A BILL FOR AN ACT

RELATING TO FOREST STEWARDSHIP.

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

SECTION 1. Section 195F-1, Hawaii Revised Statutes, is amended to read as follows:

"§195F-1 Findings and purpose. The legislature finds that:

(1) Much of the forest land in Hawaii is privately owned and managed;

(2) The capacity to protect important watersheds and native Hawaiian plants and animals and to produce renewable forest resources is significantly dependent on these privately managed forest and formerly forested lands;

(3) The factors essential to the quality of life in Hawaii, including water and air quality, mild climate, and habitat available for plants and animals unique to these islands, can be maintained and improved through good stewardship of privately managed forest and formerly forested lands;"
(4) To accomplish these purposes, the present system of state and federal financial and technical assistance programs needs to be expanded to promote the long-term management of additional privately [owned] managed forest and formerly forested lands throughout the State; and

(5) A forest stewardship program should be established to supplement the natural area reserves system's programs under chapter 195 by encouraging [private] landowners of privately [owned] managed forest and formerly forested lands that cannot qualify as potential natural area reserves to make long-term commitments to protect, maintain, and restore important watersheds, [timber] forest resources, forest products, fish and wildlife habitats, isolated populations of rare and endangered plants, native vegetation, and other lands that provide significant public benefits.

The purpose of this chapter is to establish a program to financially assist landowners in managing, protecting, and restoring important natural resources in Hawaii's forested and formerly forested lands."
SECTION 2. Section 195F-2, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"Program implementation agreement" means a written forest stewardship management contract between the board and program applicant."

SECTION 3. Section 195F-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There is established a forest stewardship program to be administered by the board to assist [private landowners in managing, protecting, and restoring] landowners of privately managed forest to manage, protect, and restore important watersheds, native vegetation, [timber] forest resources, forest products, fish and wildlife habitats, isolated populations of rare and endangered plants, and other lands that are not recognized as potential natural area reserves."

SECTION 4. Section 195F-5, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) To participate in the forest stewardship program, the applicant landowner shall prepare and submit [to the board] a forest stewardship management plan that shall:
1 (1) Identify and describe activities to be undertaken by
2 the landowner to protect soil, water, aesthetic
3 quality, recreation, [timber] forest resources,
4 forest products, water, fish, wildlife, and native
5 plant resources on the land in a manner that is
6 compatible with the objectives of the program, is
7 consistent with this chapter, and qualifies under the
8 board's list of approved activities;
9 (2) Be signed by all parties having an interest in or
10 holding any encumbrance upon the property, and shall
11 state that the parties agree to comply with the plan
12 upon its approval; and
13 (3) Be approved by the board and available for public
14 review.
15 (b) The board and other cooperating natural resource
16 management agencies shall develop a list of approved management
17 activities and practices that shall be eligible for cost-share
18 assistance under the program in the following areas:
19 (1) Enhanced management and maintenance of vegetation on
20 vital watershed lands;
(2) Sustainable growth and management of forests for timber and [other] forest products [on lands from which all or most of the native vegetation had been removed prior to January 1, 1991];

(3) Management for non-native forest products; provided that the land was not previously cleared of native vegetation for the purpose of non-native forest production;

(4) Protection, restoration, and enhancement of native plants and animals;

(5) Management, maintenance, and restoration of forests for shelterbelts, windbreaks, aesthetic quality, and other conservation purposes [on lands from which all or most of the native vegetation had been removed prior to January 1, 1991];

(6) Agroforestry management [on lands from which all or most of the native vegetation had been removed prior to January 1, 1991];

(7) Management and maintenance of native fish and wildlife habitats;
(8) Management of outdoor recreational opportunities; and

(9) Other activities approved by the board, which are consistent with this chapter."

SECTION 5. Section 195F-6, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) Payments from the forest stewardship fund shall not exceed [fifty];

(1) Seventy-five per cent of the total cost of the landowner in developing [and implementing] an approved management plan; and

(2) Fifty per cent of the total cost of the landowner in implementing an approved management plan.

Total payments to any one landowner shall be determined by the board, and the reasonable value of material, goods, and services contributed toward the management plan by the landowner shall be included in determining the amount of the landowner's cost. The landowner shall be required to spend private funds before reimbursements are made. In-kind services such as heavy equipment and existing sources of labor may be utilized as a

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portion of the landowner's contribution in implementing the
management plan that is consistent with this chapter."

2. By amending subsections (c), (d), and (e) to read:
"(c) To receive funds under the forest stewardship
program, an applicant shall:

(1) Be a landowner of [private] a privately managed forest
that is not managed under existing federal, state, or
private sector financial and technical assistance
programs and that is not recognized as a potential
natural area reserve. [Private forest lands managed]
A privately managed forest that is managed under
existing federal, state, or private sector financial
and technical assistance programs may be eligible for
assistance under this program if the landowner agrees
to comply with the requirements of the program or if
forest management activities are expanded or enhanced
to meet the requirements of this chapter;

(2) Prepare and submit a forest stewardship management
plan as set forth in section 195F-5; and

(3) Enter into [an] a program implementation agreement
with the board [to do the following], upon approval
of the forest stewardship management plan by the
board. Upon approval of the program implementation
agreement by the board, the applicant shall:

(A) Undertake and maintain the approved activities
under the management plan for not fewer than ten
years, unless the board approves modifications in
the plan;

(B) Complete all approved activities under the
management plan within the timetable agreed upon
by the board and the landowner consistent with
the intent of this chapter;

(C) Submit an annual progress report to be reviewed
by the board for each year in which the landowner
receives support under the program. This report
shall detail accomplishments, areas requiring
technical advice, and any proposed modifications
of the management plan; and

(D) Other conditions deemed necessary by the board to
implement the purposes of this chapter.

(d) The board shall review the annual progress report and
shall determine whether the landowner has met the objectives of
the management plan. To facilitate the review, the department shall have the right to make inspections of the forest land after prior landowner notification. The board may approve alteration of the management plan to adapt to current conditions. Amendments to the management plan shall be available for public review.

(e) The board shall submit annually a detailed report to the governor and legislature that shall:

(1) Identify management objectives that have been completed on privately managed forests resulting from payments made pursuant to section 195F-4(a)(1) and provide an analysis of problems and issues encountered in meeting or failing to meet objectives as set forth in the management plans;

(2) Identify all reforestation, forest management, education, and training objectives that have been completed as a result of any expenditures made pursuant to section 195F-4(a)(2);

(3) Describe the financial condition of the fund, including receipts and expenditures from the previous fiscal year; and
(4) Set forth plans and management objectives for the next fiscal year."

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect on December 31, 2050.
Report Title:
Forest Stewardship Program; Forest Stewardship Fund

Description:
Clarifies the purpose of and inclusion of privately managed forests in the forest stewardship program and the conditions that must be met by applicants to receive funds under the program. Increases maximum payments from the forest stewardship fund available to landowners for assistance in developing and implementing an approved management plan. Effective 12/31/2050. (SD2)

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