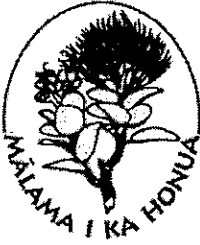


TESTIMONY
SB1601 SD1
LATE



Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.538.6616 hawaii.chapter@sierraclub.org

LATE TESTIMONY

SENATE COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

February 22, 2010, 3:00 P.M.
(*Testimony is 1 page long*)

TESTIMONY COMMENTING ON SB 1601 SD1 WITH A PROPOSED AMENDMENT

Aloha Chair Hee and Members of the Committee:

The Hawai'i Chapter of the Sierra Club offers the following comments on SB 1601 SD1, which requires at least one member on the Land Use Commission be someone who owns or is primarily employed by a farming operation.

While we support the intent of this bill, we are concerned that the largest representative of the agricultural community -- the Hawaii Farm Bureau -- has taken positions contrary the interest of a small or traditional farmer. For example, the Hawaii Farm Bureau recently testified in support of a development project at Koa Ridge that, based on the developer's expert, would result in the loss of 5% of O'ahu's available agricultural land (see attached). It's hard to see how any farmer benefits in the loss of one of the largest commercially viable, prime agricultural parcels with easy access to the biggest market in the state.

If this bill proceeds, we suggest it be amended to include the appointment of an environmentalist to ensure that environmental interests are also represented. For example, language could be included stating "at least one member shall be a person who is a member of a Hawai'i environmental organization." While we recognize this language may not be perfect, we offer it as a starting point to continue the dialogue.

Mahalo for the opportunity to testify.

LATE TESTIMONY

State Senate
COMMITTEE ON Water, Land, Agriculture and Hawaiian Affairs
DATE: Monday, February 22, 2010
TIME: 3:00 p.m.
PLACE: Conference Room 229

I OPPOSE SB 1601, SD 1. This bill's premises are flawed.

If at least one member has to be a person who "owns or is primarily employed by a farming operation, as defined in section 165-2", all you are doing is slanting representation by big agribusiness entities. HRS §165-2 (attached) defines "farming operations" so broadly, it could include representatives from big commercial and industrial activities, like Alexander and Baldwin, Castle and Cooke, East Maui Irrigation, Wailuku Water Company, Waiahole Irrigation Company, C. Brewer Chemical Company, and a host of agribusiness companies.

Why confirm what is already currently bad political practice? It simply gets the LUC farther and farther from the original intent to fill the commission with those who have a broad perspective on how to preserve land for food production and constrain urban areas to compact districts. If anything, the law should be amended to assure representation of planning, environmental, and Hawaiian cultural interest groups to counteract the current imbalance of commercial, industrial and union interests.

The Lingle Administration has exploited that omission by filling the LUC with those largely in step with big business and labor groups. This imbalance has led to purely political land use decisions. For example, in the case of the LUC proceedings dealing with Castle and Cooke Properties on Lana`i, the current commission has reversed a 1996 LUC order designed to exercise caution in the use of extremely limited water resources on the island. With no stated reason, the LUC in January voted unanimously to override 14 years of LUC caution with no rationale. This complete turn around is unprecedented and renders the LUC a sham.

Instead of this bill, please demand enforcement of the HRS chapter 205 as it currently stands by demanding that existing standards be met. This is no time to divert attention away from the product of 8 years of administration of a Governor who notoriously proposed to eliminate the LUC. What she could not do explicitly, she has already undermined with 8 years of appointment of commissioners completely unfriendly to the principles on which the LUC was founded.

Accordingly, I ask you to kill this bill now.

Alan T. Murakami
916D Auloa Road
Kailua, HI 96734

LATE TESTIMONY

HRS § 165-2 provides:

"Farming operation" means a commercial agricultural, silvicultural, or aquacultural facility or pursuit conducted, in whole or in part, including the care and production of livestock and livestock products, poultry and poultry products, apiary products, and plant and animal production for nonfood uses; the planting, cultivating, harvesting, and processing of crops; and the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment. "Farming operation" also includes but shall not be limited to:

- (1) Marketed produce at roadside stands or farm markets;
- (2) Noises, odors, dust, and fumes emanating from a commercial agricultural or an aquacultural facility or pursuit;
- (3) Operation of machinery and irrigation pumps;
- (4) Ground and aerial seeding and spraying;
- (5) The application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and
- (6) The employment and use of labor.

A farming operation that conducts processing operations or salt, brackish, or freshwater aquaculture operations on land that is zoned for industrial, commercial, or other nonagricultural use shall not, by reason of that zoning, fall beyond the scope of this definition; provided that those processing operations form an integral part of operations that otherwise meet the requirements of this definition. For all of the above reasons, I ask you to kill this bill.

LATE TESTIMONY



Hawaii Farm Bureau
F E D E R A T I O N

2343 Rose Street, Honolulu, HI 96819
Phone: (808) 848-2074; Neighbor Islands: 1-800-482-1272
Fax: (808) 848-1921; e-mail: info@hfbf.org

TESTIMONY

Re: SB 1601 Relating to the Land Use Commission

Chair Hee and Members of the Committee:

HFBF on behalf of our member farm and ranch families and organizations provides the following comments on SB1601, requiring a farmer on the Land Use Commission.

HFBF agrees from a purely agricultural perspective, this measure has merit. However, we also believe that agriculture's success in Hawaii is based on its' success within the larger business and social community. Land use decisions should be made on the long term vision of what is good for Hawaii vs. short term gains. The members of the Commission should be those capable of having this vision, and able to step beyond their individual interests.

We appreciate the recognition of the need for agricultural understanding on the Commission. At the same time, it cannot just be focused on one person but on every member of the Commission that is capable of understanding the complex interactions within the various entities that keep our State moving forward. One farmer on the Commission without others capable of grasping the role agriculture plays in the welfare of Hawaii today and tomorrow will be frustrating.

While individual members can have expansive knowledge of their individual fields or Counties, they must also have the capacity to see beyond their doorstep and make decisions based on the welfare of the majority and for the future. A greater appreciation of the complementary roles of designation and planning is critical. HFBF undertook the long process of implementing the Important Agricultural Lands initiative. Decision for classification as IAL is the responsibility of the LUC. However, this decision must be based on an understanding of what the designation means so future decisions on land use around and on these lands recognize that IAL is beyond a mapping exercise. To accomplish this goal, we need the entire Commission to be capable of understanding this need ...not just one member who must convince the rest. In summary we believe **all members of the Commission should be capable of developing an understanding of the complementary roles**

LATE TESTIMONY

of agriculture, rural, residential, conservation land use categories so the best decisions for the future of Hawaii can be made.

At the same time, if the intent of this measure is to help agriculture, a more direct method would be to support provisions to implement and fund provisions of the Hawaii Biosecurity Plan, capital for State matches to Federally funded agricultural projects, kill measures that can lead to negative impacts to our industry from animal welfare to odors and pass measures that contribute to the viability of farms and ranches.

Thank you for this opportunity to provide our opinion on this matter.

LATE TESTIMONY

From: Charles Zahn [czahn@hawaii.rr.com]
Sent: Monday, February 22, 2010 11:16 AM
To: WTLTestimony
Subject: SB1601, SD1

February 22, 2010

The Honorable Clayton Hee, Chair
Members of the Committee on Water, Land Agricultural and Hawaiian Affairs
State Senate
State Capitol
Honolulu, HI 96813

RE: Opposition to Senate Bill 1601, SD1, relating to the Land Use Commission

Dear Chair Hee and Committee Members,

My name is Charles Zahn and I respectfully oppose SB1601, SD1.

This bill is limiting in scope and does not serve the public well. There are many kinds of farmers with a range of experiences. What kind of farmer would qualify as an "expert?" Since the Land Use Commission approves petitions by developers to reclassify lands (i.e. from agricultural to urban) it seems that a farmer would have a grossly biased opinion, ultimately hurting the chance for smart, planned community development.

Please hold SB1601, SD1 in committee.

Thank you,

Charlie Zahn

92-970 Puanihi St.
Kapolei, HI

808-672-9655



LAND USE RESEARCH
FOUNDATION OF HAWAII
700 Bishop Street, Ste. 1928
Honolulu, Hawaii 96813
Phone 521-4717
Fax 536-0132

Via: WTLTestimony@Capitol.hawaii.gov

LATE TESTIMONY
LATE TESTIMONY

February 22, 2010

**COMMENTS to SB 1601 SD 1 Land Use Commission
(Requires that one member of the land use commission be a farmer)**

Honorable Chair Senator Clayton Hee, Vice Chair Senator Jill Tokuda and Members Senate Committee on Water, Land, Agriculture and Hawaiian Affairs:

My name is Dave Arakawa, and I am the Executive Director of the Land Use Research Foundation of Hawaii (LURF), a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF's missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources and public health and safety.

LURF supports the intent of this bill, however, **we cannot support SB 1601, SD1, as currently drafted**; and we appreciate the opportunity to provide our **comments and suggested revisions to SB 1601 SD 1.**

SB 1601 SD 1: provides that one member of the State Land Use Commission be a person who owns or is primarily employed by a farming operation, as defined in Section 205-1, Hawaii Revised Statutes § 165-2.

COMMENTS AND SUGGESTED REVISIONS. LURF and the Hawaii Farm Bureau Federation (Farm Bureau), along with other stakeholders, were the primary movers of the Important Agricultural Lands legislation over the past several years, which would preserve thousands of acres of land for agricultural use. Our comments and suggested revisions are as follows:

- There is no preamble to this bill, so there is no explanation of what this bill is trying to do, or what problem is sought to be remedied by this bill. **The lack of a preamble and legislative intent is a major impediment to the application of this new law;**
- We agree with the general argument put forth by the Hawaii Farm Bureau, that placing one farmer on the Commission, without other commissioners being able to grasp the role of agriculture, will not solve the problem. **"We believe all**

TESTIMONY
SB1601 SD1
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(END)