood that sensitive public resources will be lost in favor of short-sighted decision making. Farm and home ownership are important but should be developed in the right places and not at the expense of natural and cultural resource protection.

Mahalo for your consideration!

I am a part-time beekeeper and fruit grower in Pa`auilo, Island of Hawai`i

SB-77

Submitted on: 2/2/2023 3:21:20 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Natalie Wronkiewicz	Individual	Oppose	Written Testimony Only

Comments:

DLNR provides appropriate oversight to safeguard natural and cultural uses of these lands. Jurisdiction should remain within their organization to protect these multiple-use areas. The DLNR has the expertise and responsibility to consider factors, such as forest, recreation, cultural and historical preservation, when deciding what should be transferred. Many of the affected lands contain old-growth native forest, endangered species, public hunting, trails, historic sites, traditional and customary cultural practices, access to the shoreline and mauka lands, and other public trust values and are most appropriately managed under DLNR.

SB-77

Submitted on: 2/2/2023 3:30:50 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Toni Withington	Individual	Oppose	Written Testimony Only

Comments:

To members of the Water and Land and Agriculture and Environment Committees:

I am opposed to the proposed amendments in SB77 to §166E-3 (a), which remove the requirement of agreement between the boards of Land and Natural Resources and Agriculture prior to transfer and management of non-agricultural park lands and related facilities to the Department of Agriculture. Even though much of the land throughout the state may be designated “agricultural” it may also contain endangered species, natural and cultural resources as well as ancient and modern trails. These need protection from uses that might threaten those values. Department of Agriculture does not have the capability to assess or protect these values. The DLNR has the expertise and depth of experience in judging which lands may contain sensitive resources requiring special management and protection. Removing DLNR from this assessment and approval process would be a major error and increase the likelihood that sensitive public resources will be lost in favor of short-sighted decision making.

Our natural and cultural resources need protection. I farm my land, so I support agriculture, but the Department of Agriculture cannot alone offer the protection needed.

Toni Withington, Hawi

SB-77

Submitted on: 2/2/2023 3:38:22 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
peter simmons	Individual	Support	Written Testimony Only

Comments:

Peter D. Simmons, Ret

peterdsimmons@gmail.com

COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair

Senator Herbert M. "Tim" Richards, III, Vice Chair

COMMITTEE ON WATER AND LAND

Senator Lorraine R. Inouye, Chair

Senator Brandon J.C. Elefante, Vice Chair

SB77

RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS

Friday, February 3, 2023, 1:00 PM

Conference Room 224 & Videoconference

Chairs Gabbard and Inouye, Vice Chairs Richards and Elefante, and Members of the Committee,

My name is Peter Simmons; I am a retired Director of Land Operation for Kamehameha Schools on Hawaii Island. Thank you for this opportunity to testify in favor of SB77.

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 or their expertise or desire to manage pasture lands.

DLNR has performance issues that are enormous. We have burdened them with less than funded mandates for decades. They have done well by mining soft money grants and have accomplished much with little. The reality is that DLNR is nowhere close to managing all its land, resources and responsibilities in the manner that its professional managers desire.

SB77 is well reasoned and when passed can provide the guidance to build appropriate leases that include DLNR's concerns and allows DOA have responsibility for agricultural resources. When DLNR, DOA and the lessee's goals are aligned and codified in leases it will release creativity and capital that will inure benefits to the land, its resources, the community and the lessee.

I recommend passing this bill.

Sincerely,

Peter D. Simmons

SB-77

Submitted on: 2/2/2023 4:24:07 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Charlotte Godfrey-Romo	Individual	Oppose	Written Testimony Only

Comments:

I am writing testimony in opposition to SB77. I do not support transferring these lands to the Department of Agriculture management because the Department of Land and Resources is a better choice for land management for the future and for the public (people of Hawai'i). DLNR is better at big, interdependent systems thinking, soil and water management, and conservation. My background is in agriculture, ecology, and in science education. I lived inside Biosphere 2, a completely sealed experiment, where we had to grow all of our own food, recycle our water, and air. It is like a petri-dish model for Earth. When I got out of Biosphere 2, I changed my major from Ecology to Soil, Water and Environmental Science, with a focus on crop production because I realized that without clean, intensive agriculture, hungry people will destroy natural places, protected or not, desperate for food, shelter, and resources. The first crew planted food in the terrestrial biomes, where it did not belong, because they were hungry. It is a model for the whole Earth. Look at the damage the introduction of cows on the mountain has had on the watershed, now that we know better, we need to do better.

DLNR has the right scientists and works with partners that specialize in the science needed to presently manage, as well as model and predict best land use practices for the future to minimize damage to the forests and coral reefs that sustain all life. Please do not remove protections DLNR offers for the natural ecosystems of Hawai'i. I support the need for agriculture in Hawai'i . I would love to see Hawai'i become more food sustainable, it is critical. But it needs to be mindfully planned, and done in a way to protect the soil, water, and environment. DLNR should work with DOA to decide best use for these lands. Hawai'i needs more environmental protections, not less. Ecologist, Eugene Odum, said "The ecosystem is greater than the sum of its parts." If ecosystems are damaged, can they ever be whole again?

Ask yourselves, what are the forests and coral reefs worth? Not just monetarily, what is their intrinsic value? Please protect the fragile ecosystems and species endemic to Hawai'i. We need these for the future generations. Please, look seven generations into the future and keep in mind the interconnectedness of all of these systems. What we do on the mountain affects the reefs. We need more sustainable land practices and protections for natural resources to help them, not just to survive, but to thrive.

Mahalo,

Charlotte Godfrey-Romo

SB-77

Submitted on: 2/2/2023 4:24:50 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rodrigo Romo	Individual	Oppose	Written Testimony Only

Comments:

Aloha Kakou

Dear members of the committee, I respectfully oppose this bill. DLNR is the proper authority for the managements of these lands.

Mahalo

SB-77

Submitted on: 2/2/2023 5:45:04 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kylie Matsuda-Lum	Testifying for Kahuku Farms	Support	Written Testimony Only

Comments:

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

TESTIMONY ON SB 77
RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS

Conference Room 224 & Videoconference
1:00 PM

Aloha Chairs Inouye and Gabbard, Vice-Chairs Elefante, and Richards, and Members of the Committees:

I support SB 77 and urge you to pass this much-needed measure that will make a real difference to Hawai‘i’s farmers who are working to increase food production in the islands while stewarding the land they farm.

This bill recognizes that food production and natural resource conservation are equally important, constitutionally protected public purposes, not mutually exclusive, and that both must be achieved.

Long overdue to resolve a 20-year state of limbo

The bill will finally resolve the stagnation resulting from Act 90 of 2003, which was intended to ensure the long-term productive use of public land leased for agricultural purposes by transferring certain of those lands from DLNR to DOA. During all these years, ag producers have had no stability or security to conduct long-term planning and investments.

Bill addresses DLNR and public trust concerns

Much of the controversy about the lease transfer issue stems from the misperception that transferring lands in agricultural production to DOA will take away from its mission. This bill continues DLNR’s duty and ability to protect native species habitat, cultural sites, public and practitioner access for recreational and cultural purposes, and watershed integrity. And it goes even further – it requires three-agency natural resource oversight to ensure that public interests

are protected.

DLNR retains its management responsibility and authority to manage natural resources

DLNR retains its management responsibility and authority to manage natural resource assets no matter which agency holds the lease.

- All transferred leases will be subject to DLNR easements or rights of entry established to allow access to conservation activities, hunting, gathering, and recreation.
- Farmers and ranchers are required to work with the DLNR Soil and Water Conservation Districts to develop and implement an enforceable conservation program.
- The program will dictate practices and systems to protect the land against deterioration and prevent environmental degradation.
- No leases will be offered unless DOA staff reviews and the Board of Agriculture approves them. The Board has the ability and duty to require and enforce specific conditions protecting the property's natural resources AND can cancel leases when appropriate.

These DLNR lands are already being stewarded by agricultural producers who rely on the conservation of natural resources for their livelihood. Providing them with support and beneficial lease terms under the DOA will only further their ability to make investments in conservation efforts on the land.

Withdrawal of the lease and reforestation is still available

DLNR will not lose its ability to reforest pasture lands.

- The bill authorizes agriculturally leased lands to be withdrawn for reforestation when there is a DLNR plan and adequate resources available for implementation.
- As can be seen, by the many acres of land already withdrawn for reforestation, no one benefits when farms are prematurely taken out of production only to lay fallow, become vulnerable to fires, or be inundated with suffocating invasive weeds, diseases, and destructive feral animals because no one is on the land to manage it.

Best interest of the public

Hawai'i's food producers are an important part of the State'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 further decades of debate about which agency controls their existence when it is the mission of one agency, DOA, to foster agriculture in Hawai'i, while collaborating with DLNR to ensure the protection of natural resources.

Thank you for the opportunity to provide our comments and thank you for your continued support of Hawai'i's agricultural community.

Mahalo,

Kylie Matsuda-Lum

SB-77

Submitted on: 2/2/2023 5:54:32 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE SB77 which transfers nearly one hundred thousand acres of acres of public lands from the Department of Land and Natural Resources to the Department of Agriculture and removes the requirement that the Board and Land and Natural Resources' review the suitability of parcels before the for transfer to the Department of Agriculture.

The unreviewed transfer of lands from DLNR to DOA threatens irreversible impacts to lands and resources that may be home to native and endangered species, contain culturally significant sites and resources, provide access to hunting and traditional gathering areas, and aid in vital climate crisis mitigation.

I urge you to vote against this measure. Mahalo.

SB-77

Submitted on: 2/2/2023 9:02:34 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kapulei Flores	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I OPPOSE SB77 because the transfer of these public lands may result in the loss of critical protections of public watershed lands and threaten the restoration and preservation of ecosystems that are home to native and endangered species and that can mitigate the impacts of our climate crisis. These lands may be home to native and endangered species, contain culturally significant sites and resources, provide access to hunting and traditional gathering areas, and aid in vital climate crisis mitigation.

Mahalo

LATE

SB-77

Submitted on: 2/2/2023 9:14:14 PM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lucienne de Naie	Individual	Oppose	Written Testimony Only

Comments:

Please do not pass this bill. The east Maui Community is currently working with DLNR to return some of these same lands that would be affected by this bill to Conservation use. This will allow restoration efforts to take place to increase the health and capacities of our watersheds. This one size fits all bill is not a good fit for East Maui and many othe rparts of our state.

Mahalo for your consideration

SB-77

Submitted on: 2/3/2023 5:13:25 AM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laura Berthold	Individual	Oppose	Written Testimony Only

Comments:

I oppose. Many of the affected lands contain old-growth native forest, endangered species, public hunting, trails, historic sites, traditional and customary cultural practices, access to the shoreline and mauka lands, and other public trust values and are most appropriately managed under DLNR.

LATE

LATE

SB-77

Submitted on: 2/3/2023 6:42:37 AM
Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Raelyn Reyno Yeomans	Individual	Oppose	Written Testimony Only

Comments:

I am in strong opposition to SB77 and respectfully request that this bill be held and not passed at this hearing.

I OPPOSE SB77 which transfers nearly one hundred thousand acres of acres of public lands from the Department of Land and Natural Resources to the Department of Agriculture and removes the requirement that the Board and Land and Natural Resources' review the suitability of parcels before the transfer to the Department of Agriculture.

The transfer of these public lands to the Department of Agriculture—especially without Board of Land and Natural Resources' discretion—may result in the loss of critical protections of public watershed lands and threaten the restoration and preservation of ecosystems that are home to native and endangered species and that can mitigate the impacts of our climate crisis.

SB-77

Submitted on: 2/3/2023 9:29:10 AM

Testimony for WTL on 2/3/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brendan Balthazar	Individual	Support	Written Testimony Only

Comments:

Please support this . We ranchers have been under the gun far too long. It is time to make things right.