



STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION
235 S. Beretania Street, Room 205
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**TESTIMONY OF ALFREDO LEE
EXECUTIVE DIRECTOR
AGRIBUSINESS DEVELOPMENT CORPORATION**

**BEFORE THE HOUSE COMMITTEE ON
WATER, LAND & OCEAN RESOURCES
AND AGRICULTURE**

**FEBRUARY 13, 2009
9:00 AM
ROOM 325**

**HOUSE BILL NO. 975
RELATING TO AGRICULTURAL WATER SYSTEMS**

Chairpersons Ito and Tsuji and Members of the Committees:

Thank you for the opportunity to testify in support of House Bill 975. The Agribusiness Development Corporation's (ADC) mission is to facilitate the transition of the State of Hawaii's former plantation land and water systems to diversified agriculture. In doing so our primary focus has been the acquisition and management of large scale agricultural land and water systems, for the benefit of local farmers and agribusinesses.

HB 975 supports the ADC's mission by making it easier to acquire agricultural water systems via gifting in addition to grant or purchase, and via an exemption from county ordinance subdivision requirements for such transactions. This can only serve to further benefit diversified agriculture in Hawaii.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



DAVID K. TANOUE
ACTING DIRECTOR
ROBERT M. SUMITOMO
DEPUTY DIRECTOR

February 13, 2009

The Honorable Clift Tsuji, Chair
and Members of the Committee on Agriculture

The Honorable Ken Ito, Chair
and Members of the Committee on Water,
Land, & Ocean Resources
State House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chairs Tsuji, Ito and Members:

**Subject: House Bill No. 975
Relating to Agricultural Water Systems**

The Department of Planning and Permitting respectfully **opposes** House Bill 975, which exempts private land acquired by the agribusiness development corporation through grant, purchase, or gift, from the requirements of the county subdivision regulations.

Our opposition is based on two reasons. First, there would be no review of the action for health and safety concerns. One of the purposes of the county subdivision regulations is to ensure that any lots that are subdivided will be provided with adequate access, and the necessary utilities for the intended use or development. Additionally, the proposed lots must be shown to be suitable and not prone to flooding, bad drainage, slides, rockfall, or other conditions likely to be harmful or dangerous to health, safety or welfare of residents or the surrounding community. Without compliance with these county subdivision requirements, lands may be subdivided and offered or gifted to the corporation that do not meet the preceding criteria and may become a liability to the state. Also, once subdivided without county approval, portions of lands may be retained by the private owner or grantor, and be further developed or sold without the facilities necessary to support such development and without mitigating or rectifying conditions likely to be harmful to health, safety or welfare. The landowner may be more vulnerable to liability issues without county oversight.

The Honorable Clift Tsuji, Chair
and Members of the Committee on Agriculture

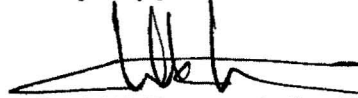
The Honorable Ken Ito, Chair
and Members of the Committee on Water,
Land, & Ocean Resources
State House of Representatives
Re: House Bill No. 975
February 13, 2009
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Second, lots that are subdivided and recorded without county approval will lack an official record with the county and may not be recognized. The absence of records with the county will also hinder the issuance of future building or other development permits.

Accordingly, we respectfully request that House Bill No. 975 be amended to eliminate the exemption from county subdivision requirements; or if the exemption is maintained, to allow for a subdivision application to be filed with the county after the property is acquired.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read 'DKT', is written over a horizontal line.

David K. Tanoue, Acting Director
Department of Planning and Permitting

DKT: jmf
hb975-mst.doc



Hawaii Agriculture Research Center

Administration: P.O. Box 100, Kunia, HI 96759

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

HOUSE BILL 975

Relating to Agricultural Water Systems

February 13, 2009

Chairmen Ito and Tsuji, Vice Chairs Har and Wooley, and Members of the Committees:

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

HARC strongly supports House Bill 975.

This bill authorizes the Agribusiness Development Corporation to acquire agricultural water systems to provide water for irrigation of agricultural lands. It exempts agricultural water systems from the subdivision requirements of county ordinances and will do much to promote farming across the state.

Thank you for the opportunity to testify in support of Hawaii's agricultural needs.



Legislative Testimony
HB 975, RELATING TO AGRICULTURE
House Committees on Agriculture and Water Land, & Ocean
Resources

February 13, 2009

9:00 a.m.

Room: 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS, with amendments**, H.B. 975, which would authorize the Agribusiness Development Corporation to acquire agricultural water systems to provide water for irrigation of agricultural lands. This bill also seeks to exempt agricultural water systems conveyed to the Agribusiness Development Corporation from the subdivision requirements of county ordinances.

OHA understands that the Agribusiness Development Corporation was established to facilitate and provide direction for the transition of Hawai'i's agriculture industry from a dominance of sugar and pineapple to one composed of a diversity of different crops. We are supportive of this mission and see our state's utter reliance on imported foods as a real problem. By diversifying our local agriculture, we could become our own breadbasket once again. Food security and the high cost of imported goods effects us all. Additionally, a large number of OHA's beneficiaries are engaged in agricultural endeavors that this bill potentially could support.

We request some clarification in the proposed new section, to be appropriately designated, 163D-__ (b). We suggest adding the following, underlined language at the end of the proposed new language on line 16 of page 1 of the bill: "The conveying of the property of an agricultural water system to the corporation shall be exempt from county subdivision requirements for irrigation of agricultural lands purposes only." It is important that the potential exemption from subdivision requirements not be abused and to be in line with the intent of this bill, which is to support agriculture.

Therefore, OHA urges the Committee to PASS HB 975 with that specific amendment. Thank you for the opportunity to testify.



KAMEHAMEHA SCHOOLS

February 11, 2009

TESTIMONY TO THE HOUSE COMMITTEE ON AGRICULTURE
AND THE COMMITTEE ON WATER, LAND, & OCEAN RESOURCE

By

Kapu C. Smith, Senior Land Asset Manager
Endowment/ Land Assets Division
Kamehameha Schools

Hearing Date: Friday, February 13, 2009
9:00 a.m., Conference Room 325

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

Dear Chair Tsuji, Chair Ito and Committee Members:

**Testimony in Support of House Bill No. 975 Relating to Agricultural
Water Systems**

I am Kapu C. Smith, Senior Land Asset Manager for Kamehameha Schools' Kawaihoa Plantation in Waialua, Oahu. I am here to testify in support of H.B. 975 because it authorizes the Agricultural Development Corporation (ADC) to accept ownership of agricultural water systems without the requirement of county subdivision.

Since the 1920's, the water from Lake Wilson has been the primary source of irrigation water to Kamehameha Schools Kawaihoa Plantation. Unfortunately, the current owners are facing capital improvements and maintenance requirements which cannot be borne alone. Unfortunately,

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this process can be derailed by the requirement of subdivision for the ditch system which runs through numerous parcels with multiple owners. Both the cost and time to complete subdivision as a condition of conveyance would be prohibitive.

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Honolulu, Hawaii 96813

For this reason, I hope you will support H.B. 975. This will mean that county subdivision will not prevent the conveyance of agricultural water systems to ADC. In the case of Lake Wilson, it will provide the opportunity to preserve the water system for over 10,000 acres of land on the North Shore of Oahu.

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