

Honolulu, Hawaii

FEB 07 2023

RE: S.B. No. 77
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committees on Water and Land and Agriculture and Environment, to which was referred S.B. No. 77 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to facilitate the transfer of non-agricultural park lands from the Department of Land and Natural Resources to the Department of Agriculture.

Specifically, this measure:

- (1) Authorizes the Department of Agriculture to request information, prior to the transfer of non-agricultural park lands, from the Department of Land and Natural Resources related to the establishment of necessary and reasonable easements upon the lands;
- (2) Requires the Department of Agriculture to accept the transfer of and manage certain qualifying non-agricultural park lands;
- (3) 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;

- (4) Continues to require the lessee to maintain a conservation plan; and
- (5) 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.

Your Committees received testimony in support of this measure from the Maui County Farm Bureau; Kahuku Farms; Kapāpala Ranch; Waihunahuna Foundation; Hawaii Sustainable Beef Enterprises, LLC; Ponoholo Ranch, Limited; Hawai'i Farm Bureau; Ulupono Initiative; McCandless Ranch; Hawaii Cattlemen's Council, Inc.; Larry Jefts Farms, LLC; and eleven individuals. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources; Hawai'i Climate Change Mitigation and Adaptation Commission; Kauai Climate Action Coalition; Maui Nui Marine Resource Council; Hawaii Environmental Change Agents Carbon Sequestration Task Force; Sierra Club of Hawai'i; Hawai'i Alliance for Progressive Action; and thirty-five individuals. Your Committees received comments on this measure from the Department of Agriculture; Office of Hawaiian Affairs; The Nature Conservancy; and Land Use Research Foundation of Hawaii.

Your Committees find that although Act 90, Session Laws of Hawaii 2003, was enacted to facilitate the transfer of certain non-agricultural park lands to the Department of Agriculture, lengthy transfer processes have stalled the transfer of many parcels of land that are primarily used for agricultural production.

Your Committees have amended this measure by:

- (1) Clarifying the purpose of this measure in its findings;
- (2) Specifying that a lease issued for transferred non-agricultural park lands shall be subject to any easement or right of entry to landlocked forest reserves;




- (3) Clarifying that the terms of the lease shall be determinative of whether activities of a lessee are unsatisfactory, rather than determined by the Department of Agriculture;
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 77, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 77, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

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



MIKE GABBARD, Chair




LORRAINE R. INOUYE, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 77	Committee Referral: WTL/AEN, JDC/WAM	Date: 02/03/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley	✓			
MCKELVEY, Angus L.K.	✓			
FEVELLA, Kurt	✓			
TOTAL	5	ϕ	ϕ	ϕ
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

