

**LINDA LINGLE**  
Governor



State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512

**SANDRA LEE KUNIMOTO**  
Chairperson, Board of Agriculture

**DUANE K. OKAMOTO**  
Deputy to the Chairperson

**TESTIMONY OF SANDRA LEE KUNIMOTO  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEES ON  
AGRICULTURE  
AND  
WATER, LAND, OCEAN RESOURCES, AND HAWAIIAN AFFAIRS**

**WEDNESDAY, JANUARY 30, 2008  
8:30 a.m.  
Room 325**

**HOUSE BILL 2316  
RELATING TO AGRICULTURE**

Chairpersons Tsuji and Ito and Members of the Committees:

Thank you for the opportunity to testify on House Bill No. 2316 that seeks to prevent the reclassification and rezoning of Agricultural District lands if the primary use of the lands is agricultural, the occupation of the owners or lessors of the lands is a farmer of these lands, and the annual gross income from sales of agricultural products grown on the lands is a minimum of \$1 million. The Department of Agriculture is responsible for determining, by rule, what constitutes a "...person of proven farming ability" who devotes at least ninety percent of the person's time farming. This measure appears to be prospective. The Department of Agriculture supports existing farming operations and understanding the need to protect agricultural lands. However, we cannot support this bill due to the potential conflicts with the counties' planning process.

This measure could prevent the timely conversion of lands to other uses in accordance with county land use plans if there is a qualified, existing farm operation within the planning area. In cases where a farming operation is within a planned development and faces termination of their lease or license, the Department of

Agriculture has often recommended that the affected farming operation be allowed to continue farming and harvesting crops for as long as possible and that the developer assist with the relocation of the farming operation to another area. We have made this very recommendation for farming operations within the Ewa Development Plan that face termination of their land lease or license to allow land development to occur pursuant to the City's plan. On the other hand, we expect the City to stand firm by its long-standing commitment to protect the agricultural lands to the north of the H-1 Freeway and adjacent to Kunia Road.

Another concern we have about this measure is that it may cause owners of agricultural lands with lessees to terminate or not renew land leases and licenses to farmers for fear of losing control of the use of their land.

We encourage that Important Agricultural Lands be designated which would reduce uncertainty for farmers, reduce speculative behavior by landowners, and ensure more orderly and consistent land use planning at the county level.



OFFICE OF HAWAIIAN AFFAIRS

Legislative Testimony

**HB 2316, RELATING TO AGRICULTURE**

House Committees on Agriculture and  
Water, Land, Ocean & Hawaiian Affairs

January 30, 2007

8:30 a.m.

Room: 325

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The Office of Hawaiian Affairs **OPPOSES** HB 2316, which seeks to add protective layers onto agricultural lands with certain criteria.

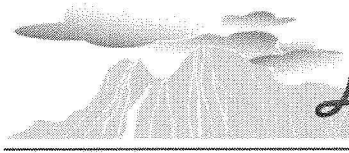
OHA generally agrees that agricultural land needs further protection; however, the criteria that this bill proposes are too strict. For example, OHA agrees that the primary use of agricultural land should be agriculture and that the occupation of the owner or lessor of the land should be a farmer.

However, we feel that the agriculturally related annual income criteria of at least \$1,000, 000 is too high. This overly high income requirement would effectively bar many smaller operations from the protections seemingly offered by this bill and deter others, including OHA's beneficiaries, from farming. The result would be contrary to the State's Constitutional mandate to "conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands." (Hawai'i State Constitution, Article XI, Section 3). This bill would open many of Hawai'i's current agricultural lands, which are being farmed, to potential development.

For the same reasons as above, the definition of "farmer" as being someone who devotes at least ninety per cent of their time farming is also too burdensome and restrictive. Many small farmers in Hawai'i cannot afford to only farm, but also hold second and third jobs. Also, many small farmers make little to no money from their farms, but instead are subsistence farmers. Neither of these factors make the people any less of a farmer. To say otherwise is counter to the policies and ethics of our State and insulting to the people who help keep our State's diverse agricultural economy alive and function.

Thus, this bill would protect only a small fragment of our State's valuable agriculture land while weakening protection for the majority of the rest, and opening those lands to potential development. The bill also does not assist farmers who cannot benefit from the protections that this bill offers because they cannot meet these burdensome criteria.

OHA urges the Committees to OPPOSE HB 2316. Thank you for the opportunity to testify.



## *Hawaii's Thousand Friends*

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January 29, 2008 – Testimony Submittal

Testifier: Andrea I. Jepson  
Legislative Liaison

To: Committee on Agriculture  
Rep. Clift Tsuji, Chair

Committee on Water, Land, Ocean Resources and Hawaiian Affairs  
Rep. Ken Ito, Chair

Hearing: Wednesday, January 30, 2008  
8:30 am – Conference room 325

Measure Number: HB 2316 – RELATING TO AGRICULTURE  
Protects agricultural classified land from rezoning if the land  
produces at least \$1,000,000 in gross income annually.

Hawaii's Thousand Friends opposes this bill. While Hawaii's Thousand Friends believes that agricultural lands need protection, this measure raises several questions:

1. In a time when Hawaii is trying to become agriculturally sustainable, why are agricultural land protections offered only to a limited number of farmers?
2. Does the product grown have to have any relation to the needs of the people of Hawaii? Is it a product that will economically and sustainably contribute to the well being of the people of Hawaii?
3. Will the passage of this bill discourage the work of smaller farmers and organic farmers who contribute so plentifully to our ever growing farmer's markets, because there are no protections for their land?
4. Shouldn't agriculturally classified land protections be based instead on benefiting all farmers who are contributing to sustainability by providing food for our people in Hawaii?

**From:** Terry Phillips [tapgotaloha@yahoo.com]

**Sent:** Tuesday, January 29, 2008 4:37 PM

**To:** AGRtestimony

**Subject:** Subject: Testimony on House Bill No. HB 2292 and HB 2293 Relating to Agriculture; and HB 2316 in the preservation of productive Agriculture lands

January 29, 2008

The Honorable Clift Tsuji, Chair,  
Representative Tom Brower, Vice Chair and Members  
Committee on Agriculture  
The Honorable Ken Ito, Chair  
Representative Jon Riki Karamatsu, Vice Chair  
Committee on Water, Land, Ocean Resources & Hawaiian Affairs  
Hawaii State House of Representatives  
Hawaii State Capitol, Room 325  
Honolulu, HI 96813

Dear Chair Tsuji, Chair Oshiro and Members:

**Subject: Testimony on House Bill No. HB 2292 and HB 2293 Relating to Agriculture; and HB 2316 in the preservation of productive Agriculture lands**

My name is Terry Phillips and I am currently employed in the Marketing Department of Aloun Farms in Kapolei. However, I would like to testify with my personal support of House Bill No. HB 2292 and HB2293, relating to Agriculture; and for the support of HB2316 which addresses the preservation of agricultural lands.

You may have brought your family to visit the local pumpkin patch, taken them to a taro festival or a celebration of sweet onions. You may have seen and purchased produce grown by local farmers at your local grocers or farmers market to enjoy with your family. Or maybe, like me, you grew up during a time and can still remember when agriculture supported whole communities. I grew up in Waipahu and can still remember sugar cane fields, plantation homes, cane haul roads and how the community of Waipahu was affected by the closure of Oahu Sugar's Waipahu Mill. At one time Hawaii was a sea of light green sugar cane fields, contrasted by the dark green crowns of pineapple. The sea of sugar cane across from my family home is now a community called Waikele. The pineapple fields where I played as a child, is now home to Waipio Gentry. As our community grew larger, the demand for housing and the infrastructures that support our island families grew with it. This increased the use of land for homes and decreased the number of lands designated for agriculture. As large agricultural corporations pulled out, more and more lands were sold to developers. This has lead to fewer open spaces and has taken good and productive, agricultural lands out of hands and out of our children's lives forever.

These three bills go hand in hand to preserve remaining agricultural lands in our island home. As our community continues to grow, so shall the need for housing, water, food and services. Agricultural lands are essential to procuring a sustainable existence for future generations of Hawaii families. Hawaii agriculture addresses more than farming. It reaches deep into the communities to provide jobs and far into the soil to replenish the aquifers that feed our water wells. It keeps the soil from eroding into our oceans and destroying coral reefs. Agriculture provides jobs, nourishes our families and the environment we live in. It helps Hawaii to be sustainable. What we decide today, will set in motion the events of tomorrow. Once the lands are developed they are gone forever. This is our opportunity to identify the importance of prime agricultural lands and to take the steps to protect them for the future generations.

Thank you for allowing me to share my testimony with you.

Sincerely,

Terry Phillips

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1/29/2008