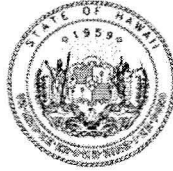


LINDA LINGLE
Governor



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 WATER, LAND, OCEAN RESOURCES,
AND HAWAIIAN AFFAIRS, AND AGRICULTURE
FRIDAY, FEBRUARY 1, 2008
8:30 a.m.
Room 325

HOUSE BILL 2357
RELATING TO LAND USE

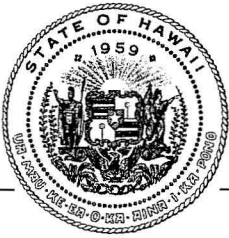
Chairpersons Ito and Tsuji and Members of the Committees:

Thank you for the opportunity to testify on House Bill No. 2357 that establishes a new process to identify and designate Important Agricultural Lands (IAL). The process includes the following:

1. All lands in the State Agricultural District as of July 1, 2010 are designated as important agricultural lands by the Land Use Commission (LUC) by October 1, 2010;
2. Lands that shall be included into the Agricultural District are about 22,358 acres in Central Oahu/North Shore parcels, 4,291 acres in State Agricultural Parks, other State-owned lands determined by the Department of Agriculture (DOA) that meet the standards and criteria for important agricultural lands, and agricultural lands zoned in a county's most restrictive agricultural zoning district. For instance, on Oahu, that would be the AG-1 Restricted Agriculture district;
3. Lands not meeting the criteria for inclusion in the Agricultural District by June 30, 2010 are automatically reclassified into the Rural District on July 1, 2010; and
4. The counties may rezone lands to include or exclude them from the counties' most protective agricultural zoning by June 30, 2010.

The bill also amends Chapter 205, HRS, to conform to the new IAL Agricultural District; and repeals the existing landowner voluntary IAL designation (Section 205-45) and county-identified designation (Section 205-47) processes. These amendments will take effect on July 1, 2009.

The Department of Agriculture supports the intent of this bill to simplify and, therefore, expedite the identification and designation of Important Agricultural Lands. We want the momentum generated three years ago that resulted in the enactment of Act 183, the Important Agricultural Lands Act to continue forward and not be stalled by the procedural obstacles found in the Act itself. With that in mind, more work needs to be done to toughen up provisions throughout the bill as well as the land use standards in Sections 205-2 and -4.5 to focus on agricultural production as the sole allowable use on IAL. We concur with the Office of Planning's testimony that itemizes these key areas and makes recommendations increasing the effectiveness and comprehensiveness of the bill to bring it in full consonance with the constitutional mandate to identify, protect, and promote the agricultural use of the best lands in Hawaii.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

LINDA LINGLE

GOVERNOR

THEODORE E. LIU

DIRECTOR

MARK K. ANDERSON

DEPUTY DIRECTOR

MARY LOU KOBAYASHI

PLANNING PROGRAM ADMINISTRATOR

OFFICE OF PLANNING

OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813

Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846

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Statement of
MARY LOU KOBAYASHI
Planning Program Administrator, Office of Planning
Department of Business, Economic Development, and Tourism
before the
**HOUSE COMMITTEE ON WATER, LAND, OCEAN RESOURCES
AND HAWAIIAN AFFAIRS**
AND
HOUSE COMMITTEE ON AGRICULTURE
Friday, February 1, 2008
8:30 AM
State Capitol, Conference Room 325

in consideration of
HB 2357
RELATING TO AGRICULTURAL LANDS.

Chairs Ito and Tsuji, Vice Chairs Karamatsu and Brower, and Members of the House Committees on Water, Land, Ocean Resources, and Hawaiian Affairs and Agriculture.

The Office of Planning (OP) supports the intent of HB 2357, but does not support the bill in its current form. HB 2357 proposes, as its central element, a new procedure by which important agricultural lands would be designated, which would take effect upon approval. The new procedure provides for the following: (1) all lands in the State Agricultural District as of July 1, 2010 would be important agricultural lands, which the Land Use Commission (LUC) would map by October 1, 2010; (2) lands for inclusion in the Agricultural District would include certain Central Oahu/North Shore parcels, State agricultural parks, other State lands deemed by the Department of Agriculture to meet the standards and criteria for important agricultural lands, and lands zoned in a County's most protective agricultural zoning district; (3) lands not meeting the criteria for inclusion in the Agricultural District on June 30, 2010 would be automatically reclassified as Rural

District on July 1, 2010; and (4) the Counties may rezone lands to include or exclude them from the Counties' most protective agricultural zoning by June 30, 2010. The bill also: (1) amends relevant sections of Chapter 205, Hawaii Revised Statutes (HRS), to conform to the reconstituted "IAL" Agricultural District; and (2) repeals the existing voluntary IAL designation and County-identified designation processes. These amendments would lag one year, taking effect on July 1, 2009.

Comments and Concerns

The bill would put the designation of important agricultural lands on a parallel track with the adoption of agricultural incentives to be available to landowners of and agricultural operators on important agricultural lands. OP fully supports this, and we support efforts to simplify the designation process. However, we are concerned that the bill will not result in any greater protection for important agricultural lands or for rural areas. The following elements of the bill are problematic and should be dropped or further amended:

1. Creation of a single-tier, IAL-only Agricultural District without strengthening the existing Agricultural District standards that will apply to IAL. The existing Agricultural District use, lot size, and development standards will govern IAL, which provides IAL no more protection than is currently provided to Agricultural District lands now (except the 2/3 vote for County rezoning). IAL is land that, pursuant to the State Constitution, should be protected primarily for the cultivation of crops, with limited infrastructure and improvements to ensure that agriculture is not physically- or economically-displaced. OP urges the adoption of stronger use and lot size standards for IAL, as provided in Section 3 of HB 2830, which sharply limits uses and eliminates special permits for IAL. With the exception of established, historic plantation camps and communities, plantation community subdivisions should not be a permissible use on IAL lands. The Rural District is a more appropriate district for this type of use, which both economically and physically displaces agricultural use of the land;

2. Use of County zoning as a basis for County identification of IAL. Zoning as a tool does not adequately reflect the breadth of agriculture or different forms of agricultural potential, e.g. ranching, unique crops such as orchards, coffee, taro, etc. Use of zoning could exclude some farmers and ranchers from accessing IAL incentives. Furthermore, it would be ill-advised to rezone lands from a zoning district that suits the land's character to the relevant County agricultural zoning district solely for the purpose of identifying IAL. Simpler alternatives would be to:
 - a. Retain the two-tier approach of an Agricultural District and an IAL overlay within the Agricultural District, and use the relevant County zoning districts to identify the IAL overlay without rezoning or redistricting the lands so designated; or
 - b. Use the lands identified as agriculture or IAL in the Counties' adopted comprehensive general or community/development plans, rather than zoning, as the basis for the "IAL" Agricultural District.
3. New Section 205-B—codification of directives regarding County rezoning—is unnecessary. The Counties already have the authority to zone in Chapter 46, HRS. Rather than adopt provisions that might interfere with established County zoning practices and procedures, we recommend the proposed section be dropped. Section 205-A of the bill already provides very clear guidance to the Counties in terms of how IAL should be designated and by when, and should be sufficient for the purposes of this bill. Furthermore, the provision on lines 10-13 on page 10 appears to conflict with lines 12-15 on page 33.
4. Sections 14-18 amending IAL sections in Chapter 205 (definition, policies, standards and criteria, etc.). The proposed amendments are unnecessary. In the case of amendments to Sections 205-42(a) and 205-43, these amendments result in weakened IAL policy and a definition of IAL bereft of intent or meaning; thus, we recommend these amendments be dropped. We also recommend dropping the following amendments:

- a. In Section 16, there is no need to insert “initial” as the standards and criteria will continue to provide the standards for future evaluation of IAL; and
 - b. In Section 18, the insertion of the July 1, 2010 date on line 19 results in a one-year gap when there will be no standards and criteria for rezoning in effect.
5. Elimination of LUC approval of less-than-15-acre boundary amendments of Agricultural District lands. As currently written, the bill would eliminate the LUC’s approval of petitions of less than 15 acres for the reclassification of lands in the Agricultural District, now IAL. This provision may conflict with Article XI, Section 3 of the State Constitution, but we defer to the Attorney General on this matter.
6. More comprehensive redefinition of the Rural District, policies, and standards is needed. Under the bill, a substantial amount of land could be reclassified to the Rural District, without the strong policies and tools needed to manage the Rural District in place. Even as amended, the existing Chapter 205 provisions for the Rural District, including the half-acre density and minimum lot size, will only shift the gentrification and subdivision of Hawaii’s rural areas and landscapes into the Rural District. Chapter 205’s rural provisions need to be amended to provide more flexibility as well as more effective policy guidance and performance standards to enable the Counties to effectively manage the enlarged Rural District that might result from the bill. Last session’s HB 1269 was a step in this direction.
7. Elimination of the two-thirds vote requirement for LUC decisions for all but Agricultural District petitions. OP opposes this amendment. Petitions before the LUC frequently involve significant land use changes that have not been considered or incorporated in County general or community/development plans, and thus, have not been subject to extensive public input and review at the County level. In the approval of such petitions, LUC decisions essentially preempt adopted County land

use policy. This should not be done lightly and should require a higher standard for approval.

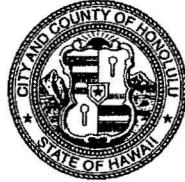
Although OP finds a number of problems with the existing bill, we are very supportive of initiatives like this that will enable the State to move forward on a parallel track in the critical task of designating important agricultural lands, so that these lands are a resource for existing and future farmers and agriculture can contribute to a strong and vital economy and move the State toward greater self-reliance and sustainability.

We are available to assist with amendments if the Committees desire. Thank you for the opportunity to testify.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-8000 • FAX: (808) 527-6743
INTERNET: www.honolulu.gov • DEPT. WEB SITE: www.honoluludpp.org

MUFI HANNEMANN
MAYOR



HENRY ENG, FAICP
DIRECTOR

DAVID K. TANOUE
DEPUTY DIRECTOR

February 1, 2008

The Honorable Ken Ito, Chair
and Members of the Committee on Water, Land, Ocean
Resources & Hawaiian Affairs

The Honorable Cliff Tsuji, Chair
and Members of the Committee on Agriculture
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chairs Ito and Tsuji and Members:

**Subject: House Bill 2357
Relating to Agricultural Lands**

The Department of Planning and Permitting requests a **deferral** of House Bill 2357. This bill sets new criteria for the designation of Important Agricultural Lands (IAL), and sets new deadlines for state boundary amendments and county zone changes.

This bill would significantly change the process and criteria adopted under Act 183 (2005), which was based on many, many hours of public discussion. While there is some appeal to individual provisions of House Bill 2357, the significant changes it represents overall should be given the same amount of public deliberation as was done for Act 183.

Some of our concerns are:

- The deadline of July 30, 2010 to make any desired changes to state districts and county zoning is insufficient, especially in light of Chapter 343, HRS requirements that may need to be satisfied. Although Section 2 of the bill declares that Chapter 343 would not apply, we have separate county ordinances that invoke the need for Chapter 343 compliance, and we may want to retain this requirement.
- The proposal to allow counties to be responsible for redesignation of IAL which are fifteen acres or less may not be appropriate if protection of IAL is a compelling state interest.
- The provision that lands within the state agricultural district on June 30, 2010 which are no longer in the district on the following day, but fall within the rural district, needs clarification. Is it the intent that for any such action, the only redistrict recourse is rural, and not conservation or urban?

The Honorable Ken Ito, Chair
and Members of the Committee on Water, Land, Ocean
Resources & Hawaiian Affairs

The Honorable Clift Tsuji, Chair
and Members of the Committee on Agriculture
House of Representatives
Re: House Bill 2357
February 1, 2008
Page 2

- The bill is unclear about the relationship between state land use districts and county zoning. Section 1(c)(1) of the Bill seems to suggest that counties can change the state land use district of lands by just enacting a zoning ordinance. This is not true; they are two separate actions.
- Provisions may inadvertently dictate and handicap county rezoning actions that may not be related to IAL.
- We question the purpose of regulating agricultural worker housing by a percentage of lot size; in this case, two percent of the lot area. On a 5-acre lot, this would limit housing to 4,356 square feet of land area; on a 100-acre lot, over 87,000 square feet could be devoted to housing. This may be a regulation that each county should adopt on its own.

This is a very complex bill and we feel the counties need more time to study the implications of the proposed measure. Please defer House Bill 2357.

Thank you for the opportunity to testify.

Sincerely yours,



Henry Eng, FAICP, Director
Department of Planning and Permitting

HE:jmf
hb2357-kh.doc



Hawaii Agriculture Research Center

99-193 Aiea Heights Drive, Suite 300

Aiea, Hawaii 96701

Ph: 808-487-5561/Fax: 808-486-5020

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

HOUSE BILL 2357

RELATING TO AGRICULTURAL LANDS

February 1, 2008

Chairmen Ito and Tsuji and Members of your respective Committees:

My name is Stephanie Whalen. I am President and Research Director of the Hawaii Agriculture Research Center (HARC). I am testifying today on behalf of the center, our research and support staff, and our members and clients.

HARC supports the intent of House Bill 2357 Relating to Agricultural Lands. It would like the committee to consider an amendment to section 205-4.5 (12) pertaining to plantation subdivisions.

A significant opportunity has been provided to HARC regarding the Del Monte village which includes agricultural worker rental housing and industrial facilities. (see attached map) on over 100 acres of land. However, it appears that the existing permissible uses in the state's agricultural district regarding plantation subdivisions is limited to employees or former employees with a property interest in the land.

HARC would like you to consider adding an amendment on page 27 line 7 to the ending of Sec 205-4.5 (12)

Plantation community subdivisions, which as used in this paragraph means a subdivision or cluster of employee housing, community buildings, and acreage established on land currently or formerly owned, leased, or operated by a sugar or pineapple plantation and in residential use by employees or former employees of the plantation; provided that the employees or former employees shall have a property interest in the land; or provided that existing, renovated, restored, replaced or added former plantation structures remain affordable rentals exclusively for agricultural workers and/or for agricultural businesses and/or for agricultural industry support services

When these activities were conducted by DelMonte they were permissible under

205-4.5

(4) Farm dwellings . . . used in connection with a farm,

(10) Buildings and uses, including but not limited to mills, storage and processing facilities, maintenance facilities, and vehicle and equipment storage areas that are normally considered directly accessory to the above mentioned uses and are permitted under section 205-2(d);

With the departure of DelMonte the same land uses, agricultural worker rentals and agricultural support services, may no longer be permissible because they are not connected to a single farming operation nor will they provide a property interest in the land for employees or former employees. They will be used for multiple farming operations not a single one and not within 1 mile as provided for in the proposed language.

I appreciate the effort in this proposed measure to attempt to allow for more flexible situations to support the smaller and more diverse farming operations that are emerging. However, I believe the opportunity presented to save the DelMonte village and supporting agricultural facilities will be lost if additional changes as suggested in this testimony is not incorporated.

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



Gymnasium/
Assembly Building

860

880

WWTP

Del Monte/
EPA
Remediation
Area

880

Del Monte Of
Ag Process

Post Office &
Community Store

820

HAWAII FARM BUREAU FEDERATION
2343 ROSE STREET
HONOLULU, HI 96819

JANUARY 30, 2008

HEARING BEFORE THE
HOUSE COMMITTEE ON WATER, LAND, OCEAN RESOURCES AND HAWAIIAN AFFAIRS
AND
HOUSE COMMITTEE ON AGRICULTURE

TESTIMONY

HB 2357 RELATING TO AGRICULTURAL LANDS
HB 2359 RELATING TO AGRICULTURAL LANDS
HB 2684 RELATING TO IMPORTANT AGRICULTURAL LANDS

Chair Ito, Chair Tsuji and Members of the Committees:

My name is Alan Takemoto, Executive Director, of the Hawaii Farm Bureau Federation, which is the largest non-profit general agriculture organization representing approximately 1,600 farm and ranch family members statewide.

The Hawaii Farm Bureau Federation OPPOSES HB 2357, HB2359 AND HB2684 defining alternate procedures for identification of Important Agricultural Lands..

The purpose of the Important Agricultural Lands initiative is agricultural viability. As policies and measures that support agriculture, farming and ranching are provided, agriculture will become a desirable career with long term viability -- not a hope but a reality. Strong agricultural enterprises will seek to keep their lands in agriculture, thereby having truly IMPORTANT AGRICULTURAL LANDS.

We understand the concern behind this Bill. Many lands that are productive agricultural lands could be developed before the current IAL process is implemented. There is fear that these lands will forever be lost.

We, on the other hand, fear that designation of lands as "Important Agricultural Lands" without associated measures that support and incentivize farming and ranching operations, will result in vacant lands ...zoned agriculture but without actual agricultural activity. Hope is not a strategy. In reality, we are loosing something else, faster than agricultural lands – and that is farmers.

We are concerned that the suggested Bills can have unintended consequences. For example, our farmers and ranchers already have a difficult time qualifying for loans that will allow them to expand their operations. The Bills could be viewed as a "downzoning" by lenders, resulting in decreased land values ensuing in decreased borrowing ability due to a downgraded collateral value. Thank you.



Maui County Farm Bureau

*An Affiliate of the American Farm Bureau Federation and Hawaii Farm Bureau Federation
Serving Maui's Farmers and Ranchers*

TESTIMONY

HB 2357 RELATING TO AGRICULTURAL LANDS HB 2359 RELATING TO AGRICULTURAL LANDS HB 2684 RELATING TO IMPORTANT AGRICULTURAL LANDS

HEARING BEFORE THE HOUSE COMMITTEE ON AGRICULTURE AND COMMITTEE ON WATER, LAND & HAWAIIAN AFFAIRS

Chair Tsuji and Ito and Committee Members:

My name is Warren Watanabe, Executive Director of the Maui County Farm Bureau, a non-profit general agriculture organization and an affiliate of the Hawaii Farm Bureau Federation.

Maui County Farm Bureau, on behalf of its member farmers, ranchers and agricultural organizations **strongly opposes** HB 2357, HB2359 and HB 2684 replacing the current IAL process.

While these Bills speak towards the implementation of Act 183, Important Agricultural Lands, the crux of these Bills remains "Land Use". Act 183 was passed with support from landowners as well as farmers because for the first time, after 30 years of trying to pass IAL legislation, a Bill was introduced that addressed agriculture ...the criteria needed to ensure agricultural activity on Important Agricultural Lands.

We understand the concern that while the IAL process occurs, agricultural lands deemed to be ideal for crop production may be developed. However, we must not forget, we have many lands that are currently fallow due to lack of farmers or because farmers have found it too difficult to remain viable. On Maui, there are over 100 acres of ideal farmland which just 5 years ago, had fields of cabbage, onion, lettuce and other vegetables providing not only for the Maui market but for Oahu as well. The farmers were third generation farmers, owning their own lands, equipment and homes on the land. Yet, viability was difficult. Approaching or past 50 years of age, their retirement looked bleakso they have found employment outside of their farms and their lands now lie idle, ripe for development. It is because of cases such as this, that we feel strongly that the implementation of IAL cannot be a land use issue but a farmer viability issue. The incentives incorporated in the proposed IAL omnibus measure addresses the large picture needs for long term commitment by landowners and farmers to agriculture.

As a leader of Maui County Farm Bureau, it has been difficult seeing these farmers leave an occupation I know they loved. Seeing them worry about retirement after spending decades working

hard growing crops and providing for the people of Hawaii is heartbreaking. We have a few young farmers. They are realists. They have given themselves a timetable. If they are not successful within a set timeframe, they plan to exit farming. These farmers have recently suffered major damage during the storms in early December. How much they will be able to recover is in question. When I look at the IAL measures, the first question in my mind is “ Will it save these farmers?”

We must not lose sight of the goal of having active agriculture on these lands that contribute towards not only Hawaii’s level of self sufficiency but to Hawaii’s economy. Agriculture is not just a lifestyle ...it is first and foremost a business that provides food and fiber for the people. When planes cannot fly and ships cannot sail, agriculturally zoned lands without farmers and ranchers growing crops and raising livestock will be useless ...it will be too late. Today, we must commit to grow farmers and ranchers and in that process have lands that remain in agriculture --- truly Important agricultural Lands. This is the vision behind the crafters of the existing Important Agricultural Lands Legislation.

We respectfully request that these **Bills be held and focus be placed on enacting incentives** so landowners will designate their lands as Important Agricultural Lands as soon as possible. Time is of the urgency. We cannot lose any more farmers or ranchers.



TESTIMONY TO THE HOUSE COMMITTEES ON WATER, LAND, OCEAN RESOURCES
& HAWAIIAN AFFAIRS & AGRICULTURE
FRIDAY, FEBRUARY 1, 2008 AT 8:30 A.M.
ROOM 325, STATE CAPITOL

RE: H.B. 2357 Relating to Agricultural Lands

Chairs Ito and Tsuji, Vice Chairs Karamatsu and Brower, Members of the Committees:

The Chamber of Commerce of Hawaii opposes HB 2357.

The Chamber is the largest business organization in Hawaii, representing 1100 businesses. Approximately 80% of our members are small businesses with less than 20 employees. The organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

H.B. No. 2357 proposes that all lands in agricultural districts be designated "important agricultural land" for the purpose of article XI, section 3, of the state constitution. This Act rejects the previous approach of establishing a two-tier agricultural districting and protection system, one for "important agricultural land" and the second for "other agricultural land".

Act 183, SLH 2005 established a process to identify important agricultural lands (IAL). The IAL designation was established during the 1978 Constitutional Convention. A significant amount of effort was invested by many different groups and individuals who participated in a legislative initiated process in developing Act 183.

Act 183 was based on promoting agricultural viability and simply identifying agricultural lands believed to be important. Act 183 provides for incentives to be enacted that would assist in making agribusinesses viable and thus, allow for designation of IAL based on "growing" agribusiness.

Over the past two sessions, legislation has been introduced to create incentives to promote agricultural viability in Hawaii. In addition, efforts were made to have the Counties enact incentives to promote agricultural viability in their respective counties. So far, these incentives have not been put in place.

The bill before you proposes to designate all agricultural lands as "important agricultural lands." We believe this bill does not take into consideration the agribusiness viability in designating important agricultural lands. Therefore, we ask that the Legislature consider developing a meaningful incentive package to assist agribusiness grow.

For these reasons, The Chamber opposes HB 2357. Thank you for this opportunity to submit testimony.

**HB 2357
RELATING TO AGRICULTURAL LANDS**

**PAUL T. OSHIRO
MANAGER – GOVERNMENT RELATIONS
ALEXANDER & BALDWIN, INC.**

FEBRUARY 1, 2008

Chair Ito, Chair Tsuji, and Members of the House Committees on Water, Land, Ocean Resources & Hawaiian Affairs and Agriculture:

I am Paul Oshiro, testifying on behalf of Alexander & Baldwin, Inc. (A&B) and its agricultural companies Hawaiian Commercial & Sugar Company and Kauai Coffee Company, Inc. on HB 2357, "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS." We respectfully oppose this bill.

After over twenty five years of debate, negotiation, and compromise, the IAL Law was finally passed in the 2005 Legislative Session. After years of pursuing a land-use approach to this constitutional mandate, the IAL law that was successfully passed was one premised on the principle that the best way to preserve agricultural lands is to preserve agricultural businesses and agricultural viability. As such, Act 183 (2005) not only provides the standards, criteria, and processes to identify and designate important agricultural lands (IAL) to fulfill the intent and purpose of Article XI, Section 3 of the Hawaii State Constitution, it also provides for the passage of a package of incentives designated to support and encourage sustained, viable agricultural activity on IAL—prior to the designation of IAL. Once the package of incentives is passed, IAL may be designated in one of two ways --- by voluntary petition by the farmer/landowner to the

State Land Use Commission (LUC); or subsequently by the Counties filing a petition to designate lands as IAL pursuant to a County identification and mapping process. In either case, the LUC must find that the lands qualify for IAL designation pursuant to the standards, criteria, objectives, and policies set forth in the IAL Law prior to designation.

This bill proposes to amend the present IAL Law to significantly change the basic premise of Act 183, as well as the process to identify and designate IAL. This bill repeals provisions in the present IAL Law regarding the need for the passage of a package of incentives to support and assist farmers in establishing and sustaining viable agricultural operations on IAL prior to the start of the IAL identification and designation process. We believe that incentives are vitally needed to ensure long term agricultural productivity and use—and thus preservation—of IAL for farmers.

This bill also repeals provisions to enable landowners or farmers to voluntarily offer for LUC consideration and approval, lands for designation as IAL. We believe that the involvement of landowners and farmers is essential in the IAL identification and designation process, as they are the parties most impacted by this law.

In addition, the evaluation, review, and determination by the LUC to ensure that lands proposed as IAL meet the standards, criteria, objectives, and policies of the IAL Law will also be repealed by this bill, and replaced with statutory provisions that automatically identify certain lands in Central Oahu and the North Shore, lands in certain State Agricultural Parks, and lands in relevant County Agricultural districts as IAL. The bill also authorizes the Department of Agriculture to designate State owned lands as IAL. We believe that all lands under consideration for IAL identification and designation should be closely evaluated, reviewed, and scrutinized by the LUC to

ensure that they are in compliance with the standards, criteria, objectives, and policies presently contained in the IAL Law prior to designation.

One of the compelling factors that resulted in the enactment of the IAL Law three years ago was a collaborative effort put forth by various entities and individuals to find common ground on this important issue. This bill will significantly alter consensus building agreements that were instrumental in the passage and enactment of the present IAL Law. We ask that the process to implement the identification and designation of IAL, which evolved from good faith efforts in 2005, be allowed to proceed, as presently outlined in the IAL Law. In short, please give it a chance to work.

Based on the aforementioned, we respectfully request that this bill be held in Committee.

Thank you for the opportunity to testify.



MAUI LAND & PINEAPPLE COMPANY, INC.

January 31, 2008

The Honorable Representative Ken Ito, Chair
The Honorable Representative Jon Riki Karamatsu, Vice Chair
Committee on Water, Land, Ocean Resources & Hawaiian Affairs
Hawaii State House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

The Honorable Representative Clift Tsuji, Chair
The Honorable Representative Tom Brower, Vice Chair
Committee on Agriculture
Hawaii State House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Subject: HB 2357 – Relating to Agricultural Lands

Dear Honorable Chair Ito, Honorable Vice Chair Karamatsu, Honorable Chair Tsuji,
Honorable Vice Chair Brower and Committee Members:

Maui Land & Pineapple Company, Inc. strongly opposes HB 2357 – Relating to
Agricultural Lands.

The subject legislation will designate agricultural zoned lands in Maui County as Important Agricultural Lands being that there is only one agricultural zoning district. Maui County is presently in the process of updating and amending the general plan and community plans. It is our understanding that during this process lands in the agricultural zoning district will be reviewed and Important Agricultural Lands will be identified. In addition, Act 183, SLH 2005, relating to Important Agricultural Lands should be provided the opportunity to go through the process to designate Important Agricultural Lands. Therefore, it is our position that this legislation is not necessary at this time.

Maui Land & Pineapple Company, Inc. respectfully requests that the subject legislation not be approved.

The Honorable Representative Ken Ito, Chair
The Honorable Representative Jon Riki Karamatsu, Vice Chair
The Honorable Representative Clift Tsuji, Chair
The Honorable Representative Tom Brower, Vice Chair

January 31, 2008

Page - 2 -

We sincerely appreciate the opportunity to provide our testimony. If you have any questions or wish to discuss our testimony, please do not hesitate to contact me at (808) 877-3882.

Mahalo,

A handwritten signature in black ink, appearing to read "Warren A. Suzuki". The signature is fluid and cursive, with the first name "Warren" being the most prominent part.

Warren A. Suzuki
Senior Vice President



KAMEHAMEHA SCHOOLS

February 1, 2008

The Honorable Ken Ito and Clift Tsuji, Chairs, and Members
Committee on Water, Land, Ocean Resources and Hawaiian Affairs
Committee on Agriculture
The House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Good Morning Chairs Ito and Tsuji and Members:

Testimony in Opposition of House Bill No 2357 Relating to Agriculture

I am Kapu C. Smith, Senior Land Asset Manager for Kamehameha Schools' Kawailoa Plantation in Waialua, Oahu. I am here to testify in opposition to HB 2357. Although the bill has many issues we oppose, our main concern is the method of designating "important agricultural land" (IAL). Under this proposal, land including our property at Kawailoa Plantation will be designated IAL by Tax Map Key in keeping with existing criteria of Act 183. As a result, both land which is capable of producing high agricultural yields and non productive agricultural lands will be given the IAL designation. For this reason, we continue to propose that the first incentive for IAL designation is the amendment of the current criteria to a more objective standard which would ensure that only IAL lands are designated.

Thank you for the opportunity to express our views on this matter.