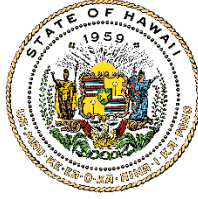


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA**

P.O. BOX 621  
HONOLULU, HAWAII 96809

**DAWN N.S. CHANG**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

**RYAN K.P. KANAKA'OLE**  
FIRST DEPUTY

**CIARA W.K. KAHAHANE**  
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

**Testimony of  
DAWN N. S. CHANG  
Chairperson**

**Before the House Committees on  
WATER & LAND  
and  
ENERGY & ENVIRONMENTAL PROTECTION**

**Tuesday, February 11, 2025  
10:00 AM  
State Capitol, Conference Room 411 & Videoconference**

**In consideration of  
HOUSE BILL 511  
RELATING TO PUBLIC LANDS**

House Bill 511 proposes to amend Section 171-11, Hawaii Revised Statutes (HRS), to provide that a survey of land to be set aside shall not be a condition precedent to set aside public lands to a department or agency of the State by executive order. **The Department of Land and Natural Resources (Department) supports this bill.**

The Department understands this measure is intended, in part at least, to facilitate the transfer of agricultural lands from the Department to the Department of Agriculture (DOA) pursuant to Act 90 Sessions Laws of Hawaii 2003 (Act 90). General leases approved for transfer from the Department to DOA already include survey maps and metes and bounds descriptions of the leased premises that can be used for the executive order setting aside the land to DOA. However, many parcels of unencumbered public lands and lands under revocable permit that DOA has requested the Department transfer to it pursuant to Act 90 have not been surveyed. House Bill 511 would provide an additional tool to the Department and DOA to complete Act 90 transfers without the incurring the expense and additional time required to complete surveys.

At the same time, the Department notes that the measure would not mandate the transfer of lands without survey maps and descriptions. The Department supports this approach because there are situations where the inclusion of a survey map and description in the set-aside of land would be prudent, such as where a formal subdivision of the land is required or where mortgage lending on the land is anticipated once

under DOA management. Also, there are at least some cases where the Department of Accounting and General Services (DAGS), Land Survey Division, can generate maps and metes and bounds descriptions for public lands based on historical data. The Department would likely continue to include maps and descriptions in the executive order set-asides for all parcels where DAGS Land Survey Division could use historical data to generate them. Additionally, the Department notes that even if land is set aside without a survey, the bill allows for a subsequently prepared survey of the land to be binding if ratified by the Board of Land and Natural Resources.

Mahalo for the opportunity to provide comments on this measure.

**HB-511**

Submitted on: 2/9/2025 1:20:01 AM

Testimony for WAL on 2/11/2025 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Russell Tsuji	Department of Land and Natural Resources	Support	Remotely Via Zoom

Comments:

DLNR testimony was submitted for HB511 on primary account. Request for a zoom link for additional staff to provide backup at the hearing.

**JOSH GREEN, M.D.**  
Governor

**SYLVIA LUKE**  
Lt. Governor



**SHARON HURD**  
Chairperson, Board of Agriculture

**DEAN M. MATSUKAWA**  
Deputy to the Chairperson

State of Hawai'i  
**DEPARTMENT OF AGRICULTURE**  
KA 'OIHANA MAHI'AI  
1428 South King Street  
Honolulu, Hawai'i 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

**TESTIMONY OF SHARON HURD**  
**CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON WATER AND LAND AND**  
**ENERGY AND ENVIRONMENTAL PROTECTION**

**TUESDAY, FEBRUARY 11, 2025**  
**10:00 A.M.**  
**CONFERENCE ROOM 411**

**HOUSE BILL NO. 511**  
**RELATING TO PUBLIC LANDS**

Chairs Hashem, and Lowen, Vice Chairs Lamosao, and Perruso, and Members of the Committees:

Thank you for the opportunity to testify on House Bill 511. This bill amends section 171-11, Hawaii Revised Statutes ("HRS") as follows: (1) a survey of the land to be set aside shall not be a condition precedent to the setting aside of public lands to any department or agency of the State; (2) provided that a subsequent survey of the land set aside shall be binding if ratified by the board of land and natural resources and the governor; and (3) further provided that a qualified immunity to the State, its departments and agencies, and its officials and employees from all suits of whatever character, whether sounding in law or in equity, relating to the boundaries of land set aside without a survey.

The Department of Agriculture ("Department") acknowledges that not requiring a survey of lands to be set aside will expedite the setting aside of public lands between state departments and agencies and will conserve government resources and offers comments on this measure.



The Department's comments are regarding transfers to the Department or other agencies. In these cases, the request is for consideration of funding to conduct a survey, which is required for the Department to be able to lease the land. The comment is not to question whether land can be transferred via Executive Order (EO) without a survey, it is that the Department is unable to lease land that has not been surveyed and not able to offer a long-term lease.

Through prior appropriation, the Department currently has funding to complete the surveys of most, if not all, the Board of Agriculture approved parcels. It is our intent to complete the surveys and provide them to the Department of Land and Natural Resources for their use prior to drafting the EO. Without continued appropriations, however, the program may not have the funding necessary to conduct surveys, as the program is special funded by rents collected from its tenants. The survey of the larger pastoral parcels could run over \$75,000 per parcel. The Department respectfully comments that this measure consider the responsibility for the survey may fall on the receiving agency, which will require continued appropriations for lands EO'd to the Department or the receiving agency.

Thank you for your time and consideration.



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

COMMITTEE ON WATER & LAND  
Rep. Mark J. Hashem, Chair  
Rep. Rachele F. Lamosao, Vice Chair

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION  
Rep. Nicole E. Lowen, Chair  
Rep. Amy A. Perruso, Vice Chair

**HB511**  
RELATING TO PUBLIC LANDS

Friday, February 10, 2025, 1:01PM  
Conference Room 224 & Videoconference

Chairs Hashem and Lowen, Vice Chairs Lamosao and Perruso, and Members of the Committees,

The Hawaii Cattlemen's Council **supports HB511** which provides that a survey of the land to be set aside shall not be a condition precedent to the setting aside of public lands to any department or agency of the State.

Land surveys are often expensive, difficult to schedule, and are unnecessary if transferring lands between departments within the State. This bill will ensure that the expense and timing of a land survey are not a delay to transferring lands from DLNR to DOA pursuant to Act 90 to ensure agricultural lands remain in agricultural production.

We appreciate the opportunity to testify on this measure. The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four 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.

Nicole Galase  
Hawaii Cattlemen's Council  
Managing Director



**Boteilho Hawaii Enterprises Inc.**  
**PO Box 190**  
**Hawi, HI 96719-0190**

COMMITTEE ON WATER & LAND

Rep. Mark J. Hashem, Chair  
Rep. Rachele F. Lamosao, Vice Chair

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Nicole E. Lowen, Chair  
Rep. Amy A. Perruso, Vice Chair

**HB511**

RELATING TO PUBLIC LANDS

Chairs Hashem and Lowen, Vice Chairs Lamosao and Perruso, and Members of the Committees,

Boteilho Hawaii Enterprises **supports HB511** which provides that a survey of the land to be set aside shall not be a condition precedent to the setting aside of public lands to any department or agency of the State.

The Boteilho family started dairy farming and ranching in Pa'auilo since 1966. In 1985, we relocated our dairy operation to North Kohala. Originally consisting of 8,000 acres, the ranching operation has remained at its current location in Pa'auilo for 59 years. In 2010, we lost 2,300 acres to the Palila Bird Habitat. We now have 5,700 acres, which we use to raise replacement heifers for our last remaining dairy in the State. In addition, the ranch operation provides local beef to the community that is sold statewide.

The Ranch operation has been a critical support for the dairy and its survival is attributed to the ranch, both financially and support of its livestock during the droughts in North Kohala. Scale of ranch is critical for our financial viability and we have invested hundreds of thousands of dollars in infrastructure over the years.

This bill will avoid costly and time consuming land surveys that is unnecessary if transferring lands is between Departments within the State. We do not want a delay of transferring lands from DLNR to DOA pursuant to Act 90.

We humbly request your support of HB511.

Sincerely,

Ed Boteilho Jr.  
President  
Boteilho Hawaii Enterprises, Inc.

Bahman Sadeghi  
Vice-President  
Boteilho Hawaii Enterprises, Inc.

**HB-511**

Submitted on: 2/10/2025 9:59:46 AM

Testimony for WAL on 2/11/2025 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Charles Stevens	SC Ranch Co. Inc.	Support	Written Testimony Only

Comments:

**Chair Hashem, Vice Chair Lamosao, and Members of the Committees,**

My name is Charles Stevens of SC Ranch Co. Inc., and I am submitting this testimony in **strong support** of HB511, a bill that would remove the requirement for a land survey before public lands are set aside for transfer to any department or agency of the State.

HB511 addresses an important issue by facilitating the efficient transfer of public lands, such as from the Department of Land and Natural Resources to the Department of Agriculture, in alignment with Act 90. By eliminating the land survey requirement, this bill helps avoid delays caused by the costs and time involved in conducting such surveys. As a result, agricultural lands can be maintained in productive use without unnecessary obstacles.

I believe HB511 will significantly streamline the process of keeping agricultural land in production, and I strongly support its passage.

Thank you for your consideration of this testimony.

**Sincerely,**

Charles Stevens

SC Ranch Co. Inc.



**HB-511**

Submitted on: 2/10/2025 10:54:43 AM

Testimony for WAL on 2/11/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lilia Kapuniai	TiLeaf Group	Support	Written Testimony Only

Comments:

Aloha Chairs Hashem and Lowen, Vice Chairs Lamosao and Perruso, and Members of the Committees,

My name is Lilia Kapuniai, I am the Vice President of TiLeaf Group (Native advocacy firm), and my family has been ranching for four generations. I present this testimony in **support of HB511** which provides that a survey of the land to be set aside shall not be a condition precedent to the setting aside of public lands to any department or agency.

At the moment, a land survey is delaying many transfers pursuant to Act 90, passed more than 20 years ago. There are over 90 leases awaiting transfer, wherein due diligence was completed by the state Department of Agriculture, however, the Department of Land and Natural Resources (DLNR) is not presenting to their Board, for formal action.

The livelihood of the ranchers, who are caring for the land, with their own funds, are at stake. The surveys are expensive, difficult to facilitate, and unnecessary to transfer within the State. Without the ranchers, the land would be overgrown by invasive species and would pose as a fire hazard.

Mahalo for the opportunity to testify in **support of HB511**.

Lilia Kapuniai  
TiLeaf Group, Vice President

**HB-511**

Submitted on: 2/10/2025 9:45:45 AM

Testimony for WAL on 2/11/2025 10:00:00 AM

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

Comments:

Chairs Hashem and Lowen, Vice Chairs Lamosao and Perruso, and Members of the Committees,

My name is Vanessa Stevens, and I am submitting this testimony in **SUPPORT of HB511**, a bill that would ensure a survey of the land to be set aside is not a condition precedent to the setting aside of public lands to any department or agency of the State.

HB511 addresses the important issue of ensuring the efficient transfer of public lands, from the Department of Land and Natural Resources to the Department of Agriculture, in accordance with Act 90. By removing the requirement for a land survey before transferring these lands, the bill helps prevent delays caused by both the expense and timing of such surveys, ensuring that agricultural lands remain in productive use without unnecessary hindrances.

I strongly support **HB511** and believe it will significantly streamline the process of maintaining agricultural land in production.

Thank you for your consideration of this testimony in **SUPPORT of HB511**.

Sincerely,  
Vanessa Stevens