
A BILL FOR AN ACT

RELATING TO CARBON SEQUESTRATION INCENTIVES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that climate change has
2 led to an increase in the frequency of extreme weather events
3 that serve to only complicate increased risks associated with
4 the Hawaiian islands, which are already the most isolated
5 populated land mass. Such extreme weather events can put
6 greater stress on an already vulnerable food supply chain as
7 well as water supplies. The potential for shortages highlights
8 the need for greater food and water security, which can be
9 achieved through increased local food production.

10 The legislature further finds that Hawaii needs to reduce
11 its contribution to climate change, increase local food
12 production, improve soil health, and secure resilient water
13 sources. Furthermore, in addition to cutting emissions from
14 burning carbon, Hawaii needs to mitigate climate change by
15 sequestering greenhouse gases through regenerative agriculture
16 and forest preservation. Incentivizing nature-based actions
17 that are soil health and carbon positive provide rich, diverse



1 co-benefits such as restoring, maintaining, and improving
2 landscape soil health and water security through payment for
3 services programs. This would allow small farmers, ranchers,
4 foresters, and landowners to be compensated for taking measures
5 to help Hawaii reach its climate readiness goals.

6 The purpose of this Act is to establish a farmland and
7 forest soil health carbon smart incentive program that will
8 promote keeping forests and farmlands intact and sequester
9 additional carbon on those lands.

10 SECTION 2. Chapter 196, Hawaii Revised Statutes, is
11 amended by adding a new part to be appropriately designated and
12 to read as follows:

13 **"PART . HAWAII FARMLAND AND FOREST SOIL HEALTH CARBON SMART**
14 **INCENTIVE PROGRAM**

15 **"§196-A Definitions.** As used in this part:

16 "Authority" means the Hawaii green infrastructure authority
17 established pursuant to section 196-63.

18 "Eligible land" means land in the State that is privately
19 owned or public land that is leased to a private citizen at the
20 time of initiation of an incentives contract.



1 "Eligible practices" means practices that increase soil
2 health and reduce carbon emissions and carbon sequestration and
3 storage over a designated period on eligible land.

4 "Incentives contract" means a contract that specifies the
5 following:

- 6 (1) The eligible practices to be undertaken;
- 7 (2) The acreage of eligible land;
- 8 (3) The established rate of compensation;
- 9 (4) A schedule to verify that the terms of the contract
10 have been fulfilled; and
- 11 (5) Other terms determined to be necessary by the
12 authority.

13 "Phase I activities" means activities identified as having
14 a high likelihood of effectively achieving durable sequestration
15 benefits at reasonable compensation rates across eligible land
16 types, including:

- 17 (1) One time establishment and yearly monitoring that
18 include:
 - 19 (A) Reforestation;
 - 20 (B) Windbreaks;



- 1 (C) Conservation tillage and reduced field pass
- 2 intensity;
- 3 (D) Improved forages; and
- 4 (E) Control of invasive species; and
- 5 (2) Yearly investments that include:
- 6 (A) Efficient nutrient management;
- 7 (B) Crop diversity through rotations and cover crops;
- 8 (C) Manure management;
- 9 (D) Rotational grazing and improved forages;
- 10 (E) Waste-stream derived amendment application, such
- 11 as compost, biochar, and anaerobic digest;
- 12 (F) Improved cropping and organic systems; and
- 13 (G) Feed management.

14 "Phase II activities" means activities identified as those
15 that support significant sequestration potential but require
16 additional technical work to estimate sequestration potential or
17 identify appropriate eligible land types, including:

- 18 (1) Perennial biofuel feedstocks;
- 19 (2) Methane capture;
- 20 (3) Improved forest management;
- 21 (4) Conservation easements; and



1 (5) Other renewable energy options that involve blended
2 food and energy systems.

3 "Program" means the Hawaii farmland and forest soil health
4 carbon smart incentive program established by this part.

5 **§196-B Hawaii farmland and forest soil health carbon smart**
6 **incentive program; established.** (a) There is established the
7 Hawaii farmland and forest soil health carbon smart incentive
8 program to incentivize carbon sequestration activities through
9 incentives contracts that provide for compensation for eligible
10 practices by program participants.

11 (b) The authority shall administer the program and shall:

12 (1) Administer or enter into an agreement or agreements
13 for the administration of the program;

14 (2) Coordinate with relevant agencies to provide owners
15 and lessees of eligible land financial incentive
16 payments for eligible practices over a designated
17 period, with appropriate crediting for soil health and
18 carbon benefits as specified through an incentives
19 contract;



- 1 (3) Establish and implement protocols that provide
- 2 monitoring and verification of compliance with the
- 3 term of incentives contracts;
- 4 (4) Make available to the public any modeling,
- 5 methodology, or protocol resources developed to
- 6 estimate sequestration rates of potential projects;
- 7 (5) Identify, evaluate, and distribute dedicated funds to
- 8 accomplish the purposes of the program;
- 9 (6) Coordinate collaborations for soil health and carbon
- 10 sequestration modeling, methods, and inventory
- 11 improvements; and
- 12 (7) Directionally correct movement heading in the right
- 13 direction for climate, focusing on multiple co-
- 14 benefits, and overcoming barriers to implementation of
- 15 practices of interest.

16 **§196-C Program assistance; contract terms and compensation**
17 **rates.** (a) The authority, with assistance from relevant
18 agencies, shall establish compensation rates and incentives
19 contract terms for phase I activities within one year of the
20 date of receipt of a program application. An incentives
21 contract shall be for a term of no less than one year and no



1 more than thirty years as determined by the owner or lessee;
2 provided that the length of the contract term shall directly
3 correlate with the rate of compensation paid pursuant to the
4 contract.

5 (b) The authority shall coordinate with relevant agencies
6 to assist the authority in carrying out the purposes of the
7 program, including:

- 8 (1) Estimating sequestration rates for phase I and phase
9 II activities;
- 10 (2) Conducting research to develop technical underpinning
11 of compensation rates for phase II activities;
- 12 (3) Conducting community and landowner outreach
13 activities; and
- 14 (4) Establishing the reviewing committee pursuant to
15 section 196-D for project applications and reports.

16 **§196-D Reviewing committee; report.** (a) The chairperson
17 of the authority, or the chairperson's designee, shall establish
18 and serve as the chairperson of a reviewing committee to review
19 program applications.

20 (b) The reviewing committee shall submit a report to the
21 legislature no later than twenty days prior to the convening of



1 the regular session of 2023 and each regular session thereafter
2 that contains:

3 (1) An estimate of annual and cumulative reductions
4 achieved as a result of the program, determined using
5 standardized measures, including measures of economic
6 efficiency;

7 (2) A summary of any changes to the program made as a
8 result of program measurement, monitoring, and
9 verification; and

10 (3) The total number of acres enrolled in the program.

11 **§196-E Eligibility.** Landowners and lessees of eligible
12 land shall be eligible for the program upon submission of a
13 program application to the authority to enter into an incentives
14 contract. An owner of eligible land currently engaged in
15 eligible practices shall not be barred from entering into an
16 incentives contract under this part to continue carrying out
17 eligible practices. An owner or lessee shall not be prohibited
18 from participating in the program due to participation in other
19 federal or state conservation assistance programs. Conservation
20 easements shall not be required for eligibility in the program.



- 1 **§196-F Priority of carbon positive activities; benefits.**
- 2 (a) Priority eligibility shall be given to phase I and phase II
- 3 activities that:
- 4 (1) Are cost effective;
- 5 (2) Provide co-benefits to the State and owner or lessee
- 6 of eligible land;
- 7 (3) Have the potential to create jobs in the forestry or
- 8 agriculture sectors, and in rural communities; and
- 9 (4) Achieve community priorities including food security
- 10 or watershed protection.
- 11 (b) On an annual basis, the department of land and natural
- 12 resources shall:
- 13 (1) Identify and prioritize selected soil health and
- 14 carbon positive activities;
- 15 (2) Recommend compensation rates and contract terms for
- 16 eligible phase I activities;
- 17 (3) Assist in estimating sequestration rates for carbon
- 18 positive practices;
- 19 (4) Serve on the reviewing committee for project
- 20 applications and reports;



- 1 (5) Research to develop technical underpinning of
2 compensation rates for phase II eligible practices;
3 and
4 (6) Conduct community and landowner outreach activities.
5 (c) The department of land and natural resources shall
6 also identify co-benefits that may include:
7 (1) Job creation;
8 (2) Food security and agriculture for local consumption;
9 (3) Water security;
10 (4) Increased biodiversity;
11 (5) Soil health; and
12 (6) Invasive species reduction and removal."

13 SECTION 3. Section 196-64, Hawaii Revised Statutes, is
14 amended by amending subsection (a) read as follows:

15 "(a) In the performance of, and with respect to the
16 functions, powers, and duties vested in the authority by this
17 part, the authority, as directed by the director and in
18 accordance with a green infrastructure loan program order or
19 orders under section 269-171 or an annual plan submitted by the
20 authority pursuant to this section, as approved by the
21 commission for the green infrastructure loan program, may:



- 1 (1) Make loans and expend funds to finance the purchase or
2 installation of green infrastructure equipment for
3 clean energy technology, demand response technology,
4 and energy use reduction and demand side management
5 infrastructure, programs, and services;
- 6 (2) Hold and invest moneys in the green infrastructure
7 special fund in investments as permitted by law and in
8 accordance with approved investment guidelines
9 established in one or more orders issued by the
10 commission pursuant to section 269-171;
- 11 (3) Hire employees necessary to perform its duties,
12 including an executive director. The executive
13 director shall be appointed by the authority, and the
14 employees' positions, including the executive
15 director's position, shall be exempt from chapter 76;
- 16 (4) Enter into contracts for the service of consultants
17 for rendering professional and technical assistance
18 and advice, and any other contracts that are necessary
19 and proper for the implementation of the loan program;



1 (5) Enter into contracts for the administration of the
2 loan program, without the necessity of complying with
3 chapter 103D;

4 (6) Establish loan program guidelines to be approved in
5 one or more orders issued by the commission pursuant
6 to section 269-171 to carry out the purposes of this
7 part;

8 (7) Be audited at least annually by a firm of independent
9 certified public accountants selected by the
10 authority, and provide the results of this audit to
11 the department and the commission; [~~and~~]

12 (8) Administer the Hawaii farmland and forest soil health
13 carbon smart incentive program; and

14 [~~(8)~~] (9) Perform all functions necessary to effectuate the
15 purposes of this part."

16 SECTION 4. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$ or so
18 much thereof as may be necessary for fiscal year 2022-2023 for:

19 (1) Administration of the Hawaii farmland and forest soil
20 health carbon smart incentive program; and



1 (2) Five full-time equivalent (5.0 FTE) permanent
2 positions for the Hawaii green infrastructure
3 authority, as follows:

4 (A) One full-time equivalent (1.0 FTE) permanent
5 position for administering the Hawaii farmland
6 and forest soil health carbon smart incentive
7 program established by this Act; and

8 (B) Four full-time equivalent (4.0 FTE) permanent
9 positions to provide program expertise and
10 technical assistance to each of the counties.

11 The sum appropriated shall be expended by the Hawaii green
12 infrastructure authority for the purposes of this Act.

13 SECTION 5. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so
15 much thereof as may be necessary for fiscal year 2022-2023 for
16 one full-time equivalent (1.0 FTE) permanent position to support
17 soil health and carbon sequestration actions on state lands and
18 provide technical and research assistance to the Hawaii farmland
19 and forest soil health carbon smart incentive program
20 established by this Act.



1 The sum appropriated shall be expended by the department of
2 agriculture for the purposes of this Act.

3 SECTION 6. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so
5 much thereof as may be necessary for fiscal year 2022-2023 for
6 one full-time equivalent (1.0 FTE) permanent position to support
7 soil health and carbon sequestration actions on state lands and
8 provide technical and research assistance to the Hawaii farmland
9 and forest soil health carbon smart incentive program
10 established by this Act.

11 The sum appropriated shall be expended by the department of
12 land and natural resources for the purposes of this Act.

13 SECTION 7. In codifying the new sections added by section
14 2 of this Act, the revisor of statutes shall substitute
15 appropriate section numbers for the letters used in designating
16 the new sections in this Act.

17 SECTION 8. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 9. This Act shall take effect on July 1, 2100;
20 provided that sections 4, 5, and 6 shall take effect on July 1,
21 2022.



Report Title:

Carbon Sequestration; Hawaii Farmland and Forest Soil Health
Carbon Smart Incentive Program; Hawaii Green Infrastructure
Authority; Appropriation

Description:

Establishes the Hawaii farmland and forest soil health carbon
smart incentive program to incentivize carbon sequestration
activities through incentives contracts that provide for
compensation for eligible practices by program participants.
Appropriates funds for positions and for administering the
program. Effective 7/1/2100. (HD1)

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not legislation or evidence of legislative intent.*

