

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committees on
WATER AND LAND
and
AGRICULTURE AND ENVIRONMENT**

**Monday, March 16, 2020
1:20PM
State Capitol, Room 224**

**In consideration of
HOUSE BILL 2035, HOUSE DRAFT 1
RELATING TO NON-AGRICULTURAL PARK LANDS**

House Bill 2035, House Draft 1 proposes to: 1) require the transfer of specified non-agricultural park lands from the Department of Land and Natural Resources (Department) to the Department of Agriculture (DOA) by June 30, 2020; 2) amend the definition of “agricultural activities” in Chapter 166E, Hawaii Revised Statutes (HRS), to include the care and production of pasture lands within the meaning of the phrase “care and production of livestock or livestock products;” 3) change the effective date to July 1, 2050 to encourage further discussion and; 4) make technical, non-substantive amendments for the purposes of clarity, consistency, and style. **The Department strongly opposes this measure.**

The bill’s preamble explains that the intent of the measure is to effectuate the transfer to DOA of leases held by “farmers and ranchers, with large acreage of land.” The Department has more than 100,000 acres in pasture use on Hawaii Island alone that are at risk of being transferred to DOA under this measure. House Bill 2035, House Draft 1 would take **over 10%** out of the land managed by the Department on the island, representing a huge change from lands currently managed for public trust values to lands that can be grazed without restriction, clear-cut and plowed, and blocking public access, threatening public trust natural and cultural values.

Pursuant to Act 90, Session Laws of Hawaii (SLH) 2003, now codified as Chapter 166E, HRS, the Department has already transferred more than 18,000 acres of agricultural land to DOA, and additional transfers are in process – consisting of nearly all the agricultural crop land, such as former sugar cane land, held by the Department. The Department has generally excluded large-acre pasture leases from these transfers because of the high natural resource value of certain pasture lands. Some pasture lands are remnant native forests that have never been plowed and contain native and endangered plants and wildlife. They adjoin or are near forest reserves and, as a result,

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

have great potential for reforestation, and/or are important in providing access to other public lands for management, traditional gathering, and public recreation including hunting and trails. The attached maps show the proximity of large tracts of pasture lands to forest reserves on Hawaii Island, and provide details on native ecosystems, potential for restoration and endangered species. The attached flyer entitled “Importance of Pasture Lands to DLNR’s Mission” provides additional information. The Department’s pasture lessees have nevertheless requested the Department to transfer their leases to DOA for management because DOA appears to have greater flexibility under its governing statutes and rules, to amend, extend, and issue new leases by negotiation and at favorable rents.

Rather than a wholesale transfer of all non-agricultural park lands proposed by House Bill 2035, House Draft 1, Act 90 required each transfer to be individually reviewed and approved by both the Board of Land and Natural Resources (BLNR) and the Board of Agriculture. Since then, numerous properties that the Department has offered to transfer have been rejected by the DOA for various reasons including topography, lack of agricultural features like irrigation, inaccessibility, irregular parcel sizes, or non-compliant tenants that the DOA did not have the capacity to manage. House Bill 2035, House Draft 1 would compel the DOA to manage over 100,000 acres that it has not necessarily requested or analyzed to be appropriate for agricultural use, and which the Department may have considerable interest in retaining to protect multiple public trust resources.

The proposed wholesale transfer of over 100,000 acres without review of the land and tenant status could have unintended consequences detrimental to the public trust. For example, the 1,250-acre Waiea tract in South Kona (Tax Map Key: (3) 8-6:001:003) was once leased for pasture use but is now landlocked, unencumbered and not used for any agricultural purpose. It contains high quality intact native forest and numerous endangered plants and birds that would be damaged by cattle grazing or other agricultural use. It is adjacent to a National Wildlife Refuge and contains an aviary that the Department could use for future rare bird rearing and releases, such as for the ‘alalā. If this sizable tract of land were to be approved for unconditional transfer to DOA,¹ it would prevent the Department from directly managing the land for conservation, without any foreseeable agricultural benefit.

The Department notes that House Bill 2035, House Draft 1 will not solve the food sustainability issue in the State of Hawaii. In 2018, over 43,000 head of cattle were exported to the mainland due to market conditions and better prices according to a Hawaii Beef Industry Council report. The bottom line is the transfer of these resource valued public trust lands to DOA will not increase local food sustainability in the State of Hawaii.

The perceived need to transfer pasture leases to DOA can be relieved by providing the Department with statutory powers similar to those exercised by DOA in the management of its leases. Accordingly, the Administration has introduced a measure this Session, House Bill 2358, House Draft 1 to give the Department greater flexibility to deal with pasture leases. Positive advancement in carbon sequestration challenges, wildlife management, wildfire protection and forest health concerns can be best managed by the Department through mutually beneficial practices with ranching, wildlife protection, and native forest restoration. Mandating the transfer of these lands to DOA for pasture purposes will severely undermine the potential for reforestation and other natural resource protection uses of the land.

¹ The Waiea tract is identified for transfer to DOA in another measure before the Legislature this Session, Senate Bill 2812, Senate Draft 2.

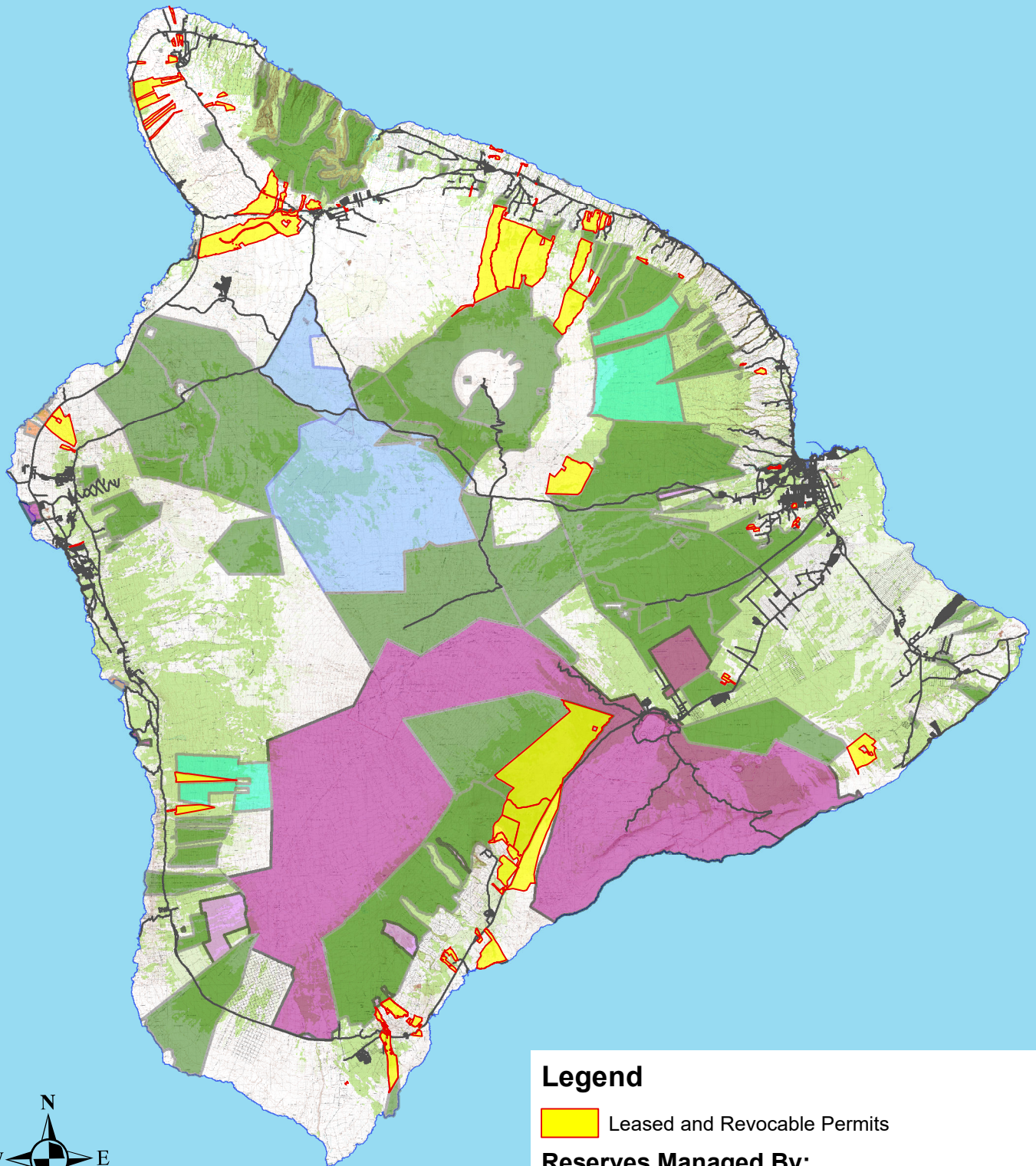
Pursuant to Section 171-26, HRS, the Department is bound to preserve public rights-of-way to game management areas, public hunting areas, and public forests and forest reserves prior to leasing public lands. Under Section 171-11, HRS, DOA is required to comply with Chapter 171, HRS, when issuing leases on lands set aside to it. One of the requirements of Section 171-11, HRS, is that DOA seek the approval of the BLNR to leases on lands it holds by set-aside. However, DOA does not seek BLNR approval of the leases it issues so there is little opportunity for the Department to ensure that DOA leases preserve public rights-of-way as required by Section 171-26, HRS. Keeping the lands under the Department will ensure that agricultural, natural resource protection and public recreation interests are all protected.

There was some testimony before the House Finance Committee by the supporters of a similar land transfer bill that ranch lands are just as effective as storing carbon as Hawaii's native forests are. But this is not the case. Hawaii's native wet and mesic forests store an average of 124 metric tons of carbon per acre. There are around 800,000 acres of native wet and mesic forest in Hawaii. Hawaii's invasive wet and mesic grasslands store an average of 70 metric tons of carbon per acre. There are around 300,000 acres of invasive wet and mesic grasslands in Hawaii. When Hawaii's native forests are converted to grasslands, they lose about half of their stored carbon – a loss of 54 metric tons of carbon per acre.² Reforesting grasslands is the largest carbon sequestration opportunity for Hawaii to reach the goal of carbon neutrality by 2045 (Act 15, SLH 2018). The Department is inventorying lands that are not used for pasture, such as Waiea, and planning combination grazing and reforestation projects. The Department also offers voluntary incentive programs for ranchers to reforest lands, and is developing standards for carbon credit projects that could further diversify revenues for ranchers. The proposed transfer of lands proposed by the present measure would sever Department's direct role in overseeing these stewardship options.

For these reasons, the Department respectfully urges the Legislature not to pass this bill (House Bill 2035, House Draft 1), and instead support House Bill 2358, House Draft 1 and allow the select pasture leases to remain under the Department's management.

Thank you for the opportunity to comment on this measure.


² Baseline and Projected Future Carbon Storage and Carbon Fluxes in Ecosystems of Hawai'i Editors: Paul C. Selman, Christian P. Giardina, James D. Jacob, and Zhiliang Zhu U.S. Geological Survey Professional Paper 1834, 2017.




Legend


 Leased and Revocable Permits

Reserves Managed By:

 Div. Forestry & Wildlife, or Jointly with Other Agency

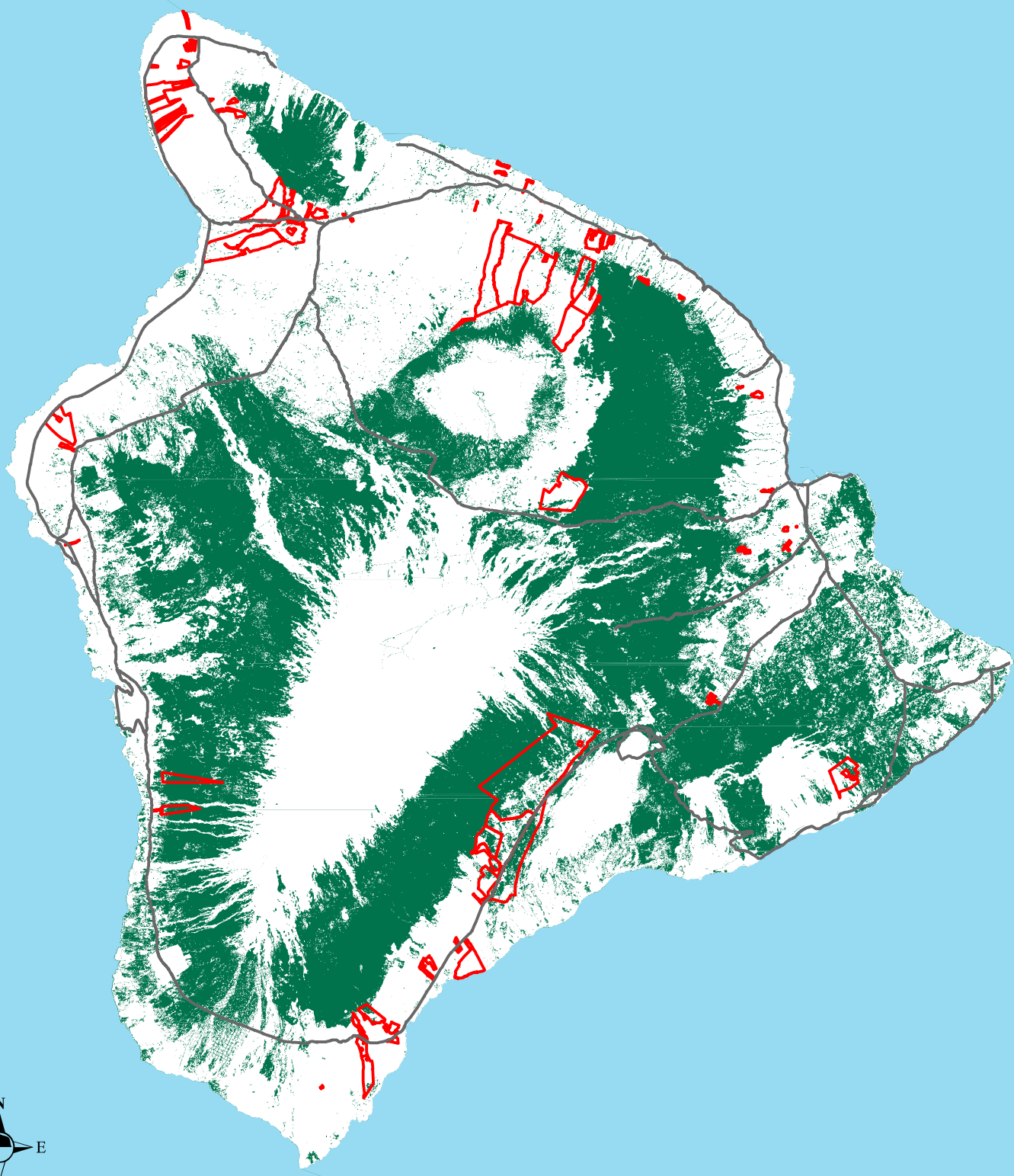
 Div. State Park

 The Nature Conservancy

 U.S. Fish & Wildlife Service

 U.S. National Park Service




 U.S. Army



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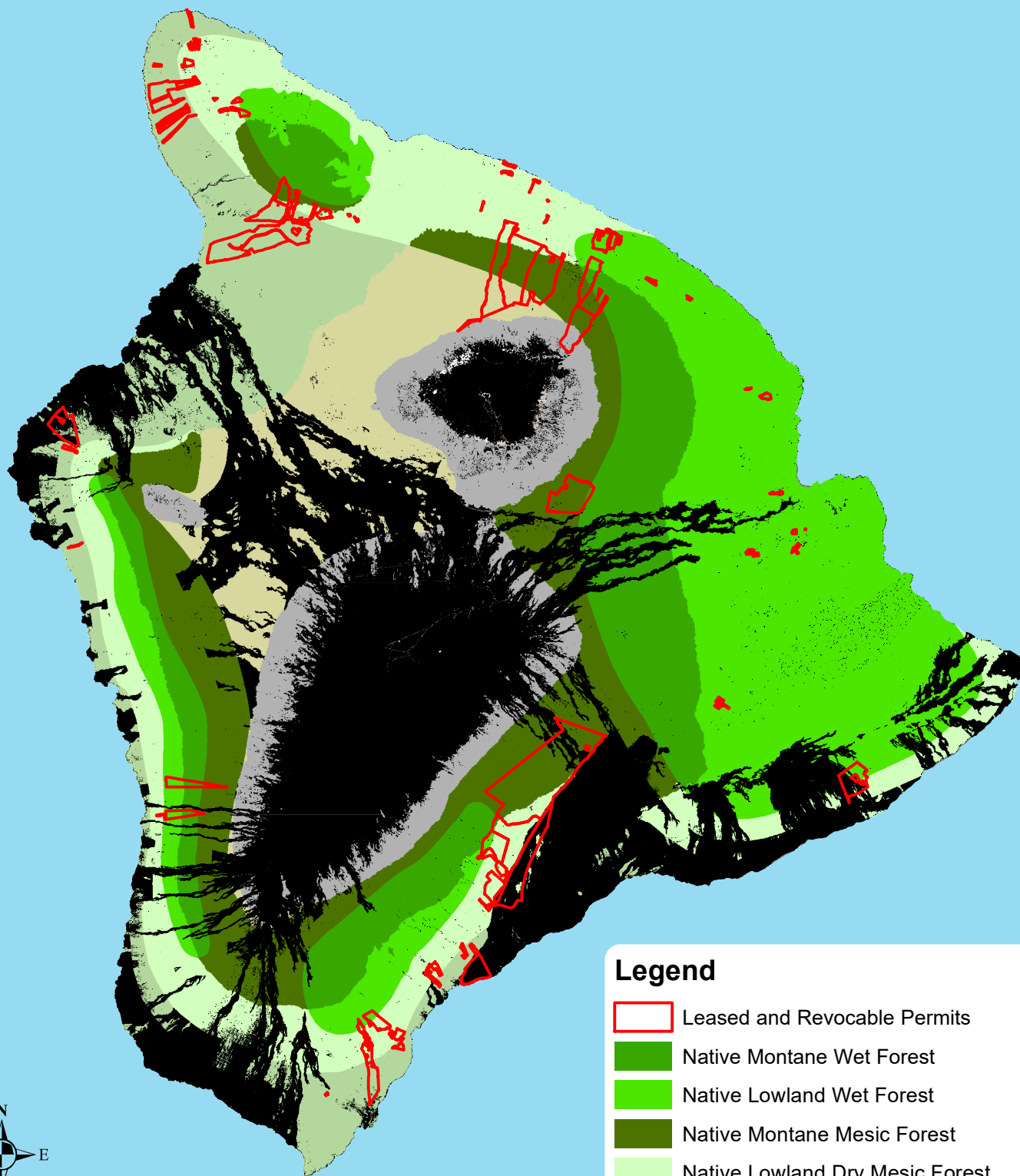
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Kilometers

Legend

-  Leased and Revocable Permits
-  Forested Native Ecosystems
-  Major Roads

02/06/20

Parcels with Potential for Restoration Native Ecosystems Before Human Contact



Legend

- Leased and Revocable Permits
- Native Montane Wet Forest
- Native Lowland Wet Forest
- Native Montane Mesic Forest
- Native Lowland Dry Mesic Forest
- Native Subalpine Shrubland
- Native Montane Dry Forest
- Native Lowland Dry Forest
- Barren or Alpine
- Major Roads



0 2.5 5 10 15 20
Miles

0 5 10 20 30 40
Kilometers

02/06/20

Parcels with Potential for Restoration Remaining Native Ecosystems



Legend

-  Leased and Revocable Permits
-  Native Montane Wet Forest
-  Native Lowland Wet Forest
-  Native Montane Mesic Forest
-  Native Lowland Dry Mesic Forest
-  Native Subalpine Shrubland
-  Native Montane Dry Forest
-  Native Lowland Dry Forest
-  Barren or Alpine
-  Major Roads





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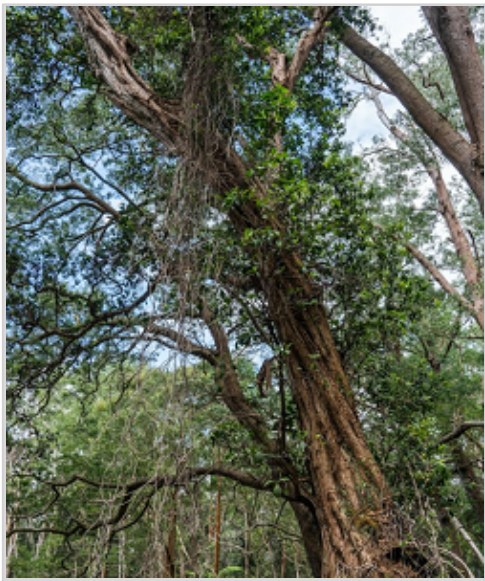
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Kilometers

Legend

-  Leased and Revocable Permits
-  Endangered Species in Parcels
-  Critical Habitat for Endangered Species
-  Major Roads

02/06/20



SUMMARY

DESCRIPTION

EXPECTED BENEFITS





2020 LEGISLATIVE PROPOSALS

SB2812/HB2577 would transfer pasture leases to DOA because DOA appears to have greater flexibility under Chapter 166E, HRS to amend, extend, and issue new leases by negotiation. However, those goals could be achieved instead through SB2914/HB2358 to give DLNR similar statutory flexibility for negotiating pasture leases.



PASTURE LAND CONSERVATION VALUES

-  Water
-  Fire & Forest Health
-  Native Ecosystems
-  Forestry
-  Recreation

DLNR PARTNERSHIPS WITH RANCHERS

CLIMATE CHANGE AND CARBON NEUTRALITY



CONTACT PERSON

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

**TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE**

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

**MARCH 16, 2020
1:20 P.M.
CONFERENCE ROOM 224**

**HOUSE BILL NO. 2035, HD1
RELATING TO NON-AGRICULTURAL PARK LANDS**

Chairpersons Kahele, Gabbard and Members of the Committees:

Thank you for the opportunity to testify on House Bill 2035, HD 1. This measure requires the Department of Land and Natural Resources ("DLNR") to transfer to the Department of Agriculture ("Department") specified non-agricultural park lands by a specified deadline. Requires DLNR and the Department to jointly report on the status of the land transfer to the 2021 Legislature; and amends the definition of "agricultural activities" used in chapter 166E, HRS.

The Department supports this bill, and respectfully offers the following comments and recommendations.

The Department appreciates this measure's intent to expedite transfers of agricultural land to the Department, however, is concerned about the requirement to negotiate future leases by July 1, 2020. The lands for which management authority has been transferred to the Department are assumed subject to the existing leases to



protect the property rights of the lessees. Ordinarily, the existing lease terms are observed and honored by the parties to ensure that no interference with contractual obligations occurs. Under the Department's authority and rules, new leases may be offered upon termination of existing leases or if the lessee qualifies for a conversion of an existing DLNR lease. New leases are only issued on a case-by-case basis subject to the specific circumstances of each lease. As such, it is not suitable or appropriate to set a fixed deadline for the Department to complete negotiations for all new leases.

The Department notes that no parcels are identified and no mechanism or directive to identify suitable parcels are included in the measure. As such, it is possible that no parcels may be identified in a timely manner to meet the goals of this bill.

The Department respectfully requests the following amendments to the measure for clarification:

In Line 12 of Page 2, replace the term "production" with the term "management."

Replace the existing language in the last sentence of subparagraph (b), SECTION 3 of the new section with the following:

"(b) ...The department shall assume management responsibility for lands, compliant leases, and agreements transferred and deemed suitable by the Department of Agriculture pursuant to this Act, commencing July 1, 2020."

Thank you for the opportunity to testify on this measure.



HB2035 HD1
RELATING TO NON-AGRICULTURAL PARK LANDS
Senate Committee on Water and Land
Senate Committee on Agriculture and Environment

March 16, 2020

1:20 p.m.

Room 224

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB2035 HD1, which may significantly compromise the Department of Land and Natural Resources' (DLNR's) ability to properly protect and promote native forests, watersheds, and habitats, including the natural and cultural resources they contain.

Native Hawaiian culture, health, and identity is inextricably intertwined with the 'āina, including the plants, animals, resources, and sites that serve as the foundation of Native Hawaiian cultural practices, beliefs, and values. The DLNR, meanwhile, is the primary state agency responsible for the oversight and protection of lands and resources that in many ways constitute the 'āina, with specific divisions focused on properly protecting and managing forests and watersheds, conservation lands, native and endangered species, and cultural sites. Accordingly, ensuring that the DLNR and its divisions can and do fulfill their important responsibilities relating to the 'āina is of particular concern to OHA and its beneficiaries.

OHA expresses great concern that this measure may significantly compromise the DLNR's and its divisions' abilities to fulfill their kuleana, with regards to native forests, watersheds, critical habitats, and natural and cultural resources and sites found on and adjacent to the land parcels that would be transferred to the DOA. Accordingly, OHA understands that the transfer of these lands from the DLNR, which has the responsibility, institutional memory, and expertise to balance the many important roles of these "pasture" lands, to the DOA, which does not, could compromise lands, resources, and sites that are of particular significance to the Native Hawaiian community.

OHA recognizes and appreciates that there remains under the legislature's consideration an alternative measure, HB2358 HD1, that in its original form sought to address some of DLNR's lease flexibility concerns apparently underlying this measure, while also ensuring that "pasture" lease extensions and conditions take into account the various roles that these lands may play in promoting and maintaining the integrity of the 'āina. OHA notes that the OHA Board of Trustees **opposed** the original draft of this measure, due primarily to the extremely long-term, 99-year lease terms that they would authorize for public, public land trust, and "ceded" lands. As OHA has consistently noted on other measures, such long-term, multigenerational leases may tie the hands of future generations in ensuring the best use of public land trust lands and "ceded" lands, and may

lead to a sense of entitlement on the part of lessees that can lead and has in the past led to the alienation of “ceded” lands. OHA further notes that the latest amendments made in the HD1 draft of HB2358 also stripped away important specified considerations that would have provided clear guidance on the DLNR’s issuance of lease extensions, such as the extent to which a lease extension would support native forests, reforestation efforts, public hunting opportunities, and other important potential uses and roles of a leased pasture parcel. Should HB2358 HD1 be amended to remove its 99-year long-term lease provision, and to reinstate the specified lease extension considerations included in its original draft, OHA’s Administration would consider recommending to the Board of Trustees a change in the agency’s position, so as to provide DLNR with the flexibility they need while also maintaining their important oversight.

Accordingly, OHA urges the Committees to **HOLD** HB2035 HD1. Mahalo nui for the opportunity to testify on this measure.



SIERRA CLUB OF HAWAI'I

SENATE COMMITTEE ON WATER AND LAND

SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

March 16, 2020

1:20 PM

Room 224

In OPPOSITION to HB2035 HD1: Relating to Non-Agricultural Park Lands

Aloha Chair Kahele, Chair Gabbard, and members of the committees,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **OPPOSES HB2035** to transfer nearly ***one hundred thousand acres*** of public watershed lands from the Department of Land and Natural Resources to the Department of Agriculture.

Not agricultural lands

The 93 thousand acres of land at issue in this bill are crucial watershed lands that have been used on a temporary basis for ranching activities and hunting. As the title of the bill says, these are “non-agricultural park lands.” It is appropriate for the agency responsible for managing the state’s watersheds for healthy forests, robust drinking water supplies, and native species habitat should be responsible for managing these high-value lands. The Department of Land and Natural Resources is that agency, not the Department of Agriculture.

Fix DLNR’s leasing, licensing, and permitting process

The real issue behind this bill is the challenge ranchers face in securing the proper land dispositions from DLNR. We understand this problem. The Club continues to be a consistent critic of the DLNR’s handling of public land dispositions, in particular the improper use of revocable permits like those ranchers are currently using for access to these public lands.

The proper solution here is to fix DLNR’s process for handling land and water dispositions, not to transfer specific pieces of property away from the very agency that should be managing them. The Club is committed to helping in this process. The committee should review SB916(2019) for guidance on ways to improve DLNR’s land disposition process in a way that protects public trust resources and state interests in the long-term health of public watershed lands, while also reducing the hurdles for small-scale, low-impact uses of public lands (such as ranching and pasture lands).

Act 90, SLH 2003 was a mistake that should not be repeated

The 2003 Legislature should have never identified specific tax map key numbers for transfer from one agency to another. That is special legislation, which is prohibited by the state's constitution. It is also bad policymaking.

The Legislature should focus on establishing general policy direction and providing the funding necessary to implement those policies. It is the task of the agencies to actually implement those policies, employing their relative expertise in each subject matter area.

In this situation, the real purpose of these lands is watershed protection and management. This is the source of our future water, this is the home for Hawai'i's native species. That makes these lands the responsibility of the Department of Land and Natural Resources, not the Department of Agriculture.

For these reasons, we urge this committee to **HOLD** this bill. Thank you very much for this opportunity to provide testimony in **opposition to HB2035**.

Mahalo,

A handwritten signature in black ink, appearing to read "M. Townsend", written over a light blue rectangular background.

Marti Townsend
Chapter Director

DEMOCRATIC PARTY OF HAWAI'I
HAWAIIAN AFFAIRS CAUCUS

TESTIMONY WITH COMMENTS ON
HB 2035 HD1, Relating to Non-Agricultural Park Lands

COMMITTEE ON WATER AND LAND AND
COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Monday, March 16, 1:20 p.m., Conf Rm 224

Senator Kaiali'i Kahele, Chair
Senator Gilbert S. C. Keith-Agaran, Vice Chair
Members of the Committee on Water and Land

Senator Mike Gabbard, Chair
Senator Russell E. Ruderman, Vice Chair
Members of the Committee on Agriculture and Environment

Aloha,

The Executive Committee of the Hawaiian Affairs Caucus of the Democratic Party of Hawai'i offers the following **comments** on HB 2035 HD1.

It appears that at the heart of this measure is whether the definition of "pastoral lands" falls within the definition of agricultural lands as envisioned by Act 90, and that would have required such non-agricultural lands to be transferred from DLNA to DOA. The legislative history of Act 90 may provide insight into this issue.

Regardless, the Hawai'i Department of Land and Natural Resources (DLNR) has more than 100,000 acres in pasture use on Hawai'i Island that are at risk of being transferred to the Hawai'i Department of Agriculture (HDOA). This represents an unprecedented administrative change of transferring over 10 percent of the land under DLNR to HDOA. **We are concerned that these public trust resources would be open to grazing without restriction, native trees could be clear cut, and public access could be blocked threatening cultural values and access to maintaining constitutionally protected cultural traditions. Currently, many of these tracts of pasture lands maintain native forests, provide habitat for native and endangered plants and animals and offer opportunities for native reforestation efforts.**

Mahalo for your consideration of our comments.

Respectfully,

/s/ Leimomi Khan, Chair

HB-2035-HD-1

Submitted on: 3/9/2020 6:37:30 PM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Weidenbach	Testifying for Hawaii Aquaculture & Aquaponics Association	Support	No

Comments:

The Hawaii Aquaculture & Aquaponics Association strongly supports the intent of HB2035 HD1 to transfer agricultural lands, including pasture lands, from DLNR to HDOA for agricultural lease purposes. This measure confirms that pasture lands are indeed agricultural lands as they are very foundation of Hawaii's long-standing ranching industry.

HB-2035-HD-1

Submitted on: 3/13/2020 9:13:57 PM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Warren Watanabe	Testifying for Maui County Farm Bureau	Support	No

Comments:

HB-2035-HD-1

Submitted on: 3/9/2020 4:07:37 PM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Testifying for Animal Rights Hawai'i	Oppose	No

Comments:



**Conservation Council
for Hawai'i**

Hawai'i's voice for wildlife

Kō Hawai'i / leo no nā holoholona lōhiu



**Submitted to the Senate Committee on Water and Land
and Senate Committee on Agriculture and Environment
Monday, March 16, 2020
Conference Room 224
HB 2035, HD 1**

Conservation Council for Hawaii (CCH) opposes House Bill 2035 House Draft 1, relating the transfer of Agricultural lands from the Department of Land and Natural Resources to the Department of Agricultural. Our forested lands are important to the overall health of our diverse ecosystems here in Hawai'i, maintaining healthy watersheds, protecting native flora and fauna, and native species are imperative to maintaining balance. Transferring of forest lands to the Department of Agricultural would negatively impact our delicate ecosystems by opening up the opportunity for grading and plowing to accommodate for production crops which would increase erosion, destroy forests that are important in carbon reduction, and endanger native species.

With our water resources already limited here in the islands, ensuring that our watersheds are protected and maintained so that our aquifers can be replenished is not negotiable. CCH supports the Department of Land and Natural Resources maintaining the lands stated in HB 2035, their game management plans, Forest Stewardship plans, and partnerships with ranchers and private landowners to preserve watershed has proven beneficial and CCH would like to see this work continued.

Thank you for the opportunity to submit testimony in opposition of bill HB 2035.

**Telephone/Fax: 808.593.0255 | email: info@conservehi.org | web:
conservationcouncilhawaii.org**

P.O. Box 2923 | Honolulu, HI 96802 | Office: 250 Ward Ave. Suite 215 | Honolulu, HI 96814

President Rachel Sprague | Vice President: Lisa Hinano Rey | Secretary: Julie Leialoha

Treasurer: Sunshine Woodford | Directors: Robin Kaye, Steven Lee Montgomery

National Wildlife Representatives: Les Welsh, Rachel Sprague

Executive Director: Moana Bjur | Operations and Events Director: Jonnetta Peters



HB-2035-HD-1

Submitted on: 3/10/2020 8:54:53 PM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bobby Farias	Testifying for Hawaii Cattlemen's Council, Hawaii Meats LLC	Support	No

Comments:

HB-2035-HD-1

Submitted on: 3/11/2020 1:01:23 PM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Manfredi	Testifying for Hawaii Coffee Association	Support	No

Comments:

Stong support.

Please pass this bill.

It's long overdue!

Mahalo,

Hawaii Coffee Association

HB-2035-HD-1

Submitted on: 3/12/2020 7:03:32 AM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jimmy Gomes	Testifying for Ulupalakua Ranch	Support	No

Comments:



Ponoholo Ranch Limited

P O BOX 700489
KAPOLEI, HI 96709
(808) 306-7769

COMMITTEE ON WATER AND LAND

Senator Kaiali'i Kahele, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair
Senator Russell E. Ruderman, Vice Chair

DATE: Monday March 16, 2020
TIME: 1:20 p.m.
PLACE: Conference Room 224

HB 2035 HD1– RELATING TO NON-AGRICULTURAL PARK LANDS.

Requires DLNR to transfer to DOA specified non-agricultural park lands by a specified deadline. Requires DLNR and DOA to jointly report on the status of the land transfer. Amends the definition of "agricultural activities" used in chapter 166E, HRS. Effective 7/1/2050. (HD1)

Chair Kahele, Chair Gabbard and Members of the Committee:

My name is Alan Gottlieb, and I am The Vice President of Ponoholo Ranch, a working cattle ranch on the Big Island of Hawaii. We steward over 10,000 acres of land.

Ponoholo Ranch **strongly supports** HB 2035 HD1.

We support this bill as it provides a timeline to accomplish the transfer of agricultural leases from the Department of Land and Natural Resources (DLNR) to Hawaii Department of Agriculture (HDOA) and specifies that pasture lands are agricultural as per legislative intent from 2003, **17 years ago**.

The transfer of lands to HDOA is critical for the success of agricultural producers, as HDOA leases are based on agricultural value.

This bill will simply change the state agency which administers agricultural leases, including pasture leases.

What this bill will NOT do, as purposed in past testimony:

- It is **NOT** a land grab. Lands would be transferred by Executive order from one State Department to another. They can be transferred back, if appropriate, at any future time.
- It is **NOT** changing a definition of Agriculture or trying to sneak pasture lands into the intent of Act 90, 2003. Pasture was clearly included in Act 90, despite separate classifications DLNR may have used in the past for their lease types.

- Management on the land by ranches will **NOT** change. Ranchers will continue to ranch and continue to be excellent, award winning land stewards, following conservation plans from the Soil and Water Conservation Districts, an arm of DLNR; allow public access and Hunting if they are allowing now under DLNR; allow Native Gathering Rights, just as they do now. In fact, ranchers would be happy to include any and all conservation requirements and other non-financial terms now included in their DLNR lease in any new lease with HDOA.
- Ranchers will **NOT** clear cut Koa Forests as has been submitted in testimony and will **NOT** illegally harvest Koa. They will maintain Forests (our watershed) and keep cattle out of the forests.
- Ranchers will **NOT** allow invasive species from their MANAGED lands into forests. They will continue to fight the invasive species that now flourish in many DLNR forests.

Some have asked why support the cattle industry, when so many cattle are shipped out of State as young calves. Selling cattle in Mainland markets is currently significantly economically advantageous. More and more cattle are staying in State for grass finished markets, but we need more infrastructure to process and sell the beef. Increased volume will help with that, and better land tenure will lead to increased volume. But even if every calf were shipped out of State (which they are not), we'd still have our culled cows to provide local food for our schools and residents and we would still have the Environmental Benefits (Eco-System Services) that help every resident of our State, at no cost to them: Open spaces, Watershed management and protection, public access and Carbon Sequestration.

YES – CARBON SEQUESTRATION. It is well documented, that improved Grass Lands are an excellent carbon sink, far outweighing carbon produced by Belching Cows, and unlike forests continue to hold the carbon in the ground, even after a wildfire. There are many studies that show this, and more being done every day, including here in Hawaii by the University of Hawaii. I would be happy to provide the committee with Citations if requested.

We firmly believe that Act 90 refers to pasture leases. Act 90 clearly defines agricultural activities as, “the care and production of livestock, livestock products, poultry, or poultry products, or apiary, horticultural, or floricultural products, or the planting, cultivating, and harvesting of crops or trees.” The care and production of livestock requires pasture, and this bill clarifies that.

Act 90 was passed in 2003 for the purpose of ensuring the long-term productive use of public agricultural lands by allowing these lands to be transferred to and managed by the department of agriculture. The delay in transferring agricultural lands hinders the ability for ranchers to do long-term planning.

In fact, two Ponoholo Ranch leases and one Revocable Permit previously held under DLNR were transferred by Executive Order to HDOA in 2019, based on an agreement with DLNR that Ponoholo Ranch would be a test case, and then others would follow.

Ponoholo Ranch was a successful test case, and DLNR after a visit to Ponoholo by the Chair, Deputy and several key employees, was very happy with the work Ponoholo was doing stewarding the land and providing access for hunters. However, since that meeting in 2018 and agreement, no other pasture leases have been transferred as DLNR had agreed. Its time more pasture leases are transferred as agreed.

Agricultural leases administered by HDOA will be better tailored to agricultural operations and the management of those natural resources for agricultural purposes and sustainability. It will aid in increasing local food production for the following reasons:

- HDOA's mission is for agricultural production and to gain greater self-sufficiency in food, whereas DLNR's mission is to manage Hawaii's natural, cultural, and historic resources.
- Lands under DLNR go to public auction for lease disposal and aim to generate the highest lease rents possible. Consistent with HDOA's mission, the terms and conditions of their leases including rent structure are viable for ag uses and encourage good stewardship of said resources for agricultural sustainability.
- Long lease terms under HDOA allow ranches to invest in improvements to the land and gives them confidence based on sufficient tenure to grow their operation.

Ranchers are proponents for stewarding the land well and will continue to work in consultation with DLNR on conservation practices when leases are transferred to HDOA. Many ranchers are award winning land stewards, participating in watershed partnerships and administering conservation plans with their local Soil and Water Conservation Districts, which are administratively affiliated with DLNR.

The transfer of these leases to HDOA is long overdue and this bill provides relief to farmers and ranchers by providing a timeline to complete the transfer of these leases. We respectfully ask this committee to support this measure. We appreciate the opportunity to testify on this critical matter for our industry.

COMMITTEE ON WATER AND LAND
Senator Kaiali'i Kahele, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Senator Mike Gabbard, Chair
Senator Russell E. Ruderman, Vice Chair

HB2035 HD1

Requires DLNR to transfer to DOA specified non-agricultural park lands by a specified deadline. Requires DLNR and DOA to jointly report on the status of the land transfer. Amends the definition of "agricultural activities" used in chapter 166E, HRS.

Monday, March 16, 2020, 1:20 pm
Conference Room 224, State Capitol
415 South Beretania Street

Chair Kahele, Vice Chair Keith-Agaran, and Members of the Committee on Water and Land,
Chair Gabbard, Vice Chair Ruderman, and Members of the Committee on Agriculture and Environment,

McCandless Ranch **strongly supports HB2035 HD1** to set a deadline and enforce Act 90, 2003.

We firmly believe that Act 90, 2003 refers to pasture leases—the intent of this bill is to fully clarify that. Act 90 clearly defines agricultural activities as, “the care and production of livestock, livestock products, poultry, or poultry products, or apiary, horticultural, or floricultural products, or the planting, cultivating, and harvesting of crops or trees.” The care and production of livestock requires pasture, and the language of Act 90, 2003 indicates that production of livestock is an agricultural activity.

Act 90 was passed in 2003 for the purpose of ensuring the long-term productive use of public agricultural lands by allowing these lands to be transferred to and managed by the department of agriculture. The delay in transferring agricultural lands hinders the ability for ranchers to do long-term planning. Once these leases are transferred to the DOA and ranchers have secured longer term leases, the ranching community can then begin long-term planning for both production and conservation.

Keith K. Unger
McCandless Ranch
President - HCC



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON WATER AND LAND

Senator Kaiali'i Kahele, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair

Senator Russell E. Ruderman, Vice Chair

HB2035 HD1

Requires DLNR to transfer to DOA specified non-agricultural park lands by a specified deadline. Requires DLNR and DOA to jointly report on the status of the land transfer. Amends the definition of "agricultural activities" used in chapter 166E, HRS.

Monday, March 16, 2020, 1:20 pm
Conference Room 224, State Capitol
415 South Beretania Street

Chair Kahele, Vice Chair Keith-Agaran, and Members of the Committee on Water and Land,
Chair Gabbard, Vice Chair Ruderman, and Members of the Committee on Agriculture and Environment,

The Hawaii Cattlemen's Council **strongly supports HB2035 HD1** to set a deadline and enforce Act 90, 2003.

We firmly believe that Act 90, 2003 refers to pasture leases—the intent of this bill is to fully clarify that. Act 90 clearly defines agricultural activities as, “the care and production of livestock, livestock products, poultry, or poultry products, or apiary, horticultural, or floricultural products, or the planting, cultivating, and harvesting of crops or trees.” The care and production of livestock requires pasture, and the language of Act 90, 2003 indicates that production of livestock is an agricultural activity.

Act 90 was passed in 2003 for the purpose of ensuring the long-term productive use of public agricultural lands by allowing these lands to be transferred to and managed by the department of agriculture. The delay in transferring agricultural lands hinders the ability for ranchers to do long-term planning.

Agricultural leases administered by HDOA will be better tailored to agricultural operations and the management of those natural resources for agricultural purposes and sustainability for the following reasons:

- HDOA's mission is for agricultural production and to gain greater self-sufficiency in food, whereas DLNR's mission is to manage Hawaii's natural, cultural, and historic resources.
- Lands under DLNR go to public auction for lease disposal and aim to generate the highest lease rents possible. Consistent with HDOA's mission, the terms and conditions of their leases including rent structure are viable for ag uses and encourage good stewardship of said resources for agricultural sustainability.
- Long lease terms under HDOA allow ranches to invest in improvements to the land and gives them confidence based on sufficient tenure to grow their operation.





Hawaii Cattlemen's Council, Inc.

Ranchers and conservationists are often pitted against each other, when in fact, the values of both parties overlap. Ranchers are proponents for stewarding the land well and will continue to implement conservation practices when leases are transferred to HDOA—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. Nothing on the land will change. They will continue to be cooperators with their Local Soil and Water Conservation Districts, housed under DLNR's, and manage their conservation plans. They will continue to be valued partners in their Local Watershed Partnerships, housed under DLNR. The ranchers will continue to ranch, and continue to be excellent land stewards, and continue to provide public access and access for hunters, all as required in the lease whether it is managed by DLNR or HDOA. They will also continue to fight invasive species, provide watershed management, and carbon sequestration, and provide all of the other eco-system services they have always provided, all at no cost to the State or the general public. Only the State agency which administers the leases will change.

The transfer of these leases to HDOA is long overdue and important for Hawaii to gain food security. We respectfully ask this committee to support **HB2035 HD1** and include a deadline that is reasonable, but in the near future. We appreciate the opportunity to testify on this critical matter for our industry.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director



KAPAPALA RANCH

P. O. Box 537

Pahala, HI 96777

lanipetrie@aol.com

kapapala.ranch@aol.com

808-936-2922

March 16, 2020

Chair Kahele, Vice Chair Keith-Agaran, and Members of the Senate Water and Land Committee,

Chair Gabbard, Vice Chair Ruderman and Members of the Senate Agriculture and Environment Committee,

My name is Lani Cran Petrie, Partner at Kapapala Ranch. **We strongly support HB2035 HD1.**

Contrary to the testimonies various Committees of the Senate and House have heard this past month in reference to this Bill and SB2812, we are avid practicing conservationists. As a rancher we have put forth lifetime efforts into invasive weed control all the while with a reverence for the native eco-systems and the role they play both environmentally and socially. At age 18 my Dad severely reprimanded me for cutting down a young Koa tree. It is a scolding that I have never forgotten.

Born in 1959, by age 10, I fully recall the invasive weed control efforts by my father at Mokuleia Ranch on Oahu where I was raised. Aerial applied herbicide and controlled burns were the way that Christmas Berry and Java Plumb was kept at bay. By the time I was 15, we had moved to SC Ranch on the Hamakua Coast of the Big Island where Myrica Faya had smothered the State parcel. My father took to mechanical methods of clearing the invasive weed and used a D8 with a push rake which would uproot the Faya and leave the soil in place.

In my late teens we moved to Kapapala Ranch. My Dad had worked here in the 1950's using bulldozers dragging heavy ship anchor chain to clear invasive weeds (not native forest). The efforts were short-lived and 20 years later by 1977 when he came back he recognized that mechanical methods of weed control on these rocky and craggy areas simply created a greater stand of invasive plants. So in early 1980 he started experimenting with goats grazing in very intensively fenced areas. He was successful in using an animal that would browse woody plants and was able to set back shrubs like Guava, Christmas Berry and Myrica Faya.

Today we have over 2,000 goats which are intensively managed within mobile electric netting fences. With the use of guard dogs for predator control and full-time employees tending to the flocks, we are successfully managing highly invasive weeds. This process is slow yet long-term in its effects. It is a six-digit annual expense to the Ranch.

Our Conservation Plan administered by the Ka'u Soil and Water Conservation District in conjunction with USDA's Natural Conservation Service has evolved over the 43 years that we have been at Kapapala Ranch. Today our comprehensive Plan is hundreds of pages long including maps of endangered native

species, highly erodible soils, and wetlands. The Conservation Plan includes concurrences from agencies like U.S. Fish and Wildlife, Hawaii Volcano's National Park, Hawaii State Historic Preservation, and Hawaii County Fire Department, to name a few.

Transfer of our lease to the Hawaii Department of Agriculture will not change our Conservation efforts. Rather, we see the opportunity of working with the HDOA to provide a business platform whereby we can further our conservation endeavors.

Respectfully Submitted,

KAPAPALA RANCH



Lani C. Petrie



Young Progressives Demanding Action
P.O. Box 11105
Honolulu, HI 96828

March 16, 2020
1:20 PM

TO: Senate Committee on Water & Land (WTL)
Senate Committee on Agriculture & Environment (AEN)
RE: Testimony in Opposition to HB2035 HD1

Aloha Chair(s) Kaiali'i Kahele and Mike Gabbard, Vice Chair(s) Gilbert Keith-Agaran and Russell Ruderman, Members of the Senate Committee on Water & Land and Members of the Senate Committee on Agriculture & Environment,

Young Progressives Demanding Action (YPDA) advocates for public policies that reflect the values of young people throughout the State of Hawai'i. One of those values is that public lands need to be taken care of and held to the highest standard for the public good. YPDA is in **Opposition to HB2035 HD1**, relating to non-agricultural park lands. This measure seeks to accomplish two things. (1) Setting a deadline for the transfer of certain non-agricultural park lands from the department of land and natural resources to the department of agriculture pursuant to Act 90, Session Laws of Hawaii 2003 and (2) Clarifying that the care and production of pasture land constitutes an "agricultural activity" for purposes of chapter 166E, Hawaii Revised Statutes.

Public lands need to be held in public hands. 93,000 acres of public lands, lands that are used for conserving native forests and endangered species, public hunting, as well as where many cultural resources and their sites are at, are at stake here. Lands that we have access to. Lands that are important to all of us, where we may do recreational activities like hiking or field trips for school, but also to Native Hawaiian traditional and customary rights. These precious lands and the cultural and natural resources on it would be transferred to the Department of Agriculture for the benefit of the private ranching interests, away from the Department of Land and Natural Resources (DLNR).

DLNR, "is responsible for managing, administering, and exercising control over public lands" as stated on their website. They have a responsibility to the public trust and although the

department is by no means a perfect trustee, it has the mission, but also the staff with the expertise that is needed in its divisions to take care of our public lands.

Not only does the Department of Agriculture lack these resources, but “agricultural developments” under HRS §166E-10, “may be exempt from all statutes, ordinances, charter provisions, and rules of any governmental agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and construction of buildings.” This sets up a scenario in which private ranchers could potentially skirt much of our very important environmental and land use laws to negatively affect our natural and cultural resources, block access to cultural sites, and develop agricultural facilities that circumvent our laws. We need proper accountability and oversight in the name of public interest.

Everyone can share the land. 93,000 acres of public lands doesn’t need to specifically belong to one interest over everyone else. Private ranchers and their cattle are not in danger of losing access to our lands for their enterprise, and we hope that they understand that as beneficiaries of the lands, they need to in turn be good stewards of it as well. Alongside hikers, hunters, Native Hawaiian cultural practitioners, conservationists, everyone can all use this land together in harmony.

Young Progressives Demanding Action is in **Opposition to HB2035 HD1**. We respectfully ask for you to **HOLD** this bill.

Mahalo for the opportunity to testify,

Jun Shin,
Environmental Justice Action Committee Chair
Young Progressives Demanding Action (YPDA)
Cell: 808-255-6663
Email: junshinbusiness729@gmail.com
CC: action@ypdahawaii.org



KE ONE O KĀKŪHIHEWA

O'ahu Council of the
Association of Hawaiian Civic Clubs

COMITTEE ON WATER AND LAND

AND

COMMITTEE ON AGRICULTURE AND ENVIRONMENT

MONDAY, MARCH 16, 2020

CONFERENCE ROOM 224

STATE CAPITOL

415 South Beretania Street

BENTON KEALII PANG, PH.D.-
HAWAIIAN CIVIC CLUB OF
HONOLULU
PELEKIKENA

JACOB KA'ŌMAKAOKALĀ AKI-
KING KAMEHAMEHA HCC
HOPE PELEKIKENA

GEORGIANA NAVARRO-
MĀKAHA HCC
HOPE PELEKIKENA 'ELUA

ALBERTA LOW-PEARL HARBOR
HCC
PU'UKŪ

ROTH PUAHALA -KING
KAMEHAMEHA HCC
PELEKIKENA IHO NEI

TERI LOO-KO'OLAUPOKO HCC
KĀKAU 'ŌLELO

CHRISTINE "CHRISSY" ANJO-
PEARL HARBOR HCC
HOLE KĀKAU 'ŌLELO

'AHAHUI SIWILA HAWAII O
KAPOLEI
LANCE HOLDEN

ALI'I PAUHI HCC
KEHAULANI LUM

'EWA-PU'U'LOA HCC
MARLEEN KAU'I SERRAO

HCC OF HONOLULU
ANITA NAONE

KAILUA HCC
MAPUANA DE SILVA

KALIHI-PĀLAMA HCC
JUANITA BROWN
KAWAMOTO

KING KAMEHAMEHA HCC
LETANI PELTIER

KO'OLAULOA HCC
RANAE "TESSIE"
FONOIMOANA

KO'OLAUPOKO HCC
ALICE P. HEWETT

LUALUALEI HCC
SHIRLINE HO

MĀKAHA HCC
LUANN LANKFORD-
FABORITO

MAUNALUA HCC
ROSE KITTY SIMONDS

NA LANI 'EHA HCC
R. KELANI RAMOS

NĀNAIKAPONO HCC
JAYCINE HICKS

PAPAKŌLE'A HCC
KEALI'I LUM

PEARL HARBOR HCC
ANTOINETTE LEE

PRINCE KŪHIŌ HCC
A. MAKANA PARIS

PRINCESS KAI'ULANI HCC
RUSTY RODENHURST

QUEEN EMMA HCC
RAWLETTE P. KRAUT

HCC OF WĀHIWA
MARIE "MĀLIA" DOO

HCC OF WAIALUA
MAKALAPUA CASSON-
FISHER

WAI'ANAE HCC
CYNTHIA ENRIQUEZ

WAIKIKI HCC
L. PI'IKEA TOMCZYK

HCC OF WAIMĀNALO
LOUANNA KAIO

Senator Kaiali'i Kahele, Chair

Senator Gilbert S. C. Keith-Agaran, Vice Chair

Members of the Committee on Water and Land

Senator Mike Gabbard, Chair

Senator Russell E. Ruderman, Vice Chair

Members of the Committee on Agriculture and Environment

My name is Benton Kealii Pang and I am the president for the O'ahu Council of the Association of Hawaiian Civic Clubs. I am writing on behalf of the board of directors to provide our strong opposition of **HB2035 HD1**, which requires the Department of Land and Natural Resources to transfer to Hawai'i Department of Agriculture specified non-agricultural park lands.

The Hawai'i Department of Land and Natural Resources (DLNR) has more than 100,000 acres in pasture use on Hawai'i Island that are at risk of being transferred to the Hawai'i Department of Agriculture (HDOA). This represents an unprecedented administrative change of transferring over 10 percent of the land under DLNR to HDOA. These public trust resources would be open to grazing without restriction, native trees could be clear cut, and public access could be blocked threatening cultural values and access to maintaining constitutionally protected cultural traditions. Currently, many of these tracts of pasture lands maintain native forests, provide habitat for native and endangered plants and animals and offer opportunities for native reforestation efforts.

We urge the committees to **HOLD** HB 2035 HD1 and protect the public trust resources on our limited public lands.

Mahalo for your consideration of our comments.

Ke One O Kākūhihewa is a native Hawaiian council made up of 24 civic clubs on the island of O'ahu. Our oldest member, Hawaiian Civic Club of Honolulu was established by Prince Jonah Kūhiō Kalaniana'ole on December 7, 1918.

Sincerely,

Benton Kealii Pang, Ph.D.





P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

March 16, 2020

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

TESTIMONY ON HB 2035, HD1
RELATING TO NON-AGRICULTURAL PARK LANDS

Room 224
1:20 PM

Aloha Chairs Kahele and Gabbard, Vice Chairs Keith-Agaran and Ruderman, and Members of the Committees:

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

The Hawaii Farm Bureau strongly supports HB 2035, HD1, which requires DLNR to transfer to DOA specified non-agricultural park lands by a specified deadline and requires DLNR and DOA to jointly report on the status of the land transfer. It also clarifies that agriculture activities in non-agricultural park lands includes the care and production of pasture lands.

Act 90 SLH 2003 has not been fully implemented to fulfill the intent of transferring land in agricultural use from the Department of Land and Natural Resources to the Department of Agriculture. The intent of Act 90 was to ensure the long-term use of agricultural lands by transferring them to HDOA, which is more equipped to manage agricultural lands.

The success of ranchers and farmers is a key component in the State's goal to double local food production. Farmers and ranchers need long-term leases in order to prudently invest in infrastructure improvement on the leased land. HDOA rules are set up to encourage agriculture and make it practical to do so. Lands for lease under HDOA are appraised on their agricultural value. DLNR's rules are to get the "Highest and Best use" for the lands and are often appraised at much higher values which tend to be unaffordable to farmers and ranchers.

Thank you for this opportunity to testify on this important subject.



Email: communications@ulupono.com

SENATE COMMITTEES ON WATER & LAND AND AGRICULTURE & ENVIRONMENT
Monday, March 16, 2020 — 1:20 p.m. — Room 224

UluPono Initiative supports HB 2035 HD 1, Relating to Non-Agricultural Park Lands.

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

My name is Amy Hennessey, and I am the Senior Vice President of Communications & External Affairs at UluPono Initiative. We are a Hawai'i-based impact investment firm that strives to improve our community's quality of life by creating more locally produced food; increasing affordable clean renewable energy and transportation options; and better managing waste and fresh water resources.

UluPono supports HB 2035 HD 1, which requires the Department of Land and Natural Resources (DLNR) to transfer to the Department of Agriculture (DOA) specified non-agricultural park lands by a specified deadline, requires the DLNR and the DOA to jointly report on the status of the land transfer, and amends the definition of "agricultural activities" used in chapter 166E, HRS.

UluPono supports the local livestock industry and its efforts to provide fresh, healthy products for Hawai'i's consumers. With the DOA's affordable, long-term lease structure in place, local ranchers will be able to make the necessary investments into their respective operations, improving economic viability and increasing local food production for the State.

While we support the DLNR's mission to preserve natural resources and maintain watershed protection, UluPono believes that all active agricultural pasture leases should be transferred to the DOA as per the intent of Act 90, SLH 2003. The DOA's mission and expertise to manage agricultural activities, including pasture land production, through a favorable lease structure promotes local food production.

UluPono is supportive of any potential agreements between the DLNR and the DOA, through memorandum of agreement or memorandum of understanding, to allow for dual use where and when there are opportunities that exist to support both local food production and natural resource management.

As Hawai'i's local food issues become increasingly complex and challenging, the agricultural industry will need additional resources and support to address and overcome them. We appreciate this committee's efforts to look at policies that support local food production.

Thank you for this opportunity to testify.

Respectfully,

Amy Hennessey, APR
Senior Vice President, Communications & External Affairs

Investing in a Sustainable Hawai'i

999 Bishop Street, Suite 1202 | Honolulu, Hawai'i 96813 ☎ 808.544.8960 📠 808.432.9695 | www.ulupono.com



March 11, 2020

Senator Kaialii Kahele, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Water and Land

Senator Mike Gabbard, Chair
Senator Russell E. Ruderman, Vice Chair
Senate Committee on Agriculture and Environment

Testimony in Support of HB 2035, H.D.1, Relating to Non-agricultural Park Lands (Requires the Department of Land and Natural Resources [DLNR] to transfer to the Department of Agriculture [DOA] specified non-agricultural park lands by a specified deadline; requires DLNR and DOA to jointly report on the status of the land transfer; amends the definition of “agricultural activities” used in Chapter 166E, Hawaii Revised Statutes.)

Monday, March 16, 2020, 1:20 p.m., in Conference Room 224

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 express its **support of HB 2035, H.D.1** and of the various agricultural stakeholder groups who defend the goals of viable agricultural operations and the conservation and protection of agriculture in Hawaii.

HB 2035, H.D.1. This bill proposes to require the DLNR to transfer to the DOA specified non-agricultural park lands by a specified deadline. The measure also amends the definition of “agricultural activities” used in Chapter 166E, Hawaii Revised Statutes, and requires the DLNR and the DOA to jointly report on the status of the land transfer.

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.

LURF understands that many farmers and ranchers have been awaiting the transfer of their land leases from the DLNR to the DOA pursuant to Act 90, Session Laws of Hawaii (2003), which was enacted to ensure long-term productive use of public agricultural lands to be managed by the DOA. The 17-year delay of the anticipated transfers, however, has impaired the ability of farmers and ranchers to establish and implement long-term plans for their operations, and the determination of a time deadline by which to accomplish the transfer of leases from the DLNR to the DOA would greatly assist with this effort.

LURF further supports this measure's clarification that "agricultural activities" in non-agricultural park lands shall include the care and production of pasture lands, since Act 90 (2003) expressly includes in its definition of "agricultural activities," the care and production of livestock and livestock products, which requires pasture. Livestock ranching is a significant component of Hawaii's agricultural sector, being a highly productive, expanding, and extremely valuable industry on all islands with an estimated current annual value of more than \$68 million.

In accordance with the State's policies to promote and foster agriculture and an atmosphere of acceptance for all agricultural practices, LURF **supports HB 2035, H.D.1** and respectfully urges your favorable consideration.

Thank you for the opportunity to present testimony regarding this matter.



**RE: HB 2035 HD1 - Relating to Non-Agricultural Park Lands -
In Support**

The Local Food Coalition supports, HB 2035 HD1 which requires the Department of Land and Natural Resources (DLNR) to transfer to the Department of Agriculture (DOA) specified non-agricultural park lands by a specified deadline and requires DLNR and DOA to jointly report on the status of the land transfer.

Act 90 was passed in 2003 with the intent to transfer agricultural leases from DLNR to DOA. Today, there are still leases that DLNR has not transferred. This legislation will enforce Act 90 by a certain deadline, and ensure that all active agricultural leases are transferred to the DOA, and specify that pasture leases are agricultural leases and should be transferred.

The Local Food Coalition is an organization comprising of farmers, ranchers, livestock producers, investors and other organizations working to provide Hawaii's food supply.

We respectfully request your support of HB 2035 HD1. Thank you for the opportunity to submit testimony.

John Garibaldi
808-544-8319
jgaribaldi@wik.com

LATE

HB-2035-HD-1

Submitted on: 3/15/2020 4:31:52 PM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
james earl duffy	Testifying for 4-J Livestock Co.	Support	No

Comments:



Moku O Keawe
Hawai'i Council for the
Association of Hawaiian Civic Clubs
P.O. Box 7164 | Hilo, Hawai'i | 96720

Committees on
Water and Land & Agriculture and Environment
Monday, March 16, 2020 Conference Room 224

Re: HB2035 HD1 – RELATING TO NON-AGRICULTURAL PARK LANDS

Aloha Chair Kahele and Chair Gabbard and members of the Water and Land and Agriculture and Environment committees,

The Association of Hawaiian Civic Clubs – Hawai'i Council (AHCC – Hawai'i Council) **OPPOSES HB2035 HD1** which requires the Department of Land and Natural Resources (DLNR) to transfer to the Hawai'i Department of Agriculture (HDOA) specified non-agricultural park lands.

The DLNR has over 100,000 acres in pasture use on Hawai'i Island that are at risk of being transferred to the Hawai'i HDOA. This sets an unprecedented administrative change of transferring over ten percent of the land under DLNR to HDOA. These public trust resources would be open to grazing without restriction leaving native flora and fauna at risk, and public access could be blocked restricting cultural tradition protected by the state's constitution. Currently, these pasture lands maintain native forests and their habitat which offer opportunities for native reforestation efforts.

The Association of Hawaiian Civic Clubs (AHCC) has taken many positions and advocated for Native Hawaiian traditional cultural practices and values, and that they be integrated into resource management plans. Further the AHCC has taken a firm position on urging the Hawai'i State Legislature to enact legislation to protect Hawai'i's flora and fauna.

The AHCC - Hawai'i Council is comprised of nine active Hawaiian Civic Clubs on the Island of Hawai'i who are chartered by the Association of Hawaiian Civic Clubs. We are part of a collective of fifty-one (51) other chartered clubs throughout the State of Hawai'i and the United States that meet annually to vote on resolutions that advocate for the betterment of the conditions for Native Hawaiians. Thank you for hearing our testimony we urge the committees to **DEFER HB2035 HD1**.

Mahalo Nui,

Shane Akoni Palacat-Nelsen
Pelekikena

LATE



Environmental Caucus of The Democratic Party of Hawai'i

Monday, March 16, 2020

House Bill 2035, HD 1
Testifying in Opposition

Aloha Chairs Kahele and Gabbard, Vice Chairs Keith-Agaran and Ruderman, and Members of the Committee on Water and Land, and Committee on Agriculture and Environment:

The Environmental Caucus of the Democratic Party of Hawaii stands in opposition to HB 2035, HD 1. This measure requires DLNR to transfer to DOA specified non-agricultural park lands by a specified deadline; requires DLNR and DOA to jointly report on the status of the land transfer; and amends the definition of “agricultural activities” used in chapter 166E, HRS.

The purpose of this Act is to: (1) set a deadline for the transfer of certain non-agricultural park lands from the department of land and natural resources to the department of agriculture pursuant to Act 90, Sessions Laws of Hawaii 2003; and (2) clarify that the care and production of pasture land constitutes an “agricultural activity” for purposes of chapter 166E, Hawaii Revised Statutes. The definition of “Agricultural activities” is expanded to encompass, “the care and production of livestock or livestock products includes the care and production of pasture land.”

DLNR has more than 100,000 acres in pasture use in Hawai'i Island that are at risk of being transferred to the DOA. This is an unprecedented administrative change to transfer over 10 percent of the land under DLNR to HDOA. These public trust resources would be open to grazing without restriction, native trees could be clear cut, and public access could be blocked threatening cultural values and access to maintaining constitutionally protected cultural traditions. Transferring these lands to DOA would eliminate future opportunities for reforestation projects aimed at recovering endangered bird populations. Some of these pasture lands serve as critical corridors, allowing forest birds to migrate up the mountain to cooler climates where there is less threat of mosquitos and avian malaria. The subject property includes crucial watershed lands necessary for healthy forests, robust drinking water supplies, and native species habitat. Carbon sequestration, wildlife management, wildfire protection and forest health, rather than for pasture purposes, would be the best practices for this land. It would be in the public's best interest to leave the property with the DLNR who is best suited to manage these lands without risk of loss of these valuable environmental resources to the State of Hawai'i.

For these reasons, we urge you to oppose this bill which requires DLNR to transfer to DOA specified non-agricultural park lands by a specified deadline; requires DLNR and DOA to jointly report on the status of the land transfer; and amends the definition of “agricultural activities” used in chapter 166E, HRS.

Mahalo for the opportunity to testify,

/s/ Melodie Aduja

Melodie Aduja
Co-Chair, Green New Deal Committee
Environmental Caucus
Democratic Party of Hawaii
Email: legislativepriorities@gmail.com

HB-2035-HD-1

Submitted on: 3/15/2020 11:07:24 PM

Testimony for WTL on 3/16/2020 1:20:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Steve Montgomery & Anita Manning	Testifying for Ahahui Malama I Ka Lokahi /Hawaiians for the Conservation of Native Ecosystems	Oppose	Yes

Comments:

Our Ahahui opposes this Bill RELATING TO GRAZED FORESTS & favor instead a Recovery, not a Requiem for public Koa lands. Just as so many are volunteering to plant millions of trees to capture carbon in lush, sunny forests, the cattlemen are asking legislators to transfer and convert Koa & other forests into cattle food and methane, a very harmful greenhouse gas. This bill is the wrong way to address climate chaos, getting worse with stronger hurricanes, rain bombs, floods, droughts & heat waves. Last year, towns in Hawaii had 270 hottest days ever. The Polynesian Voyaging Society searched for big koa trees to build voyaging canoes in 1980s but sadly failed, due to damage by decades of cattle. A Big Island paper reported last year 1,250 acres of DLNR forest in Ka'u, withdrawn from a grazing lease 30 years ago, could soon be harvested for precious koa wood. This Kapapala Koa Canoe Management Area, within the Ka'u Forest Reserve north of Pahala, was set aside in 1991 to be sustainably harvested to provide koa logs for community organizations that build traditional canoes. westhawaii.com/2019/04/01/hawaii-news/state-moves-forward-with-koa

Michael Tam has written that koa forested land on the Big Island by 1900 was gobbled up by ranchers to raise herds of cattle. Unfortunately, large forests were eliminated by the grazing and girdling of cattle. But in upper slopes, some fences once erected to keep cattle within boundaries can now keep the cattle out of prime sites where young koa trees can quickly sprout from roots and regrow.

[/martinandmacarthur.com/blogs/news](http://martinandmacarthur.com/blogs/news) In 1913, the Territory botanist, Joseph Rock, wrote in Indigenous Trees of Hawaii: "The whole forest has suffered greatly from the invasion of cattle which have destroyed large areas." On p.31 he notes the new Volcanoes National Park was rescuing a relict Manele & Koa grove in Kipuka Puauulu, where he had just discovered wonderful new tree species barely saved while it was used to fatten cattle. DLNR has transferred to DOA 18,000 acres of crop lands, and should continue to oversee cattle grazed forest lands for partnership programs with ranchers to protect endangered species, plant trees for habitat, carbon sequestration and sustainable forest products and to lower risk of wildfires. These lands must remain with DLNR as the expert forestry agency to protect public trust natural and cultural values. North Kona at mauka Puuwaawaa has a formerly grazed Koa tract that is a

model for recovery of special native forests from 90 years of ranching leases. In 2002 to protect endangered species, plant trees for habitat recovery, and lower risk of wildfires, the DLNR Board transferred responsibility to the Division of Forestry and Wildlife, which with USDA forest scientists, has set up innovative projects. These uplands represent a remarkable diversity of historical, natural, cultural and recreational resources like hunting, with wildfire fuel suppression by some livestock grazing. The Mauna Kea Forest Restoration Project is a 2nd example of ongoing tree planting in upper mamane tree belt. Please oppose this short-sighted bill so upland sites, never once plowed or clearcut of trees, would remain under LNR, the 1 agency with expertise to manage or restore Koa. Mahalo

Steven Lee Montgomery, Ph. D., Board Member
Ahahui Malama I Ka Lokahi /Hawaiians for the Conservation of Native Ecosystems
P.O. Box 720, Kailua, HI 96734

HB-2035-HD-1

Submitted on: 3/15/2020 1:01:42 PM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kalani	Individual	Support	No

Comments:

Very strong support for this bill.

1. Hawaii needs more food self-sufficiency. Everyone agrees on this.
2. Farmers and ranchers can't be very productive without favorable long-term leases and security.
3. Although DLNR now says it can better manage ag leases, it is very obvious that they don't have the will to do so; what have they done over the last 17 years since Act 90 passed?
4. Although DLNR says it needs to retain this ag land for conservation purposes, look at what is happening all over the state -- DLNR does not have the resources to manage all the lands it has under its jurisdiction.
5. This bill will allow DOA to manage leases on these ag lands -- it's a win-win because farmers will have security to invest and continue to manage these lands appropriately while producing more food for Hawaii's communities.
6. If the concern is that conservation efforts will not be conducted unless DLNR retains the land, this is just incorrect. DOA and the BOA can condition the ag leases to ensure environmental protection.

Thank you.

HB-2035-HD-1

Submitted on: 3/10/2020 8:02:37 PM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Sojot	Individual	Oppose	No

Comments:

Dear Chairs Kahele and Gabbard, Vice Chairs Keith-Agaran and Ruderman, and members of the Senate Water and Land and Agriculture and Environment Committees,

I OPPOSE HB2035 HD1 because public lands are held for public use, not for private interests. Our land in Hawai'i is a valuable resource for all and never has this been more critical than in our contemporary times. Allowing HB2035 HD1 to go through would devastate already weakened natural resources, block access to cultural resources, and eliminate important measures that we have put in place to safeguard the ethical and sustainable use of these public lands. Please HOLD this measure to ensure that our limited public lands are preserved for our future generations.

Mahalo,

Amy Sojot

Mililani

HB-2035-HD-1

Submitted on: 3/10/2020 10:31:45 AM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Louise Hanna	Individual	Oppose	No

Comments:

Dear Chairs Kahele and Gabbard, Vice Chairs Keith-Agaran and Ruderman, and members of the Senate Water and Land and Agriculture and Environment Committees,

I am respectfully submitting testimony *against* HB2035.

My primary objection to the bill is that from the perspective of a voting citizen on Hawai'i Island, this bill appears designed to benefit ONE SINGLE citizen. After searching the TMK database on Hawai'i Island, I find that EVERY parcel listed for transfer in HB2035 under lease agreement with the state is leased by ONE SINGLE INDIVIDUAL.

I believe that the government I vote for has a responsibility to respect and serve the people and the 'aina. From the perspective of the parcels noted on Hawai'i Island, this bill serves ONE individual out of over 200,000 people. In my opinion, this is WRONG.

While there are many other reasons to be concerned about the impact this bill would have, my greatest concern is that it appears that HB2035 serves the few at the expense of the many.

In Peace and with Aloha,

Louise Hanna

HB-2035-HD-1

Submitted on: 3/9/2020 8:19:18 PM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Ware	Individual	Oppose	No

Comments:

Dear Chair and Committee Members,

My name is Diane Ware and I am a member of Sierra Club. I strongly oppose this measure which risks our precious 'Ohi'a native forests and agree with testimony of SC and DLNR. There is precious little native forest left and as a volunteer in forest reforestation I have experienced first hand the difficulty and cost of this process which truly cannot replace the diversity of even partially dozed or plowed areas. I have experienced loose cows in Cymbidium Acres subdivision in Volcano which muck up the ground and eat every hapu'u frond before it uncurls--absolute devastation to rare native understory making it impossible to restore cleared areas without fencing.

Where there is no native forest, there are no native birds and most are now on the verge of extinction.

The 93 thousand acres of land at issue in this bill are crucial watershed lands that have been used on a temporary basis for ranching activities and hunting. As the title of the bill says, these are "non-agricultural park lands." It is appropriate for the agency responsible for managing the state's watersheds for healthy forests, robust drinking water supplies, and native species habitat should be responsible for managing these high-value lands. The Department of Land and Natural Resources is that agency, not the Department of Agriculture.

Fix DLNR's leasing, licensing, and permitting process

The real issue behind this bill is the challenge ranchers face in securing the proper land dispositions from DLNR. We understand this problem. The Club continues to be a consistent critic of the DLNR's handling of public land dispositions, in particular the improper use of revocable permits like those ranchers are currently using for access to these public lands.

The proper solution here is to fix DLNR's process for handling land and water dispositions, not to transfer specific pieces of property away from the very agency that should be managing them. The Club is committed to helping in this process. The committee should review SB915(2019) for guidance on ways to improve DLNR's land disposition process in a way that protects public trust resources and state interests in

the long-term health of public watershed lands, while also reducing the hurdles for small-scale, low-impact uses of public lands (such as ranching and pasture lands.

Please preserve native forests and birds by Opposing this measure,

Diane Ware, Volcano HI

HB-2035-HD-1

Submitted on: 3/10/2020 9:35:49 AM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bob Kraus	Individual	Oppose	No

Comments:

Dear Chair Yamane, Vice Chair Todd, and members of the House Water, Land, & Hawaiian Affairs Committee,

I am respectfully submitting testimony *against* SB2812.

My primary objection to the bill is that from the perspective of a voting citizen on Hawai'i Island, this bill appears designed to benefit very very few citizens. After searching the TMK database on Hawai'i Island, I find that EVERY parcel listed for transfer in SB2812 under lease agreement with the state is leased by ONE SINGLE INDIVIDUAL.

I believe that the government I vote for has a responsibility to respect and serve the people and the 'aina. From the perspective of the parcels noted on Hawai'i Island, this bill serves ONE individual out of over 200,000 people. In my opinion, there is something very VERY WRONG with this picture.

While there are many other reasons to be concerned about the impact this bill would have, my greatest concern is that it appears that SB2812 serves the few at the expense of the many.

Peace & Aloha,

Bob Kraus

HB-2035-HD-1

Submitted on: 3/9/2020 6:39:32 PM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Oppose	No

Comments:

I oppose HB2035 HD1, which may significantly compromise the Department of Land and Natural Resources' (DLNR's) ability to properly protect and promote native forests, watersheds, and habitats, including the natural and cultural resources they contain.

Native Hawaiian culture, health, and identity is inextricably intertwined with the 'Ā• ina, including the plants, animals, resources, and sites that serve as the foundation of Native Hawaiian cultural practices, beliefs, and values. The DLNR, meanwhile, is the primary state agency responsible for the oversight and protection of lands and resources that in many ways constitute the 'Ā• ina, with specific divisions focused on properly protecting and managing forests and watersheds, conservation lands, native and endangered species, and cultural sites. Accordingly, ensuring that the DLNR and its divisions can and do fulfill their important responsibilities relating to the 'Ā• ina is of particular concern.

I am also concerned that this measure may significantly compromise the DLNR's and its divisions' abilities to fulfill their kuleana, with regards to native forests, watersheds, Critical Habitat, and natural and cultural resources and sites found on and adjacent to the land parcels that would be transferred to the DOA. Accordingly, I understand that the transfer of these lands from the DLNR, which has the responsibility, institutional memory, and expertise to balance the many important roles of these "pasture" lands, to the DOA, could compromise lands, resources, and sites that are of particular significance to the Native Hawaiian community.

Mahalo for the opportunity to comment.

Benton Kealii Pang, Ph.D.

HB-2035-HD-1

Submitted on: 3/10/2020 7:36:22 PM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joel Mark	Individual	Oppose	No

Comments:

I STRONGLY oppose the giveaway of this invaluable pulbic resource to special interests. Instead of destroying our natural and cultural resources, we should be preserving them for our children and grandchildren!

Mahalo,

Joel Mark

Honolulu

HB-2035-HD-1

Submitted on: 3/12/2020 9:58:50 AM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Fernandes	Individual	Support	No

Comments:

HB-2035-HD-1

Submitted on: 3/12/2020 5:24:06 AM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Taylor Kellerman	Individual	Support	No

Comments:

HB-2035-HD-1

Submitted on: 3/11/2020 2:24:52 PM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ryuko Miura	Individual	Oppose	No

Comments:



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON WATER AND LAND

Senator Kaiali'i Kahele, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair

Senator Russell E. Ruderman, Vice Chair

HB2035 HD1

Requires DLNR to transfer to DOA specified non-agricultural park lands by a specified deadline. Requires DLNR and DOA to jointly report on the status of the land transfer. Amends the definition of "agricultural activities" used in chapter 166E, HRS.

Monday, March 16, 2020, 1:20 pm
Conference Room 224, State Capitol
415 South Beretania Street

Chair Kahele, Vice Chair Keith-Agaran, and Members of the Committee on Water and Land,
Chair Gabbard, Vice Chair Ruderman, and Members of the Committee on Agriculture and Environment,

The Hawaii Cattlemen's Council **strongly supports HB2035 HD1** to set a deadline and enforce Act 90, 2003.

We firmly believe that Act 90, 2003 refers to pasture leases—the intent of this bill is to fully clarify that. Act 90 clearly defines agricultural activities as, “the care and production of livestock, livestock products, poultry, or poultry products, or apiary, horticultural, or floricultural products, or the planting, cultivating, and harvesting of crops or trees.” The care and production of livestock requires pasture, and the language of Act 90, 2003 indicates that production of livestock is an agricultural activity.

Act 90 was passed in 2003 for the purpose of ensuring the long-term productive use of public agricultural lands by allowing these lands to be transferred to and managed by the department of agriculture. The delay in transferring agricultural lands hinders the ability for ranchers to do long-term planning.

Agricultural leases administered by HDOA will be better tailored to agricultural operations and the management of those natural resources for agricultural purposes and sustainability for the following reasons:

- HDOA's mission is for agricultural production and to gain greater self-sufficiency in food, whereas DLNR's mission is to manage Hawaii's natural, cultural, and historic resources.
- Lands under DLNR go to public auction for lease disposal and aim to generate the highest lease rents possible. Consistent with HDOA's mission, the terms and conditions of their leases including rent structure are viable for ag uses and encourage good stewardship of said resources for agricultural sustainability.
- Long lease terms under HDOA allow ranches to invest in improvements to the land and gives them confidence based on sufficient tenure to grow their operation.





Hawaii Cattlemen's Council, Inc.

Ranchers and conservationists are often pitted against each other, when in fact, the values of both parties overlap. Ranchers are proponents for stewarding the land well and will continue to implement conservation practices when leases are transferred to HDOA—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. Nothing on the land will change. They will continue to be cooperators with their Local Soil and Water Conservation Districts, housed under DLNR's, and manage their conservation plans. They will continue to be valued partners in their Local Watershed Partnerships, housed under DLNR. The ranchers will continue to ranch, and continue to be excellent land stewards, and continue to provide public access and access for hunters, all as required in the lease whether it is managed by DLNR or HDOA. They will also continue to fight invasive species, provide watershed management, and carbon sequestration, and provide all of the other eco-system services they have always provided, all at no cost to the State or the general public. Only the State agency which administers the leases will change.

The transfer of these leases to HDOA is long overdue and important for Hawaii to gain food security. We respectfully ask this committee to support **HB2035 HD1** and include a deadline that is reasonable, but in the near future. We appreciate the opportunity to testify on this critical matter for our industry.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director



HB-2035-HD-1

Submitted on: 3/11/2020 5:57:26 PM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Doreen Canto	Individual	Support	No

Comments:

HB-2035-HD-1

Submitted on: 3/15/2020 1:18:45 PM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
J Ashman	Individual	Support	No

Comments:

Act 90, passed into law in 2003, mandated the transfer of agricultural lands into DOA, the agency that is the most knowledgeable, capable and efficient at managing agricultural lands. Nothing in the past 17 years has negated the need for this transfer. In fact, there is more need today to become more food self-sufficient and secure. We should be encouraging and supporting our farmers and ranchers; not thwarting their efforts.

Farming and ranching in Hawaii requires long-term planning, daily intense efforts of many focused individuals and a multigenerational commitment of human and fiscal resources. Short-term agreements and other negative lease terms under the DLNR are not beneficial to producing food or maintaining healthy ecosystems.

The transfer of agricultural lands to the DOA will not preclude the State from adjusting or repurposing the land in the future, if/when appropriate plans and resources become available. DLNR currently has a portfolio of unmanaged lands that invite degradation and produce nothing but habitat for destructive invasive species that are spreading throughout the state.

Farms and ranches and healthy and productive forests are not mutually exclusive.

The **Board of Agriculture** can ensure that the leases it awards to farmers and ranchers come with clear and enforceable forest stewardship goals and objectives, and other conditions that will benefit our communities.

Thank you for your support of Hawaii's food producers.

Deborah L. Chang
P.O. Box 202
Pa`auilo, HI 96776
kulaiwi@outlook.com

March 16, 2020
HEARING BEFORE SENATE COMMITTEES OF WTL AND AEN
TESTIMONY ON HB 2035, HD1
RELATING TO NON-AGRICULTURAL PARK LANDS

Aloha Chairpersons Kahele and Gabbard, Vice-Chairpersons Keith-Agaran and Ruderman, and Members of the Committees:

I am opposed to HB 2035 HD1 for the following reasons:

- The bill's deadline of June 30, 2020 for automatic transfer from DLNR to DOA of "any lands identified and approved for unconditional transfer" compels the transfer of large acreage of public lands to be used exclusively for agricultural purposes without careful assessment.
- Although Section 1 of the bill claims that since the passage of HRS 166E in 2003, nearly seventeen years later, the DLNR "has not yet transferred the land," DLNR's testimony states that more than 18,000 acres have been transferred to DOA with more in process of being transferred. It appears that Section 1 is exaggerating the slow pace to justify the bill's proposed deadline.
- All public natural resources on public lands are held in trust by the State for the benefit of present and future generations. We rely on our legislators to be vigilant in defending our important public trust lands. Before transferring public lands to the DOA for strictly agricultural purposes (a near-permanent move under HRS 166E), the potential effects on valuable public resources need to be considered and managed. If the agricultural lands are adjacent to forest reserves, public access for hunting, hiking, birding, and scientific research should be considered. Watershed protection and management should be assured. If native forest is present, native plants and endangered species need protection. Removal of invasive weeds needs to be a required land management practice. Historic and cultural sites and historic burials should be identified and protected. Careful assessment and protection of these values prior to transfer of public lands requires time and not artificial deadlines.

I am a part-time farmer and agree that growing our own food on lands appropriate for agricultural use is a public necessity. However, so is protecting and managing public land for other public necessities such as water, a clean environment, and quality of life. Surely there are better ways to ensure that agricultural lands are appropriately transferred without resorting to short deadlines that could result in loss of other public land values. Please disapprove HB 2035 HD1.

Mahalo for your consideration of this testimony.

HB-2035-HD-1

Submitted on: 3/15/2020 12:30:39 PM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kamuela Werner MPH	Individual	Oppose	No

Comments:

HB-2035-HD-1

Submitted on: 3/14/2020 7:10:20 PM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laura Gray	Individual	Oppose	No

Comments:

We need to protect our Ag lands and not make it easier to develop them. Why would we want to pass a law like this at a time when it is ever more clear that we need our Ag lands to sustain us when we are so fragile and at the mercy of ships and planes that may not be coming? We need to be independent in our food security!

HB-2035-HD-1

Submitted on: 3/15/2020 11:09:12 AM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne	Individual	Oppose	No

Comments:

Aloha,

Please HOLD HB2035 HD1. It makes no sense to entrust the Department of Agriculture to renew, extend, or issue new leases (for the many, many acres under Revocable Permit status) for 100,000 acres of public trust lands that contain some of our most unique and irreplaceable habitats, species, resources, and sites -- especially when the Department's barely existent non-ag park leasing staff has no relevant expertise in these areas, when the Department's testimony has failed to articulate why this is the best course of action for the state in light of their sister Department of Land & Natural Resources' concerns, and particularly when the Department's board has the power to exempt development projects on these public lands from laws ranging from planning and zoning standards to those relating to the development of land and construction of buildings.

A Task Force to determine precisely which lands may be suitable for transfer to the Department of Agriculture (HCR200) or a report regarding the same from the Department of Agriculture (SCR215) would be more prudent steps to take first, before allowing any and all of these public lands to be leased for decades.

Mahalo nui loa for your consideration of this matter.

Wayne Tanaka

HB-2035-HD-1

Submitted on: 3/14/2020 1:14:11 PM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Chang	Individual	Oppose	No

Comments:

Dear Chairs Kahele and Gabbard, Vice Chairs Keith-Agaran and Ruderman, and members of the Senate Water and Land and Agriculture and Environment Committees,

I OPPOSE HB2035 HD1 because it will let private ranches ignore the public interest in nearly 100,000 acres of public lands, and enable the destruction of natural and cultural resources, the blocking of access to hunting grounds and cultural sites, and the development of agricultural facilities with a broad range of environmental and land use exemptions under HRS 166E-10. Nothing is stopping private ranches from continuing to use public lands for their cattle operations, in balance with the many other interests and concerns of hikers, hunters, Native Hawaiian cultural practitioners, conservationists, and others in these lands. Please HOLD this measure and protect the public trust in our limited public lands.

Mahalo

Kevin

HB-2035-HD-1

Submitted on: 3/13/2020 6:06:20 PM

Testimony for WTL on 3/16/2020 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Theresa M Thompson	Individual	Support	No

Comments:

March 16, 2020

HEARING BEFORE SENATE COMMITTEES OF WTL AND AEN TESTIMONY ON
HB 2035, HD1

Testimony of TONI WITHINGTON

P.O. Box 76

Hawi, Hawaii 96719

sundownertoni@yahoo.com

LATE

Slow Down!! This bill transfers way too much land from DLNR to Department of Agriculture without really understanding what is important about the individual parcels to the people of Hawaii. I see the nature of this bill as a vast violation of your role in protecting the Public Trust.

The original version of the bill identified 114 parcels totaling more than 93,000 acres on Hawaii Island that were to be transferred. Many are in the district of North Kohala. Most of them are used for marginal and only occasional grazing. Transferring them to DOA will not even begin to solve the food sustainability issue in the State of Hawaii. Some of the lands are part of early Hawaiian settlements and the famous Kohala Field System, which is proving to be an educational storehouse of information about early life in Hawaii. Many of the pasture lands are remnant native forests that have never been plowed and contain native and endangered plants and wildlife. Some adjoin or are near forest reserves and, as a result, have great potential for reforestation, and/or are important in providing access to other public lands for management, traditional gathering, and public recreation including hunting and trails. Historic and cultural sites and historic burials should be identified and protected.

But you don't know which is where or what should be saved. All the land is piled into one bucket.

Mandating the transfer of these lands to DOA for pasture purposes will severely undermine the potential for reforestation and other natural resource protection uses of the land. With global warming threatening to greatly cut back on the moisture available to restore our watersheds, it is clear that extensive forestation of our islands will be a priority in the future. DOA is not set up to handle this critical need.

You should not allow the wholesale stripping of lands from DLNR, when that department has not evaluated the future needs of the Public Trust.

Please Vote NO.