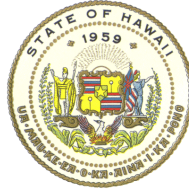


DAVID Y. IGE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

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

**Wednesday, March 23, 2022  
1:50 PM**

**State Capitol, Conference Room 224 and Via Videoconference**

**In consideration of  
HOUSE BILL 1658, HOUSE DRAFT 1  
RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS**

House Bill 1658, House Draft 1 proposes to authorize the Department of Agriculture (DOA) to request information from the Department of Land and Natural Resources (DLNR) related to the establishment of necessary and reasonable easements upon the lands before the transfer of non-agricultural park lands. House Draft 1 replaces the phrase “easements by necessity” with “necessary and reasonable easements,” changes the effective date to July 1, 2050, and makes technical, non-substantive amendments for the purposes of clarity, consistency and style. **DLNR supports this measure and provides the following comments.**

As noted in the bill’s preamble, this measure is intended in part to facilitate the transfer of non-agricultural park lands from DLNR to DOA pursuant to Act 90, Session Laws of Hawaii 2003, where both agencies have agreed to the transfer but the lack of a documented easement across the land impedes the transfer. DLNR appreciates the bill potentially providing another tool to facilitate the Act 90 land transfer process.

DLNR additionally appreciates the amendment in House Draft 1 that strikes the phrase “easements by necessity,” which would have set a very high standard for DLNR to secure an easement under this bill. With respect to the large tracts of forest reserve DLNR manages, a single parcel may cover tens of thousands of acres and may have several existing accesses miles apart from each other. However, DLNR may still want to establish additional public accesses to forest reserves or hunting areas to enhance public recreational uses or cultural and traditional practices. DLNR believes that these kinds of easements would qualify as both “necessary and reasonable” within the meaning of the measure as amended in House Draft 1.

Thank you for the opportunity to comment on this measure.

**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

**HB-1658-HD-1**

Submitted on: 3/22/2022 9:34:41 AM

Testimony for WTL on 3/23/2022 1:50:00 PM

Submitted By	Organization	Testifier Position	Testify
Kevin Moore	Testifying for DLNR	Support	Remotely Via Zoom

Comments:

I am available for questions to DLNR. Please allow me Zoom access.

**HB-1658-HD-1**

Submitted on: 3/22/2022 9:35:58 AM

Testimony for WTL on 3/23/2022 1:50:00 PM

Submitted By	Organization	Testifier Position	Testify
Ian Hirokawa	Testifying for DLNR	Support	Remotely Via Zoom

Comments:

I am available for questions to DLNR. Please allow me Zoom access.

**HB-1658-HD-1**

Submitted on: 3/22/2022 10:34:05 AM

Testimony for WTL on 3/23/2022 1:50:00 PM

Submitted By	Organization	Testifier Position	Testify
Emma Yuen	Testifying for DLNR	Support	Remotely Via Zoom

Comments:

I am available for questions to DLNR. Please allow me Zoom access.

**DAVID Y. IGE**  
Governor

**JOSH GREEN**  
Lt. Governor



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

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

**MORRIS ATTA**  
Deputy to the Chairperson

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

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

**MARCH 23, 2022**  
**1:50 P.M.**  
**VIA VIDEOCONFERENCE**

**HOUSE BILL NO. 1658, HD 1**  
**RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS**

Chairpersons Inouye, Gabbard and Members of the Committees:

Thank you for the opportunity to testify on House Bill 1658, HD 1. This measure authorizes the HDOA to request information from DLNR related to the establishment of necessary and reasonable easements prior to the transfer of non-agricultural park lands. The Department of Agriculture ("Department") supports this measure and offers a comment.

The Department notes that the department is currently allowed to and does consult with DLNR regarding their needs and priorities for any lands subject to transfer prior to such transfer occurring. As such, this measure may be unnecessary.

Thank you for the opportunity to testify.





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 23, 2022

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

**TESTIMONY ON HB 1658, HD1**  
RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS

Conference Room 224 & Videoconference  
1:50 PM

Aloha Chairs Inouye and Gabbard, Vice-Chairs Keith-Agaran and Nishihara, and Members of the Committees:

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

**The Hawai'i Farm Bureau supports HB 1658, HD1**, which authorizes HDOA to request information from DLNR related to the establishment of easements by necessity upon the lands before the transfer of non-agricultural park lands.

HFB greatly appreciates the work of the Act 90 working Group and the efforts that have been made to accomplish the transfer of DLNR lands in agriculture production to DOA. We respectfully request amending HB 1658, HD2, to include a deadline for the transfer of DLNR lands in agriculture production to DOA. Producers whose leases have not been transferred after the nearly 19 years since Act 90 continue to be in a state of limbo, without the security and stability necessary to make investments and infrastructure improvements, or even contemplate long-term plans. No business can operate this way.

Hawai'i's food producers are also land stewards who are an important part of Hawai'i's goals of greater self-sufficiency and conservation efforts. Enabling their continued work is in the best interest of the public. They should not be trapped in decades of debate about which agency controls their existence when it is the mission of one agency, DOA, to foster agriculture in Hawai'i. Supporting agriculture and conserving natural resources are not mutually exclusive. Producers should not be forced into waiting additional years while DLNR works to adjust its priorities, policies, and rules to expand its mission to support food production.

Thank you for your consideration and your continued support of Hawai'i agriculture.



Hawai'i Aquaculture &  
Aquaponics Association  
Hawai'i Cattlemen's Council  
Hawai'i Farm Bureau  
Federation  
Hawai'i Farmers' Union  
United  
Hawai'i Food Industry  
Association  
Hawai'i Food  
Manufacturers Association  
Kohala Center  
Land Use Research  
Foundation of Hawai'i  
Maui Farm to School  
Network (Maui F2SN)  
Ulu pono Initiative  
College of Tropical  
Agriculture and Human  
Resources - University of  
Hawai'i at Manoa

SENATE COMMITTEE ON WATER AND LAND  
and  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

March 23, 2022 – 1:50 p.m. – Via Videoconference

**RE: HB 1658 HD1 – Relating to the Transfer of  
Non-Agricultural Park Lands – Support**

Aloha Chairs Inouye and Gabbard, Vice Chairs Keith-Agaran and Nishihara and members of the Committees:

The Local Food Coalition **supports** HB 1658 HD1, which, before the transfer of non-agricultural park lands, authorizes the Department of Agriculture (DOA) to request information from the Department of Land and Natural Resources (DLNR) related to the establishment of necessary and reasonable easements upon the lands.

Farmers and ranchers need long-term leases in order to reasonably invest in infrastructure improvements on the leased land. Lands in active agricultural production should be transferred to the DOA, so that long-term planning can be implemented. The success of farmers and ranchers is a key component in the State's goal to double local food production.

We agree with the Act 90 Working Group's determination that certain lands would be considered eligible for transfer if necessary and reasonable easements were provided to allow the DLNR or the public to access an adjacent parcel, and the DOA and DLNR should work together to identify any easements required on lands that are subject to the lease. And while we believe this may already be occurring, it may be helpful to put this into statute.

The Local Food Coalition prefers SB 2068 SD2 as it is a more comprehensive solution than this measure.

We appreciate the work of the Act 90 Working Group during the interim to identify the challenges and potential remedies to transfer lands intended under Act 90, SLH 2003.

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

Thank you for the opportunity to submit testimony.

Kendall Matsuyoshi  
808-544-8345  
[kmatsuyoshi@wik.com](mailto:kmatsuyoshi@wik.com)



March 18, 2022

Senator Lorraine R. Inouye, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair  
Senate Committee on Water and Land

Senator Mike Gabbard, Chair  
Senator Clarence K. Nishihara, Chair  
Senate Committee on Agriculture and Environment

**Comments Regarding HB 1658, H.D. 1, Relating to the Transfer of Non-agricultural Park Lands (Before the transfer of non-agricultural park lands, authorizes the Department of Agriculture [DOA] to request information from the Department of Land and Natural Resources [DLNR] related to the establishment of necessary and reasonable easements upon the lands; effective 7/1/2050.)**

**Wednesday, March 23, 2022, 1:50 p.m.; Conference Room 224 & Videoconference**

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 present comments regarding HB 1658, H.D. 1 in support of the various agricultural stakeholder groups who defend the goals of viable agricultural operations and the conservation and protection of agriculture in Hawaii.

**HB 1658, H.D. 1.** The underlying intent of this bill is to effectuate and facilitate the transfer of certain public lands classified for agricultural use from the DLNR to the DOA pursuant to Act 90, Session Laws of Hawaii (2003) (Act 90); Chapter 166E, Hawaii Revised Statutes; and for the purposes and in a manner consistent with Article XI, Section 10, of the Hawaii Constitution, which establishes that "the public lands shall be used for the development of farm and homeownership on as a widespread a basis as possible, in accordance with procedures and limitations prescribed by law."



In furtherance of said transfer of public lands, an Act 90 working group was established by Act 139, Session Laws of Hawaii, which group has determined that lands under the DLNR used for “the primary and substantial management objective of agricultural production” should be transferred to the DOA.

The specific purpose of this bill is to adopt a recommendation from the Act 90 working group that authorizes the DOA to inquire with the DLNR, prior to offering a lease, regarding any easements required on the lands that are subject to the lease.

**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.

Many farmers and ranchers have been awaiting the transfer of their land leases from the DLNR to the DOA pursuant to Act 90, which was enacted to ensure long-term productive use of public agricultural lands to be managed by the DOA, which department is better suited to administer agricultural lands. The now 19-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.

LURF appreciates the intent of this measure as it promotes cooperation between the DOA and DLNR; understands the significance of effectuating and facilitating the transfer of certain public lands classified for agricultural use from the DLNR to the DOA pursuant to Act 90; and acknowledges the need of the DOA to be provided with information relating to the establishment of reasonable and necessary easements upon those lands in order that it can best advance and sustain the needs of agriculture and the agricultural industry in this State.

LURF believes, however, that **the term “easement” should be further clarified and defined so as to preclude any access authorized pursuant to the easement from causing any negative impacts on agricultural production, such as infestation by invasive species which may arise from mismanagement of the access area.**

By recognizing the importance of, and need to assist the local agriculture industry, and implement measures which help to support the viability and maintenance of agriculture in the State, this bill, if clarified and further amended, can significantly help to promote economically viable agriculture, increased food production, and food self-sufficiency in Hawaii.

Thank you for the opportunity to present comments and concerns regarding this measure.



COMMITTEE ON WATER AND LAND  
Senator Lorraine R. Inouye, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair

COMMITTEE ON AGRICULTURE AND ENVIRONMENT  
Senator Mike Gabbard, Chair  
Senator Clarence K. Nishihara, Vice Chair

**HB1658HD1**  
Relating to the Transfer of Non-Agricultural Park Lands

Wednesday, March 23, 2022, 1:50 PM  
VIA VIDEOCONFERENCE

Chairs Inouye and Gabbard, Vice Chairs Keith-Agaran and Nishihara, and Members of the Committees,

The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

The Hawaii Cattlemen's Council **supports HB1658HD1 with comments** to authorize HDOA to request information from DLNR related to the establishment of easement by necessity upon the lands before the transfer of non-agricultural park lands. This is just a small piece of the solution to facilitate land transfers via Act 90, 2003. SB2068 SD2 is a bill that addresses the issue comprehensively by transferring lands in agricultural production to DOA, addressing easements, and requiring a funded plan before removing lands from agriculture.

We appreciate the Act 90 Working Group's efforts to seek solutions, and agree that HDOA and DLNR should work together to identify reasonable, necessary easements, but believe that SB2068 SD2 is a better vehicle to address Act 90, 2003.

Nicole Galase  
Hawaii Cattlemen's Council





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

SENATE COMMITTEES WATER & LAND AND AGRICULTURE & ENVIRONMENT  
Wednesday, March 23, 2022 — 1:50 p.m.

**Ulupono Initiative offers comments on HB 1658 HD 1, Relating to the Transfer of Non-Agricultural Park Lands.**

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

My name is Micah Munekata, and I am the Director of Government Affairs at Ulupono Initiative. We are a Hawai'i-focused impact investment firm that strives to improve the quality of life throughout the islands by helping our communities become more resilient and self-sufficient through locally produced food; renewable energy and clean transportation; and better management of freshwater and waste.

**Ulupono offers comments on HB 1658 HD 1**, which, before the transfer of non-agricultural parklands, authorizes the Department of Agriculture (DOA) to request information from the Department of Land and Natural Resources (DLNR) related to the establishment of necessary and reasonable easements upon the lands.

Ulupono appreciates the efforts of the Working Group established by Act 139, SLH 2021, which was established to find potential remedies to fulfill the purposes of Act 90, SLH 2003. We recognize the importance of this group's task in helping the State address the appropriate management of active agricultural leases.

This bill specifically allows the DOA to request information from the DLNR regarding necessary easement establishments prior to any land transfer. Ulupono supports the collaboration between the DOA and DLNR. We believe that this collaboration may already be occurring, and as such this bill may not be necessary.

Ulupono also believes that SB 2068 SD2 provides a more comprehensive solution to support active agricultural lessees with the appropriate lease structure to support our State's sustainability goals. Recently, the pandemic, along with devastating natural disasters and shipping supply issues, have heightened local food insecurity in our communities. With many leaders across our state saying that local agriculture can play an important role in our economic and social recovery, one theme around local food production rises to the top: the time to act is now. Local producers, like our ranchers, are a

*Investing in a Sustainable Hawai'i*

critical component of Hawai'i's food security. If we as a community are serious about supporting local food production and agriculture's role here in Hawaii, we must support our local farmers and ranchers now.

Thank you for the opportunity to testify on this measure.

Respectfully,

Micah Munekata  
Director of Government Affairs

**HB-1658-HD-1**

Submitted on: 3/22/2022 1:49:29 PM

Testimony for WTL on 3/23/2022 1:50:00 PM

Submitted By	Organization	Testifier Position	Testify
J Ashman	Individual	Comments	Written Testimony Only

## Comments:

1. This bill is superfluous since these discussions between the agencies already take place.
2. Unless amended, this bill will not benefit farmers and ranchers who need long-term leases in order to invest in infrastructure improvements on state agricultural land. Ag lands under DLNR that are in active agricultural production should be transferred to DOA so that agricultural production, especially food production, can be encouraged and supported.
3. Without long-term and other favorable lease terms, no long-term planning can occur. Although everyone talks about doubling local food production, there is very little real legislative action to help farmers and ranchers be successful.

Please amend this bill to transfer ag lands in production from DLNR to DOA.

**HB-1658-HD-1**

Submitted on: 3/19/2022 7:14:02 AM

Testimony for WTL on 3/23/2022 1:50:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

support

**LATE**

**HB-1658-HD-1**

Submitted on: 3/22/2022 6:54:56 PM

Testimony for WTL on 3/23/2022 1:50:00 PM

Submitted By	Organization	Testifier Position	Testify
Kerry A. Umamoto	Testifying for Hilo Fish Company	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas and members of committee,

Hilo Fish Company here on the Big Island support bill hb1658. Local farms and local ranchers need continued support from DOA!