

ACT 221

S.B. NO. 1162

A Bill for an Act Relating to Forest Stewardship.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 195F-1, Hawaii Revised Statutes, is amended to read as follows:

“~~§~~195F-1 Findings and purpose. The legislature finds that:

- (1) Much of the forest land in Hawaii is privately owned~~;~~ and managed;
- (2) The capacity to protect important watersheds and native Hawaiian plants and animals and to produce renewable forest resources is significantly dependent on these privately ~~owned~~ managed forest and formerly forested lands;
- (3) The factors essential to the quality of life in Hawaii, including our water and air quality, mild climate, and habitat available for plants and animals unique to these islands, can be maintained and improved through good stewardship of ~~private~~ privately managed forest lands;
- (4) To accomplish these purposes, the present system of state and federal financial and technical assistance programs needs to be expanded to promote the long-term management of additional privately

~~[owned]~~ managed forest and formerly forested lands throughout the State; and

- (5) A forest stewardship program should be established to supplement the natural area reserves system's programs under chapter 195 by encouraging ~~[private]~~ landowners of privately ~~[owned]~~ managed forest and formerly forested lands that cannot qualify as potential natural area reserves to make long-term commitments to protect, maintain, and restore important watersheds, ~~[timber]~~ forest resources, forest products, fish and wildlife habitats, isolated populations of rare and endangered plants, native vegetation, and other lands that provide significant public benefits.

The purpose of this chapter is to establish a program to financially assist landowners in managing, protecting, and restoring important natural resources in Hawaii's forested and formerly forested lands."

SECTION 2. Section 195F-2, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"Program implementation agreement" means a written forest stewardship management contract between the board and program applicant."

SECTION 3. Section 195F-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There is established a forest stewardship program to be administered by the board to assist ~~[private landowners in managing, protecting, and restoring]~~ landowners of privately managed forest lands to manage, protect, and restore important watersheds, native vegetation, ~~[timber]~~ forest resources, forest products, fish and wildlife habitats, isolated populations of rare and endangered plants, and other lands that are not recognized as potential natural area reserves."

SECTION 4. Section 195F-5, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) To participate in the forest stewardship program, the applicant landowner shall prepare and submit ~~[to the board]~~ a forest stewardship management plan that shall:

- (1) Identify and describe the activities to be undertaken by the landowner to protect soil, water, aesthetic quality, recreation, ~~[timber]~~ forest resources, forest products, water, fish, wildlife, and native plant resources on the land in a manner that is compatible with the objectives of the program, is consistent with this chapter, and qualifies under the board's list of approved activities;
- (2) Be signed by all parties having an interest in or holding any encumbrance upon the property, and shall state that the parties agree to comply with the plan upon its approval; and
- (3) Be approved by the board and available for public review.

(b) The board and other cooperating natural resource management agencies shall develop a list of approved management activities and practices that shall be eligible for cost-share assistance under the program in the following areas:

- (1) Enhanced management and maintenance of vegetation on vital watershed lands;
- (2) Sustainable growth and management of forests for ~~[timber]~~ forest resources and ~~[other]~~ forest products ~~[on lands from which all or~~

most of the native vegetation had been removed prior to January 1, 1991];

- (3) Management for non-native forest products; provided that the land was not previously cleared of native vegetation for the purpose of non-native forest production;
- [(3)] (4) Protection, restoration, and enhancement of native plants and animals;
- [(4)] (5) Management, maintenance, and restoration of forests for shelterbelts, windbreaks, aesthetic quality, and other conservation purposes ~~[on lands from which all or most of the native vegetation had been removed prior to January 1, 1991];~~
- [(5)] (6) Agroforestry management ~~[on lands from which all or most of the native vegetation had been removed prior to January 1, 1991];~~
- [(6)] (7) Management and maintenance of native fish and wildlife habitats;
- [(7)] (8) Management of outdoor recreational opportunities; and
- [(8)] (9) Other activities approved by the board, which are consistent with this chapter.”

SECTION 5. Section 195F-6, Hawaii Revised Statutes, is amended as follows:

- 1. By amending subsection (a) to read:
 - “(a) Payments from the forest stewardship fund shall not exceed ~~[fifty];~~
 - (1) Seventy-five per cent of the total cost of the landowner in developing [and implementing] an approved management plan[-]; and
 - (2) Fifty per cent of the total cost of the landowner in implementing an approved management plan.

Total payments to any one landowner shall be determined by the board, and the reasonable value of material, goods, and services contributed toward the management plan by the landowner shall be included in determining the amount of the landowner’s cost. The landowner shall be required to spend private funds before reimbursements are made. In-kind services such as heavy equipment and existing sources of labor may be utilized as a portion of the landowner’s contribution in implementing the management plan that is consistent with this chapter.”

- 2. By amending subsections (c), (d), and (e) to read:
 - “(c) To receive funds under the forest stewardship program, an applicant shall:
 - (1) Be a landowner of ~~[private]~~ privately managed forest land that is not managed under existing federal, state, or private sector financial and technical assistance programs and that is not recognized as a potential natural area reserve. ~~[Private forest lands]~~ Privately managed forest lands under existing federal, state, or private sector financial and technical assistance programs may be eligible for assistance under this program if the landowner agrees to comply with the requirements of the program or if forest management activities are expanded or enhanced to meet the requirements of this chapter;
 - (2) Prepare and submit a forest stewardship management plan as set forth in section 195F-5; and
 - (3) Enter into ~~[an]~~ a program implementation agreement with the board ~~[to do the following:]~~ upon approval of the forest stewardship management plan by the board for implementation of all or selected portions of the forest stewardship management plan. Upon ap-

proval of the program implementation agreement by the board, the applicant shall:

- (A) Undertake and maintain the approved activities under the management plan for not fewer than ten years, unless the board approves modifications in the plan;
- (B) Complete all approved activities under the ~~[management plan]~~ program implementation agreement within the timetable agreed upon by the board and the landowner consistent with the intent of this chapter;
- (C) Submit an annual progress report to be reviewed by the board for each year in which the landowner receives support under the program. This report shall detail accomplishments, areas requiring technical advice, and any proposed modifications of the management plan; and
- (D) ~~[Other]~~ Meet any other conditions deemed necessary by the board to implement the purposes of this chapter.

(d) The board shall review the annual progress report and shall determine whether the landowner has met the objectives of the management plan. To facilitate the review, the department shall have the right to make inspections of the forest land after prior ~~[landowner notification.]~~ notice to the landowner. The board may approve alteration of the management plan to adapt to current conditions. Amendments to the management plan shall be available for public review.

(e) The board shall submit annually a detailed report to the governor and legislature that shall:

- (1) Identify management objectives that have been completed on ~~[private lands]~~ privately managed forest lands resulting from payments made pursuant to section 195F-4(a)(1) and provide an analysis of problems and issues encountered in meeting or failing to meet objectives as set forth in the management plans;
- (2) Identify all reforestation, forest management, education, and training objectives that have been completed as a result of any expenditures made pursuant to section 195F-4(a)(2);
- (3) Describe the financial condition of the fund, including receipts and expenditures from the previous fiscal year; and
- (4) Set forth plans and management objectives for the next fiscal year.”

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved July 6, 2021.)