DAVID Y. IGE
GOVERNOR OF HAWAII

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

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

Wednesday, March 2, 2022
9:30 AM
State Capitol, Conference Room 211, Via Videoconference

In consideration of
SENATE BILL 2068, SENATE DRAFT 1
RELATING TO LAND MANAGEMENT

Senate Bill 2068, Senate Draft 1, proposes to: (1) repeal certain board approval requirements for transfers of certain public lands classified for agricultural use by the Department of Land and Natural Resources (DLNR) to the Department of Agriculture (DOA); (2) clarify that lands classified for agricultural use include intensive agricultural, special livestock, and pasture uses; (3) require DOA to accept the transfer of lands in pasture use by DOA (4) retain DOA's authority to determine the manner of transferring non-agricultural park lands; (5) 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; (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) require DLNR's Division of Forestry and Wildlife (DOFAW) to submit a realistic and funded action plan for reforestation on current pasture lands; and (8) require a one-year notice to land lessees or permittees prior to approved withdrawal. **DLNR opposes this measure.**

This bill is inconsistent with the Final Report of the Act 90[1] Working Group submitted to the Legislature on December 21, 2021 (Report).

PART II would require the wholesale transfer of agricultural/pasture lands currently under DLNR management to DOA, except for designated conservation lands not in current agricultural

[1] Act 90, Session Laws of Hawaii 2003, codified into law as Chapter 166E, Hawaii Revised Statutes (HRS), provides for transfer of agricultural lands to DOA. DLNR has transferred more than 19,000 acres to DOA over the years.

use. This is a tiny fraction of the lands in question. However, 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 be potentially 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

Senate Bill 2068, Senate Draft 1, is predicated on the 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 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 or be protected by other means.[2]

DLNR recommends the existing process that requires approval by both BLNR and BOA be retained. These boards can weigh agricultural values, as well as other public trust values of these lands, such as:

- what resources are on the land,

[2] 1992 Hawaii State Land Use District Boundary Review.

- 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 would be transferred to DOA if they are in current agricultural use. Thus, this bill results in transfer of essentially all DLNR pasture lands – approximately 100,000 acres, with BOA approval. 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 this measure is not a reasonable compromise and will 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, Hawaii Revised Statutes (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.

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.

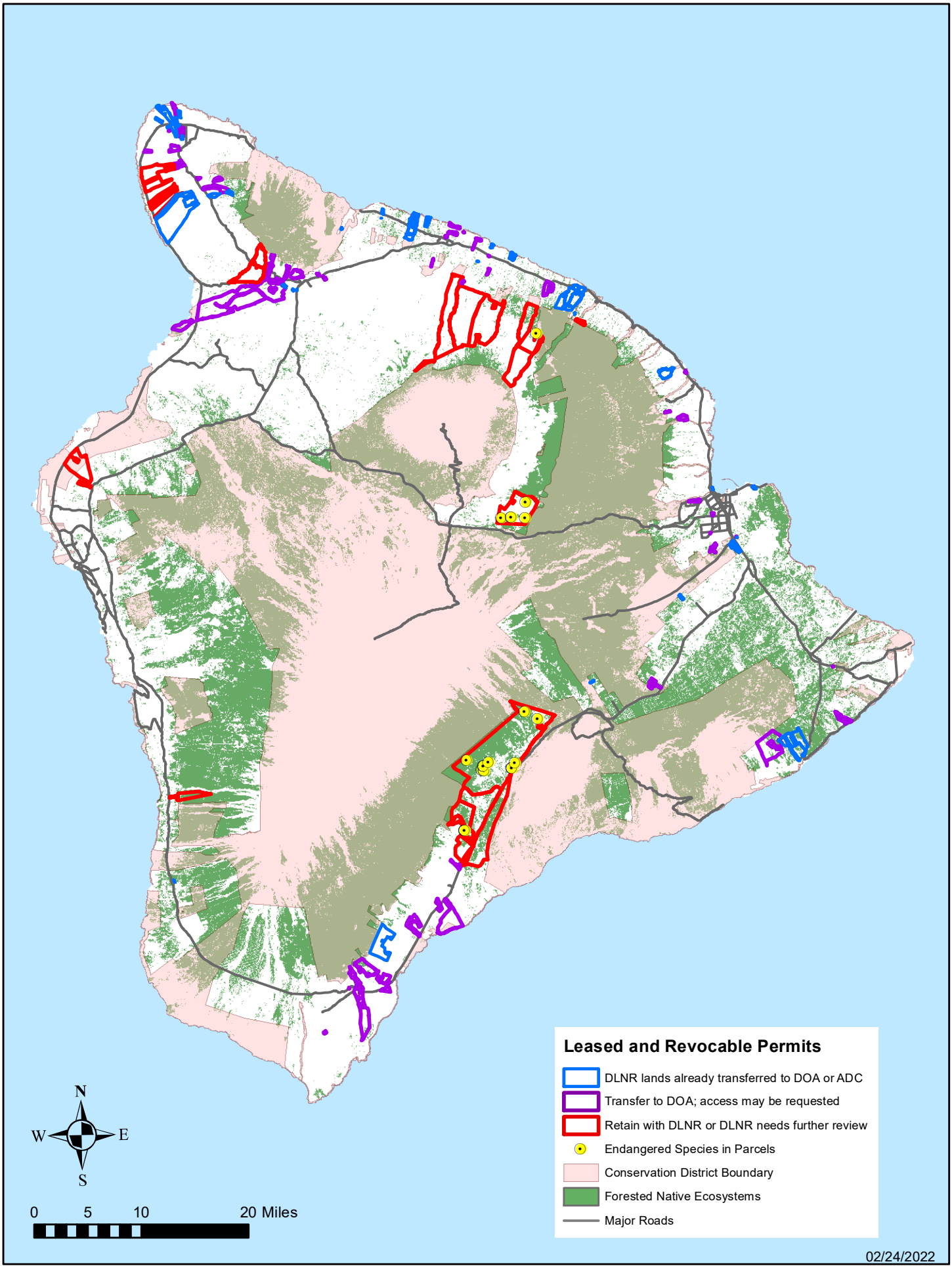
DLNR also opposes PART III. Earlier sections of the bill propose to transfer almost all the subject lands to DOA and remove BLNR's decision-making authority. Only small portions of a few parcels designated in the Conservation District that are unencumbered would be left under DLNR. Part III would then insert the BOA in the decision-making process for these tiny remaining sections of land. This is not a balanced proposal. The bill empowers the BOA to advance agricultural interests while removing the BLNR's powers to safeguard natural and cultural resources. The current Act 90 process where both boards are decision-makers in the transfer of lands is balanced and respects the interests and expertise of both boards.

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.[3] The initial draft of Senate Bill 2068 included substantially similar language as last Session's Administration measures, but the language has been deleted from Senate Draft 1. DLNR respectfully requests that this language be restored to the measure.

Senate Bill 2068, SD1 would have severe negative impacts on DLNR. 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.

[3] There is also House Bill 1659, House Draft 1, from the current Session that would give DLNR similar authority. DLNR respectfully requests the Committees support House Bill 1659, House Draft 1, if it crosses over.


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
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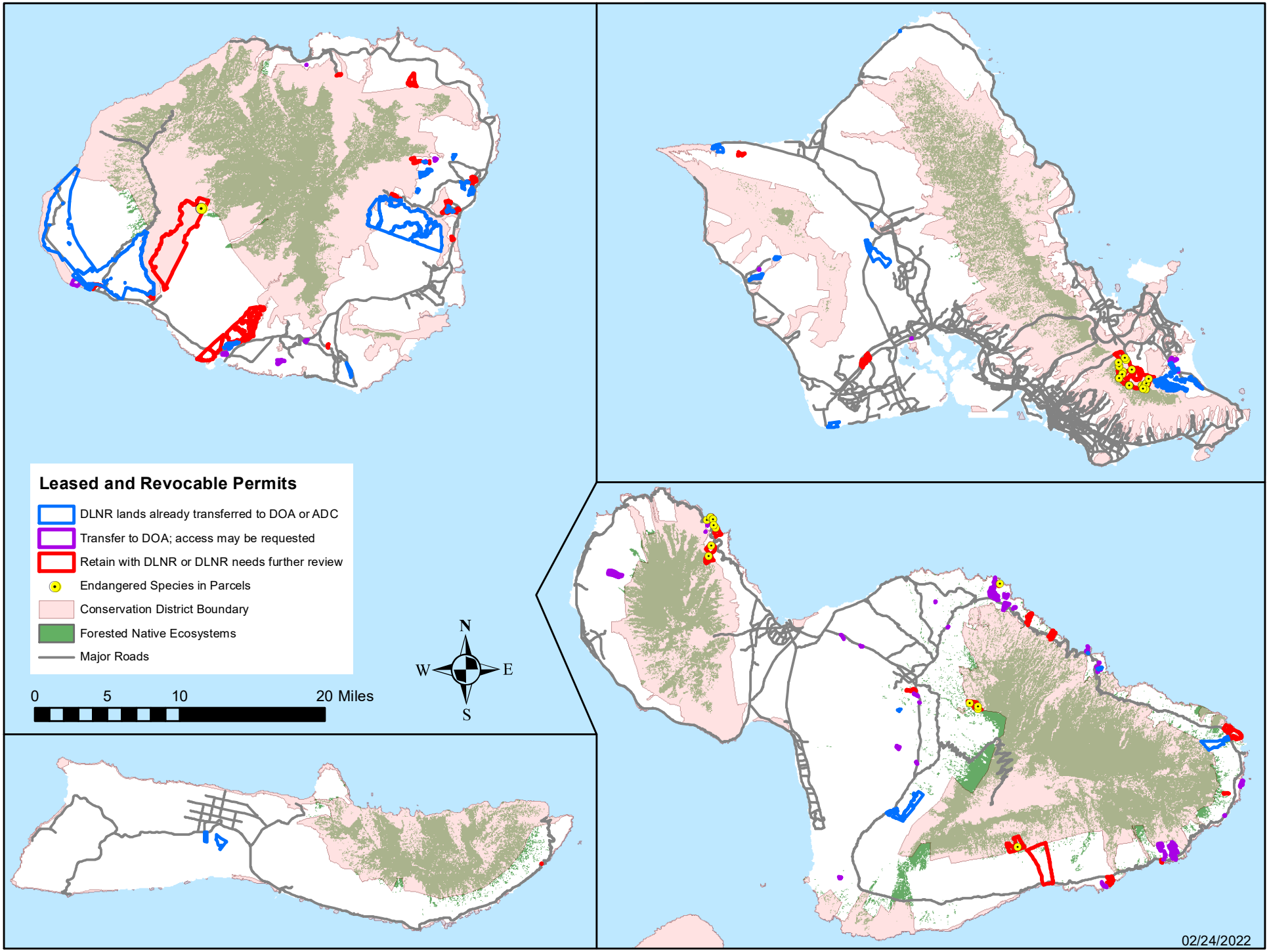
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Endangered Species in Parcels
Conservation District Boundary
Forested Native Ecosystems
Major Roads
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02/24/2022

IMPORTANCE OF PASTURE LANDS TO DLNR'S MISSION

Above and Right: The Kapapala Koa Canoe Forest was once DLNR-leased pasture. Many leased pastures still contain old-growth forests. Below: In 2011, DLNR designated former ranch land as the Hilo Forest Reserve to provide hunting access and replant trees.

SUMMARY

DLNR is responsible for stewarding a diverse variety of lands for the public trust. Pasture lands under DLNR management in Hawai ʻi – tens of thousands of acres -- are remnant native forest with grazing allowed. They abut large natural areas such as forest reserves and national parks, are home to endangered plants and animals, buffer the spread of invasive species, and provide access for management, traditional gathering, and public recreation including hunting and trails.

DESCRIPTION

Over the past 15 years DLNR has transferred to DOA, or offered to transfer, all agricultural lands pursuant to Act 90, SLH 2003 -- approximately 18,000 acres of crop lands. Pasture lands are quite different, having never been fundamentally altered by plowing or clearcutting. DLNR offers partnership programs for ranchers to protect endangered species, plant trees for habitat, carbon sequestration, and forest products, and reduce fuel loads to lower risk of wildfires. It is critical that these lands remain with DLNR to protect their public trust natural and cultural values.

Most of Hawaii's lowlands have been converted to urban uses. The mid levels were plowed to make large scale sugar and pineapple farms. Over half of Hawaii's forests have disappeared, and the mauka forest lands are what remain largely intact. Ranch lands were originally intact mauka forests. Many are still unplowed, forested, and critical watershed and endangered species habitat. Many of the forests eligible for the conservation district were instead designated in the agriculture district, meaning they can be easily clear-cut, or converted wholesale to non-forest uses. Ensuring that these forested pastures are able to retain their remaining forests is essential for Hawaii's watersheds and water availability. DLNR management and oversight of these lands is appropriate and provides for collaborative forest and agricultural management that supports diversification, such as silvopasture systems or selling carbon credits. Much of these lands hold the best potential for large-scale reforestation to help reach Hawaii's goal to be carbon neutral by 2045.

EXPECTED BENEFITS

- Retain existing access to recreation areas, and create new hiking and hunting opportunities.
- Protect native forests that provide water security, erosion reduction, and endangered plant and animal habitat.
- Reforest lands to store carbon, and create income by selling credits.
- Prevent inappropriate wholesale conversion of watershed forests.
- Keep options open for a variety of uses, rather than only agriculture.

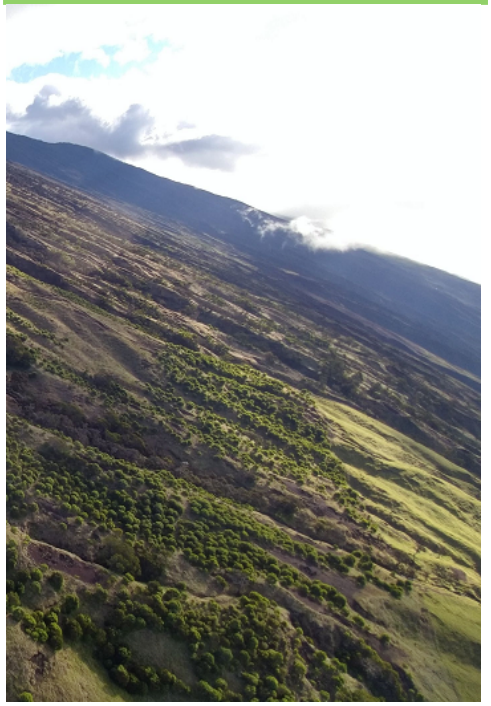
2022 LEGISLATIVE PROPOSALS

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.

Above: Ranch lands in Kona are being decimated by the Two-Lined Spittle Bug, which eats pasture grasses. As ranching conditions change, DLNR management keeps the options open for other uses like large-scale reforestation (Right: East Maui tree plantings).

PASTURE LAND CONSERVATION VALUES

- Water
- Fire & Forest Health
- Native Ecosystems
- Forestry
- Recreation



DLNR PARTNERSHIPS WITH RANCHERS

DLNR works cooperatively with ranchers on public and private lands. A dozen large mauka ranchers have joined together in watershed partnerships to protect our forested watersheds from threats such as invasive species. For example: Haleakala Ranch, Hana Ranch, Kapualei Ranch, Parker Ranch, Kualoa Ranch, Ponoholo Ranch, Kahua Ranch, and Ulupalakua Ranch. DLNR has many other ways to work with ranchers:

- Cost-sharing land management tasks of mutual benefit, such as fence maintenance.
- The Forest Stewardship program provides matching funds for ranchers willing to commit to sustainable land management practices. There have been 65 agreements managing 36,778 acres.
- In some places, sheep and deer compete for pasture forage. DLNR runs hunting programs to help reduce this problem.
- DLNR is a HISC agency lead, supporting the first responders and research on problematic ranch species such as the Two-Lined Spittle Bug.

CLIMATE CHANGE AND CARBON NEUTRALITY

The DLNR provides opportunities for ranchers interested in growing trees along with other agricultural products, or for conservation, carbon sequestration, or sustainable harvest of wood products. DLNR is the lead agency and expert on forestry and is creating cooperative programs for forest carbon sequestration credits. Maintaining a close relationship with DLNR provides these diverse options, which may be key to ensuring future economic viability across these landscapes.

CONTACT PERSON

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(808) 587-0401

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor

PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS ATTA
Deputy to the Chairperson

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

TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEES ON
WAYS AND MEANS
AND JUDICIARY

MARCH 2, 2022
9:30 A.M.
VIA VIDEOCONFERENCE

SENATE BILL NO. 2068, SD 1
RELATING TO LAND MANAGEMENT

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

Thank you for the opportunity to testify on Senate Bill 2068, SD1. This bill amends the process for transferring agricultural lands from the Department of Land and Natural Resources ("DLNR") to the Department of Agriculture ("Department"). It repeals certain board approval requirements for transfers of certain public lands classified for agricultural use by the Department of Land and Natural Resources to the Department of Agriculture; clarifies lands classified for agricultural use to include intensive agricultural, special livestock, and pasture uses; requires the Department of Agriculture to accept the transfer of lands in pasture use by the Department of Agriculture; retains the Department of Agriculture's authority to determine the manner of transferring non—agricultural park lands; 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 approval from the Board of Land and Natural Resources and the Board of Agriculture before removing pasture lands for reforestation, or other public purposes; requires the Department of Land and Natural Resources Division of Forestry and Wildlife to submit a realistic and funded action plan for

reforestation on current pasture lands; and requires a one—year notice to land lessees or permittees prior to approved withdrawal. The Department appreciates the intent of this bill and offers comments.

The Department of Agriculture appreciates the tremendous efforts of the Act 90 working group to improve the process for transfer of agricultural lands. We respectfully note that on line 8, on page 6, 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 offer comments.

SENATE COMMITTEE ON WAYS AND MEANS
SENATE COMMITTEE ON JUDICIARY

March 2, 2022 9:30 AM Via Videoconference

In OPPOSITION to SB2068 SD1: Relating to Land Management

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 SB2068 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 further 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.

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** SB2068 SD1. Thank you very much for this opportunity to testify.

LAND USE RESEARCH
FOUNDATION OF HAWAII
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Honolulu, Hawaii 96813
(808) 521-4717
www.lurf.org

February 25, 2022

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

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

Comments Regarding and Support of the Intent of SB 2068, S.D. 1, Relating to Land Management (Repeals board approval requirements for transfers of certain public lands classified for agricultural use by the Department of Land and Natural Resources [DLNR] to the Department of Agriculture [DOA]; requires the DOA to accept the transfer of and manage certain qualifying non-conservation, non-agricultural park lands; requires the DOA, prior to offering a lease, to inquire with the DLNR regarding any easements required for access; requires the Board of Land and Natural Resources [BLNR] to amend and extend certain leases for the lease to qualify for certain financing; authorizes the BLNR to amend and extend existing pasture leases and to issue new pasture leases; requires the Division of Forestry and Wildlife [DFW] to seek approval from the BLR before removing pasture lands for reforestation; requires the DFW to submit a funded action plan for reforestation on current pasture lands .)

Wednesday, March 2, 2022, 9:30 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 express its **comments, concerns,** and **support of the intent of SB 2068, S.D. 1** and of the various agricultural stakeholder groups who defend the goals of viable agricultural operations and the conservation and protection of agriculture in Hawaii.

SB 2068, S.D. 1. The primary 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.

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 upholds the intent of this measure as it promotes cooperation between the DOA and DLNR and recognizes that the DOA can best advance and sustain the needs of agriculture and the agricultural industry in this State. LURF also understands that lands under the DOA are appraised on their agricultural value while lands under the DLNR are auctioned for lease at the highest rates possible, which is commonly beyond the affordability of local farmers and ranchers. Additionally, long term leases issued by the DOA make it possible for agricultural stakeholders to prudently invest in infrastructure improvement and resource conservation on the leased land.

LURF therefore fully supports the intent of SB 2068, S.D. 1 because the bill recognizes the need for establishment of a collaborative working relationship between the DLNR and the DOA by repealing requirements for BLNR approval for transfers of certain public lands classified for agricultural use; 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 that regard, there are still legitimate concerns including the existence of **vague and ambiguous language used to describe and define critical terms in the bill** as presently drafted, as well as **inconsistences between rules and practices followed by each of the two departments regarding the handling of lease issuances and extensions which may likely raise problems with the practical implementation of the long-awaited transfers and leases of land.**

By recognizing the significance of and need to assist the local agriculture industry and to implement measures which help to support the viability and maintenance of agriculture in the State, the intent of this bill significantly helps to promote economically viable agriculture, increased food production, and food self-sufficiency in Hawaii.

For the reasons stated above, LURF **supports the intent of SB 2068, S.D. 1**, and respectfully **urges the Committees' consideration and incorporation of any necessary amendments to this measure consistent with these comments and concerns**.

Thank you for the opportunity to present testimony regarding this matter.

SB-2068-SD-1
Submitted on: 2/26/2022 8:13:43 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jimmy Gomes	Testifying for Ulupalakua Ranch	Support	No

Comments:

Lands should be transfered from DLNR to DOA

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

SB2068sd1, Relating to Land Management
Senate WAM/JDC Decision Making Hearing
Wednesday, March 2, 2022 – 9:30am
CR211/Videoconference

Testimony By: Larry Jefts
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 Jefts, owner and operator of Larry Jefts 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.

The SD1 clarifies that pasture land is indeed an agricultural use that should be considered for transfer to the DOA. At the same time, designated conservation land not in current agricultural use remains with DLNR. It requires the DOA and DLNR ‘s approval before agricultural lands are removed for reforestation or other public purposes. Lessees or permittees will receive one-year notice in advance of the approved withdrawal.

Your consideration of support for SB2068sd1 is appreciated and needed.

Thank you for the opportunity to provide testimony.

SB-2068-SD-1
Submitted on: 2/26/2022 1:15:38 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alan Gottlieb	Testifying for Ponoholo Ranch Limited	Support	No

Comments:

Please support SB 2068

HAWAII MEATS

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

COMMITTEE ON JUDICIARY
Sen. Karl Rhoads, Chair
Sen. Jarrett Keohokalole, Vice Chair

SB2068, SD1
Relating to Land Management

Wednesday, March 2, 2022, 9:30 AM
Conference Room 211
VIA VIDEOCONFERENCE

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

My name is Bobby Farias, rancher and part owner of Hawaii Meats, and **I support SB2068, SD1**. Agriculture has always been a vital part of Hawaii's well-being, and our current situation unfolding due to COVID-19 highlights that importance even more. For Hawaii to give agriculture the support it needs, agricultural lands should be transferred to DOA where lease terms are favorable and encourage improvements to the land and expansion of local food production.

Thank you for the opportunity to testify on this important matter.

Sincerely,

Bobby Farias

Email: communications@ulupono.com

SENATE COMMITTEES ON WAYS & MEANS AND JUDICIARY
Wednesday, March 2, 2022 — 9:30 a.m.

Ulupono Initiative supports SB 2068 SD 1, Relating to Land Management.

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 SB 2068 SD1, which repeals certain board approval requirements for transfers of certain public lands classified for agricultural use by the Department of Land and Natural Resources (DLNR) to the Department of Agriculture (DOA); clarifies lands classified for agricultural use to include intensive agricultural, special livestock, and pasture uses; requires the DOA to accept the transfer of lands in pasture use by the DLNR; retains the DOA's authority to determine the manner of transferring non-agricultural park lands; 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 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; requires the DLNR Division of Forestry and Wildlife (DOFAW) to submit a realistic and funded action plan for reforestation on current pasture lands; and, requires a one-year notice to land lessees or permittees prior to approved withdrawal.

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 the Senate Draft 1 as this bill seeks to streamline the transfer of certain DLNR agricultural leases to the DOA and to increase collaboration between the two departments. We also support the bill's language requiring DOFAW's development of a realistic, funded action plan when seeking to remove lands out of pastoral use and into reforestation. Ulupono continues to support the local livestock industry and its efforts to provide fresh, healthy products for Hawai'i's consumers and as such, we believe that DOA's affordable, long-term leases allow local ranchers to immediately take advantage of existing, appropriate lease structures that incentivize ranchers to make long-term investments into their respective operations, improving economic viability and increasing local food production for the State. We do not need to create duplicative departmental

responsibilities, but rather find solutions to collaborate and achieve the overall good for active agricultural production and natural resource conservation. The Senate Draft 1 achieves this balance.

It is important to note that recently, the pandemic, along with devastating natural disasters and shipping supply issues, have heightened local food insecurity in our communities. With many leaders across our state saying that local agriculture can play an important role in our economic and social recovery, one theme around local food production rises to the top: the time to act is now. Local producers, like our ranchers, are a critical component of Hawai'i's food security. The local ranching community deserves our State's support by managing crucial, food-producing agricultural leases within the DOA, a department whose mission and expertise to manage agricultural activities and related natural resources, including pastureland production, promotes local food production and directly supports State sustainability goals.

Thank you for the opportunity to testify on this measure.

Respectfully,

Micah Munekata
Director of Government Affairs

SB-2068-SD-1
Submitted on: 2/27/2022 9:21:13 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Doug Beaton	Testifying for Hawaii Cattlemen's Association	Support	No

Comments:

Aloha,

Hawaii Cattlemen's Association is in support of this Bill. This bill will finally bring these range lands to HDOA which was what act 90 stated years ago. HDOA is Hawaii's agricultural stewards and they need to be in control of these lands to insure the future productivity of Hawaii self-sustainable goals. Please pass this bill in support of Hawaii's goals of food sustainability.

Mahalo

Hawaii Cattlemen's associations President

Doug Beaton

Food+ Policy Internship 2022

food@purplemaia.org

February 27, 2022

To: Chair Dela Cruz, Vice Chair Keith Agaran, Chair Rhoads, Vice Chair Keohokalole and Senate committee members,

Subject: **OPPOSITION TO SB2068 SD1 Relating to Land Management**

Aloha e Chair Dela Cruz, Vice Chair Keith-Agaran, and Senate Members of the WAM Committee and Chair Rhoads, Vice Chair Keohokaloloe, and Senate members of the JDC Committee,

We strongly OPPOSE SB2068 SD1 Relating to Land Management and urge you to vote against this measure.

Until the use of current agricultural lands are aligned to better protect Hawai‘i’s watersheds and nearshore waters; prevent, detect, and control invasive species; and double local food production, the transfer of management and designations to how land is to be used needs to be addressed.

Context to consider:

1. Maps provided by the Department of land and natural resources (DLNR) testimony for the January 28, 2022 hearing, display that **some lands already transferred to the Department of Agriculture (DOA) include some of Hawai‘i’s critical habitats for endangered species, Native forests, and forested native ecosystems.**

2. The passing of Act 90 in 2003, later codified as HRS Chapter 166E, began the **“**transfer and management of non-agricultural park lands and related facilities to the department of agriculture. ” DLNR reports that since then, 19,000 acres of land have already been

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The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai‘i communities.

In 2022, the cohort of interns are undergrads and graduate students from throughout the UH System. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.

transferred to DOA. **This is concerning because DLNR management over forested pasture lands is necessary for the continued protection of Hawai'i's watersheds, native ecosystems, and accessibility to some culturally significant areas.**

3. In accordance with H.R.S. section 166-3, the DOA currently holds the authority to plan, develop, and manage agricultural parks. **Hawaii Land use baseline reports force us to question how continued increase in pasture lands across the Hawaiian islands positively impact Hawai'i's food security.** According to the Statewide Agricultural Land Use baseline of 2015, pasture lands makeup 80% of the designated agricultural land, or approximately 760,000 acres out of the 1.1 million acres of agricultural land across the Hawaiian Islands. This report also points out that the majority of cattle raised on Hawaii Pasture lands are exported to the continental U.S. for slaughter and further processing. Some make it back to Hawai'i markets but others remain on the continent for purchase. **The increase in lands for pasture use are concerning when this data reveals that Hawai'i resources used to produce Hawaii products on these lands are being exported for use elsewhere.**

We understand the limited natural resources available to increase Hawai'i's capacity to grow crops and animals, but the loss of Native habitats, Endangered species, and access to culturally significant sites should not be the "low-lying-fruit" loss in order to meet political initiatives such as the Hawai'i 2050 Plan or Sustainable Hawai'i initiative which Governor Ige states is to "protect Hawai'i's watersheds, nearshore waters, prevent, detect, and control invasive species, double local food production."

Thank you for your time and consideration on this matter. **We urge you to vote against SB2068 SD1.**

Mahalo,
Hawaii Food + Policy

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

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#fixourfoodsystem

References:

Agriculture and Animals-Title 11. (2021). 11 Haw. Rev. Stat. § 166. https://casetext.com/statute/hawaii-revised-statutes/division-1-government/title-11-agriculture-and-animals

In consideration of SENATE BILL 2068 RELATING TO LAND MANAGEMENT: Before the Senate Committees on Water and Land and Agriculture and Environment, 31st Leg., Reg. Sess. (Haw. 2021) (statement of Suzanne D. Case, Chairperson, Department of Land and Natural Resources). https://www.capitol.hawaii.gov/Session2022/Testimony/SB2068_TESTIMONY_WTL-AEN_01-28-22_.PDF

Non-Agricultural Park Lands-Title 11 Chapter 166E (2021). 11 Haw. Rev. Stat. § 166E. https://casetext.com/statute/hawaii-revised-statutes/division-1-government/title-11-agriculture-and-animals/chapter-166e-non-agricultural-park-lands

Office of the Governor News Release. (2021, July 2). *Governor Signs Suite of Bills to Help Reach Goals of Updated Hawai'i 2050 Sustainability Plan [Press Release]*. https://governor.hawaii.gov/newsroom/office-of-the-governor-news-release-governor-ige-signs-suite-of-bills-to-help-reach-goals-of-updated-hawaii-2050-sustainability-plan/

Transfer and Management of non-agricultural park lands and related facilities to the department of agriculture-Section 166E-3. (2021). 11 Haw. Rev. Stat. § 166E-3. https://casetext.com/statute/hawaii-revised-statutes/division-1-government/title-11-agriculture-and-animals/chapter-166e-non-agricultural-park-lands/section-166e-3-transfer-and-management-of-non-agricultural-park-lands-and-related-facilities-to-the-department-of-agriculture

University of Hawai'i at Hilo Spatial Data Analysis & Visualization Research lab. Hawaii Department of Agriculture. (2016). Statewide Agricultural Land Use Baseline 2015. https://hdoa.hawaii.gov/wp-content/uploads/2016/02/StateAgLandUseBaseline2015.pdf

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In 2022, the cohort of interns are undergrads and graduate students from throughout the UH System. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.

Senator Inouye, Chair
Senator SC Keith-Agaran, Vice Chair
Senate Committee on Water and Land

McCandless Ranch fully supports SB 2068 in that it most closely aligns with the original intent of Act 90 by establishing a clear, consistent and well defined process by which to transfer leases from DLNR to DOA.

Keith Unger
McCandless Ranch

Hawaii Cattlemen's Council, Inc.

COMMITTEE ON WAYS AND MEAN
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

SB2068 SD1
RELATING TO LAND MANAGEMENT

Monday, January 28, 2022, 1:10 PM
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 SB2068 SD1**. Agriculture is a difficult business. Hawaii's local communities and leadership support farmers and ranchers and want them to succeed. A lot of promises have been made over the years to increase local food production and cut through the bureaucratic red tape to keep farming viable in the islands. This was the genesis of Act 90, passed nearly 19 years ago. The most straightforward way to support agriculture is to transfer public agricultural lands to DOA to provide them with the management and lease terms they need. Lands in active agricultural production should be transferred to DOA, with DLNR-requests for access or other reasonable natural resource accommodations addressed as part of the transfer agreement. This bill further clarifies that pasture is considered an agricultural use, and should be considered for transfer to HDOA. It strikes a balance that leaves designated conservation lands not in current agricultural use under the jurisdiction of DLNR, and transfers those agricultural lands that are in active production to DOA to give those leaseholders immediate relief that they have been waiting two decades for. It also allows the state to balance the needs to protect agricultural lands as well as reforest appropriate lands without negatively affecting agriculture by requiring a funded, approved plan before lands are removed from pasture for another purpose.

Thank you for your efforts to resolve this long-standing quagmire that is jeopardizing the livelihoods of some of our most dedicated producers. We respectfully ask that the committees support SB2068 SD1**.** We appreciate the opportunity to testify on this critical matter for our industry.

Nicole Galase
Hawaii Cattlemen's Council

SB-2068-SD-1
Submitted on: 2/28/2022 4:45:55 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Robert H. Ferreira	Testifying for Kaupo Ranch Ltd.	Support	No

Comments:

I support bill SB2068 as manager of Kaupo Ranch for reasons that we have 2 leases under DLNR and DOA is the rightful department that these leases should have been under years ago!

Hawai'i's voice for wildlife
Kō Hawai'i o nā holoholona lōhiu

Before the Senate Committees on
WAYS AND MEANS
and
JUDICIARY
Wednesday, March 2, 2022
9:30 AM

State Capitol, Conference Room 211, Via Videoconference

In consideration of

SENATE BILL 2068, SENATE DRAFT 1
RELATING TO LAND MANAGEMENT

Conservation Council For Hawaii **opposes SB 2068 SD1**.

Senate Bill 2068 is predicated on the 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, important hunting areas, and have even been designated as Natural Area Reserves, the most protective designation for State lands.

Pasture lands are a critical part of the Department's forest protection and restoration, traditional gathering, hunting and trails and other recreation responsibilities.

Thank you for the opportunity to submit our **opposing testimony for SB 2068 SD1.**

Conservation Council for Hawai'i
P.O. Box 2923 • Honolulu, HI 96802 • info@conservehi.org

HAWAI'I ALLIANCE *for* PROGRESSIVE ACTION

Senate Committee on Ways & Means / Senate Committee on Judiciary

Hawai'i Alliance for Progressive Action (HAPA) Opposes: SB2068 SD1

Wednesday, March 2nd, 2022 9:30 a.m. Conference Room 211

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

HAPA opposes SB2068 SD1, which repeals certain board approval requirements for transfers of certain public lands classified for agricultural use by the Department of Land and Natural Resources to the Department of Agriculture, among other changes.

SB2068 SD1 would reduce the state's ability to ensure appropriate management for tens of thousands of acres of public lands that may host important ecological and cultural resources and sites and that may also be critical to watershed integrity and our islands' water security.

The tens of thousands of acres of public lands that would be transferred under this bill are crucial watershed lands that have been used on a temporary basis for cattle grazing. If transferred to the Department of Agriculture, these public lands could be opened to ranching activities including unrestricted grazing and clear cutting of forests, and access for hiking, hunting, and cultural traditions would be jeopardized. It is appropriate for the agency responsible for managing the state's watersheds, native species habitat, cultural sites, and other public trust values in our public lands to maintain its management responsibility over these high-value lands.

We ask that you please defer SB2251 SD1. Thank you for your consideration.

Respectfully,

Anne Frederick
Executive Director

Hawai'i Wildlife Fund

PO Box 1801, Kealakekua HI 96750 & PO Box 790637, Paia HI 96779

Celebrating 25 years of protecting Hawai'i's native wildlife
through research, education and conservation.

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

March 1, 2022

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

Re: Statement of Concern / Opposition for SB 2068 SD 1

Dear Senators,

On behalf of Hawai'i Wildlife Fund (HWF), **please consider this our statement of concern for SB 2068 SD1** relating to land management, specifically as it relates to transfering pasture lands from the Division of Land and Natural Resources (DLNR) to the Department of Agriculture (DOA).

Hawai'i Wildlife Fund is a small nonprofit organization that has been actively working to conserve native species in Hawai'i since 1996. Currently, HWF focuses much of its Hawai'i Island attention within the coastal portion of the Wai'ōhinu Ahupua'a, in the Ka'ū Forest Reserve – Kamilo Section. The lands below Highway 11 in Wai'ōhinu are currently DLNR lands which are leased for pasture. While HWF supports sustainable agriculture on our island and more specifically in the moku of Ka'ū in order to maintain its rural and self-reliant culture, we must also bring attention to the native species within these "pasture lands" of Wai'ōhinu and across Hawai'i Nei.

As is true across the state, pasture lands are not typically completely grubbed and graded lands. They tend to be fragmented, containing old-growth native forests and endangered species (in addition to public access trails and cultural resources), and potential sites for the successful restoration of native species. Wai'ōhinu is a perfect example of this, as it contains one of the most intact examples of a lowland dry forests in the state, rich in aa diversity of uncommon and rare endemic species, as well as a habitat for the endangered 'ōpe'ape'a (Hawaiian hoary bat) and 'io (Hawaiian hawk), numerous cultural sites, and mauka-makai and lateral trail systems. In addition, many DLNR lands are nestled within a network of protected lands, be it through the National Park

System, Natural Area Reserves, Forest Reserves, or conseration easements. Waiʻōhinu is an example of this – the makai portion of this ahupuaʻa is surrounded by thousands of protected acres to the north and south. The community has worked hard to protect the resources of the Kaʻū coastline and lowlands, and it would be a shame to fragment such an expansive ecosystem. Areas like Waiʻōhinu are currently protected under the umbrella of DLNR, as this department can provide oversight to safeguard these sensitive natural and cultural resources. On the contrary, forests in the agricultural district are unprotected. They can be clear-cut and fully converted for agricultural use. Under the DOA, these natural and cultural resources are at risk of becoming eliminated.

To support our fragile natural and cultural resouces, HWF recommends that rather than transferring all pasture lands currently under DLNR to DOA, each parcel should be assessed on a case-by-case basis, bringing in experts the natural and cultural resources of the area to define sensitive habitats. Furthermore, if these lands are transferred to the DOA and are deemed to contain significant natural and cultural resources, the DOA should be required to produce and abide by a management plan that supports resource conservation. Alternatively, perhaps rather than transferring lands in their entirety, DLNR could negotiate lease agreements for certain portions of their lands to the DOA which are more in alignment of full agricultural use.

Please reconsider the direction of SB 2068 SD1 and seek solutions which will both support agriculture and perpetuate our native ecosystems and cultural resources.

Mahalo for your time and consideration. *Me ka mahalo pumehana,*

Jodie R. Rosam,
Hawaiʻi Wildlife Fund - Nāʻālehu, Hawaiʻi
Plant Program Coordinator

Megan R. Lamson, M.S.
Hawaiʻi Wildlife Fund – Kealakekua, Hawaiʻi
President & Hawaiʻi Program Director

P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

March 2, 2022

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

TESTIMONY ON SB 2068, SD1
RELATING TO LAND MANAGEMENT

Conference Room 211 & Videoconference
9:30 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 SB 2068, SD1 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.

Long overdue to resolve a 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 the department of land and natural resources to the department of agriculture. During all these years, ag producers have had no stability or security to conduct long-term planning.

Any controversy stems from a misperception

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.

Much of the controversy about the lease transfer issue stems from the misperception that transferring lands in agricultural production to DOA will take away the ability and mission of the DLNR to protect native species habitat, cultural sites, public and practitioner access

for recreational and cultural purposes, and watershed integrity, all critical to the public interest. **This is an unjustifiable fear.**

DLNR retains its management responsibility and authority to manage natural resources

The truth is that DLNR retains its management responsibility and authority to manage natural resource assets no matter which agency holds the lease. The sister agencies work together to ensure this outcome. In addition to this, the Board of Agriculture evaluates each lease after DOA staff review and recommendation, and before it grants any lease approval. The Board has the ability and duty to require and enforce specific conditions protecting the property's natural resources.

These DLNR leased 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 the land and conservation efforts.

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 plan and adequate resources available. 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 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 the protection of natural resources.

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

Kūpuna for the Moʻopuna
committed to the well-being of Hawaiʻi for the next generations to come
kupuna4moopuna@gmail.com

SB 2068 SD1 – RELATING TO LAND MANAGEMENT.
WAM/JDC 3/2/2022 @ 9:30a

OPPOSE

We OPPOSE SB 2068 which would reduce the state's ability to ensure appropriate management for tens of thousands of acres of public lands that may host important ecological and cultural resources and sites and that may also be critical to watershed integrity and our islands' water security.

We agree with Speaker Saiki. The legislature needs to ensure that the legislative process reflects the public interest, and not special interests.

Hawaii News Now
February 9, 2022

"Speaker Saiki condemns corruption, says 'people of Hawaii deserve better from their elected officials'"

[Saiki] continued, "All of us in the Hawaii Legislature must take action to rebuild the public's confidence and trust. And we need to ensure that the legislative process reflects the public interest, and not special interests...I pledge to do everything in my power as Speaker of the House to rebuild integrity and trust in our legislative process."

SB2068 does not rebuild integrity and trust in our legislative process. DO NOT PASS.

Kūpuna for the Moʻopuna
Panaʻewa, Hawaiʻi

STOP LEGAL THIEVERY

Ua mau ke ea o ka ʻāina i ka pono!

LOCAL FOOD COALITION

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
SENATE COMMITTEE ON JUDICIARY
March 2, 2022 – 9:30 a.m. – Via Videoconference

RE: SB 2068 SD1 – Relating to Land Management – In Support

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

The Local Food Coalition **supports** SB 2068 SD1, which among other things, clarifies lands classified for agricultural use to include intensive agricultural, special livestock, and pasture uses and allows pasture use lands to be transferred to and managed by the Department of Agriculture (DOA) to fulfill the intent and purpose of Act 90, SLH 2003.

SB 2068 SD1 strikes a balance 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.

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 during the interim to identify the challenges and potential remedies to transfer lands intended under Act 90, SLH 2003.

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

Thank you for the opportunity to submit testimony.

Kendall Matsuyoshi
808-544-8345
kmatsuyoshi@wik.com

SB-2068-SD-1
Submitted on: 3/1/2022 9:07:29 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nathaniel Oswald	Testifying for Farm Bureau President - Molokai Chapter	Support	No

Comments:

Please consider our support of SB2068.

KAPĀPALA RANCH
P. O. Box 537
Pahala, HI 96777
Kapapala.ranch@aol.com;lanipetrie@aol.com

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

Committee on Judiciary
Senator Karl Rhoads, Chair and Senator Jarrett Keohokalole, Vice-Chair

March 2, 2022
9:30 am
Joint Hearing

SB2068 SD1

Chairs Dela Cruz and Rhoads and Vice-Chairs Keith-Agaran and Keohokalole:

Thank you for the opportunity to voice my support of SB2068 SD1. We have always advocated for the best possible management and uses of public trust lands. This is evident in our willingness to work with DOFAW in creating the Kapāpala Koa Management Area in 1990, our cooperation in opening the Ranch for public bird hunting in 1989, and our 45 year committment to providing public access to the Kapāpala and Kaʻu Forest Reserves.

Throughout the Ige Administration we have reached out to the DLNR to find potential solutions to resolving manangement issues that were seemingly unachievable through Act 90. In July of 2019 we sat down in a facilitated meeting with Chair Case, DOFAW Administrator Dave Smith, and other DLNR staff. In August of 2019 we toured potential sites for koa reforestation and had in depth discussion of how to better manage public hunting. We were promised a number of things, including a draft lease within six months that we could discuss further. We were expecting to hear from them throughout the later part of 2019 and never did. We have had no follow-up, as promised, prior to the opening of the 2020 Legislature.

We continue to advocate for sound resource management and the establishment of resource goals. I include a map of proposals and ideas that we have presented to the DLNR. We are steadfast to our commitment to the best management of public trust lands.

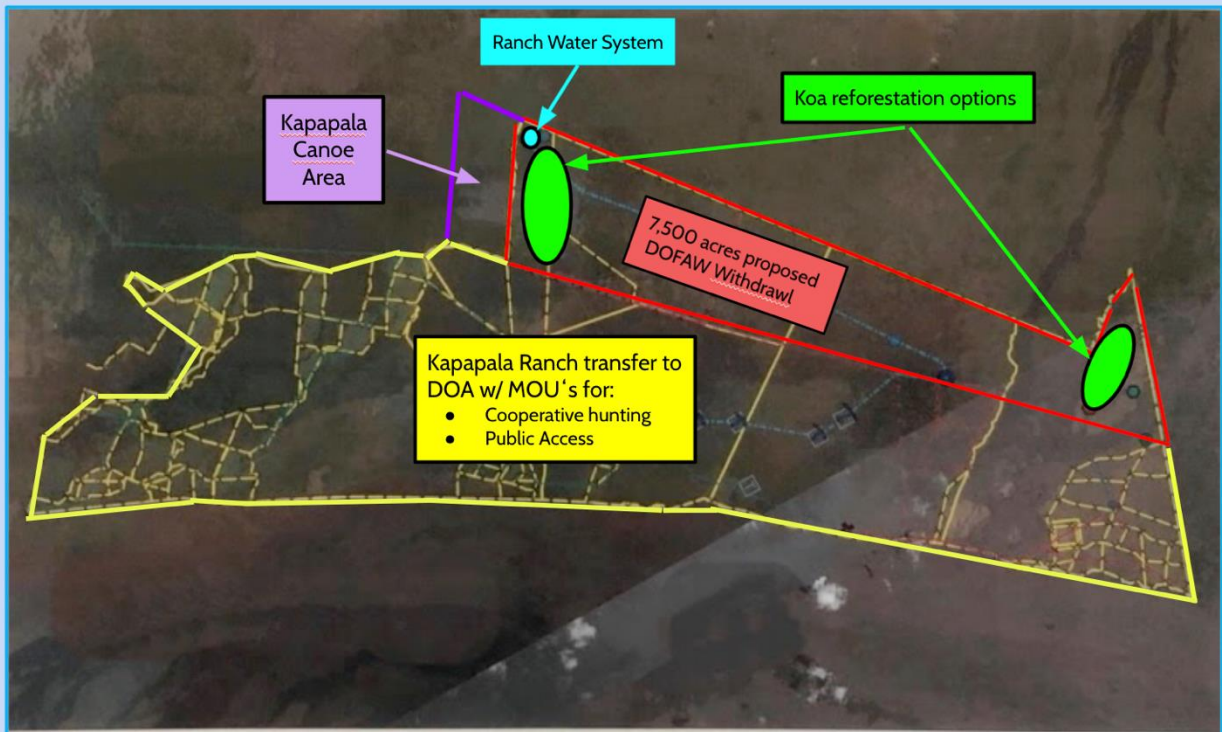
Thank you for the opportunity to testify.

KAPĀPALA RANCH

Lani C. Petrie

Attachment

Ranch proposal



The Nature Conservancy
Hawai'i and Palmyra

The Nature Conservancy - Hawai'i and Palmyra
923 Nu'uanu Avenue
Honolulu, HI 96817

Tel (808) 537-4508
Fax (808) 545-2019
nature.org/hawaii

Testimony of The Nature Conservancy
Commenting on SB 2068 SD1, RELATING TO LAND MANAGEMENT.

Committee on Ways & Means and Committee on Judiciary
March 2, 2022, 10:30 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 SB 2068 SD1, Relating to Land Management, 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. 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. We also support HB 1659 or Part III of the previous draft of SB 2068, 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 SB 2068 SD1.

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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Founders: Samuel A. Cooke Herbert C. Cornuelle

LATE

SB-2068-SD-1
Submitted on: 3/1/2022 10:08:02 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ronald Weidenbach	Testifying for Hawaii Aquaculture & Aquaponics Association	Support	No

Comments:

The Hawaii Aquaculture and Aquaponics Association (HAAA) representing aquaculture and aquaponics farmers Statewide strongly supports this measure which will facilitate the transfer of State lands used for productive agriculture, including aquaculture and aquaponics, to the Hawaii Department of Agriculture whose mandate and expertise is to support all agriculture activities in Hawaii and is therefore the appropriate State department for this land management purpose.

LATE

335 Hahani Street #342132 * Kailua, HI 96734 * Phone/Fax (808) 262-0682 E-Mail htf3000@gmail.com

March 2, 2022

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

SB 2068 SD1
RELATING TO LAND MANAGEMENT

Hawaii's Thousand Friends, a non-profit organization dedicated to ensuing that growth is reasonable and responsible and that planning and land use decisions protect natural and cultural resources and human health and are implemented in conformity with the law, opposes SB 2068 SD1 that transfers an unknown amount of *certain non-agricultural park* acres of land from the Department of Land and Natural Resources (DLNR) to the Department of Agriculture (DOA.

Transferring unknown acreage of *non-agricultural parkland* that for the most part has not been altered or clear-cut, to the Department of Agricultural weakens, if not totally prevents, DLNR's ability to protect native forests and the endangered species that inhabit them.

Forests in the agricultural district are unprotected. They can be clear-cut, or otherwise converted to non-forest uses. DLNR provides oversight to safeguard their natural and cultural uses.

While DLNR and DOA can, should and will work together to ensure a healthy natural environment their objectives are radically different.

- DLNR has public trust responsibilities to protect Hawaii's natural and cultural resources and provide traditional gathering access to public lands. These responsibilities cannot be abrogated to another agency.

- The Department of Agriculture's obligations are to support, enhance, promote and maximize opportunities to facilitate growth of existing agriculture opportunities.

The 2021 Legislature established the Act 90 Working Group to advise the Legislature on this issue. The Working Group found 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."

Hold SB2068 SD1 in committee because it is contradictory to the findings of the Act 90 Working Group and does not look at lands parcel by parcel to ensure that native forests are healthy and provide adequate habitat and foraging areas for native birds, that public access is ensured and that known and yet to be discovered archeological sites are protected.

HAWAII CROP IMPROVEMENT ASSOCIATION

LATE

In Support of SB2068 SD1
Relating to Land Management

Senate Committees on Ways and Means and Judiciary

Date: Wednesday, March 2, 2022
Time: 9:30am
Place: Videoconference

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

Thank you for allowing the Hawaii Crop Improvement Association the opportunity to provide testimony in **support** of SB2068 SD1, which repeals certain board approval requirements for transfers of certain public lands classified for agricultural use by the Department of Land and Natural Resources to the Department of Agriculture; clarifies lands classified for agricultural use to include intensive agricultural, special livestock, and pasture uses; requires the Department of Agriculture to accept the transfer of lands in pasture use by the Department of Agriculture; retains the Department of Agriculture's authority to determine the manner of transferring non-agricultural park lands; 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 approval from the Board of Land and Natural Resources and the Board of Agriculture before removing pasture lands for reforestation, or other public purposes; requires the Department of Land and Natural Resources Division of Forestry and Wildlife to submit a realistic and funded action plan for reforestation on current pasture lands; and requires a one-year notice to land lessees or permittees prior to approved withdrawal.

SB2068 SD1 will enforce the implementation of Act 90, Session Laws of Hawaii 2003, which was enacted by the Legislature to transfer certain lands to the Department of Agriculture in order to ensure productive and efficient land use. However, a large percentage of those lands have yet to be transferred. These lands support food production in Hawaii, which is properly in the purview of the Department of Agriculture. Allowing the Department of Agriculture to maintain control over long-term leases will support food self-sufficiency and economic diversification. Furthermore, it will finally end the limbo in which current lessees are stuck as time passes and the lands are not transferred.

Mahalo for this opportunity to testify in support of SB2068 SD1. If you have any questions, please contact me at your convenience.

Sincerely,

P.O. Box 126 Aiea, HI 96701 – Info@bettercropshawaii.com – www.bettercropshawaii.com

HAWAII CROP IMPROVEMENT ASSOCIATION

Pono Chong
Hawaii Crop Improvement Association

The Hawaii Crop Improvement Association is a Hawaii-based non-profit organization that promotes modern agriculture to help farmers and communities succeed. Through education, collaboration, and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices, and build a healthy economy.

MAUI COUNTY FARM BUREAU
PO Box 148, Kula, HI 96790
mauicountyfarmbureau.org

LATE

March 2, 2022

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

TESTIMONY ON SB 2068, SD1
RELATING TO LAND MANAGEMENT

Conference Room 211 & Videoconference
9:30 AM

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

I am Warren Watanabe, Executive Director of the Maui County Farm Bureau. MCFB is in strong support of SB 2068, SD1. This bill will resolve the delays from Act 90 of 2003. Act 90 was intended to ensure long term productive use of public lands leased for agricultural purposes by transferring those lands from DLNR to DOA. This will provide agricultural producers long term stability and security. Food production and conservation can be successfully implemented on these lands. It is not one or the other.

Increased food production and security is a goal for Hawaii. This bill is critical to reaching that goal without any further delays. We cordially request your support of SB 2068 SD1.

Thank you for this opportunity to provide our comments on this measure.

LATE

For the Protection of Hawai'i's Native Wildlife
HAWAII AUDUBON SOCIETY
850 Richards Street, Suite 505, Honolulu, HI 96813-4709
Phone/Fax: (808) 528-1432; office@hiaudubon.org
www.hiaudubon.org

Senate Committee on WAYS AND MEANS
and
Senate Committee on JUDICIARY

Wednesday, March 2, 2022, 9:30 AM

SB2068 SD1
Relating to Land Management

Aloha Chair Dela Cruz and Rhoads and Committee Members,

Hawaii Audubon Society strongly opposes SB2068 SD1, which transfers land that is currently managed by the Department of Land and Natural Resources and contains endangered species, native forests and other unique ecosystems. The bill could result in the loss of protection and conservation of native wildlife and its habitat.

In addition, as noted in testimony from the Chair of the Board of Land and Natural Resources, this bill is inconsistent with the Final Report of the Act 90 Working Group submitted to the Legislature on December 21, 2021.

The Hawaii Audubon Society urges you to vote against SB2068 SD1.

Mahalo for the opportunity to testify and for your time and consideration!

SB-2068-SD-1
Submitted on: 2/26/2022 6:10:24 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Woody Child	Individual	Support	No

Comments:

I strongly support SB2068.

SB-2068-SD-1
Submitted on: 2/26/2022 2:10:21 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Randy Cabral	Individual	Support	No

Comments:

Strongly support

SB-2068-SD-1
Submitted on: 2/26/2022 10:16:12 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
James B Friday	Individual	Oppose	No

Comments:

Aloha chairs Dela Cruz and Rhodes and vice-chairs Keith-Agaran and Keohokalole and committee members,

I am writing to oppose SB2068. While it might seem reasonable to transfer agricultural lands from the Department of Land and Natural Resources to the Department of Agriculture, in fact many of these lands are not open pastures but native ohia forests. Please refer to the maps included in the DLNR testimony submitted by Chair Case to see how many acres of ohia forest will be affected. In a time when we are losing tens of thousands of acres of ohia forests to Rapid Ohia Death, it is extremely shortsighted to accelerate the conversion of the remaining existing forests to ranchland. DLNR has the capability to manage both forests and pasture leases while DOA does not. Please do not pass this measure.

Mahalo for your consideration,

James B. Friday, PhD

SB-2068-SD-1
Submitted on: 2/27/2022 7:16:38 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Theresa M Thompson	Individual	Support	No

Comments:

I support SB2068 SD1.

Theresa Thompson

SB-2068-SD-1
Submitted on: 2/27/2022 7:29:27 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Naomi Tachera	Individual	Oppose	No

Comments:

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

*I am testifying in **OPPOSITION** to SB2068 SD1, which would reduce the state's ability to ensure appropriate management for tens of thousands of acres of public lands that may host important ecological and cultural resources and sites and that may also be critical to watershed integrity and our islands' water security.*

The tens of thousands of acres of public lands that would be transferred under this bill are crucial watershed lands that have been used on a temporary basis for cattle grazing. If transferred to the Department of Agriculture, these public lands could be opened to ranching activities including unrestricted grazing and clear cutting of forests, and access for hiking, hunting, and cultural traditions would be jeopardized. It is appropriate for the agency responsible for managing the state's watersheds, native species habitat, cultural sites, and other public trust values in our public lands to maintain its management responsibility over these high-value lands.

*Therefore, I respectfully urge the Committees to **HOLD** this measure.*

Mahalo nui,

Naomi Tachera

SB-2068-SD-1
Submitted on: 2/27/2022 8:18:18 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Patricia Blair	Individual	Oppose	No

Comments:

Bad Bill!

SB-2068-SD-1
Submitted on: 2/27/2022 9:42:45 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alex Franco	Individual	Support	No

Comments:

I support SB 2068.

SB-2068-SD-1
Submitted on: 2/27/2022 10:30:34 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Cory Harden	Individual	Oppose	No

Comments:

Aloha legislators,

Please vote down this bill. If these lands are transferred to the Department of Agriculture, ranching activities including unrestricted grazing and clear cutting of remnant native forests could take precedence over public access for hiking, hunting, and cultural practices; watershed protection; and the preservation of native and endangered species habitat. Ranchers could likely pay even less for their use of transferred public trust lands under the DOA than the already very small fees they pay under DLNR, and ranching-related facilities on these lands could also receive exemptions from state and county environmental protection and development laws.

Mahalo.

SB-2068-SD-1
Submitted on: 2/27/2022 10:34:31 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bud & Katy Gibson	Individual	Support	No

Comments:

We are in support this bill.

SB-2068-SD-1
Submitted on: 2/27/2022 10:53:59 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sharde Freitas	Individual	Oppose	No

Comments:

OPPOSE

SB-2068-SD-1
Submitted on: 2/28/2022 6:42:20 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nanea Lo	Individual	Oppose	No

Comments:

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

I am testifying in **OPPOSITION** to SB2068 SD1, which would reduce the state's ability to ensure appropriate management for tens of thousands of acres of public lands that may host important ecological and cultural resources and sites and that may also be critical to watershed integrity and our islands' water security.

The tens of thousands of acres of public lands that would be transferred under this bill are crucial watershed lands that have been used on a temporary basis for cattle grazing. If transferred to the Department of Agriculture, these public lands could be opened to ranching activities including unrestricted grazing and clear cutting of forests, and access for hiking, hunting, and cultural traditions would be jeopardized. It is appropriate for the agency responsible for managing the state's watersheds, native species habitat, cultural sites, and other public trust values in our public lands to maintain its management responsibility over these high-value lands.

Therefore, I respectfully urge the Committees to **HOLD** this measure.

me ke aloha 'āina,

Nanea Lo

SB-2068-SD-1
Submitted on: 2/28/2022 8:37:23 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mara Davis	Individual	Oppose	No

Comments:

*I am testifying in **OPPOSITION** to SB2068 SD1, which would reduce the state's ability to ensure appropriate management for tens of thousands of acres of public lands that may host important ecological and cultural resources and sites and that may also be critical to watershed integrity and our islands' water security.*

The tens of thousands of acres of public lands that would be transferred under this bill are crucial watershed lands that have been used on a temporary basis for cattle grazing. If transferred to the Department of Agriculture, these public lands could be opened to ranching activities including unrestricted grazing and clear cutting of forests, and access for hiking, hunting, and cultural traditions would be jeopardized. It is appropriate for the agency responsible for managing the state's watersheds, native species habitat, cultural sites, and other public trust values in our public lands to maintain its management responsibility over these high-value lands.

*Therefore, I respectfully urge the Committees to **HOLD** this measure.*

Mahalo nui,

Mara Davis

SB-2068-SD-1
Submitted on: 2/28/2022 9:11:22 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kaleiheana-a-Pohaku Stormcrow	Individual	Oppose	No

Comments:

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

*I am testifying in **OPPOSITION** to SB2068 SD1, which would reduce the state's ability to ensure appropriate management for tens of thousands of acres of public lands that may host important ecological and cultural resources and sites and that may also be critical to watershed integrity and our islands' water security.*

The tens of thousands of acres of public lands that would be transferred under this bill are crucial watershed lands that have been used on a temporary basis for cattle grazing. If transferred to the Department of Agriculture, these public lands could be opened to ranching activities including unrestricted grazing and clear cutting of forests, and access for hiking, hunting, and cultural traditions would be jeopardized. It is appropriate for the agency responsible for managing the state's watersheds, native species habitat, cultural sites, and other public trust values in our public lands to maintain its management responsibility over these high-value lands.

*Therefore, I respectfully urge the Committees to **HOLD** this measure.*

Mahalo nui,

Kaleiheana Stormcrow

SB-2068-SD-1
Submitted on: 2/28/2022 9:19:11 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
John Douglas Beaton	Individual	Support	No

Comments:

Aloha I support this Bill. This bill will set into motion the transfer of range lands to HDOA who should be managing all of Hawaii Range lands and farm lands owned by the state.

Mahalo

John

SB-2068-SD-1
Submitted on: 2/28/2022 11:23:14 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ryan Perroy	Individual	Oppose	No

Comments:

Aloha,

I oppose SB2068 SD1 as written, though I agree with the need to increase food production within the state. My position is that there should be a process to review the parcels in question before blanket transfer, to make sure that parcels of high intact native forest stands do not get lumped in with parcels already grazed or more viable for active grazing. I do not believe that the bill as written provides that level of review or protection, which is why I oppose it as written.

Mahalo nui,

Ryan Perroy

SB-2068-SD-1
Submitted on: 2/28/2022 12:34:53 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Will Caron	Individual	Oppose	No

Comments:

I strongly oppose this bill. Mahalo.

SB-2068-SD-1
Submitted on: 2/28/2022 1:49:15 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Barbara Penn	Individual	Oppose	No

Comments:

We need public lands for PEOPLE to live on.

SB-2068-SD-1
Submitted on: 2/28/2022 1:55:47 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dan Gardner	Individual	Oppose	No

Comments:

Clearly, transfer of lands under DLNR management should be evaluated on a parcel-by-parcel basis in order to determine if the land:

1) Contains native forests, which provide habitat and foraging for Hawaii's endangered native birds

2) Provides public access for traditional and customary cultural practices, hunting, shoreline and mauka access all of which could be prohibited by agricultural activities

3) Contains known and undiscovered archeological sites

4) Contains features critical to preserving and protecting a watershed area

Transferring the 100,000 acres DLNR to DOA in one fell swoop would be a serious mistake. Please do not enact SB2068. Thank you

SB-2068-SD-1
Submitted on: 2/28/2022 3:06:33 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michelle Clark	Individual	Oppose	No

Comments:

Aloha,

My name is Michelle Clark and I am a biologist for the USFWS and serve on the Hawa'i Natural Area Reseves System Commission, however I'm testifying as a private citizen. I oppose SB2068 SD1. Certain agricultural lands under DLNR have multiple management objectives which can include agricultural production, forestry, watershed protection and native forest restoration among other public purposes, which clearly fall under DLNRs mission and purview. Some of the lands in question contain old growth forest, endangered species and critical habitats. DLNR is best suited to manage these natural resources. Thank you for the opportunity to comment.

SB-2068-SD-1
Submitted on: 2/28/2022 3:54:34 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Christopher Dean	Individual	Oppose	No

Comments:

I'm sorry, but I'm against this bill. Yes, I am a human and yes, I'm very grateful to farmers, especially local organic farmers, but humans are not the only organisms on Earth and the other organisms on Earth deserve the right to live too. This may sound ridiculous on the surface, if you're used to thinking that Earth is a vast unlimited resource, but I assure you, it is a finite sphere and humanity's population has exploded. When my father was born, there were less than a billion people on Earth. He just passed away in December, so in the span of one person's lifetime, the population of Earth exploded by a factor of 8. That graph would not look like a hockey stick graph, because hockey sticks have a lie of 45 degrees, this graph would have an angle of 90 degrees. All the millions of years that humanity has been evolving to get to 1 billion and then in less than 100 years, add another 7 billion. If we cut the world population in half, there would still be a billion more people on the planet than when I was born in 1960.

To see what this means, you only need to look at Google Earth satellite images. Go ahead, open it up and go anywhere on Earth. Now, zoom in and you'll see that there's virtually no wilderness left. Look at the United States so that you can see the entire country. See all the light green? That's agricultural land. I know that farmers are heroic people, working so hard from sun up to sun down, some of my best friends are farmers, but the thing is, animals are not allowed on our agricultural land and no plants, other than the ones the farmer is growing are allowed. That's not nature, that's not emblematic of the natural balance of Earth's ecosystems.

The destruction you see on Google Earth didn't happen from one deal, one piece of legislation, it happened little by little, without anyone noticing. What does it matter if I build one house here in this vast woodland? What does it matter with one little housing development? What does it matter if I clear a little more forest, there's plenty left. Well, as you can see on Google Earth, there isn't plenty left, there's hardly any left. When is enough, enough?

This bill turns over thousands of acres of pristine forest habitat to a legislative body that oversees agriculture. The good people who serve on the Board of Agriculture have the best interests of the farmers in mind. They are going to side with the farmers and ranchers every time. Please, I'm asking for you to look forward and be proactive. Try to view this world through the eyes of the other animals, try to envision how beautiful Hawaii once was, a thousand years ago. We need to take every precaution, because everything beautiful in this world is slipping away, right before our eyes; and no one even notices.

SB-2068-SD-1
Submitted on: 2/28/2022 4:01:29 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Makanoe Hufana	Individual	Oppose	No

Comments:

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

*I am testifying in **OPPOSITION** to SB2068 SD1, which would reduce the state's ability to ensure appropriate management for tens of thousands of acres of public lands that may host important ecological and cultural resources and sites and that may also be critical to watershed integrity and our islands' water security.*

The tens of thousands of acres of public lands that would be transferred under this bill are crucial watershed lands that have been used on a temporary basis for cattle grazing. If transferred to the Department of Agriculture, these public lands could be opened to ranching activities including unrestricted grazing and clear cutting of forests, and access for hiking, hunting, and cultural traditions would be jeopardized. It is appropriate for the agency responsible for managing the state's watersheds, native species habitat, cultural sites, and other public trust values in our public lands to maintain its management responsibility over these high-value lands.

*Therefore, I respectfully urge the Committees to **HOLD** this measure.*

Mahalo nui,

Makanoe Hufana

SB-2068-SD-1
Submitted on: 2/28/2022 7:09:12 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Peter Koulogeorge	Individual	Oppose	No

Comments:

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

Today I am writing to communitcate my **STRONG OPPOSITION** to SB2068 SD1 because the cultural and ecological value of the lands in question are far greater than the commercial value. It is not your place to determine the perminant future of native lands under any condition other than it's natural form, or that which is closest to it. These lands are meant to be preserved, loved, and charished not sold to the highest bidder. Regardless of your intent, it is critical that these lands remain in control of the Department of Land and Natural Resources. We must manage them to keep our watershed intact and maintain the security of our drinking water, as well as to protect the inherent value of our lands.

Any commercial activites that have been allowed thus far should be slowed and stopped to further these goals, as well. Under no circumstances can we allow for unrestricted grazing and the clear cutting of forests. These natural resources are our heratige and belong to the descendents of Native Hawaiiains and for the use of those who wish to protect and charish them.

Therefore, I respectfully urge the Committees to **HOLD** this measure.

SB-2068-SD-1
Submitted on: 2/28/2022 7:32:37 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Karl Magnacca	Individual	Oppose	No

Comments:

I am writing to oppose SB2068. While the original goal of Act 90 to create a more stable structure for food production is laudable, implementation through this bill would potentially have serious negative consequences for our forests and watersheds. Mixed-use parcels that are important for forestry, native ecosystems, and watershed management as well as agriculture should stay with DLNR as the state agency tasked with handling these other uses, along with experience in agricultural leases. All of these can exist side by side in the same parcel, and indeed are often necessary for proper land management.

SB-2068-SD-1
Submitted on: 2/28/2022 8:03:37 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
JarraeTehani Manasas	Individual	Oppose	No

Comments:

I am testifying in OPPOSITION to SB2068 SD1, which would reduce the state‘s ability to ensure appropriate management for tens of thousands of acres of public lands that may hold important ecological, cultural resources and sites that may be critical to watershed integrity and our islands water security.

If transferred to the Department of Agriculture, these public lands could be open to ranching activities including unrestricted grazing and clear cutting of forests, access to hiking, hunting and cultural traditions would be jeopardized.

Please HOLD this measure.

Mahalo, JarraeTehani Manasas

SB-2068-SD-1
Submitted on: 2/28/2022 9:37:03 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bret Mossman	Individual	Oppose	No

Comments:

Aloha Chair Person and Members of the Committee,

Nothing is more important than reaching food independence, however this bill is not going to do it. Our kūpuna knew that in order to sustain ourselves we must first sustain the land. For the last 250 years we all have failed to protect the land from poor management, to extractive and abusive ranching our forests are on life support. In some areas we have lost 98% of our native forests and nearly 1,000 species have gone extinct due to the abuse inflicted on our islands. Food security is critical, but it can't come at the cost of continued loss of native forest and the critical and invaluable services that they provide.

Mahalo no,

SB-2068-SD-1
Submitted on: 2/28/2022 10:30:22 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Daniel Rubinoff	Individual	Oppose	No

Comments:

Please do not approve this blanket proposal to remove mangement from DLNR and transfer it to DOA. Land transfers like this should be done on a case by case basis and at least some of the land is forested and in uses better suited to DLNR management than DOA. A clean sweep bill like this is not the best way to manage such diverse resources!

SB-2068-SD-1
Submitted on: 3/1/2022 12:38:58 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Serena Harris	Individual	Oppose	No

Comments:

As a concerned constituent, I oppose this bill and urge you not to pass it. According to the Act 90 Working Group established by the Legislature, "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." SB2068 SD1 contradicts the findings of the Act 90 Working Group and moves to place 100,000 acres of mixed pasture lands and old growth native forest under the purview of HDOA.
In a state such as this, with such a high percentage of endemic species and sites of cultural significance, one must look at the best way to manage the land for all. Leaving native forests vulnerable to clear cutting and disruptive use, as this bill would do, should be our last option when we can choose instead to safeguard their natural and cultural uses.

DLNR cooperates with ranchers, providing funding to grow trees,
to remove invasive species, and to reduce fuel loads to lower risk of wildfires.
Do not pass this bill. Consider instead HB1657, HB1658, HB1659, and HB1660.

2029 Nuuanu Ave. #1510
Honolulu, HI 96817
February 28, 2022

Senator Donovan M. DelaCruz, Chair
and Senator Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means
Senator Karl Rhoads, Chair
and Senator Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary
State Capitol, 415 S. Beretania St.
Honolulu, Hawai'i 96813

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

I strongly support SB 2068 SD1, "Relating to Land Management," which would facilitate the transfer of active agricultural and pasture lands from DLNR to DOA. It is past time that the intent of Act 90, passed nearly 19 years ago, be carried out. Hawai'i's farmers and ranchers need the long-term security that leases from DOA can provide and that DLNR leases often do not. I therefore respectfully urge you to pass SB 2068 SD1.

Sincerely,

Frederick M. Mencher

Frederick M. Mencher

SB-2068-SD-1
Submitted on: 3/1/2022 7:32:58 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Clemens Mayer	Individual	Oppose	No

Comments:

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

I am testifying in **OPPOSITION** to SB2068 SD1, which would reduce the state's ability to ensure appropriate management for tens of thousands of acres of public lands that may host important ecological and cultural resources and sites and that may also be critical to watershed integrity and our islands' water security.

The tens of thousands of acres of public lands that would be transferred under this bill are crucial watershed lands that have been used on a temporary basis for cattle grazing. If transferred to the Department of Agriculture, these public lands could be opened to ranching activities including unrestricted grazing and clear cutting of forests, and access for hiking, hunting, and cultural traditions would be jeopardized. It is appropriate for the agency responsible for managing the state's watersheds, native species habitat, cultural sites, and other public trust values in our public lands to maintain its management responsibility over these high-value lands.

Therefore, I respectfully urge the Committees to **HOLD** this measure.

Mahalo nui,

Clemens Mayer

SB-2068-SD-1
Submitted on: 3/1/2022 8:01:55 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
peter simmons	Individual	Support	No

Comments:

Aloha Esteemed Senators,

My name is Peter Simmons and I support SB2068 SD1.

This Bill addresses most concerns of DLNR-DOFAW under valuing land and resource management in working landscapes while protecting our ranching community from DLNR-DOFAW's overreach.

I suggest that the legislation include that DLNR-DOFAW change their language as it appears in their published plans such as this one from their "2010 An Assessment of the State of Our ‘Aina": "Grazing: Clearing of forest for production of cattle has a 200 year history in Hawaii. Cattle have the same damaging effects on native vegetation as other ungulates, and the devastating effects of cattle in Hawaii are well documented. Today, there are still a number of very large private ranches, several of which occur within native ecological systems. Ranching-related loss of native ecosystems is active in the Kona conservation area in particular. There is a long history of the state providing extremely low cost leases to ranchers on state lands, which perpetuates grazing impacts on already degraded lands and the loss of more cattle (feral) into forested areas."

DLNR-DOFAW plans don't include the new language they are attempting to speak. DLNR-DOFAW will need to demonstrate their change of attitude - it would be useful if they corrected some of their past statements.

Thank you for this opportunity to testify.

Peter Simmons

SB-2068-SD-1
Submitted on: 3/1/2022 8:07:32 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
cheryl B.	Individual	Oppose	No

Comments:

I oppose this bill.

It is always the unintended or not explicitly expressed part of land bills that cause the greatest harm to our island `āina. Like so many other bills passed, this one too, reads for the good of a few without fully understanding the impacts it will have on the entirety or looking at future possibilities.

Hawai`i is unique and there may be times in which with expertise, "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" Sierra Club cr.

As in so many bills that are sent through this legislature, regard for this place and its‘ culture and the impact it will have on them is often disregarded or left to dealing with it later?

Please give further thought to this bill. We are already seeing the ramifications of bills from the last legislature that are impacting our lands negatively. Don‘t let this be another.

SB-2068-SD-1
Submitted on: 3/1/2022 8:11:37 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jessica Sobocinski	Individual	Oppose	No

Comments:

Aloha Kākou,

I strongly oppose SB2068. As a resident of Hāmākua, I see firsthand how ranching and agriculture impact the health and viability of our watersheds, and decrease our forested acres. The property I live on borders Kalopa gulch and includes 8-acres of CREP land that is in the process of being reforested. Given concerns about water, the health of coral reef and ocean ecosystems, and the impacts of global climate chanage, Hawaiʻi needs to be expanding lands for the purpose conservation and reforestation, not reducing. **Unless there are strong and clear policies and gudiance in place regarding land use practices**, transferring lands from DLNR to the Department of Agriculture greatly increases the likelihood that these lands will be used in ways that negatively impact the health of the watershed, which has impacts on soil erosion and the health of marine ecosystems. Any lands that are currently forested will likely be converted to pasture or fields. Hawaiʻi does not lack agricultural land; it lacks policies and programs that address the high cost of real estate as the main barrier to getting farmers on land. Transferring land from DLNR to DOA will not solve this issue. I encourage you all to research strategies that states and local governments are using to generate income from reforestation efforts, such as the Forest Resilience Bond in California that is raising private funds to support reforestation efforts that in turn provide finaicial benefits to investors through the prevention of wildfires and other ecological disasters that can be mitigated by the increase in forest health and ecosystem reslience that results from reforestation efforts.

Mahalo,

Jess

SB-2068-SD-1
Submitted on: 3/1/2022 8:19:57 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mark A. Koppel	Individual	Oppose	No

Comments:

Honorable Committee Members,

My name is Mark Koppel POBox 283 Hakalau HI

I am writing in strong opposition to SB2068 SD1.

I leave my reasons to the experts. AG is the wrong place for the land!

Mahalo!

- SB2068 SD1 transfers almost all DLNR pasture lands to DOA: about 100,000 acres. Many of these lands contain old-growth native forest, endangered species, public hunting, trails, traditional and customary cultural practices, access to the shoreline and mauka lands, and other public trust values. Lands should be looked at parcel by parcel to determine which should be managed by DLNR or DOA.

- The 2021 Legislature established the Act 90 Working Group to advise the Legislature on this issue. Its main finding was 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." SB2068 SD1 contradicts the findings of the Act 90 Working Group.

- The Act 90 Working Group provided four recommendations. HB1657, 1658, 1659, and 1660 would enact these recommendations.

- Forests in the agricultural district are unprotected. They can be clear-cut, or otherwise converted to non-forest uses. DLNR provides oversight to safeguard their natural and cultural uses.

- DLNR cooperates with ranchers, providing funding to grow trees, remove invasive species, and reduce fuel loads to lower risk of wildfires.

- Give DLNR the ability to negotiate lease terms with the ranchers similar to DOA's, but with protections for natural resources by passing HB 1659. This is the most balanced approach to the issues, helping to addresses the rancher's concerns.

SB-2068-SD-1
Submitted on: 3/1/2022 8:40:41 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lorraine Waianuhea	Individual	Oppose	No

Comments:

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

I am testifying in **OPPOSITION** to SB2068 SD1, which would reduce the state's ability to ensure appropriate management for tens of thousands of acres of public lands that may host important ecological and cultural resources and sites and that may also be critical to watershed integrity and our islands' water security.

The tens of thousands of acres of public lands that would be transferred under this bill are crucial watershed lands that have been used on a temporary basis for cattle grazing. If transferred to the Department of Agriculture, these public lands could be opened to ranching activities including unrestricted grazing and clear cutting of forests, and access for hiking, hunting, and cultural traditions would be jeopardized. It is appropriate for the agency responsible for managing the state's watersheds, native species habitat, cultural sites, and other public trust values in our public lands to maintain its management responsibility over these high-value lands.

Therefore, I respectfully urge the Committees to **HOLD** this measure.

Mahalo nui,

Lorraine Waianuhea

SB-2068-SD-1
Submitted on: 3/1/2022 8:55:06 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
James Kimo Falconer	Individual	Support	No

Comments:

Please support the transfer of DLNR lands that are suitable for agriculture use to the Hawaii Department of Agriculture.

Mahalo for the opportunity to testify.

SB-2068-SD-1
Submitted on: 3/1/2022 9:14:39 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Douglas Perrine	Individual	Oppose	No

Comments:

Does not comport with findings of Act 90 working group.

SB-2068-SD-1
Submitted on: 3/1/2022 9:25:40 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
J Ashman	Individual	Support	No

Comments:

I am in STRONG SUPPORT of this bill and respectfully hope that you have the understanding and will to pass it.

I have been involved in this issue for many years. I have heard and read all the testimony on the lease transfer bills this session and prior sessions. These are my observations:

- This bill is long overdue and will resolve the quagmire that ranchers have been in since before Act 90's unsuccessful attempt to transfer ag leases to DOA from DLNR.
- Food production is a critical State goal.
- DLNR's mission does not include fostering agriculture. In fact, DLNR believes that agriculture conflicts with its mission. This is not true. Documented evidence shows that ranching provides high ecosystem values.
- Agriculture, including food production, cannot succeed under DLNR-managed leases. However, DLNR can and should still manage the natural resources on the leased land via easements and conditions on the leases, in collaboration with DOA.
- DOA is the appropriate agency to manage ag leases.
- Testimony in opposition to this bill consistently refers to the fabricated notion that DOA will allow clear-cutting of native forests, destruction of endangered species, etc. This is simply NOT TRUE and should not be believed.

Thank you for this opportunity to support the food producers who would finally get the stability they need to continue to invest and care for their ranches and the natural resources they steward.

SB-2068-SD-1
Submitted on: 3/1/2022 9:28:17 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Benton Kealii Pang, Ph.D.	Individual	Oppose	No

Comments:

Aloha Chairs Dela Cruz and Rhodes, Vice Chairs Keith Agaran and Keohokaloloe and committee members,

I am opposed to SB2068 SD1 which may result in the loss of critical protections for nearly one hundred thousand acres of public watershed lands (aka ceded lands), currently managed by the Department of Land and Natural Resources.

Senate Bill 2068 is predicated on the 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, important hunting areas, and have even been designated as Natural Area Reserves, the most protective designation for State land.

The Hawaii State Constitution, Article XI, Section 1, also 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.

I strongly believe this measure is not a reasonable compromise and will result in the degradation of these constitutionally protected public purposes.

Please HOLD SB2068 SD1. Mahalo for the opportunity to submit my testimony.

Aloha ‘Āina,

Benton Kealii Pang, Ph.D.

Pālolo, O‘ahu

SB-2068-SD-1
Submitted on: 3/1/2022 9:30:46 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lisette Akamine	Individual	Oppose	No

Comments:

Aloha kakahiaka kākou -

I am writing to OPPOSE SB 2068.

This bill would transfer almost all DLNR pasture lands to the DOA - about 100,000 acres. Much of this land includes old-growth native forest and endangered species, as well as trails used by the public and for traditional and customary cultural practices, and access to shoreline and mauka lands.

A significant land transfer of this nature from DLNR to the DOA would remove oversights for the protection of this land, and imperil the forests and the native species they support, along with our watershed areas.

Additional land for ranching does not represent the highest and best use of our limited land resources. Ranching is not a "green" industry.

Please do not pass this bill. Mahalo.

LATE

Cindy Goldstein, PhD
Ag Matters LLC
98-814 C Kaonohi St
Aiea, HI 96701

SB2068 SD1, Relating to Land Management
Senate Committee on Ways and Means & Senate Committee on Judiciary
Weds March 2 at 9:30 am Conf Room 211

SB2068, SD1: Support

Chairs Dela Cruz and Rhoads, Vice Chairs Keith-Agaran and Keohokalole, and Members of the Ways and Means & Judiciary Committees:

SB2068 will help resolve land use policy that is long overdue. Hawaii farmers have been in limbo for years. This bill presents an opportunity to make a difference for Hawaii farmers. Much is said about the need to reduce reliance on imported agricultural products and increase the amount of locally produced food. This is a much-needed measure for Hawai‘i’s farmers who are working to increase food production in the islands while stewarding the land they farm.

This legislation is long overdue. Act 90 was passed in 2003. The intention was to help ensure the long-term productive use of public land leased for agricultural purposes by transferring certain of those lands from the department of land and natural resources to the department of agriculture. It is difficult for any business to survive when there is a lack of stability and uncertainty. The situation that has been created with DLNR handling land leases leaves farmers in limbo with no stability or security. Few businesses can thrive when they are unable to conduct long-term planning. The current situation of stagnation undermines long term stability for agriculture operations when it is unknown whether land leases will be available or renewed.

There is a misperception that transfer of lands in agricultural production to Hawaii Dept of Agriculture will take away the ability and mission of DLNR to protect native species, cultural sites, and public access. 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.

DLNR will continue to have management responsibility and the authority to manage natural resources should this legislation be enacted. Hawaii Dept of Agriculture and DLNR would work together. The Board of Agriculture has the ability and duty to require and enforce specific conditions protecting the property’s natural resources. 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 plan and adequate resources available. 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 and destructive feral animals because no one is on the land to manage it.

There is much talk about the need to increase locally produced food supplies and reduce reliance on imported produce and food products. This legislation calls for policies that increase stability for farmers and supports what the state legislature and Hawaii residents have stated as a goal over and over again, increased local food production.

Thank you for the opportunity to provide testimony for SB2068, SD1 and thank you for your continued support of Hawai‘i’s agricultural community.

LATE

SB-2068-SD-1
Submitted on: 3/1/2022 10:55:35 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jason Mark Alexander	Individual	Oppose	No

Comments:

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

I am testifying in **OPPOSITION** to SB2068 SD1, which would reduce the state's ability to ensure appropriate management for tens of thousands of acres of public lands that may host important ecological and cultural resources and sites and that may also be critical to watershed integrity and our islands' water security.

The tens of thousands of acres of public lands that would be transferred under this bill are crucial watershed lands that have been used on a temporary basis for cattle grazing. If transferred to the Department of Agriculture, these public lands could be opened to ranching activities including unrestricted grazing and clear cutting of forests, and access for hiking, hunting, and cultural traditions would be jeopardized. It is appropriate for the agency responsible for managing the state's watersheds, native species habitat, cultural sites, and other public trust values in our public lands to maintain its management responsibility over these high-value lands.

Therefore, I respectfully urge the Committees to **HOLD** this measure.

Mahalo nui,

Jason Mark Alexander

LATE

SB-2068-SD-1
Submitted on: 3/1/2022 11:01:37 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Diane Ware	Individual	Oppose	No

Comments:

Dear Chair and WAM Committee Members,

SB2068 SD1 transfers almost all DLNR pasture lands to DOA: about 100,000 acres. Many of these lands contain old-growth native forest, endangered species, public hunting, trails, traditional and customary cultural practices, access to the shoreline and mauka lands, and other public trust values. Lands should be looked at parcel by parcel to determine which should be managed by DLNR or DOA.

The 2021 Legislature established the Act 90 Working Group to advise the Legislature on this issue. Its main finding was 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." SB2068 SD1 contradicts the findings of the Act 90 Working Group.

The Act 90 Working Group provided four recommendations. HB1657, 1658, 1659, and 1660 would enact these recommendations.

I am particularly concerned Forests in the agricultural district are unprotected. They can be clear-cut, or otherwise converted to non-forest uses. DLNR provides oversight to safeguard their natural and cultural uses. Native forests are our best protection against GHG emissions and the climate crisis at our doorstep now.

DLNR cooperates with ranchers, providing funding to grow trees, remove invasive species, and reduce fuel loads to lower risk of wildfires.

Give DLNR the ability to negotiate lease terms with the ranchers similar to DOA's, but with protections for natural resources by passing HB 1659. This is the most balanced approach to the issues, helping to addresses the rancher's concerns.

I urge you to protect our precious disappearing natural resources and honor your public trust obligations to all those living here and for future generations.

Respectfully,

Diane Ware, 99-7815 Kapoha Pl, Volcano Hi 96785

LATE

SB-2068-SD-1
Submitted on: 3/1/2022 11:46:35 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Wendy Kuntz	Individual	Oppose	No

Comments:

I support the Department of Land and Natural Resources (DLNR) in their opposition to SB2068. This bill is inconsistent with the Final Report of the Act 90 1 Working Group submitted to the Legislature on December 21, 2021. Pasture lands contain many endemic and endangered species and are fundamentally different from agricultural lands. 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.

SB-2068-SD-1
Submitted on: 3/1/2022 11:47:56 AM
Testimony for WAM on 3/2/2022 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shannon Rudolph	Individual	Oppose	No

Comments:

OPPOSE

SB-2068-SD-1
Submitted on: 3/1/2022 12:02:33 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Steven Lee Montgomery	Individual	Oppose	No

Comments:

RELATING TO LAND MANAGEMENT. S B 2068 SD1

Dear Senators,

Ahahui Malama I Ka Lokahi strongly opposes PARTS I and II of this Bill, which would be contrary to the findings of the Act 90 Working Group allowing the DLNR to continue managing multiple-purpose agricultural lands. We respectfully note the Legislature lacks the expertise to disregard the "Final Report of the Act 901 Working Group" and a forcible transfer of lands will have unintended impacts on public interests, including watershed protection.

Please do not remove the BLNR's powers to safeguard natural and cultural resources. Some upland ranched tracts were originally intact mauka forests, often still unplowed, partly forested watersheds and endangered species habitats. Many of these ancient forests eligible for the Conservation district in 1960s with little data were arbitrarily designated in the Agriculture district, meaning they can be easily clear-cut, or converted to non-forest uses. Ensuring that these forested pastures are able to retain their remaining forests is essential for Hawaii's watersheds and water availability. Continued DLNR management and oversight of these lands is most appropriate.

We recommend the existing process that requires approval by both BLNR and BOA be retained. These boards can weigh agricultural values, as well as other public trust values of these lands, such as: presence of endangered species, recreational and hunting access, historical sites and uses for agriculture. Many sites hold potential for large-scale reforestation to reach Hawaii's goal to be carbon neutral by 2045.

As we meet in this Capitol building well adorned by Hawaiian Koa woodwork, we must conclude this bill is not prudent with its potential that so many upland sites, never once plowed or clearcut of trees, would not remain under the 1 agency with expertise to manage or restore Koa ecosystems.

When the Polynesian Voyaging Society searched for big koa trees to build voyaging canoes, sadly, due to the damage by cattle to local forests, they had to go to Alaska. In 1913, the first botanist working for the Territory, Joseph Rock, published the classic Indigenous Trees of Hawaii, in which he writes:
"The whole forest has suffered greatly, not only from the invasion of cattle, but also by forest

fires, which have destroyed large areas." On p. 31 he notes the new Volcanoes National Park was rescuing a Manele & Koa grove in Kipuka Puaulu, where he had just discovered wonderful new tree species barely saved while it was used to fatten cattle.

1. Tam has written koa forested land on the Big Island by 1900 was gobbled up by ranchers to raise herds of cattle. Unfortunately, large forests were eliminated by grazing and girdling cattle. But in upper slopes, some fences once erected to keep cattle within boundaries can now keep the cattle out of prime sites where young koa trees can quickly sprout and grow. /martinandmacarthur.com/blogs/news

   A Big Island paper reported 1,250 acres of DLNR forest in Ka‘u might be harvested for koa wood for the first time in 30 years. This Kapapala Koa Canoe Management Area, within the Ka‘u Forest Reserve north of Pahala, was set aside in 1991 to be sustainably harvested to provide koa wood for various community organizations that build traditional canoes. westhawaiitoday.com/2019/04/01/hawaii-news/state-moves-forward-with-koa-

   We note DLNR already has transferred to DOA 18,000 acres of crop lands, but other cattle grazed lands can be partnership programs for ranchers to protect endangered species, plant trees for habitat, carbon sequestration and forest products, plus reduce fuel loads to lower risk of wildfires. It is critical that these lands remain with DLNR to protect their public trust natural and cultural values. The DLNR has assisted ranchers interested in growing trees along with other agricultural products, and for carbon sequestration & sustainable harvest of wood as the expert forestry agency.

1. Kona at mauka Pu'uwa'awa'a is a once-grazed Koa tract that is a model for recovery of special native forests from 90 years of livestock leasing. This dryer zone was economically marginal for ranching, so in 2002 to protect endangered species, plant trees for habitat recovery, and lower risk of wildfires, the DLNR Board transferred responsibility to the Division of Forestry and Wildlife, which with USDA forest scientists, has set up innovative projects. These Puuwaawaa lands represent a remarkable diversity of historical, natural, cultural and recreational resources like hunting, while providing wildfire fuel suppression by some livestock grazing.The Mauna Kea Forest Restoration Project is a 2nd example of ongoing tree planting in the upper mamane tree belt.
   The current Act 90 process where both boards are decision-makers in the transfer of lands is much more balanced. Please amend this bill to follow findings of the Act 90 Working Group, allowing the DLNR to continue managing multiple-purpose agricultural lands in mauka landscapes. Mahalo,

C. Lehuakona Isaacs jr, President Steven Lee Montgomery, Ph.D., Board Member

Ahahui Malama I Ka Lokahi /Hawaiians for the Conservation of Native Ecosystems

P.O. Box 720, Kailua,HI96734 www.ahahui.net To practice, promote and perpetuate a modern native Hawaiian conservation ethic that provides for a healthy

Hawaiian ecosystem nurtured by human communities and serving as a model for local and global resource management.

SB-2068-SD-1
Submitted on: 3/1/2022 12:11:25 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Carl J. Berg	Individual	Oppose	No

Comments:

I oppose SB 2068.

DOA has shown that it is incompetent at effectively managing multiuse lands. Forest lands need DLNR protection, not conversion to agricultural use.

LATE

SB-2068-SD-1
Submitted on: 3/1/2022 3:16:29 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Honu Nichols	Testifying for Uprooted and Rising	Oppose	No

Comments:

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

*I am testifying in **OPPOSITION** to SB2068 SD1, which would reduce the state's ability to ensure appropriate management for tens of thousands of acres of public lands that may host important ecological and cultural resources and sites and that may also be critical to watershed integrity and our islands' water security.*

The tens of thousands of acres of public lands that would be transferred under this bill are crucial watershed lands that have been used on a temporary basis for cattle grazing. If transferred to the Department of Agriculture, these public lands could be opened to ranching activities including unrestricted grazing and clear cutting of forests, and access for hiking, hunting, and cultural traditions would be jeopardized. It is appropriate for the agency responsible for managing the state's watersheds, native species habitat, cultural sites, and other public trust values in our public lands to maintain its management responsibility over these high-value lands.

*Therefore, I respectfully urge the Committees to **HOLD** this measure.*

Mahalo nui,

Honuʻāina Nichols

SB-2068-SD-1
Submitted on: 3/1/2022 1:02:46 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jeff Mcknight	Individual	Oppose	No

Comments:

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

SB2068 SD1 would reduce the state's ability to ensure appropriate management for tens of thousands of acres of public lands that may host important ecological and cultural resources and sites and that may also be critical to watershed integrity and our islands' water security. The tens of thousands of acres of public lands that would be transferred under this bill are crucial watershed lands that have been used on a temporary basis for cattle grazing. If transferred to the Department of Agriculture, these public lands could be opened to ranching activities including unrestricted grazing and clear cutting of forests, and access for hiking, hunting, and cultural traditions would be jeopardized. It is appropriate for the agency responsible for managing the state's watersheds, native species habitat, cultural sites, and other public trust values in our public lands to maintain its management responsibility over these high-value lands. Please oppose SB2068 SD1.

Mahalo,

Jeff McKnight, Hawaii County 1-2

LATE

SB-2068-SD-1
Submitted on: 3/1/2022 1:35:39 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Teena Rasmussen	Individual	Support	No

Comments:

I strongly support this measure. It balances the needs of both DLNR and DOA.

LATE

SB-2068-SD-1
Submitted on: 3/1/2022 2:52:29 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Racquel Achiu	Individual	Support	No

Comments:

PLEASE support SB2068 SD1.

LATE

SB-2068-SD-1
Submitted on: 3/1/2022 3:12:29 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rachel Huang	Individual	Oppose	No

Comments:

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

*I am testifying in **OPPOSITION** to SB2068 SD1, which would reduce the state's ability to ensure appropriate management for tens of thousands of acres of public lands that may host important ecological and cultural resources and sites and that may also be critical to watershed integrity and our islands' water security.*

The tens of thousands of acres of public lands that would be transferred under this bill are crucial watershed lands that have been used on a temporary basis for cattle grazing. If transferred to the Department of Agriculture, these public lands could be opened to ranching activities including unrestricted grazing and clear cutting of forests, and access for hiking, hunting, and cultural traditions would be jeopardized. It is appropriate for the agency responsible for managing the state's watersheds, native species habitat, cultural sites, and other public trust values in our public lands to maintain its management responsibility over these high-value lands.

*Therefore, I respectfully urge the Committees to **HOLD** this measure.*

Mahalo nui,

LATE

SB-2068-SD-1
Submitted on: 3/1/2022 3:15:01 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Diana Garcia	Individual	Oppose	No

Comments:

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

*I am testifying in **OPPOSITION** to SB2068 SD1, which would reduce the state's ability to ensure appropriate management for tens of thousands of acres of public lands that may host important ecological and cultural resources and sites and that may also be critical to watershed integrity and our islands' water security.*

The tens of thousands of acres of public lands that would be transferred under this bill are crucial watershed lands that have been used on a temporary basis for cattle grazing. If transferred to the Department of Agriculture, these public lands could be opened to ranching activities including unrestricted grazing and clear cutting of forests, and access for hiking, hunting, and cultural traditions would be jeopardized. It is appropriate for the agency responsible for managing the state's watersheds, native species habitat, cultural sites, and other public trust values in our public lands to maintain its management responsibility over these high-value lands.

*Therefore, I respectfully urge the Committees to **HOLD** this measure.*

Mahalo nui,

Diana Garcia

LATE

SB-2068-SD-1
Submitted on: 3/1/2022 3:19:21 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dante Gonzales	Individual	Oppose	No

Comments:

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

I am testifying in **OPPOSITION** to SB2068 SD1, which would reduce the state's ability to ensure appropriate management for tens of thousands of acres of public lands that may host important ecological and cultural resources and sites and that may also be critical to watershed integrity and our islands' water security.

The tens of thousands of acres of public lands that would be transferred under this bill are crucial watershed lands that have been used on a temporary basis for cattle grazing. If transferred to the Department of Agriculture, these public lands could be opened to ranching activities including unrestricted grazing and clear cutting of forests, and access for hiking, hunting, and cultural traditions would be jeopardized. It is appropriate for the agency responsible for managing the state's watersheds, native species habitat, cultural sites, and other public trust values in our public lands to maintain its management responsibility over these high-value lands.

Therefore, I respectfully urge the Committees to HOLD this measure.

Mahalo nui,

Dante Gonzales

LATE

SB-2068-SD-1
Submitted on: 3/1/2022 3:30:30 PM
Testimony for WAM on 3/2/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gabriela Silva	Individual	Oppose	No

Comments:

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

I am testifying in OPPOSITION to SB2068 SD1, which would reduce the state's ability to ensure appropriate management for tens of thousands of acres of public lands that may host important ecological and cultural resources and sites and that may also be critical to watershed integrity and our islands' water security.

The tens of thousands of acres of public lands that would be transferred under this bill are crucial watershed lands that have been used on a temporary basis for cattle grazing. If transferred to the Department of Agriculture, these public lands could be opened to ranching activities including unrestricted grazing and clear cutting of forests, and access for hiking, hunting, and cultural traditions would be jeopardized. It is appropriate for the agency responsible for managing the state's watersheds, native species habitat, cultural sites, and other public trust values in our public lands to maintain its management responsibility over these high-value lands.

Therefore, I respectfully urge the Committees to HOLD this measure.

Mahalo nui,

Gabriela Silva

LATE

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

SENATE COMMITTEE ON JUDICIARY
Chair Sen Karl Rhoads, Vice Chair Sen Jarrett Keohokalole
Wednesday, March 2, 2022, 9:30 a.m., Conference Room 211 & Videoconference

SB 2068 SD 1 – Relating to Land Management

TESTIMONY Submitted by
Piilani Kaopuiki, 838 Hauoli St, Honolulu 96826

Chair Dela Cruz, Vice Chair Keith-Agaran; Chair Rhoads, Vice Chair Keohokalole and Committee Members:

This testimony **opposes SB 2068 SD1.** Clearly the legislature commendably is intent on providing for greater food self-sufficiency. I strongly support efforts to expand our agricultural capacity. This bill, however, is not clear on protections of forests on land designated for agriculture. The BLNR must remain as stewards and protectors of forests when land around it is deemed agricultural for farming and pastoral use. Forests should be saved; reforestation should not be the means to have trees.

Mahalo for the opportunity to testify.

LATE

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

I support SB 2068, SD1 and urge 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.

Long overdue to resolve a 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 the department of land and natural resources to the department of agriculture. During all these years, ag producers have had no stability or security to conduct long-term planning.

Any controversy stems from a misperception

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.

Much of the controversy about the lease transfer issue stems from the misperception that transferring lands in agricultural production to DOA will take away the ability and mission of the DLNR to protect native species habitat, cultural sites, public and practitioner access for recreational and cultural purposes, and watershed integrity, all critical to the public interest. **This is an unjustifiable fear.**

DLNR retains its management responsibility and authority to manage natural resources

The truth is that DLNR retains its management responsibility and authority to manage natural resource assets no matter which agency holds the lease. The sister agencies work together to ensure this outcome. In addition to this, the Board of Agriculture evaluates each lease after DOA staff review and recommendation, and before it grants any lease approval. The Board has the ability and duty to require and enforce specific conditions protecting the property’s natural resources.

These DLNR leased 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 the land and conservation efforts.

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 plan and adequate resources available. 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 and destructive feral animals because no one is on the land to manage it.

Best interest of the public

Hawaiʻi'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 Hawaiʻi, while collaborating with DLNR to ensure the protection of natural resources.

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