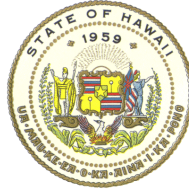


DAVID Y. IGE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the Senate Committees on  
WAYS AND MEANS  
and  
JUDICIARY**

**Tuesday, April 5, 2022  
10:00 AM**

**State Capitol, Conference Room 211 and Via Videoconference**

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

House Bill 1658, House Draft 1, Senate Draft 1 proposes to: (1) exempt easements granted over public lands affecting the transfer of undeveloped public lands between the Department of Land and Natural Resources (DLNR) and Department of Agriculture (DOA), pursuant to Act 90, Session Laws of Hawaii 2003 (Act 90), from formal county subdivision process and approval requirements; (2) require DOA to accept the transfer of and manage certain qualifying encumbered non-conservation, non-agricultural park lands, including pasture leases; (3) provide that designated conservation lands not in current agricultural use shall remain under DLNR; (4) require DOA, prior to offering a lease, to inquire with DLNR regarding any easements required for access to landlocked forest reserves or other assets on the lands subject to the lease; (5) require a lessee to develop a conservation program and plan if conservation resources exist on the land; (6) require approval from the Board of Land and Natural Resources (BLNR) and the Board of Agriculture (BOA) before removing pasture lands for reforestation, or other public purposes; (7) insert a savings clause; (8) amend section 1 to reflect its amended purpose; and (9) make technical, non-substantive amendments for the purposes of clarity and consistency.

**DLNR opposes most parts of this measure for the reasons provided below.**

As initially conceived, House Bill 1658 was intended to facilitate the transfer of non-agricultural park lands from DLNR to DOA pursuant to Act 90 where both agencies agreed to the transfer but the lack of a documented easement across the land impeded the transfer. DLNR appreciated House Draft 1 of the bill potentially providing another tool to facilitate the Act 90 land transfer process. Senate Draft 1 of the measure proposes to make drastic modifications to the bill by incorporating provisions regarding the transfer of agricultural lands from DLNR to DOA, similar to language found in Senate Bill 2068, Senate Draft 2, from this Session. While DLNR continues to support SECTION 2 of House Bill 1658, House Draft 1, Senate Draft 1, relating to

**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

easements, DLNR cannot support the remaining portions of the bill regarding Act 90 land transfers.

Senate Draft 1 of the measure appears inconsistent with the Final Report of the Act 90 Working Group submitted to the Legislature on December 21, 2021 (Report) in that it fails to acknowledge that the Act 90 Working Group Report found that DLNR should retain management of those agricultural lands designated as multiple-use agricultural lands:

The Working Group further finds that certain agricultural lands under DLNR have multiple management objectives, which can include agricultural production, forestry, native forest restoration, watershed protection, habitat conservation, public recreation, fire fuel suppression, and other public purposes which clearly fall within DLNR's purview and mission. These multiple-use lands should remain under DLNR's management.

DLNR has identified 116 General Leases (GLs) and Revocable Permits (RPs) that could potentially be transferred to DOA (subject to the approval of the BOA and BLNR) totaling 19,800 acres. An additional 15 GLs and RPs totaling 6,700 acres could be appropriate to transfer to DOA if public access easements are placed on the lands and reserved to DLNR in the executive orders setting them aside to DOA. DLNR is interested in retaining or further reviewing 68 GLs and RPs totaling 77,200 acres. Most of the lands in this final category consist of five large GLs with irreplaceable native forest, endangered species, and recreational values.

Visit an interactive map:

<https://storymaps.arcgis.com/stories/91e49b26f9f24ac2a9f1c1f59bd9aa9d>

Some of the proponents of Senate Draft 1 appear to have the mistaken notion that lands historically zoned “agricultural” are not important for natural and cultural resource protection, or that they should never be used for other public or priority purposes such as public schools, colleges (e.g., West Oahu University once was agricultural land), affordable homes and rentals, renewable energy projects or other income-producing opportunities like commercial, resort or mixed uses that could provide the much-needed support to the State’s financial situation. In fact, many areas zoned as agricultural land are critical watershed, endangered species habitat, and important hunting areas. Some are unencumbered, landlocked, or otherwise unsuitable and unused for agriculture and contain old-growth native forest, like the 451-acre Onouli tract in Kona.

The Conservation District boundaries leave out large tracts of intact native forest and endangered species habitat. In fact, the State Land Use District Boundary Review published by the Office of Planning and Sustainable Development states:

many sensitive environmental resources were in the Agricultural District which left them vulnerable to development. Many of the lands in Agricultural District were agricultural in name only. The boundary review has recommended that sensitive environmental areas be reclassified to the Conservation District or be protected by other means.

DLNR strongly recommends retaining the existing and original Act 90 processes that require, among other things, approval by both BLNR and BOA for lands to be transferred. These boards can weigh and have weighed agricultural values, as well as other public trust values of these lands, such as:

- what resources are on the land,
- presence of endangered species,
- protection and care of our precious watersheds,
- recreational and hunting access,
- historical sites, and
- usability for agriculture.

Pasture lands are a critical part of DLNR's forest protection and restoration, traditional gathering, and hunting and trails and other recreation responsibilities. The attached maps show the proximity of large tracts of pasture lands to forest reserves on Hawaii Island, and provide details on native ecosystems, potential for restoration and occurrence of endangered species. The maps also demonstrate that pasture lands in the conservation district only include relatively small acreages in a handful of pasture leases, and they are largely encumbered. Under this bill, even those designated conservation lands are subject to transfer to DOA if they are in current agricultural use. Thus, this bill contemplates the transfer of essentially all DLNR pasture lands – approximately 100,000 acres to BOA. DLNR is seeking to retain some of the lands both in the agricultural and conservation district and is willing to support extending and amending the pasture leases with DLNR under collaborative management terms compatible with both grazing and public trust natural and cultural resource protection and enhancement.

The Hawaii State Constitution, Article XI, Section 1, requires that:

For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State.

DLNR strongly believes the transfer of large tracts of land in pasture use would result in the degradation of these constitutionally protected public purposes.

It is of the utmost imperative that the pasture lands at issue remain under the management of DLNR. There are significant resource values on these lands that require active management by DLNR to ensure their continued sustainability. Pursuant to Chapter 166E, HRS, under DOA management, these lands would be used solely for pasture purposes without regard to native forest restoration. DOA lacks the staffing and expertise to incorporate resource management activities into its land management practices. Furthermore, use of these lands exclusively for pasture purposes would result in a significant detrimental impact to our environment. Without DLNR management, these lands could be grazed without restriction, clear-cut and plowed, and public access could be blocked, threatening public trust natural and cultural values. While the bill would require DOA to “inquire” with DLNR on easements or assets in leases, there is little likelihood that DOA could manage these lands to protect these public values due to its lack of

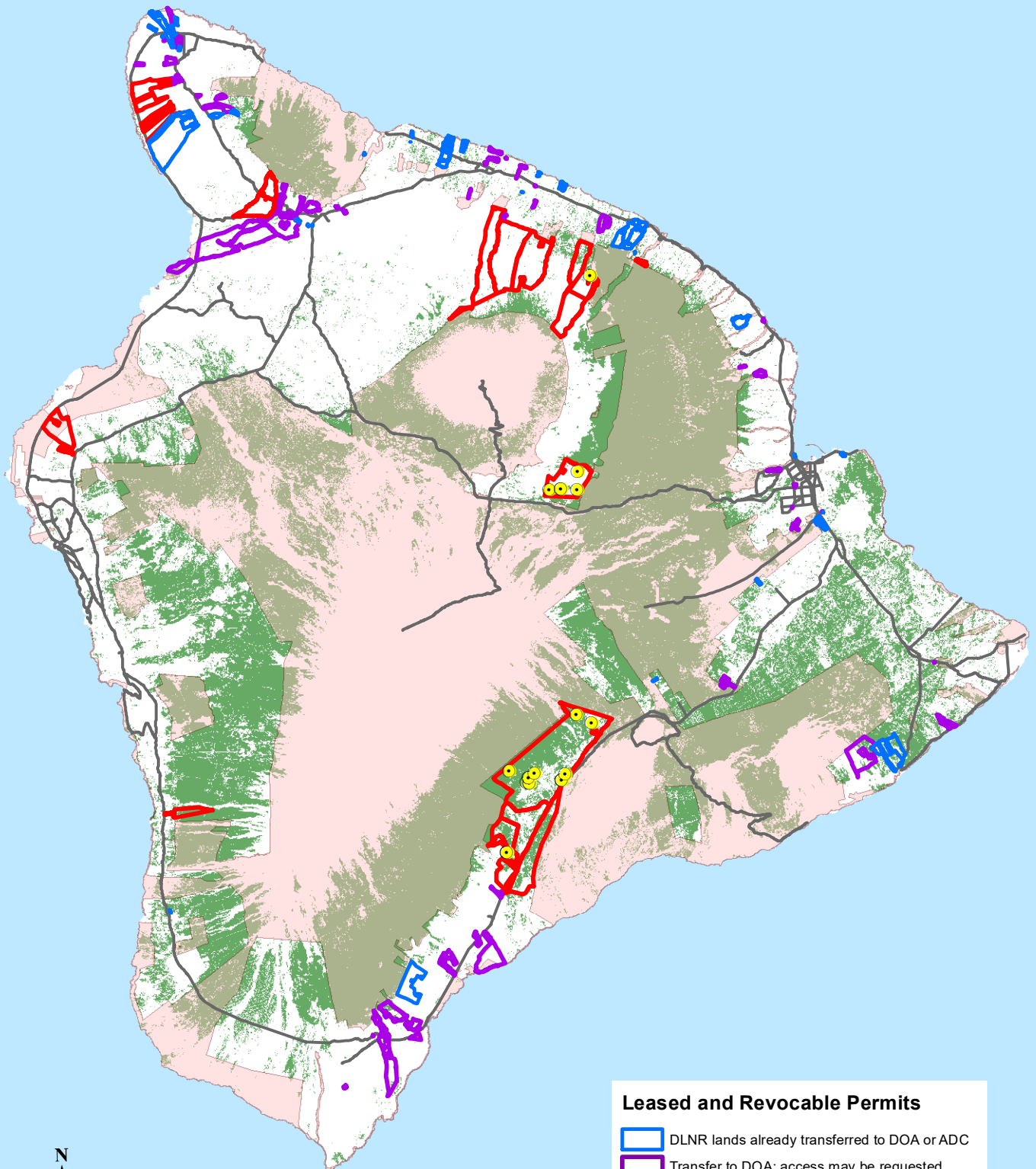
staff specialization in natural resource and recreation management. Further, while the bill would require lessees to cooperate with the appropriate soil and water conservation district and DOA in implementing conservation programs and initiatives, these types of programs and initiatives do not extend to the protection of rare and endangered plants and animals, their habitat, recreational and cultural uses of the land, and the bill notably excludes DLNR from the review of any such programs and initiatives.

According to the United States Geological Survey, the impact of deforestation in Hawaii is severe. 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. Reforesting grasslands is the largest carbon sequestration opportunity for Hawaii to reach the goal of carbon neutrality by 2045 (Act 15, Session Laws of Hawaii 2018). DLNR is inventorying lands that are not used for pasture, and planning combination grazing and reforestation projects. DLNR also offers voluntary incentive programs for ranchers to reforest lands and is developing standards for carbon credit projects that could further diversify revenues for rancher.

The perceived need to transfer pasture leases to DOA can be relieved by providing the DLNR with statutory powers similar to those exercised by DOA in the management of its leases. Last Session, DLNR sought the authority to amend existing leases to allow BLNR to factor use restrictions and land conservation and stewardship services performed by lessees into determining an appropriate rent (Senate Bill 1168 and House Bill 1014 from the 2021 Session). Through a proposed amendment to Section 171-59, HRS, the bills would have authorized DLNR to issue new pasture leases by direct negotiation with terms up to 65 years that include use restrictions on high resource value portions of the lease premises and allow BLNR to factor use restrictions as well as the value of any land conservation and stewardship services lessees are required to perform under their leases into the determination of an appropriate rent to charge. Additionally, House Bill 1659 introduced this Session proposes to adopt a recommendation from the Act 90 Working Group to authorize BLNR to amend and extend existing pasture leases and issue new ones by direct negotiation, similar to the Administration measures from last Session.

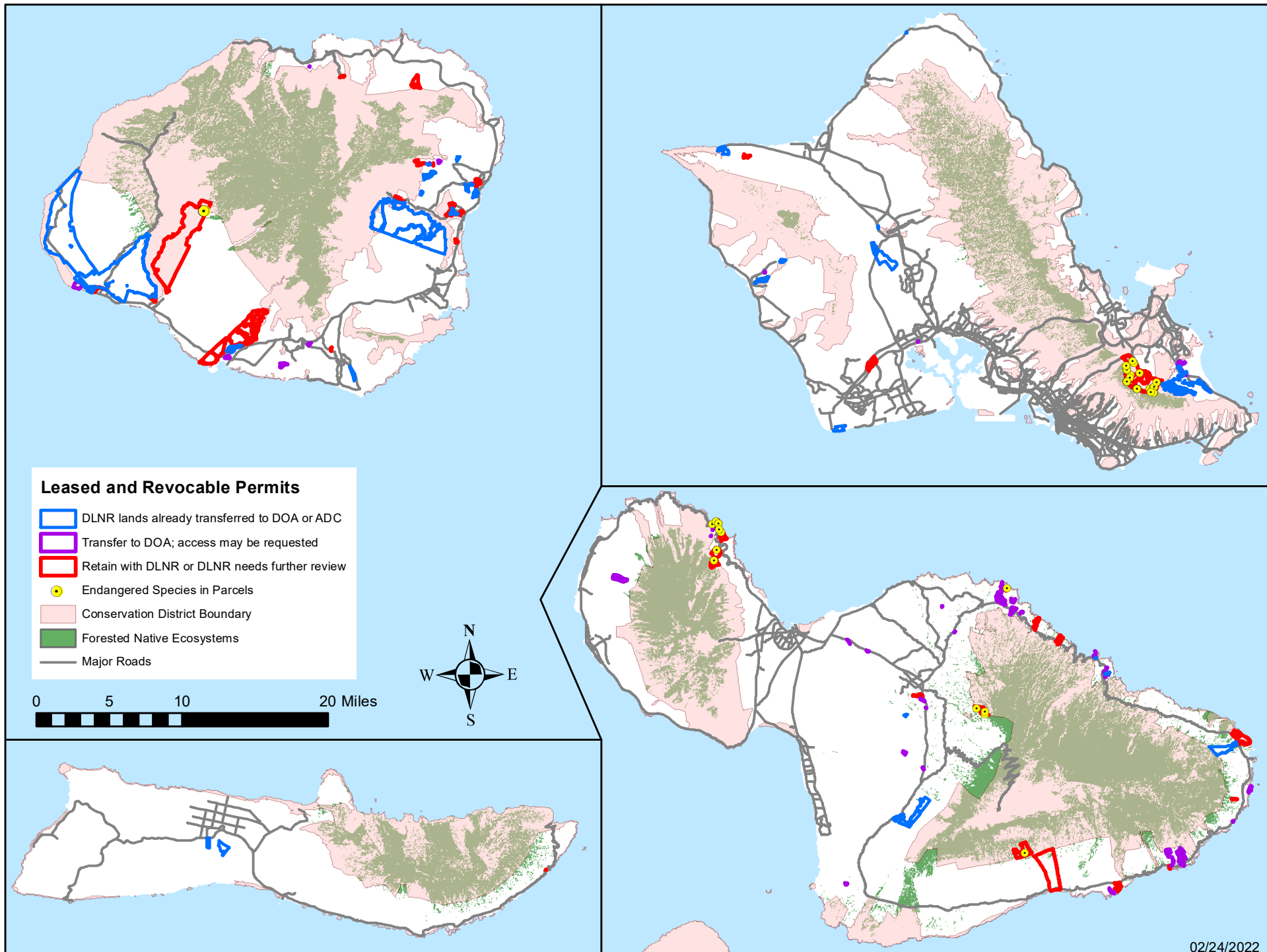
DLNR requests that the Committees respect the findings of the Act 90 Working Group and allow DLNR to continue to manage multiple-use agricultural lands.

Thank you for the opportunity to comment on this measure.

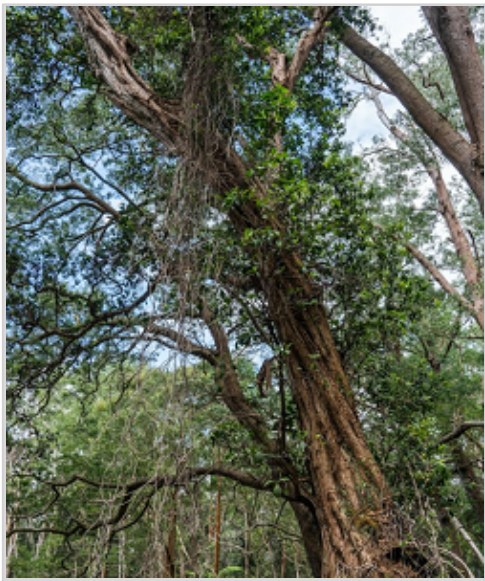


**Leased and Revocable Permits**

- DLNR lands already transferred to DOA or ADC
- Transfer to DOA; access may be requested
- Retain with DLNR or DLNR needs further review
- Endangered Species in Parcels
- Conservation District Boundary
- Forested Native Ecosystems
- Major Roads







SUMMARY

DESCRIPTION

EXPECTED BENEFITS





# 2022 LEGISLATIVE PROPOSALS

The DLNR seeks greater flexibility under Chapter 166E, HRS to amend, extend, and issue new leases by negotiation. The perceived need to transfer pasture leases to the DOA can be relieved by providing the DLNR with statutory powers similar to those exercised by the DOA in the management of its leases.



## PASTURE LAND CONSERVATION VALUES



Water



Fire & Forest Health



Native Ecosystems



Forestry



Recreation

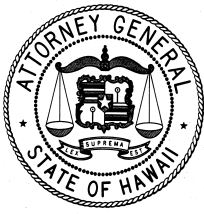
## DLNR PARTNERSHIPS WITH RANCHERS

## CLIMATE CHANGE AND CARBON NEUTRALITY



## CONTACT PERSON





**WRITTEN TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTY-FIRST LEGISLATURE, 2022**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1658, H.D. 1, S.D. 1, RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS.

**BEFORE THE:**

SENATE COMMITTEES ON WAYS AND MEANS AND ON JUDICIARY

**DATE:** Tuesday, April 5, 2022 **TIME:** 10:05 a.m.

**LOCATION:** State Capitol, Room 211, and Videoconference

**TESTIFIER(S):** **WRITTEN TESTIMONY ONLY.**  
(For more information, contact Alison S. Kato,  
Deputy Attorney General, at 586-1180)

---

Chairs Dela Cruz and Rhoads and Members of the Committees:

The Department of the Attorney General (Department) provides the following comments on this bill.

The purpose of this bill is to facilitate the transfer of non-agricultural park lands from the Department of Land and Natural Resources (DLNR) to the Department of Agriculture (DOA) by: (1) authorizing the DOA, prior to any transfer of certain qualifying non-agricultural park lands, to request from the DLNR any information related to the establishment of necessary easements on the lands; (2) requiring the DOA to accept the transfer of certain encumbered non-conservation, non-agricultural park lands; (3) requiring the DOA, prior to offering a lease, to inquire with the DLNR regarding any easements required for access to landlocked areas of lands subject to the lease; (4) exempting easements granted over public lands affecting the transfer of undeveloped public lands between the DLNR and the DOA from formal county subdivision requirements; (5) requiring lessees to develop a conservation program and plan if conservation resources exist; and (6) requiring approval of the Board of Land and Natural Resources and the Board of Agriculture before removing pasture lands for reforestation.

Section 166E-3(a), Hawaii Revised Statutes (HRS), currently allows the DOA to accept the transfer of and manage "certain qualifying non-agricultural park lands." This

includes both encumbered and unencumbered non-agricultural park lands, both of which are significant to the DOA's non-agricultural park land program. One of the amendments in this bill replaces the term "certain qualifying" with "encumbered" on page 5, line 4. The effect of this change in wording is that the DLNR would no longer be able to transfer and the DOA would no longer be able to receive and manage any unencumbered qualifying non-agricultural park lands.

If it is not the intent to remove the ability of the DOA to accept the transfer of unencumbered lands, such as vacant, underutilized, and unleased land, the Department recommends retaining the existing wording of section 166E-3(a)(1), HRS, that allows the transfer of all non-agricultural park lands that are suitable for agricultural activities or use. Specifically, we recommend deleting the word "encumbered" and restoring the term "certain qualifying" on page 5, line 4.

Thank you for the opportunity to comment.

**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 JUDICIARY  
AND  
WAYS AND MEANS**

**APRIL 5, 2022  
10:05 A.M.  
CONFERENCE ROOM 211 & VIDEOCONFERENCE**

**HOUSE BILL NO. 1658, HD1 SD1  
RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS**

Chairpersons Dela Cruz, Rhoads, and Members of the Committees:

Thank you for the opportunity to testify on House Bill 1658, HD1 SD1. This measure exempts easements granted over public lands affecting the transfer of undeveloped public lands between the department of land and natural resources and the department of agriculture, pursuant to Act 90, from the formal county subdivision process and approval requirements. Before the transfer of non-agricultural park lands, it authorizes the Department of Agriculture to request information from the Department of Land and Natural Resources related to the establishment of necessary and reasonable easements upon the lands. Requires the Department of Agriculture to accept the transfer of and manage certain encumbered non-conservation, non-agricultural park lands, including pasture leases. Requires the Department of Agriculture, prior to offering a lease, to inquire with the Department of Land and Natural Resources regarding any easements required for access to landlocked forest reserves or other assets on the lands subject to the lease. Requires the lessee to develop a conservation program and plan if conservation resources exist on the land. Requires approval from the Board of Land and Natural Resources and the Board of Agriculture before removing pasture



lands for reforestation, or other public purposes. Department of Agriculture (“Department”) offers comments.

We respectfully note that on line 4, page 5, the measure limits the lands eligible for transfer for the non-agricultural park program to “encumbered” lands only. An important component of the Department’s non-agricultural park program is to optimize and expand agricultural productivity on vacant or underutilized agricultural lands to expand the food production capacity of the State. We recommend that the existing language be retained to be consistent with the intent of the measure to include all lands suitable for agricultural activities or use within its scope.

Thank you for the opportunity to testify.





April 1, 2022

Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair  
Senate Committee on Judiciary

Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair  
Senate Committee on Ways and Means

**Comments Regarding HB 1658, H.D. 1, S.D. 1, Relating to the Transfer of Non-agricultural Park Lands (Exempts easements granted over public lands affecting the transfer of undeveloped public lands between the Department of Land and Natural Resources [DLNR] and the department of agriculture [(DOA), pursuant to Act 90, from formal county subdivision process and approval requirements; before the transfer of non-agricultural park lands, authorizes the DOA to request information from the DLNR related to the establishment of necessary and reasonable easements upon the lands; requires the DOA to accept the transfer of and manage certain encumbered non-conservation, non-agricultural park lands, including pasture leases; requires the DOA, prior to offering a lease, to inquire with the DLNR regarding any easements required for access to landlocked forest reserves or other assets on the lands subject to the lease; requires the lessee to develop a conservation program and plan if conservation resources exist on the land; requires approval from the Board of Land and Natural Resources [BLNR] and Board of Agriculture [BOA] before removing pasture lands for reforestation, or other public purposes; effective 7/1/2050.)**

**Tuesday, April 5, 2022, 10:05 a.m.; Conference Room 211 & 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, S.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, S.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 that this measure 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; recognizes that the DOA can best advance and sustain the needs of agriculture and the agricultural industry in this State; 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 therefore fully **supports the intent of HB 1658, H.D. 1, S.D. 1**, particularly since the bill recognizes the need for establishment of a collaborative working relationship between the DLNR and the DOA and makes more significant effort to advance the transfer of agricultural lands.

LURF believes, however, that continued collaboration between the departments as well as input from all stakeholders regarding such transfers, and **the establishment of clear, consistent, well-defined, and mutually agreed upon processes by which to accomplish said transfers from the DLNR to the DOA, are necessary** to successfully implement this undertaking. In addition, **there are still legitimate and serious concerns regarding conditions and approvals for actions taken to effectuate the transfers, as well as inconsistencies between rules and practices followed by each of the two departments** regarding the handling of leases issuances and extensions which **may likely raise problems with the practical implementation of the long-awaited transfers and leases of land.**

By recognizing the importance of assisting the local agriculture industry and need to implement measures which help to support the viability and maintenance of agriculture in the State, this bill, if reviewed 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.

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

HB1658hd1,sd1, Relating to The Transfer of Non-Agricultural Park Lands  
Senate WAM/JDC Decision Making Hearing  
Tuesday, April 5, 2022 – 10:05am  
CR211

Testimony By: Larry Jeffs  
Position: Support

Chairs Dela Cruz and Rhoads, Vice Chairs Keith-Agaran and Keohokalole,  
and Members of the Senate WAM/JDC Joint Committee:

I am Larry Jeffs, owner and operator of Larry Jeffs Farms, LLC. We have more than 42 years of Hawaii farm experience on Molokai and Oahu. Our family farms produce about 1 million pounds weekly of import replacement produce. I am a volunteer director, serving as Chair of the West Oahu Soil and Water Conservation District (SWCD). I have been an officer of the Hawaii Farm Bureau for many years.

Appreciation is expressed for this measure that seeks to support agriculture by transferring ag lands from DLNR to the DOA. Ranchers, and all who are involved in agriculture production, need long-term leases before capital investments can be made for production. This transfer is long overdue and creates a situation where ranchers cannot do long-term planning to increase local grass-fed beef production.

This measure recognizes that lessees practice good husbandry to continue stewardship of the land. DLNR's concerns for the preservation or protection of land may be addressed through the submittal of conservation plans before the lease begins.

Your consideration of support for this measure is appreciated and needed.

Thank you for the opportunity to provide testimony.



**HB-1658-SD-1**

Submitted on: 4/2/2022 8:05:06 AM

Testimony for WAM on 4/5/2022 10:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alan Gottlieb	Testifying for Ponoholo Ranch Limited	Support	Written Testimony Only

Comments:

Please support the Transfer of Agricultural Lands from DLNR to HDOA. We have been waiting 19 years since the Legislature passed Act 90!



**Hawaii Cattlemen's Council, Inc.**  
COMMITTEE ON WAYS AND MEANS  
Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair

COMMITTEE ON JUDICIARY  
Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair

**HB1658 HD1 SD1**  
Relating to the Transfer of Non-Agricultural Park Lands

Tuesday, April 5, 2022, 10:05 AM  
Room 211 and VIA VIDEOCONFERENCE

Chairs Dela Cruz and Rhoads, Vice Chairs Keith-Agaran and Keohokalole, 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 HB1658 HD1 SD1, and has the following suggestions.**

HB1658 HD1 SD1 allows for lands in agricultural production to be transferred to DOA while addressing DLNR's concerns regarding protection of natural resources and retention by DLNR of oversight for those important values. The bill provides that access for conservation, hunting, gathering, and recreation remains in place when lands are transferred to DOA. It also requires the lessee to develop and implement an enforceable conservation program and conservation plan with the appropriate DLNR-based Soil and Water Conservation District to prevent any environmental degradation. The bill fosters collaboration between DLNR and DOA to meet the goals of natural resource protection and increased agricultural production. Transfer of the lands to the DOA will allow appropriate agricultural lease terms but will not allow environmental damage.

We respectfully request that this bill be amended with the following:

- Strike the word "undeveloped" (page 2, line 18 and page 3, line 16) so that the formal subdivision exemption applies as intended, to pasture leases on which roads and fences, etc. exist.
- Include amendments to HRS §166E-1 to a) clarify that agricultural lands include all lands designated as intensive agricultural use, special livestock use, and pasture use, and b) remove the need for mutual agreement of both boards so that it concurs with this bill's §166E-3. Language from SB2068 SD2 can be used.



We appreciate the opportunity to testify. Agricultural producers have been waiting for 19 years for their leases to transfer from DLNR to DOA so they can have the support they need to continue to produce food for the islands.

Nicole Galase  
Hawaii Cattlemen's Council



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

SENATE COMMITTEES ON WAYS & MEANS AND JUDICIARY  
Tuesday, April 5, 2022 — 10:05 a.m.

**Ulupono Initiative supports HB 1658 HD 1 SD 1, Relating to the Transfer of Non-Agricultural Park Lands.**

Dear Chair Dela Cruz, Chair Rhoads, 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 supports HB 1658 HD 1 SD 1**, which exempts easements granted over public lands affecting the transfer of undeveloped public lands between the Department of Land and Natural Resources (DLNR) and the Department of Agriculture (DOA), pursuant to Act 90, from formal county subdivision process and approval requirements; before the transfer of non-agricultural park lands, authorizes the DOA to request information from the DLNR related to the establishment of necessary and reasonable easements upon the lands; requires the DOA to accept the transfer of and manage certain encumbered non-conservation, non-agricultural park lands, including pasture leases; requires the DOA, prior to offering a lease, to inquire with the DLNR regarding any easements required for access to landlocked forest reserves or other assets on the lands subject to the lease; requires the lessee to develop a conservation program and plan if conservation resources exist on the land; and, requires approval from the Board of Land and Natural Resources and the Board of Agriculture before removing pasture lands for reforestation, or other public purposes.

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.

Ulupono supports this measure's intent to move active agricultural lessees to the appropriate DOA lease structure. Doing so addresses a and meet our State's sustainability goals. Recently, the pandemic, along with devastating natural disasters and shipping

*Investing in a Sustainable Hawai'i*



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 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 Hawai'i, 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



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)

April 5, 2022

HEARING BEFORE THE  
SENATE COMMITTEE ON WAYS AND MEANS  
SENATE COMMITTEE ON JUDICIARY

**TESTIMONY ON HB 1658, HD1, SD1**  
RELATING TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS

Conference Room 211 & Videoconference  
10:05 AM

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Keith-Agaran and Keohokalole, 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 strongly supports HB 1658, HD1, SD1 with two simple amendments for clarity** and urges you to pass this much-needed measure that will make a real difference to Hawai'i's farmers who are working to increase food production in the islands, while stewarding the land they farm.

**This bill recognizes that food production and natural resource conservation are equally important, constitutionally protected public purposes, not mutually exclusive and that both must be achieved.**

**Long overdue to resolve 19-year state of limbo**

The bill will finally resolve the stagnation resulting from Act 90 of 2003, which was intended to ensure the long-term productive use of public land leased for agricultural purposes by transferring certain of those lands from DLNR to DOA. During all these years, ag producers have had no stability or security to conduct long-term planning and investments.

**Bill addresses DLNR and public trust concerns**

Much of the controversy about the lease transfer issue stems from the misperception that transferring lands in agricultural production to DOA will take away from its mission. This bill continues DLNR's duty and ability to protect native species habitat, cultural sites,

public and practitioner access for recreational and cultural purposes, and watershed integrity. And it goes even further – it requires three-agency natural resource oversight to ensure that public interests are protected.

### **DLNR retains its management responsibility and authority to manage natural resources**

DLNR retains its management responsibility and authority to manage natural resource assets no matter which agency holds the lease.

- All transferred leases will be subject to DLNR easements or rights of entry established to allow access for conservation activities, hunting, gathering, and recreation.
- Farmers and ranchers are required to work with the DLNR Soil and Water Conservation Districts to develop and implement an enforceable conservation program.
- The program will dictate practices and systems to protect the land against deterioration and prevent environmental degradation.
- No leases will be offered unless DOA staff reviews and the Board of Agriculture approves them. The Board has the ability and duty to require and enforce specific conditions protecting the property's natural resources AND can cancel leases when appropriate.

**These DLNR lands are already being stewarded by agricultural producers** who rely on the conservation of natural resources for their livelihood. Providing them with support and beneficial lease terms under the DOA will only further their ability to make investments in conservation efforts on the land.

### **Withdrawal of the lease and reforestation is still available**

DLNR will not lose its ability to reforest pasture lands.

- The bill authorizes agriculturally leased lands to be withdrawn for reforestation when there is a DLNR plan and adequate resources available for implementation.
- As can be seen by the many acres of land already withdrawn for reforestation, no one benefits when farms are prematurely taken out of production only to lay fallow, become vulnerable to fires, or inundated with suffocating invasive weeds, diseases, and destructive feral animals because no one is on the land to manage it.

### **Best interest of the public**

Hawai'i's food producers are an important part of the State'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 further decades of debate about which agency controls their existence when it is the mission of one agency, DOA, to foster agriculture in Hawai'i, while collaborating with DLNR to ensure protection of natural resources.

## **Clarifications**

We respectfully request that this bill be amended by the following:

- Remove the word “undeveloped” (page 2, line 18 and page 3, line 16) so that the exemption from subdivision requirements applies as it is intended, to pasture leases.
- Include the following amendments to HRS §166E-1 to avoid conflict with §166E-3.

**"[~~§166E-1~~] Legislative findings.** The legislature finds that article XI, section 10, of the ~~[state constitution]~~ Hawai'i State Constitution establishes that "the public lands shall be used for the development of farm and ~~[homeownership]~~ home ownership on as widespread a basis as possible, in accordance with procedures and limitations prescribed by law".

Therefore, the legislature finds that certain public lands classified for agricultural use, including all lands designated as intensive agricultural use, special livestock use, and pasture use under paragraphs (1) to (3) of section 171-10, by the department of land and natural resources should be transferred to the department of agriculture~~[, with the approval of the board of land and natural resources and the board of agriculture,]~~ for purposes and in a manner consistent with article XI, section 10, of the ~~[state constitution.]~~ Hawai'i State Constitution.

The purpose of this chapter is to ensure the long-term productive use of public lands leased or available to be leased by the department of land and natural resources for agricultural purposes, including pasture use, by allowing these lands to be transferred to and managed by the department of agriculture."

Thank you for the opportunity to provide our comments and thank you for your continued support of Hawai'i's agricultural community.

**Testimony of The Nature Conservancy  
Opposing HB 1658 HD1 SD1, RELATING TO THE TRANSFER OF NON-  
AGRICULTURAL PARK LANDS.**

**Committee on Ways & Means and Committee on Judiciary  
April 5, 2022, 10:05 am  
Conference Room 211 via Videoconference**

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Keith-Agaran and Keohokalole, and Members of the Committees:

The Nature Conservancy (TNC) opposes HB 1658 HD1 SD1, Relating to the Transfer of Non-Agricultural Park Lands, which would require the transfer of lands from the Department of Land and Natural Resources (DLNR) to the Department of Agriculture (DOA).

TNC opposes requiring automatic transfers of non-agricultural park lands from DLNR to DOA without DLNR approval. The pasture lands under DLNR 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, offer a buffer to slow the spread of invasive species into more pristine native forest, sequester carbon, as well as provide access for management, recreation, and traditional gathering. DLNR can and should manage land for these purposes.

TNC supports individual reviews of parcels to determine whether the land in question should be managed by DOA or DLNR. As such, we support HB 1659 or Part III of SB 2068 as introduced, which would authorize the Board of Land and Natural Resources to amend and extend existing pasture leases and to issue new pasture leases by negotiation in furtherance of public purposes. This authority would allow the Board flexibility in leasing pasture lands while protecting high value resource portions of the leased land.

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

Mahalo for the opportunity to provide comments on HB 1658 HD1 SD1.

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*The Nature Conservancy of Hawai'i and Palmyra 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 and restore the nearshore reefs 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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**HB-1658-SD-1**

Submitted on: 4/4/2022 9:04:57 AM

Testimony for WAM on 4/5/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Lani Petrie	Testifying for Kapapala Ranch	Support	Written Testimony Only

## Comments:

We have advocated for sound resource management planning and goal setting to best manage public trust lands. The DLNR has not been willing to share a draft lease or even a Memorandum of Understanding with ranchers who might fit the multi-purpose category of lease. Therefore we support HB1658 HD1 SD1. Long-term tenure through HDOA could allow a rancher, without uncertainty of losing the productivity of its operation, to look at forestry projects in conjunction with DOFAW as well as improved recreational uses of trust lands.

Respectfully submitted,

Lani C. Petrie



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)  
Ulupono Initiative  
College of Tropical Agriculture and Human Resources - University of Hawai'i at Manoa

SENATE COMMITTEE ON WAYS AND MEANS  
and  
SENATE COMMITTEE ON JUDICIARY

April 5, 2022 – 10:05 a.m. – Conference Room 211 & Via  
Videoconference

**RE: HB 1658 HD1 SD1 – Relating to the Transfer of  
Non-Agricultural Park Lands – In Support**

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Keith-Agaran and Keohokalole and members of the Committees:

The Local Food Coalition **supports** HB 1658 HD1 SD1, which among other things, adopts a recommendation of the Act 90 Working Group, regarding the transfer of non-agricultural park lands under Act 90, SLH 2003.

HB 1658 HD1 SD1 strikes a balance between the Department of Agriculture (DOA) and the Department of Land & Natural Resources (DLNR) so that designated conservation lands not in current agricultural use would remain under the jurisdiction of the DLNR, and active agricultural lands would be transferred to the DOA, whose priority is food production.

The bill also authorizes DOA to request information from the DLNR related to the establishment of necessary and reasonable easements upon the lands. While we believe the DOA and DLNR are working together to identify any easements required on lands that are subject to the lease, it may be helpful to put this into statute.

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 appreciate the work of the Act 90 Working Group 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.

We respectfully request your support of HB 1658 HD1 SD1. Thank you for the opportunity to submit testimony.

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

**HB-1658-SD-1**

Submitted on: 4/2/2022 7:17:21 AM

Testimony for WAM on 4/5/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Theresa M Thompson	Individual	Support	Written Testimony Only

Comments:

I support this Bill.

Theresa Thompson

**HB-1658-SD-1**

Submitted on: 4/2/2022 7:34:17 AM

Testimony for WAM on 4/5/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Woody Child	Individual	Support	Written Testimony Only

Comments:

I strongly support HB1658

**HB-1658-SD-1**

Submitted on: 4/3/2022 6:56:51 AM

Testimony for WAM on 4/5/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Randy Cabral	Individual	Support	Written Testimony Only

Comments:

I support the transfer of agricultural lands from DLNR to DOA

**HB-1658-SD-1**

Submitted on: 4/3/2022 9:50:32 AM

Testimony for WAM on 4/5/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Jimmy Greenwell	Individual	Support	Written Testimony Only

## Comments:

I respectfully urge the Legislature to pass this bill and conclude 19 years of efforts to adopt legislation that will accomplish the legislative intent expressed long ago to put our state lands used for ag under the department that best understands and works with the ag community and the resources they need. This bill also attempts to recognize and provide for the needed balance between the interests of ag and conservation which all too often find themselves unnecessarily at odds. We have found that bridging that gap so that each side respects and values and finds ways to work together is easier said than done, but that sense of partnership between ag and conservation interests needs to be the collective effort of all stakeholders. I feel this bill reflects that common intent and deserves passage this year. Thank you

**HB-1658-SD-1**

Submitted on: 4/3/2022 10:02:11 AM

Testimony for WAM on 4/5/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
peter simmons	Individual	Support	Written Testimony Only

Comments:

Peter D. Simmons, Retired

59-416 Ka Nani Drive

Kamuela Hawaii 96743

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

COMMITTEE ON JUDICIARY Senator Karl Rhoads, Chair Senator Jarrett Keohokalole, Vice Chair

HB1658 HD1 SD1: Relating to the Transfer of Non-Agricultural Park Lands

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Keith- Agaran and Keohokalole, and Members of the Committees,

My name is Peter Simmons. I retired from Kamehameha Schools where for decades I was responsible for about 193,000 acres of forests, pasture, orchards and conservation lands. Prior to my career at KS I was the ranch Manager for McCandless Ranch and their 66,000 acres of pastures, conservation lands and orchards. I was the chair of the Society of American Foresters, the vice President of the Hawaii Cattlemen's Association and while I am a charter and board member of the Hawaii Forest Industry Association and the Hawaii Forest Institute, today I testify today as an individual.

I add my testimony to others in favor of HB1658 HD1 SD1.

Agriculture is the economic driver of ranching leases. The leases themselves are best administered by our Department of Agriculture. Advice from DLNR-DOFAW I'm sure will be welcomed.



Mahalo,

Peter D. Simmons, Ret

**HB-1658-SD-1**

Submitted on: 4/3/2022 4:09:31 PM

Testimony for WAM on 4/5/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
chloe stevens	Individual	Support	Written Testimony Only

Comments:

I support the transfer of agricultural lands from DLNR to DOA.

thank you,

Chloe Stevens

**HB-1658-SD-1**

Submitted on: 4/3/2022 4:14:11 PM

Testimony for WAM on 4/5/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Vanessa Stevens	Individual	Support	Written Testimony Only

Comments:

I support the transfer of agricultural lands from DLNR to DOA

Thank You,

Vanessa Stevens

**HB-1658-SD-1**

Submitted on: 4/3/2022 4:16:36 PM

Testimony for WAM on 4/5/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Charles Stevens	Individual	Support	Written Testimony Only

Comments:

I support the transfer of agricultural lands from DLNR to DOA

Mahalo,

Charles Stevens

**HB-1658-SD-1**

Submitted on: 4/3/2022 8:21:25 PM

Testimony for WAM on 4/5/2022 10:05:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Aileen K . F. Yeh	Individual	Support	Written Testimony Only

Comments:

I am in support of HB1658 HD1 SD1.

**HB-1658-SD-1**

Submitted on: 4/3/2022 9:59:19 PM

Testimony for WAM on 4/5/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Frederick M. Mencher	Individual	Support	Written Testimony Only

Comments:

Dear Chairs Rhoads and Dela Cruz, Vice Chairs Keohokalole and Keith-Agaran, and Members of the Committees,

I **support HB 1658 HD1 SD1**, “Relating to the Transfer of Non-Agricultural Park Lands.” HDOA is the appropriate department to manage leases for farms and ranches. Please help facilitate the transfer of these lands as required by Act 90, passed in 2003 but not yet fully implemented.

Sincerely,

Frederick M. Mencher

**HB-1658-SD-1**

Submitted on: 4/4/2022 4:10:07 AM

Testimony for WAM on 4/5/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Alex Franco	Individual	Support	Written Testimony Only

Comments:

My name is Alex Franco and I'm in support of HB 1658.



**HB-1658-SD-1**

Submitted on: 4/4/2022 9:52:15 AM

Testimony for WAM on 4/5/2022 10:05:00 AM

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

Comments:

I STRONGLY SUPPORT this bill to give Hawaii farmers and ranchers the continued ability to provide their communities with local food.

**With a few amendments to clarify intent**, the bill will finally address the intent of Act 90 from 19 years ago, to transfer ag lands to DOA in order to **give producers the support and better lease terms only available under DOA.**

At the same time, **the bill addresses concerns that DLNR has expressed regarding protection of natural resources and public access.** It provides safeguards, including requirements for enforceable conservation plans and the right of DLNR to take back lands for reforestation when it is ready and able to do the necessary work.

Both DLNR and DOA are sorely underfunded and need to collaborate with each other, the public sector, and individuals to properly care for Hawaii's natural resources. It should be apparent to anyone who has seen the vast tracts of land under DLNR management that without people on the ground every day to care for endangered and other important species, to watch out for and control invasives, to prevent fires, to do all the things that proper stewardship requires, these tasks will not be done.

Farmers and ranchers do these things and more, and should be supported by transferring the land to DOA. This is the last chance available to pass a measure that will finally begin to address this long overdue need.

Thank you.



# SIERRA CLUB OF HAWAI'I

**LATE**

## SENATE COMMITTEE ON WAYS AND MEANS SENATE COMMITTEE ON JUDICIARY

April 5, 2022

10:05 AM

Conference Room 211

**In OPPOSITION to HB1658 HD1 SD1:** Relating to the Transfer of Non-Agricultural Park Lands

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Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Keith-Agaran, Vice Chair Keohokalole, and members of the Ways and Means and Judiciary Committees,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **OPPOSES HB1658 HD1 SD1**, which may result in the loss of critical protections for nearly one hundred thousand acres of public watershed lands currently managed by the Department of Land and Natural Resources ("DLNR").

### **Watersheds and public trust uses of public lands need continued protection**

The Sierra Club has significant concerns regarding this measure's potential unintended impacts on the range of public interests, including watershed protection, that may arise from the forcible transfer of "pasture" lands from the DLNR to the Department of Agriculture ("DOA"). By removing the Board of Land and Natural Resources' ("BLNR's") discretion as to what public agricultural lands should be surrendered to the Department of Agriculture, this bill would curtail if not eliminate the DLNR's ability to apply its considerable staff expertise and capacity to manage agricultural land uses, including livestock cultivation and the clearing of remnant native forests, that may otherwise impact native species habitat, cultural sites, public and practitioner access for recreational and cultural purposes, and watershed integrity critical to maintaining our islands' water cycle in the era of climate change.

### **Agriculture and conservation can coexist**

The Sierra Club does appreciate that this bill allows the BLNR to designate certain agricultural lands as conservation lands and thereby retain control over these lands. However, this may result in the unnecessary foreclosure of agricultural practices that may otherwise be compatible with non-agricultural values of reclassified conservation land, or in unnecessary impacts to non-agricultural values and interests in lands otherwise primarily used for agriculture. In many cases, agriculture and conservation values, as well as broader public and cultural interests, can be maintained on the same parcels of land, but only with sufficient management expertise and capacity to facilitate and balance both. Requiring the BLNR to choose between agricultural and conservation uses will prevent this balance from being realized.

### **Access easements alone cannot protect the full range of public interests in these lands**

The Sierra Club appreciates that this bill provides the BLNR with the ability to request access easements prior to the issuance of a lease for lands transferred from the DLNR to the DOA. However, access easements alone are not sufficient to protect the range of important public interests in transferred lands. For example, easements would not allow for the protection of cultural sites or native and endangered species habitat on transferred land parcels, and would not provide for the management measures needed to ensure that certain land uses, such as ungulate grazing, do not result in runoff and other impacts to adjacent watershed and shoreline areas.

### **Conservation plans and programs and soil and water conservation district rules will lack sufficient subject matter scope and are unlikely to be reliably enforced**

Finally, the Sierra Club acknowledges that this draft would provide for future pasture land lessees to, in some instances, develop a conservation program, consistent with a conservation plan approved by the chair of the board of agriculture, and comply with soil and water conservation district rules and regulations. However, it is unclear whether and how such conservation programs or plans or soil and water conservation district rules and regulations will reflect or incorporate the necessary expertise to address the full breadth of public interests in these leased lands, including natural and cultural resource protection and the protection of adjacent watershed areas. Moreover, it is unclear how the department of agriculture will have sufficient management and oversight capacity to monitor compliance with and enforce the provisions of any such plans or programs, even and especially if they were sufficient in breadth.

### **BLNR discretion to retain lands should be maintained**

For the reasons above, the Sierra Club respectfully urges the Committees to ensure that the discretion granted to the BLNR to retain certain agricultural or pasture lands, as reflected in Act 90, be retained.

For these reasons, we urge the Committees to **HOLD** HB1658 HD1 SD1. Thank you very much for this opportunity to testify.

**HB-1658-SD-1**

Submitted on: 4/4/2022 8:52:26 PM

Testimony for WAM on 4/5/2022 10:05:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Jeri Moniz	Individual	Support	Written Testimony Only

Comments:

April 5, 2022

HEARING BEFORE THE SENATE COMMITTEE ON JUDICIARY AND THE SENATE COMMITTEE ON WAYS AND MEANS

TESTIMONY ON HB 1558, HD1, SD1

RELATED TO THE TRANSFER OF NON-AGRICULTURAL PARK LANDS

Conference Room 211 & Videoconference

10:05 AM

Aloha Chairs Rhoads and Dela Cruz, Vice Chairs Keohokalole and Keith-Agaran and members of the Committees:

I support HB 1658, HD1, SD1 and urge you to pass this measure. The Act 90 working group found that lands under DLNR used for the primary and substantial management objective of agriculture production should be transferred to DOA. In many cases 100% of the lease are in cattle production and have been for nearly 200 years. These leases make up a substantial portion of the State's beef cattle industry. Conservation plans are in place on these leases and are requirements under both the DLNR and DOA lease agreements. Lessees have secured millions of USDA NRCS Environmental Quality Incentive Program cost share dollars to make improvement to forage production, control erosion, conserve soil, control invasive species and have developed their own water catchment, storage and distribution systems. Those practices

would continue to be supported under DOA management. This Bill also provides the DLNR with the authorization required to efficiently establish easements require to access their forest reserves and other managed assets.

Thank you for the opportunity to testify in support of this important subject.