

**DAVID Y. IGE**  
Governor

**JOSH GREEN**  
Lt. Governor



**PHYLLIS SHIMABUKURO-GEISER**  
Chairperson, Board of Agriculture

**MORRIS M. ATTA**  
Deputy to the Chairperson

State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
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**TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER**  
**CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON WATER, LAND AND HAWAIIAN AFFAIRS**

March 11, 2020  
9:00 A.M.  
CONFERENCE ROOM 325

**SENATE BILL NO. 2812, SD1**  
**RELATING TO AGRICULTURAL LANDS**

Chairperson Yamane and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill 2812, SD 2. This measure clarifies that agriculture activities in non-agricultural park lands may include the care and production of pasture lands; requires the transfer of certain lands from the Department of Land and Natural Resources to the Department of Agriculture; and requires reports to the Legislature on compliance with the land transfers.

The Department supports this bill. However, we have noted some minor issues with the bill that can be addressed with housekeeping amendments. The Department respectfully requests:

- SECTION 4 of this bill (page 5, line 10 – 19) be replaced by a one-time, general fund supplement into the Non-Agricultural Park Lands Special fund to be expended by the Department, instead of an appropriation from the Special fund. This fund's current income source is lease rent from existing tenants whose rents are set via appraisal. We believe use of this fund to facilitate the transfer of additional parcels to the Department's



inventory of agricultural lands would place an untenable additional burden on the program without the infusion of new funding. The Department notes that no transfer of funds, staffing, or other resources have occurred pursuant to Act 90. (2003), as amended, other than the transfer of management jurisdiction of agricultural lands.

- The apparent typographical error in the citation heading Section 2 (pg. 2 In. 12) be corrected. The section amended should be HRS 166E-2.

Thank you for the opportunity to testify on this measure.



**SB2812 SD2**  
RELATING TO AGRICULTURAL LANDS  
House Committee on Water, Land, & Hawaiian Affairs

March 11, 2020

9:00 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) **OPPOSES** SB2812 SD2, 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, from potentially inappropriate agricultural uses on land parcels totaling 93,000 acres on Hawai'i Island.

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 under this measure.** It is OHA's understanding that this measure proposes to transfer over 100 parcels of "pasture" lands comprising approximately 93,000 acres from the DLNR to the DOA. It is also OHA's understanding that, despite their relatively non-descriptive categorization as "pasture" lands, these 93,000 acres of land may in fact play critical roles in the protection and maintenance of the 'āina, such as by serving as "buffer" zones between native forests and watersheds and more intensive human uses; hosting undeveloped and unique native ecosystems themselves; and providing critical habitat to endangered and other native species. **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 lands, to the DOA which does not have the same experience and expertise, and therefore could compromise the lands, resources, sites, and practices that are of particular significance to the Native Hawaiian community.**

Accordingly, OHA urges the Committees to **HOLD** SB2812 SD2. Mahalo nui loa for the opportunity to testify on this measure.

**SB-2812-SD-2**

Submitted on: 3/9/2020 10:49:32 AM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cathy Goeggel	Animal Rights Hawai'i	Oppose	No

Comments:



**Testimony of The Nature Conservancy of Hawai'i  
Opposes SB2812 SD2 Relating to Agricultural Lands  
Committee on Water and Land & Hawaiian Affairs  
Wednesday, March 11, 2020, 9:00 AM, Room 325**

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

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The Nature Conservancy opposes the transfer of pasture leases from DLNR to DOA.

**SB2812 RELATING TO AGRICULTURAL LANDS. Clarifies that agriculture activities in non-agricultural park lands may include the care and production of pasture lands. Requires the transfer of certain lands from the Department of Land and Natural Resources to the Department of Agriculture. Requires the Department of Land and Natural Resources to accept and return to its land inventory, any parcel or portion thereof, transferred pursuant to this Act that the Department of Agriculture has determined to be unsuitable or unnecessary for agricultural use. Requires reports to the Legislature on implementing the land transfers, addressing the concerns about stewardship, and compliance with the land transfers. Appropriates funds. Effective 7/1/2050. (SD2)**

Pasture lands are a part of DLNR's mission to steward diverse lands for public trust. The pasture lands under their management are comprised of remnant native forest but allow for grazing. These are lands that have never been plowed nor have the native forests been clear cut. They also contain remnant forests which are critical to Hawai'i's water security, provide habitat for Hawai'i's unique and vulnerable plant and animal species, including some endangered species; they offer a buffer to slow the spread of invasive species into more pristine native forest; and they provide access for management, recreation and traditional gathering.

The Conservancy acknowledges there is common ground among DLNR, ranchers, conservation organizations/partnerships and other land users who are working collectively to effectively manage watersheds, native forests, invasive species, endangered species, public access, open space, climate impacts and agriculture. We believe we can work effectively together in the interest of the landscapes, forests and the people they support.

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

The best option that both maintains the public trust use of these lands and addresses the revocable lease situation is to pass SB2914 (HB2358), which would present DLNR the flexibility to negotiate pasture leases.

**SB-2812-SD-2**

Submitted on: 3/9/2020 12:23:48 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Heather Simmons	Hawaii Forest Industry Association	Support	No

Comments:

The Hawaii Forest Industry Supports SB2812.

The clear intent of Act 90, which was passed into law in 2003, was to improve the States' management of its land assets by placing their responsibility in the hands of the State's departments that are most knowledgeable, capable and efficient at managing the various classes of assets. It seems peculiar and mis-guided to argue the definition of agriculture seventeen years after it was defined to include pastoral use as agriculture.

The challenge is how to optimize the use of our land for future generations. All of the large land uses like orchards, tree farms, commercial forests and, pasture management require long-term planning, day to day efforts of many focused individuals and multigenerational commitment of human and fiscal resources. Working landscapes are harmed under short-term agreements because many of the inputs necessary to keep the land healthy have long-term pay backs which don't work with short term agreements.

The State and landowners do have opportunities to adjust or repurpose their lands and many thousands of acres have been repurposed in the last couple of decades. There are tens of thousands of acres on Hawaii Island that have been repurposed by both the State and Private landowners. The State has moved thousands of acres of former grazing land in upper Hamakua with the intention of restoration of Habitat for the Palila bird. The State withdrew 1,000 acres from Kapapala Ranch in Kau almost 30 years ago to demonstrate sound forest management while providing Koa for cultural and economic enhancement of the community. In these and too many other cases the acquisition appetite of our government, along its good intentions, has not been matched with the resources to manage these important lands.

Unmanaged lands, in most cases, invites land degradation over time. The State has not been able to manage its lands as it knows they should be managed. The Division of Forestry and Wildlife employ a cadre of professionals that are very capable and dedicated. We, as a State, have not funded our agencies charged with resource management and the land show it.

Neglected lands become weed forest with amazing speed. The Hawaii Forest Industry Association applauds the idea of managing land to promote healthy and productive forests but we believe that improved land management can be achieved through land use negotiations with willing and knowledgeable ranchers. HFIA recommends appropriate incentives to achieve clear forest stewardship goals.

Asking the State's DLNR to manage these working landscapes does not demonstrate wise stewardship, because they don't have the resources to manage what they are responsible for now. DLNR is so over-burdened with their core mission of Fire prevention and suppression, protecting our rare forest birds, improving high elevation forested watersheds, providing hunting programs, putting etc. DLNR's Division of Forestry and Wildlife are too busy to manage the forests they have responsibility for now.

If the idea is to give more land to DOFAW to manage: regrettable that is not a good idea. We need DOFAW to continue to do what they now better and we need DOFAW to manage the lands the way they would like to; which will take additional financial and human resources. It's simply the wrong time to burden DLNR and their DOFAW with additional responsibilities. Rather, we recommend that DOFAW be properly funded to carry out its existing mandates.



# SIERRA CLUB OF HAWAI'I

## HOUSE COMMITTEE ON WATER, LANDS, AND HAWAIIAN AFFAIRS

March 11, 2020      9:00 AM      Room 325

In **OPPOSITION** to **SB2812 SD2**: Relating to Agricultural Lands

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Aloha Chair Yamane, Vice Chair Todd, and members of the joint committee,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **STRONGLY OPPOSES SB2812** 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. It is incorrect to refer to these as agricultural lands, as the title of this bill does.

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).

### **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.

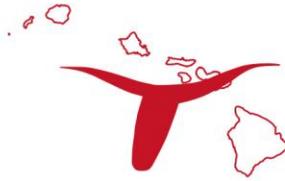
In this situation, the real purpose of these lands is watershed protection and management. This is the source of our future water, this is the home for Hawai'i's native species. That makes these lands the responsibility of the Department of Land and Natural Resources, not the Department of Agriculture.

For these reasons, we urge this committee to **HOLD** this bill. Thank you very much for this opportunity to provide testimony in **opposition to SB2812**.

Mahalo,

A handwritten signature in cursive script, appearing to read "M. Townsend", written in black ink on a white background.

Marti Townsend  
Chapter Director



**Hawaii Cattlemen's Council, Inc.**

COMMITTEE ON WATER, LAND & HAWAIIAN AFFAIRS

Rep Ryan I. Yamane, Chair

Rep Chris Todd, Vice Chair

**SB 2812 HD2**

Clarifies that agriculture activities in non-agricultural park lands may include the care and production of pasture lands. Requires the transfer of certain lands from the Department of Land and Natural Resources to the Department of Agriculture. Requires the Department of Land and Natural Resources to accept and return to its land inventory, any parcel or portion thereof, transferred pursuant to this Act that the Department of Agriculture has determined to be unsuitable or unnecessary for agricultural use. Requires reports to the Legislature on implementing the land transfers, addressing the concerns about stewardship, and compliance with the land transfers. Appropriates funds. Effective 7/1/2050. (SD2)

Wednesday, March 11, 2020, 9:00 am  
Conference Room 325, State Capitol  
415 South Beretania Street

Chair Yamane, Vice Chair Todd, and Members of the Committee on Water, Land & Hawaiian Affairs,

The Hawaii Cattlemen's Council **strongly supports SB2812 HD2.**

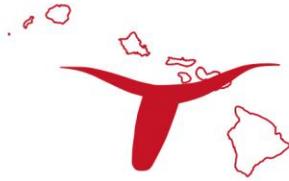
We firmly believe that Act 90, 2003 refers to pasture leases—the intent of this bill is to fully clarify that. Act 90 clearly defines agricultural activities as, “the care and production of livestock, livestock products, poultry, or poultry products, or apiary, horticultural, or floricultural products, 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 we support **SB2812 HD2** and appreciate the opportunity to testify on this critical matter for our industry.

Nicole Galase  
Hawaii Cattlemen's Council  
Managing Director





March 9, 2020

Representative Ryan I. Yamane, Chair  
Representative Chris Todd, Vice Chair  
House Committee on Water, Land, & Hawaiian Affairs

**Testimony in Support of SB 2812, S.D.2, Relating to Agricultural Lands (Clarifies that agricultural activities in non-agricultural park lands may include the care and production of pasture lands; requires transfer of certain lands from the Department of Land and Natural Resources [DLNR] to the Department of Agriculture [DOA]; requires DLNR to accept and return to its land inventory, any parcel or portion thereof that the DOA has determined to be unsuitable or unnecessary for agricultural use; requires reports to the Legislature regarding land transfers; appropriates funds; effective 07/01/2050.)**

**Wednesday, March 11, 2020, 9:00 a.m., in Conference Room 325**

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 SB 2812, S.D.2** and of the various agricultural stakeholder groups who defend the goals of viable agricultural operations and the conservation and protection of agriculture in Hawaii.

**SB 2812, S.D.2.** This bill proposes to clarify that the care and production of pasture lands shall be included as agriculture activities in non-agricultural park lands; require the transfer of certain lands from the DLNR to the DOA by no later than June 30, 2021; require that the land transfers be executed without limitation; require the DLNR to accept and return to its land inventory, any parcel or portion thereof transferred pursuant to this measure that the DOA has determined to be unsuitable or unnecessary for agricultural use; and require the DLNR and DOA to jointly submit reports to the legislature with recommendations regarding future transfer of lands and the departments' efforts to work together to allow continued management and stewardship of these public trust and agricultural lands.

**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 should 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 SB 2812, S.D.2** and respectfully urges your favorable consideration.

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



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

March 11, 2020

HEARING BEFORE THE  
HOUSE COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS

**TESTIMONY ON SB 2812, SD2**  
RELATING TO AGRICULTURAL LANDS

Room 325  
9:00 AM

Aloha Chair Yamane, Vice Chair Todd, and Members of the Committee:

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 supports SB 2812, SD2**, which clarifies that agriculture activities in non-agricultural park lands may include the care and production of pasture lands, requires the transfer of certain lands from the Department of Land and Natural Resources to the Department of Agriculture, requires reports to the Legislature on compliance with the land transfers.

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.

**SB-2812-SD-2**

Submitted on: 3/10/2020 2:17:21 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

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

Comments:

1. Steven **Lee Montgomery, Ph. D.**  
**Ahahui Malama I Ka Lokahi /Hawaiians for the Conservation of Native Ecosystems P.O. Box 720, Kailua, HI 96734 [www.ahahui.net](http://www.ahahui.net)**

We oppose this Bill RELATING TO GRAZED FORESTS & favor 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 grazing leases, could soon be harvested for koa wood for the first time in 30 years. 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 wood for various community organizations that build traditional canoes. [westhawaii.com/2019/04/01/hawaii-news/state-moves-forward-with-koa](http://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.

1.

has transferred to DOA 18,000 acres of crop lands, and should continue to oversee cattle grazed 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 livestock leasing. This dryer zone was economically marginal for ranching, so 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 ecosystems.

**SB-2812-SD-2**

Submitted on: 3/9/2020 12:56:05 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bobby Farias	Hawaii Cattlemen's Council, Hawaii Meats LLC	Support	No

Comments:

## KAPAPALA RANCH

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Pahala, HI 96777  
[lanipetrie@aol.com](mailto:lanipetrie@aol.com)  
[kapapala.ranch@aol.com](mailto:kapapala.ranch@aol.com)  
808-936-2922

March 10, 2020

Chair Yamane, Vice Chair Todd, and Members of the Water, Land, and Hawaiian Affairs Committee

**We strongly support SB2812 SD2.**

Contrary to the testimonies various Committees of the Senate and House have heard in the past month in reference to this Bill and HB 2035, we are avid practicing conservationists. We maintain a current Conservation Plan with the Ka'u Soil and Water Conservation District and the USDA Natural Resource Conservation Service.

Conservation Plans have evolved over the 43 years that we have been at Kapapala Ranch. Today our comprehensive Plan is hundreds of pages including concurrences from agencies like US Fish and Wildlife, Hawaii Volcano's National Park, Hawaii State Historic Preservation, to name a few.

**Transfer of our lease to the Hawaii Department of Agriculture will not change our Conservation Plan nor our willingness to work with the agencies that administer our Plan.** The Tax Map Keys included in SB2812 SD2 correlate to individual Conservation Plans therefore should be included in the Bill.

Respectfully Submitted,

KAPAPALA RANCH



Lani C. Petrie



# HAWAII CROP IMPROVEMENT ASSOCIATION

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## TESTIMONY FROM THE HAWAII CROP IMPROVEMENT ASSOCIATION

In Support of SB2812 SD2  
Relating to the Agricultural Lands

House Committee on Water, Land, and Hawaiian Affairs  
Wednesday, March 11, 2020, 9:00 am  
House conference room 325

Chair Yamane, Vice-Chair Todd and members of the committee:

The Hawaii Crop Improvement Association (HCIA) is in support of SB2812 SD2, which would clarify that agriculture activities in non-agricultural park lands may include the care and production of pasture lands and require the transfer of certain lands from the Department of Land and Natural Resources to the Hawaii Department of Agriculture (HDOA).

It has been 16 years since the passage of Act 90, yet there has been little progress in transferring the land. 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 key to meeting the State's sustainability goal to double local food production. Ranchers need long-term leases to invest in infrastructure improvements on leased land. This measure will help reinforce the original intent of the legislature regarding the appropriate allocation of land in agricultural use.

Please support SB2812 SD2 to make agriculture more sustainable for our farmers and ranchers. Mahalo for your time and consideration.

Respectfully,

Emmanuel Zibakalam  
Program Director, Hawaii Crop Improvement Association

*The Hawaii Crop Improvement Association is a Hawaii-based non-profit organization that promotes modern agriculture to help farmers and communities succeed. Through education, collaboration, and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices, and build a healthy economy.*



**Conservation Council  
for Hawai'i**

*Hawai'i's voice for wildlife*

*Kō Hawai'i / leo no nā holoholona lōhiu*



**Submitted to the House Committee on Water, Land and Hawaiian Affairs  
Hearing: March 11, 2020, 9:00am  
Conference Room 325  
SB 2812, SD2  
Relating to the Agricultural Lands**

Conservation Council for Hawaii (CCH) opposes SD 2812 SD2. CCH does not support the transfer of lands from the Department of Land and Natural Resources (DLNR) to the Department of Agriculture (DOA) as stated in this bill. DLNR has a proven record of managing native forests and public lands across the state, the parcels listed in this bill are within and/or neighboring native forest lands that are crucial to native koa tree populations for cultural use, carbon offsets, and viable habitats for native plants and animals to thrive in. Transferring land from DLNR to DOA and then allowing for lands that are not deemed as feasible for DOA practices to be transferred back to DLNR is a waste of time, money, and effort. Feasibility studies should be done before any transfers are made. SB 2812, SD 2 could set the precedent for similar lands across the state that would negatively impact our watersheds, public trust, and native endangered species.

Thank you for the opportunity to submit testimony on SB 2812 SD2.

**Telephone/Fax: 808.593.0255 | email: [info@conservahi.org](mailto:info@conservahi.org) | web:  
[conservationcouncilhawaii.org](http://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**



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

SB2812sd2, Relating to Agricultural Lands  
Hse WLH Hearing  
Wednesday, March 11, 2020  
9:00 am  
Conference Room 325

Testimony by: Larry Jefts  
Position: Support

Chair Yamane, Vice Chair Todd, and Members of the House WLH Committee:

I am Larry Jefts, owner and operator of Larry Jefts Farms, LLC, which is part of our family-run business of farms on Oahu and Molokai, under the administrative umbrella of Sugarland Growers, Inc. We have more than 35 years of Hawaii farm experience on Molokai and Oahu. I am a volunteer director for the West Oahu Soil and Water Conservation District (SWCD).

Strong support is given to SB2812sd2 which clarifies that pastureland currently under DLNR's management is indeed land for agricultural production. Land management of pastureland for agricultural production and interface with ranchers for increasing Hawaii's beef cattle industry is best managed under the DOA, which provides long-term leases to ranchers. Without assurance of long-term leases, it is not prudent to invest in infrastructure for growth of operations.

Please support the transfer of pasturelands under DLNR to HDOA as statutorily established in 2003, Act 90.

Thank you for consideration of this testimony.



# Meadow Gold Dairies



**Written Testimony By: Glenn K. Muranaka  
SB2812sd2, Relating to Agricultural Lands  
Hse WLH Hearing – 9:00am  
Wednesday, March 11, 2020 – Room 325**

## **Position: Support**

Chair Yamane, Vice Chair Todd and Members of the House WLH Committee:

My name is Glenn K. Muranaka, President and General Manager of Meadow Gold Dairies. Our company has been in Hawaii since 1897—123 years, providing Hawaii consumers with a variety of milk products and juices. Meadow Gold's long history has not come without effort. We continually adapt to our customers' and consumers' ever-changing needs, and we constantly evolve along with our industry, our community and our market. Over the years, this has required that we struggle, tighten our belts, innovate and work extremely hard, making us a better company in the process. The foundation of this work rests with the 305 employees that are committed to providing superior quality products.

Your support for SB2812sd2 is requested for what appears to be an enabling measure to move forward with the transfer of certain non-agricultural parklands from the Department of Land and Natural Resources to the Department of Agriculture. This was authorized by the Hawaii State Legislature in 2003 and despite notification to lessees of large acreages of land, mostly farmers and ranchers, no lands have been transferred.

SB2812sd2 makes clear that pastureland is included in the definition of agricultural activities. Acknowledgement of needed appropriations to manage this transfer and ongoing management of these lands is appreciated and supported.

Thank you for the opportunity to submit testimony. If you have any questions, please contact me at 944-5911.

**SB-2812-SD-2**

Submitted on: 3/9/2020 2:33:03 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Warren Watanabe	Maui County Farm Bureau	Support	No

Comments:

COMMITTEE ON WAYS AND MEANS  
Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair

**SB 2812 SD 2**

Clarifies that agriculture activities in non-agricultural park lands may include the care and production of pasture lands. Requires the transfer of certain lands from the Department of Land and Natural Resources to the Department of Agriculture. Requires reports to the Legislature on compliance with the land transfers. Appropriates funds.

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee on Ways and Means,

McCandless Ranch **strongly supports SB2812 SD2** in that it finally and clearly defines agricultural activities in Act 90 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.

Unfortunately, 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. 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.

This is a win-win situation. Agricultural production and conservation work.

The transfer of these leases to HDOA is long overdue and we ask that this bill include a deadline for enforcing Act 90, 2003. We respectfully ask this committee to support **SB2812 SD 2** and we appreciate the opportunity to testify on this critical matter for our industry.

Keith K. Unger  
McCandless Ranch  
HCC President



Email: [communications@ulupono.com](mailto:communications@ulupono.com)

HOUSE COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS  
Wednesday, March 11, 2020 — 9:00 a.m. — Room 325

**Ulupono Initiative supports SB 2812 SD 2, Relating to Agricultural Lands.**

Dear Chair Yamane and Members of the Committee:

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 SB 2812 SD 2**, which clarifies that agriculture activities on non-agricultural park lands may include the care and production of pasture lands, and requires the transfer of certain lands from the Department of Land and Natural Resources (DLNR) to the Department of Agriculture (DOA).

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, organizations 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*

**SB-2812-SD-2**

Submitted on: 3/9/2020 2:27:34 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jimmy Gomes	Ulupalakua Ranch	Support	No

Comments:



## Ponoholo Ranch Limited

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

### COMMITTEE ON WATER LAND & HAWAIIAN AFFAIRS REPRESENTATIVE RYAN YAMANE, CHAIR

DATE: Wednesday March 11, 2020  
TIME: 9:00 a.m.  
PLACE: Conference Room 325

#### **SB 2812 SD2– RELATING TO AGRICULTURAL LANDS**

Clarifies that agriculture activities in non-agricultural park lands may include the care and production of pasture lands. Requires the transfer of certain lands from the Department of Land and Natural Resources to the Department of Agriculture. Requires the department of land and natural resources to accept and return to its land inventory, any parcel or portion thereof, transferred pursuant to this Act that the department of agriculture has determined to be unsuitable or unnecessary for agricultural use. Requires reports to the legislature on implementing the land transfers, addressing the concerns about **stewardship**, and compliance with the land transfers. Appropriates funds. Effective 7/1/2050. (SD2)

Chair Yamane, Vice Chair Todd 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** SB 2812 SD2.

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.

**SB-2812-SD-2**

Submitted on: 3/9/2020 11:33:22 AM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Taylor Kellerman	Individual	Support	No

Comments:

**SB-2812-SD-2**

Submitted on: 3/9/2020 11:57:03 AM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Vanessa Stevens	Individual	Support	No

Comments:

**SB-2812-SD-2**

Submitted on: 3/9/2020 11:58:56 AM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Charles Stevens	Individual	Support	No

Comments:

**SB-2812-SD-2**

Submitted on: 3/9/2020 12:39:24 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gregory FRIEL	Individual	Support	No

Comments:

**SB-2812-SD-2**

Submitted on: 3/9/2020 2:50:57 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Randy Ching	Individual	Oppose	No

Comments:

Aloha Chair Yamane, Vice Chair Todd, and members of the committee,

I oppose SB2812 SD2. Transferring 93,000 acres of pasture land from DLNR to the Department of Agriculture is a very, very bad idea. Ranchers will be able to avoid almost any restrictions on the use of this PUBLIC LAND. At least under DLNR, there are a few restrictions that ranchers have to abide by. Under DoA, there are almost no restrictions at all on the use of pasture land (which is PUBLIC LAND).

Please do not pass this bill. Mahalo for the opportunity to testify.

Randy Ching

**SB-2812-SD-2**

Submitted on: 3/9/2020 2:57:43 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Milholen	Individual	Oppose	No

Comments:

**SB-2812-SD-2**

Submitted on: 3/9/2020 3:49:09 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andrea Quinn	Individual	Oppose	No

Comments:

**SB-2812-SD-2**

Submitted on: 3/9/2020 5:44:42 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

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

Comments:

My name is Benton Kealii Pang. I have been a conservation biologist in Hawai'i for the past 30 years. I oppose SB2812 SD2.

I am greatly concerned that this measure may significantly compromise the DLNR's and its divisions' abilities to fulfill their public trust kuleana, with regards to the protection and enhancement of 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. Furthermore, I understand that the mandatory transfer of specified "pasture" 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.

Please do not pass SB2912 SD2.

Benton Kealii Pang, Ph.D.



resources, and sites that are of particular significance to the Native Hawaiian community.

**SB-2812-SD-2**

Submitted on: 3/9/2020 8:45:50 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeri Moniz	Individual	Support	No

Comments:

Support this bill with the original language. It is important to identify leases to make sure these leases get transferred to DOA.

**SB-2812-SD-2**

Submitted on: 3/9/2020 10:59:51 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Toni Withington	Individual	Oppose	No

Comments:

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 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, 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.

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.

Toni Withington, Hawi, Hawaii

**SB-2812-SD-2**

Submitted on: 3/10/2020 6:29:23 AM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Margaret Ralston	Individual	Oppose	No

Comments:

**SB-2812-SD-2**

Submitted on: 3/10/2020 7:11:23 AM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Walter Ritte	Individual	Oppose	No

Comments:

This is a very bad idea. Strongly oppose

**March 10, 2020**

**To:** Chairperson Ryan Yamane, Vice-Chair Chris Todd, and Members of the House Committee on Water, Land, and Hawaiian Affairs

**From:** Deborah L. Chang, P.O. Box 202, Pa`auilo, HI 96776 (email: [kulaiwi@outlook.com](mailto:kulaiwi@outlook.com))

**SUBJECT:** SB 2812 S.D. 2 Relating to Agricultural Lands

I urge your disapproval of SB 2812 S.D. 2 for the following reasons:

- SB 2812 would impose an unrealistic deadline of “no later than June 30, 2021” for the transfer of more than 93,000 acres on Hawai`i Island from the board of land and natural resources (BLNR) to the department of agriculture (DOA) “without limitation.” This deadline and listing of specific properties by tax map key numbers that “shall” be transferred is contrary to the intent of Act 90 (passed in 2003 and enacted as HRS Chapter 166E). Currently, HRS §166E-3 states that “upon mutual agreement and approval” of the DOA and BLNR “certain qualifying non-agricultural park lands” shall be transferred. Judging from objections raised by DLNR, these lands have not been fully vetted for public trust values, nor has their transfer been mutually agreed to and approved. This is a major commitment, as it appears that transfer of land is likely to be permanent with DOA having broad authorities under HRS 166E (including disposal of land via lease terms of up to sixty-five years).
- Section 1 of SB 2812 incorrectly claims that seventeen years after the enactment of HRS 166E the DLNR “has not yet transferred the lands.” What lands are these? According to DLNR testimony, more than 18,000 acres have been transferred since HRS 166E’s enactment with more acreage in process of being transferred.
- SB 2812 contains confusing and vague language about “addressing concerns about stewardship” specifically for a “watershed management plan” to be negotiated by DOA with lessees. Is watershed the only stewardship concern to be considered? Is DOA equipped to review, approve, and monitor watershed management by lessees?
- The bill’s Section 3 (d)(2)(B) vaguely states that DOA will “cooperate” with the DLNR “to allow continued management and stewardship of these important public trust lands and agriculture lands.” Is this cooperation optional or required? What kinds of stewardship and what is meant by “important public trust lands?” All public natural resources are held in trust by the State for the benefit of present and future generations. Before transferring public lands to the DOA for strictly agricultural purposes, 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 part of land management. Historic and cultural sites and historic burials should be identified and protected.

In summary, SB 2812 S.D. 2 sounds like an attempt to force land transfers of substantial acreage without the mutual agreement and approval called for in HRS 166E. That should not be approved. The bill’s provisions for jointly submitted reports to the legislature with clear deadlines would promote a transparent process and require cooperation between DLNR and DOA. That might be a more constructive approach to achieving the purposes of HRS 166E. SB 2812 S.D. 2 in its present form needs substantial amendment before being ready for approval. As it is, it will do more harm than good.

Mahalo for your consideration of my testimony.

Aloha Chair Yamane, Vice Chair Todd, and Members of the Committee on Water, Land, and Hawaiian Affairs,

I support SB2812 HD2.

I 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.

There needs to be clarification on this issue so all parties can move forward successfully.

Best,  
Michelle Gorham

**SB-2812-SD-2**

Submitted on: 3/10/2020 8:52:36 AM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bud & Katy Gibson	Individual	Support	No

Comments:

We wish to support testimony in favor of the passage of SB2812. We have been waiting for the transfer of our lease for many years. These transfers need to be done if Hawaii is going to be sustainable in feeding her people. We must have the pasture lands to produce the beef that is required. We cannot rely on shipping everything to us. Dept of Ag. Has proven to be better qualified to manage agricultural leases than DLNR.

mahalo

Bud and Katy Gibson

**SB-2812-SD-2**

Submitted on: 3/10/2020 8:55:41 AM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kalani	Individual	Support	No

Comments:

**SB-2812-SD-2**

Submitted on: 3/10/2020 8:56:41 AM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
J Ashman	Individual	Support	No

Comments:

**SB-2812-SD-2**

Submitted on: 3/10/2020 9:34:43 AM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
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 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

**SB-2812-SD-2**

Submitted on: 3/10/2020 10:31:12 AM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Louise Hanna	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 ONE SINGLE citizen. 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, 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 SB2812 serves the few at the expense of the many.

In Peace and with Aloha,

Louise Hanna

**SB-2812-SD-2**

Submitted on: 3/10/2020 12:13:56 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Letani Peltier	Individual	Oppose	No

Comments:

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

I OPPOSE SB2812 SD2 because it is an eco-justice issue: it threatens native plants, our ecosystem and our communities who depend on healthy environments to thrive.

In addition it will let private ranches ignore the public interest in nearly 100,000 acres of public lands, by enabling the destruction of natural and cultural resources, the blocking of access to hunting grounds and cultural sites, and the development of agricultural facilities without environmental review or land use legal protections. 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.

Thank you,  
Katherine Burke  
Palolo, O'ahu

Dear Chairman Yamane,

Aloha Chair Yamane, Vice-Chair Todd, and members of the committee,

I support SB2812 SD2, which clarifies that agriculture activities on non-agricultural park lands may include the care and production of pasture lands. It also requires DLNR to transfer certain non-agricultural park lands to DOA.

This bill reinforces Act 90, enacted 2003, which authorizes the transfer of certain non-agricultural park lands from DLNR to DOA. Farmers and ranchers identified by TMK in this bill have been waiting 17 years for the transfer of their leases and believe the management of their lease within DOA is best suited for their operations.

Thank you for the opportunity to submit testimony.

Mahalo!

Sincerely,

Robert Paull
Mae Nakahata
James Gomes
Dawn Bicoy
Paula Carroll
Megan Kono
Marlene Jarvis
John Giblin
Robert Main
Patricia Wilson
Melvin Matsuda
Mario Gaggero
Diane Chuensanguansat
Justin Cadiz
Susan Cabral
Stephen Takamiyashiro
Randy Cabral
Glenn Toyama
Donald Sommer
Sandi Kato-Klutke

Richard Ogoshi
John Gordines
Alvin Tsuruda
Frederick Mencher
Amy Chun
Joseph Tabrah
Patricia Iwamoto
Ann Fontes
Bart Lofton
Kaohi Mokuhalii
Mark Phillipson
Oliver English
Roy Asao
Luana Beck
Kalae Leaver
Stephanie Whalen
Alan Tada
Kaelin Sylva
Joe Munechika
Clyde Fukuyama

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 House Committee on  
WATER, LAND, & HAWAIIAN AFFAIRS**

**Wednesday, March 11, 2020  
9:00AM  
State Capitol, Room 325**

**In consideration of  
SENATE BILL 2812, SENATE DRAFT 2  
RELATING TO AGRICULTURAL LANDS**

**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

**LATE**

Senate Bill 2812, Senate Draft 2 proposes to: 1) clarify that agriculture activities in non-agricultural park lands may include the care and production of pasture lands, 2) require the transfer (without limitation) of 114 specified parcels on Hawaii Island from the Department of Land and Natural Resources (Department) to the Department of Agriculture (DOA) by June 30, 2021, 3) require the Department to accept for return to its land inventory certain parcels or portions of parcels determined by DOA to be unsuitable or unnecessary for agricultural use, 4) require reports to the Legislature regarding these land transfers 5) appropriate funds for the purposes of the measure, and 6) make technical non-substantive amendments for purposes of clarity, consistency, and style. **The Department strongly opposes this measure.**

The bill proposes to amend the definition of “agricultural activities” under Section 166-2, Hawaii Revised Statutes (HRS), to include the “care and production of livestock, pasture lands, livestock products, poultry, or poultry products, or apiary, horticultural, or floricultural products, or the planting, cultivating, and harvesting of crops or trees, including tree farms.” The bill then proposes to direct the Department to transfer 114 parcels totaling more than 93,000 acres on Hawaii Island to DOA.

These parcels include all the Department’s large pasture leases on Hawaii Island. 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 reforestation and occurrence of endangered species. The proposed transfer 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, 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 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 Senate Bill 2812, Senate Draft 2, 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. Senate Bill 2812, Senate Draft 2 would compel the DOA to manage over 93,000 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 93,000 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) is included in the list of properties to be transferred, despite being landlocked, unencumbered and not used for any agriculture. 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. The transfer of this sizable tract of land to DOA would prevent the Department from directly managing the land for conservation, without any foreseeable agricultural benefit.

The Department notes that Senate Bill 2812, Senate Draft 2 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.

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. 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 bill's supporters 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.<sup>1</sup> 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 DLNR's direct role in overseeing these stewardship options.

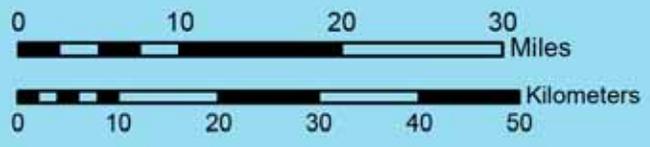
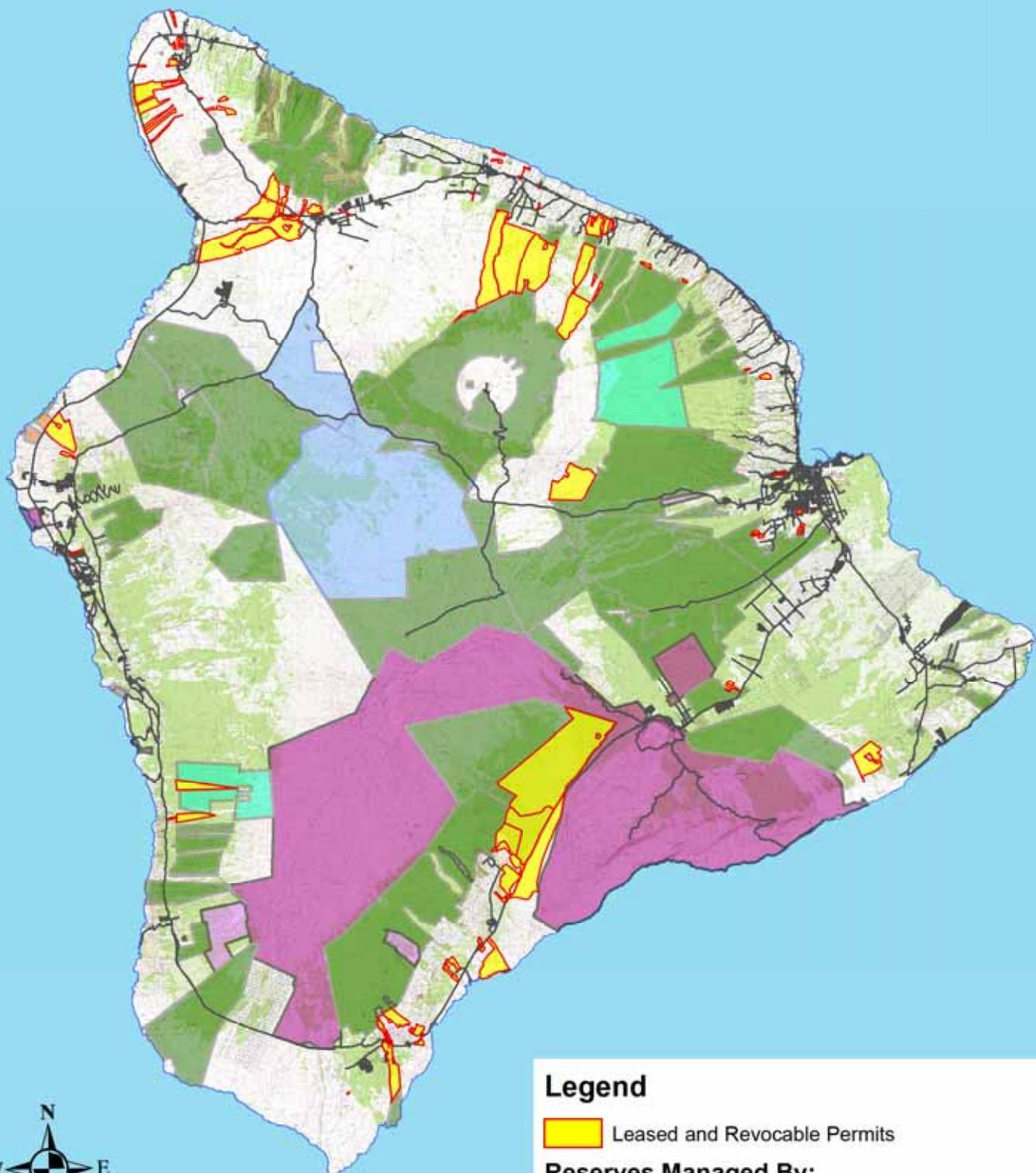
The part of the measure that allows DOA to return to the Department's inventory parcels or portions of parcels determined by DOA to be unsuitable or unnecessary for agricultural use is also very problematic. That would allow DOA to retain flat lands above and below a cliff for agricultural use, but return the cliff face to the Department even when the Department has no other landholdings in the area. As a result, the Department would be saddled with the costly burden of mitigating rockfall hazards on the cliff face while generating no revenue from lease operations in the area. Recently, DOA asked the Department to take back a parcel of land with a stream on it (the existence of the stream as a water source was a primary reason for DOA seeking the transfer of the parcel in the first place) because flooding in the stream allegedly damaged adjoining private property. In short, DOA needs to take responsibility for the land maintenance obligations that go along with managing and leasing property for agricultural uses (and generating revenue therefrom). Burdening the public land trust with the financial and maintenance obligations for lands that DOA and its tenants carve out from their responsibility would result in depleting the corpus of the public trust for the benefit of a few DOA tenants.

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<sup>1</sup> Baseline and Projected Future Carbon Storage and Carbon Fluxes in Ecosystems of Hawai'i Editors: Paul C. Selmants, Christian P. Giardina, James D. Jacobi, and Zhiliang Zhu U.S. Geological Survey Professional Paper 1834, 2017.

For these reasons, the Department respectfully urges the Legislature not to pass this bill (Senate 2812, Senate Draft 2), 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.

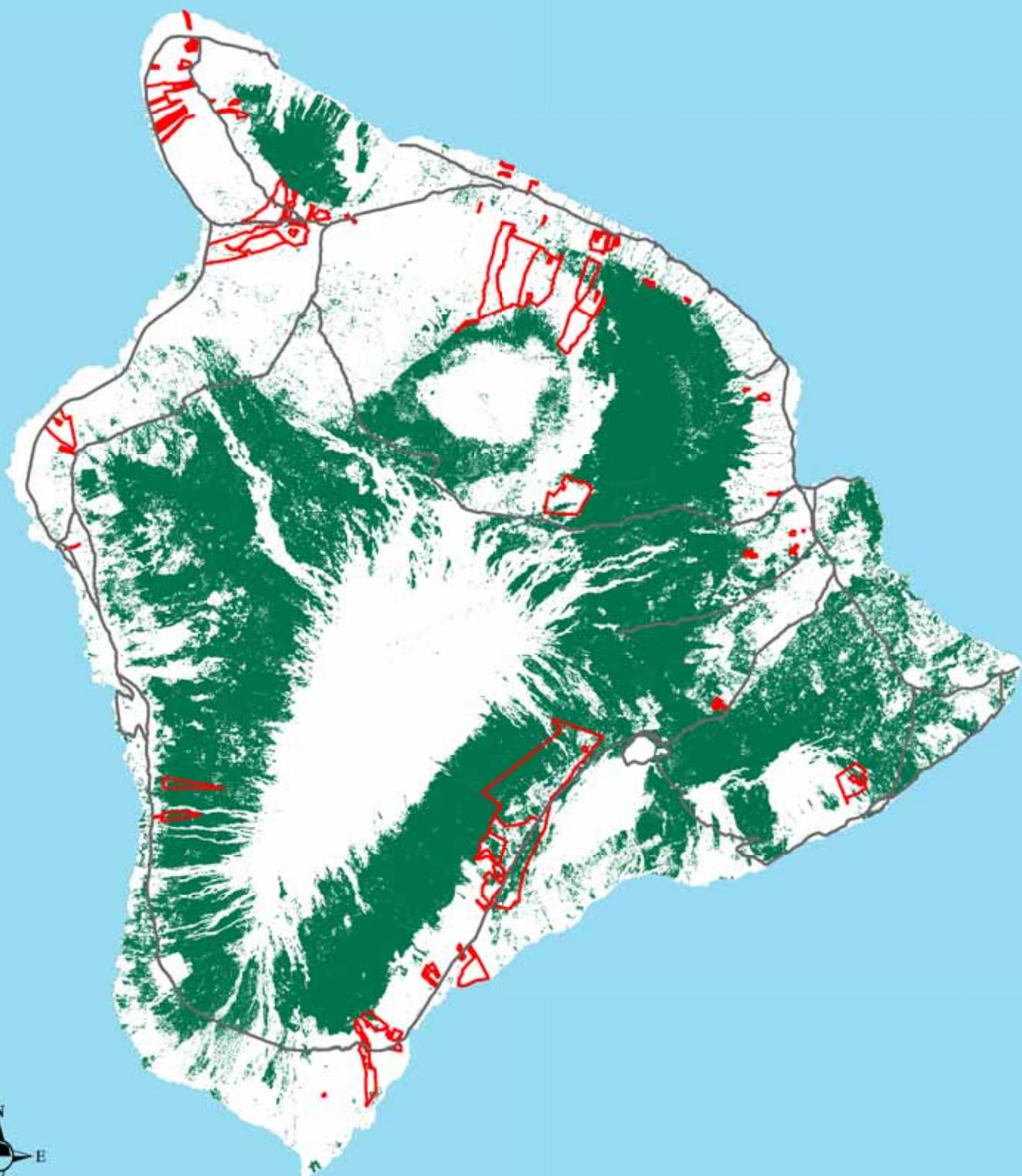


**Legend**

- 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



0 2.5 5 10 15 20  
Miles

0 5 10 20 30 40  
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

# 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



0 2.5 5 10 15 20  
Miles

0 5 10 20 30 40  
Kilometers



0 2.5 5 10 15 20  
Miles

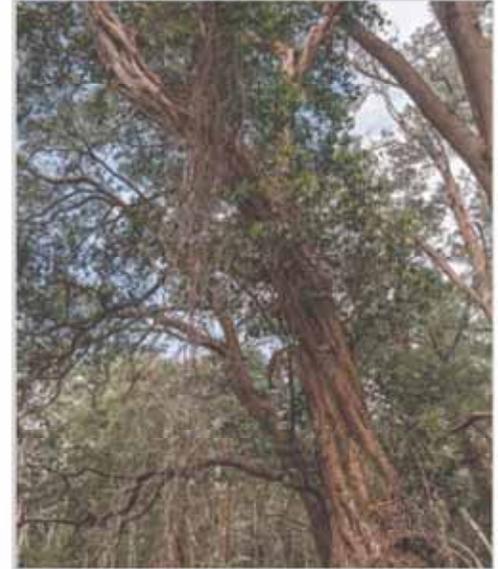
0 5 10 20 30 40  
Kilometers

### Legend

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

02/06/20

# IMPORTANCE OF PASTURE LANDS TO DLNR'S MISSION



*Above and Right: The Kapapala Koa Canoe Forest was once DLNR-leased pasture. Many leased pastures still contain old-growth forests. Below: In 2011, DLNR designated former ranch land as the Hilo Forest Reserve to provide hunting access and replant trees.*

## SUMMARY

DLNR is responsible for stewarding a diverse variety of lands for the public trust. Pasture lands under DLNR management in Hawai'i – tens of thousands of acres -- are remnant native forest with grazing allowed. They abut large natural areas such as forest reserves and national parks, are home to endangered plants and animals, buffer the spread of invasive species, and provide access for management, traditional gathering, and public recreation including hunting and trails.

## DESCRIPTION

Over the past 15 years DLNR has transferred to DOA, or offered to transfer, all agricultural lands pursuant to Act 90, SLH 2003 – approximately 18,000 acres of crop lands. Pasture lands are quite different, having never been fundamentally altered by plowing or clearcutting. DLNR offers partnership programs for ranchers to protect endangered species, plant trees for habitat, carbon sequestration, and forest products, and reduce fuel loads to lower risk of wildfires. It is critical that these lands remain with DLNR to protect their public trust natural and cultural values.

Most of Hawaii's lowlands have been converted to urban uses. The mid levels were plowed to make large scale sugar and pineapple farms. Over half of Hawaii's forests have disappeared, and the mauka forest lands are what remain largely intact. Ranch lands were originally intact mauka forests. Many are still unplowed, forested, and critical watershed and endangered species habitat. Many of the forests eligible for the conservation district were instead designated in the agriculture district, meaning they can be easily clear-cut, or converted wholesale to non-forest uses. Ensuring that these forested pastures are able to retain their remaining forests is essential for Hawaii's watersheds and water availability. DLNR management and oversight of these lands is appropriate and provides for collaborative forest and agricultural management that supports diversification, such as silvopasture systems or selling carbon credits. Much of these lands hold the best potential for large-scale reforestation to help reach Hawaii's goal to be carbon neutral by 2045.

## EXPECTED BENEFITS

- Retain existing access to recreation areas, and create new hiking and hunting opportunities.
- Protect native forests that provide water security, erosion reduction, and endangered plant and animal habitat.
- Reforest lands to store carbon, and create income by selling credits.
- Prevent inappropriate wholesale conversion of watershed forests.
- Keep options open for a variety of uses, rather than only agriculture.





## 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.



Above: Ranch lands in Kona are being decimated by the Two-Lined Spittle Bug, which eats pasture grasses. As ranching conditions change, DLNR management keeps the options open for other uses like large-scale reforestation (Right: East Maui tree plantings).

### PASTURE LAND CONSERVATION VALUES



Water



Fire & Forest Health



Native Ecosystems



Forestry



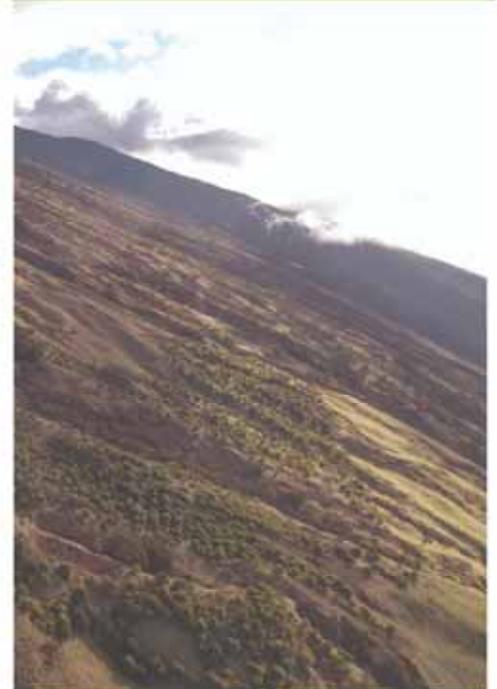
Recreation

### DLNR PARTNERSHIPS WITH RANCHERS

DLNR works cooperatively with ranchers on public and private lands. A dozen large mauka ranchers have joined together in watershed partnerships to protect our forested watersheds from threats such as invasive species. For example: Haleakala Ranch, Hana Ranch, Kapualei Ranch, Parker Ranch, Kualoa Ranch, Ponooho Ranch, Kahua Ranch, and Ulupalakua Ranch. DLNR has many other ways to work with ranchers:

- Cost-sharing land management tasks of mutual benefit, such as fence maintenance.

- The Forest Stewardship program provides matching funds for ranchers willing to commit to sustainable land management practices. There have been 65 agreements managing 36,778 acres.
- In some places, sheep and deer compete for pasture forage. DLNR runs hunting programs to help reduce this problem.
- DLNR is a HISC agency lead, supporting the first responders and research on problematic ranch species such as the Two-Lined Spittle Bug.



### CLIMATE CHANGE AND CARBON NEUTRALITY

The DLNR provides opportunities for ranchers interested in growing trees along with other agricultural products, or for conservation, carbon sequestration, or sustainable harvest of wood products. DLNR is the lead agency and expert on forestry and is creating cooperative programs for forest carbon sequestration credits. Maintaining a close relationship with DLNR provides these diverse options, which may be key to ensuring future economic viability across these landscapes.

### CONTACT PERSON

Suzanne Case  
Chairperson, DLNR  
Suzanne.Case@Hawaii.gov  
(808) 587-0401



**SB-2812-SD-2**

Submitted on: 3/10/2020 4:58:45 PM

Testimony for WLH on 3/11/2020 9:00:00 AM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Karen Thatcher	Individual	Comments	No

Comments:

There is no such thing as land that is "unsuitable or unnecessary for agricultural use". Any and all land parcels should be returned to either OHA or Hawaiian Homes for distribution to the Hawaiian people. DLNR can accept the land back from the Dept of Ag, but then be required to return it to the Hawaiian people for homes and food. The State should no longer be selling Hawaiian land (of any kind) to foreign investors or major mainland developers, and should instead be focused on returning the land and all of its natural resources to the people of Hawaii.

I would love to see the reports to the Legislature reflecting the implementation of the land transfers. OHA and Hawaiian Homes can easily address the capacity and capabilities of Hawaiian stewardship, and compliance with the land transfers.

Dear Chairman Yamane,



Aloha Chair Yamane, Vice-Chair Todd, and members of the committee,

I support SB2812 SD2, which clarifies that agriculture activities on non-agricultural park lands may include the care and production of pasture lands. It also requires DLNR to transfer certain non-agricultural park lands to DOA.

This bill reinforces Act 90, enacted 2003, which authorizes the transfer of certain non-agricultural park lands from DLNR to DOA. Farmers and ranchers identified by TMK in this bill have been waiting 17 years for the transfer of their leases and believe the management of their lease within DOA is best suited for their operations.

Thank you for the opportunity to submit testimony.

Mahalo!

Sincerely,

Susan Mulkern



*Hawaii's Thousand Friends*

335 Hahani Street #342132 \* Kailua, HI 96734 \* Phone/Fax (808) 262-0682 E-Mail [htf3000@gmail.com](mailto:htf3000@gmail.com)

March 11, 2020

COMMITTEE ON WATER, LAND & HAWAIIAN AFFAIRS

Rep. Ryan I. Yamane, Chair

Rep. Chris Todd, Vice Chair

Members of the committee



SB 2812, SD2

RELATING TO AGRICULTURAL LANDS

Hawaii's Thousand Friends, a non-profit organization dedicated to ensuring that growth is reasonable and responsible and that planning and land use decisions protect natural and cultural resources and human health and are implemented in conformity with the law, opposes SB 2812 SD2 that transfers 93,000 acres of pasture land from the Department of Land and Natural Resources to the Department of Agriculture on Hawai'i Island.

DLNR's mission and responsibility is to "Enhance, protect, conserve and manage Hawaii's unique and limited natural, cultural and historic resources held in public trust for current and future generations of the people of Hawaii nei..."

Transferring 93,000 acres of pasturelands, that for the most part have not been altered or clear-cut, to the Department of Agriculture weakens, if not totally prevents, DLNR's ability to protect native forests and the endangered species that inhabit them.

DLNR has public trust responsibilities to protect Hawaii's natural and cultural resources and provide traditional gathering access to public lands. These responsibilities cannot be abrogated to another agency.

The Department of Agriculture's obligations are to support, enhance, promote and maximize opportunities to facilitate growth of existing agriculture opportunities. Thus, transferring pasturelands to DOA makes remnant native forestlands and the endangered wildlife within them vulnerable to clear cutting and conversion to non-forest uses.

Please hold this bill to ensure that the public trust is upheld and that the native forests, which are the lungs of the earth are protected.

**SB-2812-SD-2**

Submitted on: 3/10/2020 7:32:57 PM

Testimony for WLH on 3/11/2020 9:00:00 AM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joel Mark	Individual	Oppose	No

Comments:

I STRONGLY oppose the giveaway of this invaluable public 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

**SB-2812-SD-2**

Submitted on: 3/10/2020 8:23:32 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Karl Magnacca	Individual	Oppose	No

Comments:

I am writing to strongly oppose SB2812. This bill is unnecessary and counter to the mission of the state as a steward of the land of Hawaii. The intent of this act is belied by the fact that much of the parcels in question are not entirely or even predominantly pasture, but are already in mixed-use including silviculture, watershed management, native forest, and game management. The Department of Land and Natural Resources is the appropriate agency to manage and regulate these uses. Transfer of these lands wholesale under the guise of calling them "pasture" is an abdication of the state's responsibility to manage its leases.

**SB-2812-SD-2**

Submitted on: 3/10/2020 8:01:25 PM

Testimony for WLH on 3/11/2020 9:00:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amy Sojot	Individual	Oppose	No

Comments:

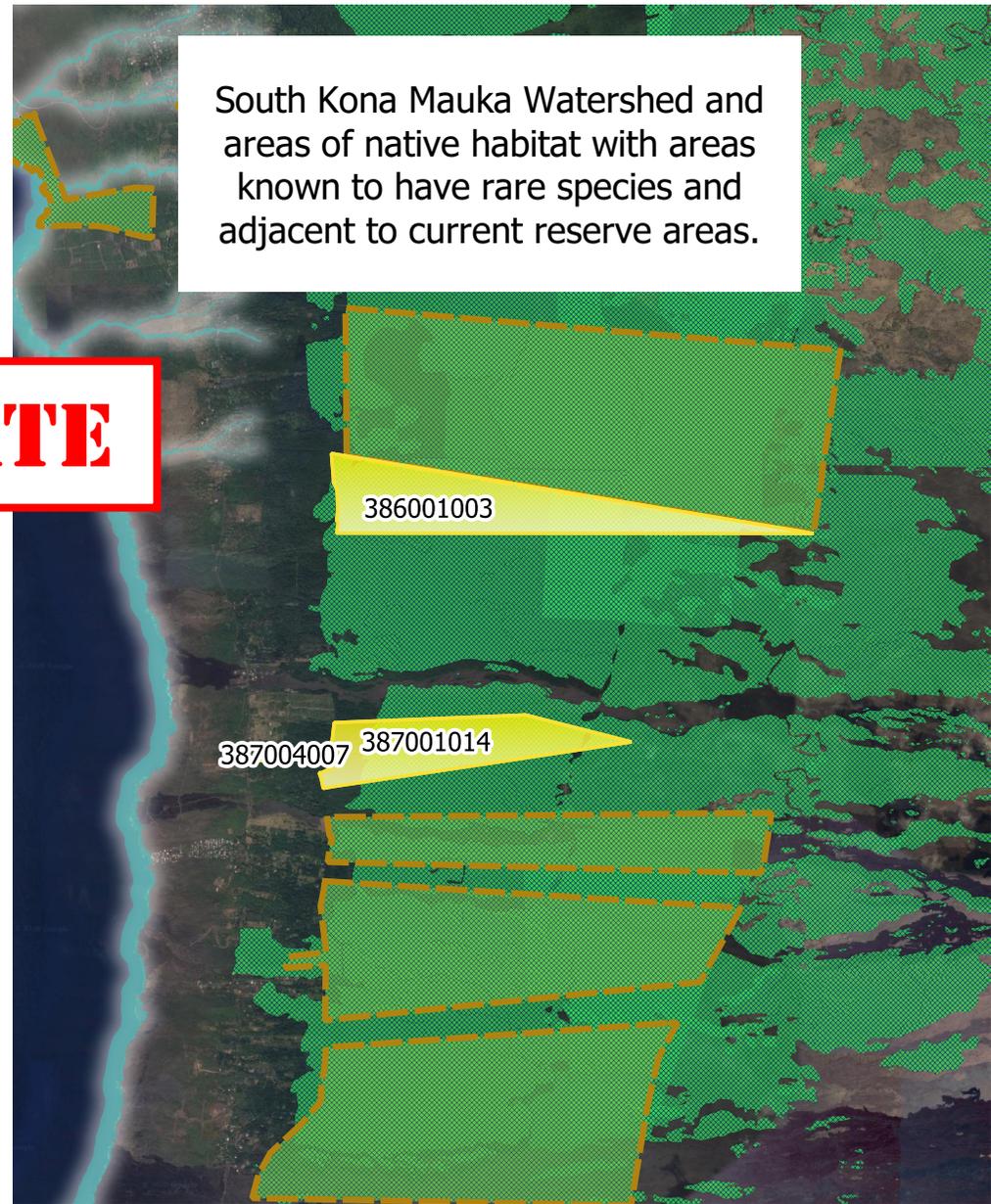
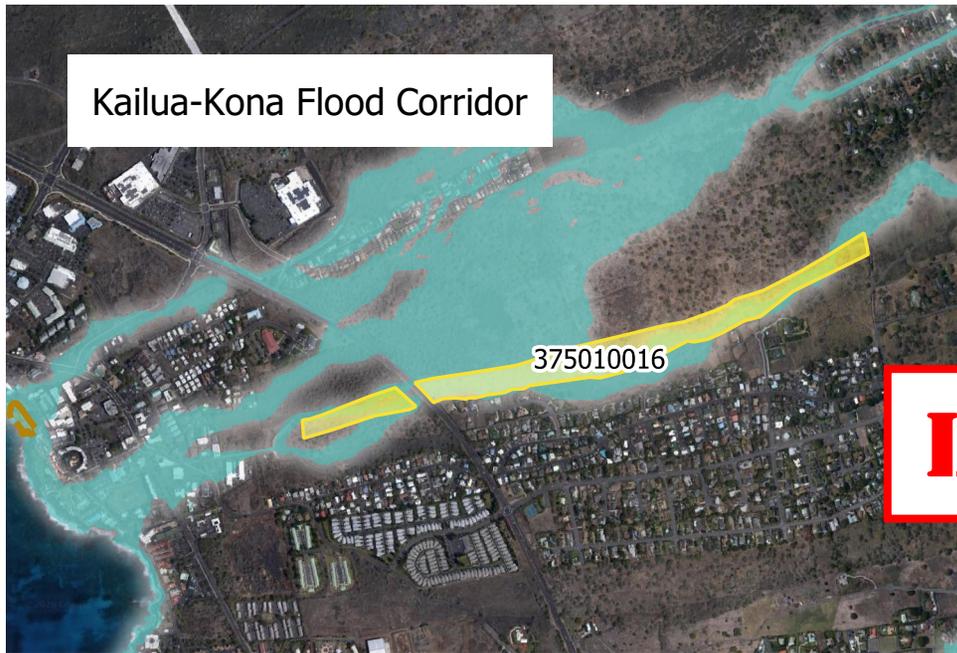
Dear Chair Yamane, Vice Chair Todd, and members of the House Water, Land, & Hawaiian Affairs Committee,

I OPPOSE SB2812 SD2 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 SB2812 SD2 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.

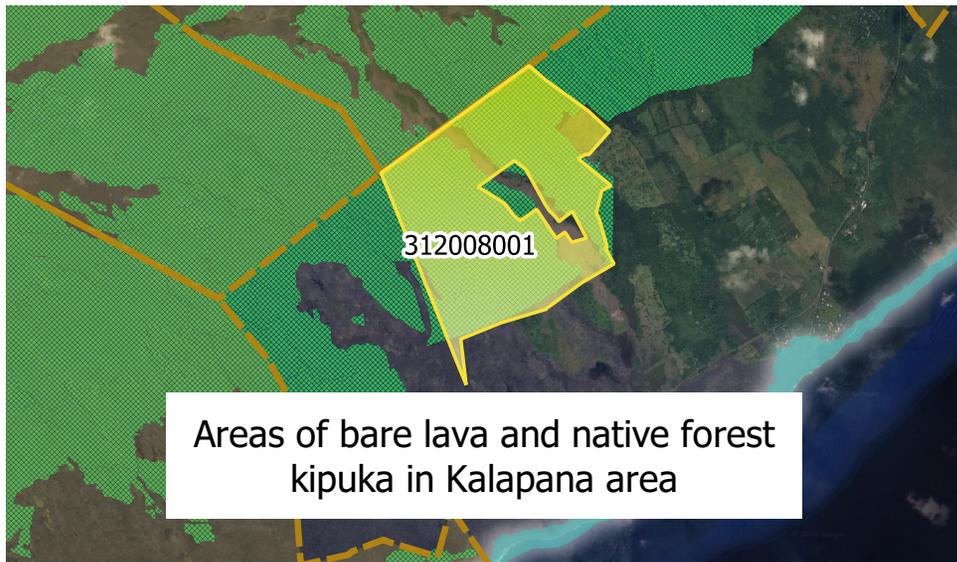
Mahalo,

Amy Sojot

Mililani



**LATE**



The tmks identified for transfer from the DLNR to DOA in SB2812 SD2 cause me to oppose this bill because several of them are inappropriate to be managed as agricultural lands including those identified above.

Our natural resources and natural infrastructure including our flood corridors, native forest habitat and aquifer capture areas are incredibly valuable resources (as acknowledged by numerous guiding documents for our state) and these high value areas need to be preserved and managed to enhance these resources and natural functions.

I do not support this bill as it seems to lack the appropriate vetting of properties for transfer.

**SB-2812-SD-2**

Submitted on: 3/11/2020 7:36:50 AM

Testimony for WLH on 3/11/2020 9:00:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Smith	Individual	Oppose	No

Comments:

These lands are multiple resource lands best managed by DLNR. DLNR is in full compliance with Act 90, which called for the transfer of lands by mutual consent of both DLNR and BOA. Most of the lands called for transfer are former forest lands, many formerly high value koa forest. The lands also have other public trust values that should be taken into consideration in addition to cattle, and the DLNR is the agency best equipped to do that.

This proposal privatizes public land, and allows private individuals to monetize that land, to the exclusion of the public. Is that what we should be doing with vast tracts of public land?