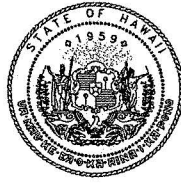


LINDA LINGLE
Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
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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 COMMITTEE ON
ENERGY AND ENVIRONMENTAL PROTECTION
TUESDAY, MARCH 18, 2008
9:00 a.m.
Room 312

SENATE BILL 2849, SENATE DRAFT 1
RELATING TO AGRICULTURAL LANDS

Chairperson Morita and Members of the Committee:

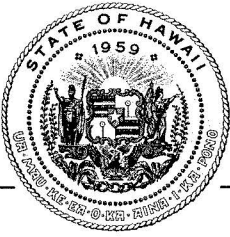
Thank you for the opportunity to testify on Senate Bill No. 2849, Senate Draft 1. The Department of Agriculture supports the intent of this bill and the efforts to provide for affordable agricultural worker housing in plantation community subdivisions and increase the development and use of agriculture-based renewable energy resources in as broad a manner as possible. This bill proposes to establish "agricultural-energy facilities" operated by "agricultural-energy enterprises" as a permissible use in the Agricultural District with the condition that "...the total acreage devoted to agricultural activity by an agricultural-energy enterprise shall not be less than ninety per cent of the total acreage owned, leased, licensed, or operated by the agricultural-energy enterprise." An agricultural-energy enterprise is defined as a business that "...integrally incorporates an agricultural activity with an agricultural-energy facility." An "agricultural-energy facility" is defined as a facility that generates, stores or distributes renewable energy or fuel derived from products of agricultural activities from agricultural lands located in Hawaii. The "agricultural activity" can be located anywhere in the State and is limited to:

- "(1) Cultivation of crops, including but not limited to crops for bioenergy, flowers, vegetables, foliage, fruits, forage, and timber;

- (2) Game and fish propagation;
- (3) Raising of livestock, including but not limited to poultry, bees, fish, or other animal or aquatic life that are propagated for economic or personal use;”

This bill also amends Section 205-4.5(a)(12) relating to plantation community subdivisions, by providing for the rehabilitation and use of employee housing for rental to agricultural workers at affordable rates and use of agricultural support buildings for rental to agricultural business operators or agricultural support services. This amendment expands the utility of employee housing in plantation community subdivisions such as Kunia Village to allow rental by current agricultural workers that are not former plantation employees but work on farms in the area. To assist the counties in their enforcement of the provisions of this section, there may be need to specify who qualifies as agricultural workers, agricultural business operators, and agricultural support services.

The bill requires agricultural production to be the primary use of qualified agricultural land. However, because the bill requires a tight organizational linkage between the agricultural-energy facility, the operator of the facility, and the minimum area to be put into feedstock production, this may have the effect of inadvertently excluding similar but not the same agriculture-based renewable energy concepts from consideration as permissible uses. We believe this bill should cast a wider net to encompass these similar uses in order to allow and encourage more agriculture-based renewable energy alternatives. Furthermore, this bill and other similar vehicles must recognize and establish a balance between the desire to increase Hawaii’s agriculture-based renewable energy resources and other agricultural production needs such as food production.



DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

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Statement of
ABBEY SETH MAYER
Interim Director, Office of Planning
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION
Tuesday, March 18, 2008
9:00 AM
State Capitol, Conference Room 312

in consideration of
SB 2849, SD1
RELATING TO AGRICULTURAL LANDS.

Chair Morita, Vice Chair Carroll, and Members of the House Committee on Energy and Environmental Protection.

The Office of Planning (OP) has the following comments on the sections in SB 2849, SD1, that pertain to plantation community subdivisions.

SD1 has added language to define and clarify that existing structures in plantation community subdivisions can be rehabilitated and used for agricultural worker rental housing and business support services.

OP recommends the following change in language in Section 3, under part (12) to read “...where the existing structures are used or rehabilitated for use as provided herein:” The recommendation removes language that might potentially allow for increasing the size or scope of existing structures. In addition, the SD1 should be further amended to include language in the Section 1 findings referencing these changes and making clear that they are intended to accommodate existing, historically-used plantation housing and structures.

Thank you for the opportunity to testify.



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March 18, 2008

HEARING BEFORE THE
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL
PROTECTION

TESTIMONY ON
SB 2849
RELATING TO SOLAR ENERGY

Chair Morita and committee members:

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 supports **SB2849** permits the use of lands in agricultural land use districts to be used for agricultural energy facilities provided that the primary activity of the agricultural energy enterprise is agricultural activity.

The introduction of this Bill is timely, with the increase interest in installation of renewable energy facilities on agricultural lands. We recognize and support the importance of solar energy in Hawaii's future and that it does provide significant opportunities for our farmers and ranchers. We believe that this is part of being self sufficient and by encouraging agricultural operations to generate its own source of power via solar they can be self contained and not be so reliant on the normal public utility.

We respectfully request your support of this measure.

Thank you.



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March 18, 2008

Testimony via email

COMMITTEE ON ENERGY AND ENVIRONMENT

Rep. Hermina Morita, Chair
Mele Carroll, Vice Chair

SB 2849 SD1
RELATING TO AGRICULTURAL LANDS

Committee Chairs and Members,

Hawaii's Thousand Friends, a statewide non-profit land use organization, proposes the following amendment to SB 2849 SD1.

Section 3. Section 205-4.5 (12)

We support the intent of this section to help ensure that former plantation workers are not evicted from their plantation homes of many years but we are concerned that this section could be used to permit **new** non-farm related housing. To avoid confusion we recommend the following amendment:

In the second line delete [an established] and replace it with an existing subdivision.... This better reflects the intent to protect existing plantation homes and the workers who live in them.