

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEAN M. MATSUKAWA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
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**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

**THURSDAY, FEBRUARY 27, 2025
2:00 P.M.
CONFERENCE ROOM 325**

**HOUSE BILL NO. 511 H.D.1
RELATING TO PUBLIC LANDS**

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

Thank you for the opportunity to testify on House Bill 511 H.D.1. This bill amends section 171-11, Hawaii Revised Statutes ("HRS") as follows: (1) a survey of the land to be set aside shall not be a condition precedent to the setting aside of public lands to any department or agency of the State; (2) provided that a subsequent survey of the land set aside shall be binding if ratified by the board of land and natural resources and the governor; and (3) further provided that a qualified immunity to the State, its departments and agencies, and its officials and employees from all suits of whatever character, whether sounding in law or in equity, relating to the boundaries of land set aside without a survey.

The Department of Agriculture ("Department") acknowledges that not requiring a survey of lands to be set aside will expedite the setting aside of public lands between state departments and agencies and will conserve government resources with one clarification and offers comments on this measure.

The Department's comments are regarding transfers to the Department or other agencies. In these cases, the request is for consideration of funding to conduct a survey, which is required for the Department to be able to lease the land. The comment



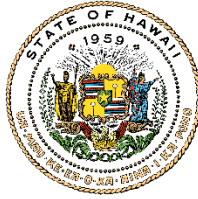
is not to question whether land can be transferred via Executive Order (EO) without a survey, it is that the Department is unable to lease land that has not been surveyed and not able to offer a long-term lease.

Through prior appropriation, the Department currently has funding to complete the surveys of most, if not all, the Board of Agriculture approved parcels. It is our intent to complete the surveys and provide them to the Department of Land and Natural Resources for their use prior to drafting the EO. Without continued appropriations, however, the program may not have the funding necessary to conduct surveys, as the program is special funded by rents collected from its tenants. The survey of the larger pastoral parcels could run over \$75,000 per parcel. The Department respectfully comments that this measure consider the responsibility for the survey may fall on the receiving agency, which will require continued appropriations for lands EO'd to the Department or the receiving agency.

Thank you for your time and consideration.

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
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DAWN N.S. CHANG
CHAIRPERSON
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
JUDICIARY & HAWAIIAN AFFAIRS

Thursday, February 27, 2025
2:00 PM

State Capitol, Conference Room 325 & Videoconference

In consideration of
HOUSE BILL 511, HOUSE DRAFT 1
RELATING TO PUBLIC LANDS

House Bill 511, House Draft 1 proposes to amend Section 171-11, Hawaii Revised Statutes (HRS), to provide that a survey of land to be set aside shall not be a condition precedent to set aside public lands to a department or agency of the State by executive order. **The Department of Land and Natural Resources (Department) supports this bill.**

The Department understands this measure is intended, in part at least, to facilitate the transfer of agricultural lands from the Department to the Department of Agriculture (DOA) pursuant to Act 90 Sessions Laws of Hawaii 2003 (Act 90). General leases approved for transfer from the Department to DOA already include survey maps and metes and bounds descriptions of the leased premises that can be used for the executive order setting aside the land to DOA. However, many parcels of unencumbered public lands and lands under revocable permit that DOA has requested the Department transfer to it pursuant to Act 90 have not been surveyed. House Bill 511, House Draft 1 would provide an additional tool to the Department and DOA to complete Act 90 transfers without the incurring the expense and additional time required to complete surveys.

At the same time, the Department notes that the measure would not mandate the transfer of lands without survey maps and descriptions. The Department supports this approach because there are situations where the inclusion of a survey map and description in the set-aside of land would be prudent, such as where a formal subdivision of the land is required or where mortgage lending on the land is anticipated once under DOA management. Also, there are at least some cases where the Department of Accounting and General Services (DAGS), Land Survey Division, can generate maps and metes and bounds descriptions

for public lands based on historical data. The Department would likely continue to include maps and descriptions in the executive order set-asides for all parcels where DAGS Land Survey Division could use historical data to generate them. Additionally, the Department notes that even if land is set aside without a survey, the bill allows for a subsequently prepared survey of the land to be binding if ratified by the Board of Land and Natural Resources.

Mahalo for the opportunity to provide comments on this measure.

HB-511-HD-1

Submitted on: 2/26/2025 1:25:58 AM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Russell Tsuji	Department of Land and Natural Resources	Support	Remotely Via Zoom

Comments:

DLNR testimony for HB511 HD1 was submitted on main testimony account. Request for a Zoom link for additional staff to be backup tesifier at the hearing.



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February 27, 2025

HEARING BEFORE THE
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

TESTIMONY ON HB 511, HD1
RELATING TO PUBLIC LANDS

Conference Room 325 & Videoconference
2:00 PM

Aloha Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee:

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

The Hawai'i Farm Bureau supports HB 511, HD1, which provides that a survey of the land to be set aside shall not be a condition precedent to the setting aside of public lands to any department or agency of the State. This measure will help streamline the process of transferring land between state agencies, particularly agricultural lands, moving from the Department of Land and Natural Resources (DLNR) to the Department of Agriculture (DOA) pursuant to Act 90.

Act 90, enacted in 2003, was intended to ensure that agricultural lands managed by DLNR would be transferred to DOA to provide long-term stability for farmers and ranchers. While some progress has been made, many qualifying lands have yet to be transferred due to procedural and administrative delays, including the requirement for land surveys. Surveys can be costly and time-consuming, delaying the transition of lands that are already being used for agricultural production. By allowing transfers to proceed without requiring a survey upfront, this bill provides an important tool to facilitate the timely execution of these transfers while still allowing for surveys to be conducted later when necessary.

The measure does not eliminate the need for land surveys but ensures that they do not create an unnecessary barrier to transferring land pursuant to Act 90. This is especially important for farmers and ranchers who need long-term security to invest in conservation efforts, infrastructure, and sustainable agricultural practices. Without these transfers, many agricultural producers remain in a state of uncertainty, limiting their ability to make long-term commitments that support local food production and agricultural sustainability.

We urge the committee to pass HB 511, HD1, to remove administrative barriers to the transfer of agricultural lands. This would ensure that Hawai'i's farmers and ranchers have the security they need to continue producing food for local communities.

Thank you for the opportunity to testify on this measure.



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

HB511 HD1

RELATING TO PUBLIC LANDS

Thursday, February 27, 2025, 2:00 PM
Conference Room 325 & Videoconference

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

The Hawaii Cattlemen's Council **supports HB511 HD1** which provides that a survey of the land to be set aside shall not be a condition precedent to the setting aside of public lands to any department or agency of the State.

Land surveys are often expensive, difficult to schedule, and are unnecessary if transferring lands between departments within the State. This bill will ensure that the expense and timing of a land survey are not a delay to transferring lands from DLNR to DOA pursuant to Act 90 to ensure agricultural lands remain in agricultural production.

We appreciate the opportunity to testify on this measure. 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.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director

