



Hawaii Cattlemen's Council, Inc.

**Board of Agriculture Meeting  
April 25, 2023, 9:00 a.m.**

VI. A. NON-ACTION ITEM: Update on Compliance with Act 90 (§166E, Hawaii Revised Statutes), Session Laws of Hawaii 2003, Transfer of Non-Agricultural Park Lands to State of Hawaii Department of Agriculture.

Chair Hurd and the Members of the Board of Agriculture,

The Hawaii Cattlemen's Council is available to respond to any questions regarding the transfer of agricultural lands from DLNR to DOA pursuant to Act 90, Session Laws of Hawaii 2003. Many leaseholders are still waiting for their agricultural lands to transfer to the Department of Agriculture 20 years later. Over 100,000 acres of agricultural land are still under the Department of Land and Natural Resources. We are encouraged that Chair Hurd and Chair Chang have taken steps to transfer lands in agricultural production to the Department of Agriculture.

The purpose of Act 90, 2003 is to ensure the long-term productive use of public agricultural lands by allowing these lands to be transferred to and managed by the Department of Agriculture. We advocate for the transfer of all agricultural lands, including all lands designated as intensive agricultural use, special livestock use, and pasture use. These are lands that are in active agricultural production and producing food for our community.

Ranchers are proponents for stewarding the land well and will continue to implement conservation practices when leases are transferred to DOA—the health of the land allows ranchers to continue their production. Under the DOA, leaseholders will have access to longer terms based on agricultural production, and ranchers will be even better situated to invest in long-term conservation practices. Transferring agricultural lands from DLNR to DOA will help many productive leaseholders continue raising cattle for beef and stewarding the land with confidence that they will be supported in their agricultural operations.

According to the State Ag Land Use Baseline, 1.1 million acres of the state's land was in grazing use in the 1980s. In 2015, that number dropped to 761,000 acres. The 2020 State Ag Land Use Baseline reports that pasture continues to decline on Oahu and Hawaii Island. Astute land stewards are well aware that when land is taken out of management, Hawaii's environment and prevalence of invasive species make it costly and difficult to get it back to working order. It is extremely important that we support those who are still operating as agricultural businesses. **We believe that the DOA is best suited for supporting these agricultural businesses. We ask that you support the transfer of agricultural leases from DLNR to DOA.**



The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county-level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

We appreciate the opportunity to testify on this priority for our industry.

Nicole Galase  
Hawaii Cattlemen's Council



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e-mail [info@hfbf.org](mailto:info@hfbf.org); [www.hfbf.org](http://www.hfbf.org)

Submitted via email to: [HDOA.BOARD.TESTIMONY@HAWAII.GOV](mailto:HDOA.BOARD.TESTIMONY@HAWAII.GOV)

April 25, 2023

Sharon Hurd  
Chairperson  
Hawaii State Department of Agriculture  
Agricultural Resource Management Division  
1428 S. King Street  
Honolulu, HI 96814-2512

**RE: Board of Agriculture Meeting April 25, 2023, 9:00 a.m.  
Testimony on Item VI (A) NON-ACTION ITEM: Update on Compliance with Act 90 (§166E,  
Hawaii Revised Statutes), Session Laws of Hawaii 2003, Transfer of Non-Agricultural Park  
Lands to State of Hawaii Department of Agriculture.**

Dear Chair Hurd and Members of the Board:

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.

Act 90, Session Laws of Hawaii 2003 (Act 90), was enacted to transfer certain Non-Agricultural Park lands from the Department of Land and Natural Resources to the Department of Agriculture. While three hundred parcels consisting of approximately nineteen thousand acres have been transferred over the past seventeen years, many parcels have not been transferred.

The intent of Act 90 was to ensure the long-term use of agricultural lands by transferring them to HDOA, which is more equipped to manage agricultural lands. The success of ranchers and farmers is a key component in the State's goal to double local food production. Farmers and ranchers need long-term leases to prudently invest in infrastructure improvement on the leased land. HDOA rules are set up to encourage agriculture and make it practical to do so. Lands for lease under HDOA are appraised on their agricultural value. DLNR's rules are to get the "Highest and Best use" for the lands and are often appraised at much higher values which tend to be unaffordable to farmers and ranchers.

**We believe that the DOA is best suited for supporting these agricultural businesses. We ask that you support the transfer of agricultural leases from DLNR to DOA.**

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Chair Hurd and Members of the Board of Agriculture:

Kapāpala Ranch was started in 1860 as a lease issued by Kamehameha IV. It has operated for 163 continuous years producing meat, primarily. My family and I are the fifth owners and have operated the ranch for the past 46 years. C. Brewer's tenancy, lasted 99 years and as well as running Kapāpala, Keauhou, and Ka'alu'alu ranches they also farmed tens of thousands of acres of sugar in Ka'u since the 1870's. When my parents purchased the cattle in 1977 from Parker Ranch the existing land was an expired lease and operated as a revocable permit.

After the closure of Ka'u Agribusiness in 1997 we have been able to put the operation back to the pre-sugar ranch that existed in the late 1890's. The conservation lands that were extracted from 1906 through 1930 are today the Ka'u Forest Reserve, Kapāpala Forest Reserve, and the Maunaloa Strip in Hawaii Volcano's National Park. The remainder of the property has predominantly been used for agriculture for over a century.

We have actively supported the Act 90 lease transfers since 2003 when the law was passed. In 2009 we received a letter of acceptance from the Hawaii Department of Agriculture and acted quickly to make necessary improvements to the water system. By 2013, though, the DLNR retracted the transfer and the item was never brought to the BLNR for final approval. For the past ten years we have tried to come to resolution with the DLNR and hope that under Governor Green's Administration we will finally be tenants of the HDOA.

We urge you to please consider this long over-due transfer to your agency.

Very Sincerely,

KAPĀPALA RANCH

Lani C. Petrie

## **KAPĀPALA RANCH**

**P. O. Box 537  
Pahala, HI 96777  
lanipetrie@aol.com**

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Richard T. Bissen Jr., Mayor, 200 S. High Street, Wailuku, HI 96793 (All Members Individually)  
Alice L. Lee, Chair, County Council, 200 S. High Street, Wailuku, HI 96793 (All Members Individually)  
Dr. Lorrin Pang, Director Maui District Health Office 54 S. High Street, Wailuku, HI 96793  
Rogerene Kali Arce, Director Department of Agriculture 2154 Kaohu St, Wailuku, HI 96793 (All Members Individually)

State of Hawaii

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Sylvia Luke, Lt. Governor 415 S. Beretania St., Honolulu, HI 96813  
Dawn N.S. Chang, DLNR, BLNR Chair, 1151 Punchbowl St., Honolulu, HI 96813  
Sharon Hurd, Chairperson Board of Agriculture, 1428 S. King Str, Honolulu, HI 96814  
Stanton K. Enomoto, Senior Program Director U.S. Department of the Interior, 300 Ala Moana Blvd, Honolulu, HI 96850  
David Lassner President of the University of Hawaii, 2444 Dole St, Honolulu, HI 96822

**Notice of Demand to Cease and Desist All Wolbachia, lab-bred, Mosquito Programs in Hawaii until a Proper Environmental Impact Statement is Completed**

**Notice to Principal is Notice to Agent and Notice to Agent is Notice to Principal**

I, Maggie Costigan \_\_\_\_\_, one of the People of the 50 American States, Republican in form (as seen in the Hawaii Bill of Rights Article 1 Section 1), Sui Juris, am serving you with this notice that you and your agents may provide due care as the trustees and servants of the People.

**Please take notice** that the People of Hawaii have taken the time to do the proper study to be able to come together across the islands to deal with matters of the common good. The people of Hawaii have the sole and exclusive right and responsibility over government trustees and servants. There is no grant of power in government that is not delegated or given by the people. (See evidence below)

**Hawaii State Bill of Rights, Article 1, Section 1: Political Power**

**All political power of this State is inherent in the people** and the responsibility for the exercise thereof rests with the people. All government is founded on this authority. [Emphasis added]

**Georgia Constitution, Article 1, Section 2, Paragraph I, Origin and Foundation of Government**

All government, of right, originates with the people, is founded upon their will only, and is instituted solely for the good of the whole. **Public officers are the trustees and servants** of the people and are at all times amenable to them. [Emphasis added]

**Maxim of Law 51o:** All political power is inherent in the people by decree of God, thus none can exist except it be derived from them. **American Maxim**

**Maxim of Law: 96h.** One is a servant who is employed by a master to perform service in his affairs and whose physical conduct in performance of the service is controlled by the master. Evans v. Board of Ed. of Hays, 284 P. 2d 1068, 1071.

**Hawaii State Bill of Rights, Article 1, Section 4: Freedom of Religion, Speech, Press, Assembly and Petition**

No law shall be enacted respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press or **the right of the people peaceably to assemble and to petition the government for a redress of grievances.** [Emphasis added]

**Maxim of Law 51b:** The government is to be subject to the law, for the law makes government. C.L.M.

**Maxim of Law 51p:** The main object of government is the protection and preservation of personal rights, private property, and public liberties, and **upholding the law of God.** American Maxim

**Please Take Notice** that **all trustees, servants and government agencies took an Oath of Office to faithfully uphold the true law, the Constitution of the State of Hawaii.** The Constitution and Bill of Rights of Hawaii is a **contract made with the People.** We the People have entrusted our trustees to protect, conserve and preserve our natural resources for present and future generations. (See evidence below)

**Maxim of Law 24k:** The contract makes the law. *Black's* 2d, 704; *Bouv.* 135; *Allen v. Merch. Bank of N.Y.*, 22 Wend. (N.Y.) 215, 233.

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**Please Take Notice** that the People have not given authority to introduce Wolbachia, lab-bred mosquitoes into Hawaii without a proper Environmental Impact Statement (EIS) that addresses ALL issues and concerns such as, horizontal transmission, wind drift of mosquitoes and other negative side-effects to the People and the environment that may effect present and future generations. **The Wolbachia, lab-bred mosquito would be an invasive specie that has the potential to cause more harm than good.** (See evidence below)

#### **Hawaii State Preamble**

We, the people of Hawaii, grateful for Divine Guidance, and mindful of our Hawaiian heritage and uniqueness as an island State, dedicate our efforts to fulfill the philosophy decreed by the Hawaii State motto, "Ua mau ke ea o ka aina i ka pono."

**We reserve the right to control our destiny, to nurture the integrity of our people and culture, and to preserve the quality of life that we desire.**

**We reaffirm our belief in a government of the people, by the people and for the people**, and with an understanding and compassionate heart toward all the peoples of the earth, do hereby ordain and establish this constitution for the State of Hawaii.

#### **Hawaii State Constitution Article 11, Section 1: Conservation and Development of Resources**

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. **All public natural resources are held in trust by the State for the benefit of the people.** [Emphasis added]

#### **Hawaii State Constitution Article 11, Section 9: Environmental Rights**

Each person has **the right to a clean and healthful environment**, as defined by laws relating to environmental quality, including control of pollution and conservation, protection and enhancement of natural resources. **Any person may enforce this right against any party, public or private, through appropriate legal proceedings, subject to reasonable limitations and regulation as provided by law.** [Emphasis added]

**Maxim of Law 57c:** Ignorance of law excuses no one (for all are bound to know the law). 4 *Bouv. Inst.* no. 3828; 1 story, *Eq. Jur.* s. 111; 2 *Coke*, 36; *Rankin v. Mortimere*, 7 Watts (Penn) 374; 2 Kent, *Comm.* 491.

**Please Take Notice that the People have not granted authority for private contracts to be made that go against the People, the environment or the Constitution.** Any and all private programs that create a conflict of interest, where trustees, servants or government agents personally benefit while they knowingly go against the will of the People will be considered a trespass against the People. **All private contracts and programs need to cease and desist.** (See evidence below)

**Maxim of Law 24i:** Private contracts (or agreements) cannot derogate from public law or right. *Broom Max.* 695; 7 *Coke* 23; *Wing Max.* max 201; *Co. Litt.* 166a; *Dig.* 50, 17, 45, 1.

**Maxim of Law 29a:** The laws help persons who are deceived, not those deceiving. *Tray. Lat. Max.* 149.

**Please Take Notice** that the trustees of the People have not been granted the authority to create contracts and programs that can harm the environment, natural resources, the People and go against public law. Any and all contracts and programs that derogate from the rights expressly declared in the Constitutions, or not in pursuance of the laws declared therein are considered a trespass against the People of the 50 American states, with full knowledge, intent and malice. Therefore, it is my wish, order and demand that all trustees, servants and government agents **cease and desist any and all programs related to the Wolbachia, lab-bred, mosquitoes until a proper Environmental Impact Statement (EIS) has been completed and in-depth discussions of the EIS has been conducted with the People through Town Hall meetings and other public platforms.**

**Please Take Notice** A response not addressing each point listed above will be considered a lack of response. If you fail to take decisive action immediately, to lawfully conduct an Environmental Impact Statement, then you agree that you are knowingly and willfully ignoring the Inherent Power of the People, while trespassing upon the Constitutions you swore an oath to uphold, protect and defend.

**Please Take Final Notice** that the People demand that trustees, servants and government agents honor and uphold their Oaths of Office to support and defend the Constitutions. **I demand you uphold your Oath of Office and faithfully discharge all duties of your public office.** If you believe the People's trustees, servants and government agents have been granted the authority to arbitrarily change our Republican form of government, make contracts and programs against our guaranteed rights or that you are not bound by your oath of office, please provide the constitutional provisions granting you such authority within (5) days, by affidavit, sworn under penalty of perjury. Failure to respond, by affidavit, in the allotted time frame means that you agree by acquiescence, that all statements in this notice are true and fact. Further you agree that you are willingly deceiving the People with full intent, knowledge, and malice, and that no court shall be able to rehear this matter, but it shall stand as truth and evidence in all courts of record. It is my sincere wish that you will do that which is necessary to secure and protect the People's environment, property and Inherent Rights.

Name: Maggie Costigan

Autograph:  Signed at:  
2023-02-23 23:29:56

Date: 02/23/2023

Email: magonmaui@protonmail.com

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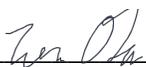
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Name: Tom Olson

Autograph:  Signed at:  
2023-03-01 16:20:18

Date: 03/01/2023

Email: t-affy@outlook.com

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**We reserve the right to control our destiny, to nurture the integrity of our people and culture, and to preserve the quality of life that we desire.**

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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. **All public natural resources are held in trust by the State for the benefit of the people.** [Emphasis added]

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Each person has **the right to a clean and healthful environment**, as defined by laws relating to environmental quality, including control of pollution and conservation, protection and enhancement of natural resources. **Any person may enforce this right against any party, public or private, through appropriate legal proceedings, subject to reasonable limitations and regulation as provided by law.** [Emphasis added]

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**Please Take Notice** that the trustees of the People have not been granted the authority to create contracts and programs that can harm the environment, natural resources, the People and go against public law. Any and all contracts and programs that derogate from the rights expressly declared in the Constitutions, or not in pursuance of the laws declared therein are considered a trespass against the People of the 50 American states, with full knowledge, intent and malice. Therefore, it is my wish, order and demand that all trustees, servants and government agents **cease and desist any and all programs related to the Wolbachia, lab-bred, mosquitoes until a proper Environmental Impact Statement (EIS) has been completed and in-depth discussions of the EIS has been conducted with the People through Town Hall meetings and other public platforms.**

**Please Take Notice** A response not addressing each point listed above will be considered a lack of response. If you fail to take decisive action immediately, to lawfully conduct an Environmental Impact Statement, then you agree that you are knowingly and willfully ignoring the Inherent Power of the People, while trespassing upon the Constitutions you swore an oath to uphold, protect and defend.

**Please Take Final Notice** that the People demand that trustees, servants and government agents honor and uphold their Oaths of Office to support and defend the Constitutions. **I demand you uphold your Oath of Office and faithfully discharge all duties of your public office.** If you believe the People's trustees, servants and government agents have been granted the authority to arbitrarily change our Republican form of government, make contracts and programs against our guaranteed rights or that you are not bound by your oath of office, please provide the constitutional provisions granting you such authority within (5) days, by affidavit, sworn under penalty of perjury. Failure to respond, by affidavit, in the allotted time frame means that you agree by acquiescence, that all statements in this notice are true and fact. Further you agree that you are willingly deceiving the People with full intent, knowledge, and malice, and that no court shall be able to rehear this matter, but it shall stand as truth and evidence in all courts of record. It is my sincere wish that you will do that which is necessary to secure and protect the People's environment, property and Inherent Rights.

Name: Tim Beyer

Autograph:  Signed at:  
2023-03-09 17:24:35

Date: 03/09/2023

Email: tjbeyer@protonmail.com

**The following individuals are hereby being rendered the below Notice:**

County of Maui

Richard T. Bissen Jr., Mayor, 200 S. High Street, Wailuku, HI 96793 (All Members Individually)  
Alice L. Lee, Chair, County Council, 200 S. High Street, Wailuku, HI 96793 (All Members Individually)  
Dr. Lorrin Pang, Director Maui District Health Office 54 S. High Street, Wailuku, HI 96793  
Rogerene Kali Arce, Director Department of Agriculture 2154 Kaohu St, Wailuku, HI 96793 (All Members Individually)

State of Hawaii

Josh Green, Governor, 415 S. Beretania St., Honolulu, HI 96813 (All Members Individually)  
Sylvia Luke, Lt. Governor 415 S. Beretania St., Honolulu, HI 96813  
Dawn N.S. Chang, DLNR, BLNR Chair, 1151 Punchbowl St., Honolulu, HI 96813  
Sharon Hurd, Chairperson Board of Agriculture, 1428 S. King Str, Honolulu, HI 96814  
Stanton K. Enomoto, Senior Program Director U.S. Department of the Interior, 300 Ala Moana Blvd, Honolulu, HI 96850  
David Lassner President of the University of Hawaii, 2444 Dole St, Honolulu, HI 96822

**Notice of Demand to Cease and Desist All Wolbachia, lab-bred, Mosquito Programs in Hawaii until a Proper Environmental Impact Statement is Completed**

**Notice to Principal is Notice to Agent and Notice to Agent is Notice to Principal**

I, Donna White \_\_\_\_\_, one of the People of the 50 American States, Republican in form (as seen in the Hawaii Bill of Rights Article 1 Section 1), Sui Juris, am serving you with this notice that you and your agents may provide due care as the trustees and servants of the People.

**Please take notice** that the People of Hawaii have taken the time to do the proper study to be able to come together across the islands to deal with matters of the common good. The people of Hawaii have the sole and exclusive right and responsibility over government trustees and servants. There is no grant of power in government that is not delegated or given by the people. (See evidence below)

**Hawaii State Bill of Rights, Article 1, Section 1: Political Power**

**All political power of this State is inherent in the people** and the responsibility for the exercise thereof rests with the people. All government is founded on this authority. [Emphasis added]

**Georgia Constitution, Article 1, Section 2, Paragraph I, Origin and Foundation of Government**

All government, of right, originates with the people, is founded upon their will only, and is instituted solely for the good of the whole. **Public officers are the trustees and servants** of the people and are at all times amenable to them. [Emphasis added]

**Maxim of Law 51o:** All political power is inherent in the people by decree of God, thus none can exist except it be derived from them. **American Maxim**

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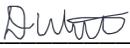
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Name: Donna White

Autograph:  Signed at: 2023-03-10 10:17:47

Date: 03/10/2023

Email: whitesranch@comcast.net

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Name: Raymond J Kelly

Autograph:  Signed at: 2023-03-14 08:00:54

Date: 03/14/2023

Email: rjka1457@gmail.com