

TESTIMONY
SB 2780
LATE

LINDA LINGLE
Governor



SANDRA LEE KUNIMOTO
Chairperson, Board of Agriculture

DUANE K. OKAMOTO
Deputy to the Chairperson

LATE TESTIMONY

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

TESTIMONY OF SANDRA LEE KUNIMOTO CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON
WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS
FRIDAY, FEBRUARY 5, 2010
2:45 p.m.
Room 229

SENATE BILL NO. 2780 RELATING TO AGRICULTURAL LANDS

Chair Hee, Vice Chair Tokuda, and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 2780. The Department of Agriculture offers comments.

The proposed amendments to statutes relating to real property leases and the State land use district boundary amendment process appear to be in response to concern that prime agricultural lands and bona fide farming activities are being inadequately protected, and that the counties are not fulfilling their role as described in Act 183. County identification of potential IAL is fundamental to protecting agricultural land as intended in the IAL Act. To date, only Kauai County has begun a process to identify potential IAL in consonance with the process described in the IAL Act.

The purpose of this bill is to carry out Article XI, Section 3 of the Hawaii Constitution but limits the effect of the amendments to Oahu. As the constitutional mandate is statewide, so should the effect of the proposed amendments.

The bill amends Chapter 519 (real property leases) by mandating an extension of an existing lease if it already provides for renegotiation and the lessee has made or plans to make substantial improvements to the leased land. The extension of the existing lease in this situation is to be no less than 75 percent of the original lease term. This raises three concerns:

1. Does this requirement result in an unconstitutional impairment of existing contracts?
2. It appears this amendment would not apply to those leasehold farms such as truck farms that have no substantial improvements other than irrigated and planted fields (what is substantial?)
3. This amendment may have the adverse unintended consequence of causing owners of agricultural lands with "A" and "B" soils to not offer leases with a provision for renegotiation, or not allow substantial improvements to the leased land.

This bill amends Section 205-3.1 by repealing the counties authority to approve boundary amendment petitions for agricultural parcels less than 15 acres and containing "A" and "B" rated soils. The amendment to Section 205-4 prevents the Land Use Commission (LUC) from reclassifying agricultural lands with "A" and "B" ratings if it meets four criteria selected to protect agricultural activities and resources from urbanization. We will defer judgment on these two amendments until we have an opportunity to confer with the counties and the LUC on the effect of these proposed changes.

In the past year, nearly 31,000 acres of highly productive agricultural land on the islands of Kauai and Maui have been voluntarily identified by a private landowner and designated by the Land Use Commission (LUC) as IAL. This represents 31 percent of the approximately 100 thousand acres of agricultural land in active crop production in Hawaii (excluding cattle ranching). Farmers who lease their crop production land may also seek IAL designation, with the consent of the landowner. We are hopeful that other landowners and farmers will follow suit in a timely manner.

February 5, 2010

Glenn J. Oamilda
9-1179 Puamae'ole Street, 24V
'Ewa Beach, Hawai'i 96706
Email: imkanaka2@yahoo.com
Cell: (808) 295-4860

LATE TESTIMONY

Senator Clayton Hee, Chair
Committee on Water, Land, Agriculture, and Hawaiian Affairs
Hawai'i State Capitol, Room 229
Honolulu, Hawai'i 96813

REFERENCE: SENATE BILL 2780, RELATING TO AGRICULTURAL LANDS

Aloha, 'ano'ai, Chairman Hee and members of the Committee,

Thank you for allowing me the opportunity to present testimony this afternoon, and ask that you concur with me in support of this bill that protects all prime agriculture lands, namely all classified A and B lands on O'ahu. Mr. chairman, I cannot stress more the importance of preserving these prime agriculture lands.

My name is Glenn Oamilda, born and raised in Waipahu on the O'ahu sugar plantation, now residing in nearby 'Ewa Beach, where for the last twenty-five (25) years I have remained active and continue to be involved in community organizations and activities, political, social and cultural, with greater concerns over development issues and problems that have directly impacted my community and the greater 'Ewa region.

Mr. Chairman, the land, the 'aina, is our most important commodity we will ever own. Early Hawaiians thrived as an agriculture society; then Westerners came to Hawai'i and found cash in pineapple and sugar; proven not profitable, now tourism has replaced agriculture. However lately, tourism has fallen on lean times. I think we have learned from these experiences. We should be diligent, cognizant and aware that one day we will have no other choice but look toward and rely highly on agricultural lands for subsistence.

For nearly three generations my family lived on the sugar plantation that supported, sustained and maintained my family of eight children. The accumulative years of service totaled over a century, who toiled and worked those sugar fields, starting with my grandfather, my father (each retired after forty-eight years), and lastly, my brother. My wife's family, too, lived on the sugar plantation. Her father and grandfather worked for the 'Ewa plantation, both each retired after forty

LATE TESTIMONY

years of service.

So you see Mr. Chairman, I think agriculture lands will be the economic engine that will drive our subsistence and survival. Vote to pass this Bill.

Mahalo, 'io 'oe

A handwritten signature in black ink, appearing to read "Henry J. Davis, U.S.A.", written in a cursive style.

From: Sharie Phillips-Swatek [storytellerhi@gmail.com]
Sent: Thursday, February 04, 2010 5:13 PM
To: WTLTestimony
Subject: SB2780

LATE TESTIMONY

Senator Hee,

My husband and I support the preservation of agricultural lands. Hawaii must be self sufficient to have a prosperous future. We believe that once built upon it will be near impossible to return land to agriculture.

Sincerely,

Sharie and Michael Swatek
91-223 Hoku Imo Place
Kapolei Hawaii 96707

From: Victoria Cannon [vsc@hawaiiantel.net]
Sent: Thursday, February 04, 2010 5:25 PM
To: WTLTestimony
Subject: SB 2780

LATE TESTIMONY

Re: 2780 We need to protect agrucultural lands. Stop building on these lands. I support SB 2780 Victoria Cannon
vsc@hawaiiantel.net Makakilo, Hawaii

From: Iuli, Pua [Pual@kapiolani.org]
Sent: Thursday, February 04, 2010 5:28 PM
To: WTLTestimony
Subject: SB 2780

LATE TESTIMONY

I whole heartedly support SB 2780 and its expressed goal to preserve agricultural land. The whole island of O'ahu would be covered with concrete if the developers had their way. We cannot reverse the effects once it is done. We must think about our keiki future and the long term impact of continued development and what impact it will have on our present population. Please, let's think with our na'au and not our pocketbook.

Pua Iuli, LSW
95-310 Waianuhea Place
Mililani, HI 96789
PH: 623-5370

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From: carltonreed [carltonreed@hawaii.rr.com]
Sent: Thursday, February 04, 2010 5:43 PM
To: WTLTestimony
Subject: SB 2780

LATE TESTIMONY

To whom it may concern:

I support SB 2780 and its express goal of protecting Agricultural Lands. I find it very discouraging that the community at large is unable to take a stand on improving what land is available on Oahu for growing and harvesting fresh vegetables to sell on the open market rather than importing at a growing cost.

Continue on the current Expansion Course our legislatures are on now would certainly insure more homeless and degradation of reefs, fishing, and tourist business around this Beautiful Island.

Mr. Carlton L Reed
92 856 Kohupono Street
Kapolei, HI 96707-1216

"You cannot build character and courage, by taking away men's initiative and independence." - ABRAHAM LINCOLN

hee3 - Michael

From: Daniel Loucks [dsloucks@hotmail.com]
Sent: Thursday, February 04, 2010 5:54 PM
To: WTLTestimony
Subject: SB 2780

LATE TESTIMONY

We support SB 2780 and its express goal of protecting agricultural lands. We need to move towards food self-sufficiency, which cannot occur if we pave over our best agricultural lands.

DAN AND CHERYL LOUCKS
MAKAKILO RESIDENTS

Your E-mail and More On-the-Go. Get Windows Live Hotmail Free. [Sign up now.](#)

I [redacted]tel

From: Choon [choon@hawaii.rr.com]
Sent: Thursday, February 04, 2010 6:18 PM
To: WTLTestimony
Cc: choon
Subject: SUPPORT - SB 2780

LATE TESTIMONY

Importance: High

I support SB 2780

This is very consistent with the sentiments and goals of the Hawaii 2050 guidelines.

We live in a little island in the middle of the Pacific Ocean.

Food Security must be part of this island's strategic planning.

We do not know fully what the future will hold in terms of economy, trends and disruptions that may occur

but we do know one thing, we all need food to survive.

Agricultural lands, once paved over, are gone forever.

Thank you for your concern and efforts in this endeavor.

Choon James, Realtor, B.A,
"Marketing Properties We Would Buy Ourselves!"
55-052 Naupaka Street
Laie Hawaii USA 96762

808 293 9111
choon@lava.net
<http://www.CJRealEstateHawaii.com>
<http://www.CountryTalkStory.com>

LATE TESTIMONY

From: Connie Cadiz [cadizc003@hawaii.rr.com]
ent: Thursday, February 04, 2010 6:28 PM
fo: WTLTestimony
Subject: My Support in Protecting Agricultural Land - SB 2780

I support SB 2780 and its express goal of protecting agricultural lands. We need to move towards food self-sufficiency, which cannot occur if we pave over our best agricultural lands.

Conchita Cadiz
92-338 Akaula Street
Kapolei, HI 96707
Phone: 808-672-9809

LATE TESTIMONY

From: Donald Brown [brownd041@hawaii.rr.com]
Sent: Thursday, February 04, 2010 6:51 PM
To: WTLTestimony
Subject: SB2780

Dear Senator Clayton Hee:

I keep hearing the word "sustainability" bantered about too lightly: on the one hand we maintain that we must reduce our dependency on out-of-state food suppliers, but on the other hand we entertain the possibility of destroying our prime agriculture lands for "progress." Well, we can't have it both ways! For this reason I support SB 2780 and its express goal of protecting agricultural lands. We need to move towards food self-sufficiency, which cannot occur if we pave over our best agricultural lands."

Sincerely yours,

Donald A. Brown
92-7070 Elele St.
Kapolei, Hawaii 96707

LATE TESTIMONY

From: Dr. Kioni Dudley [drkionidudley@hawaii.rr.com]
Sent: Thursday, February 04, 2010 6:55 PM
To: WTLTestimony
Subject: Testimony for SB 2780

I will be there to testify.

Regarding: **Support of SB 2780** February 5, 2010. 2:45p.m. Rm. 229

Aloha, Chair Yee and Committee,

My name is Dr. Kioni Dudley. I am the president of the Friends of Makakilo. We have more than 500 members. I am authorized to speak for those members.

I was also an intervenor at the Land Use Commission hearings when the Ho'opili project was discussed and their petition was declared to be deficient.

I speak in support of this bill. It is necessary because we have lost too much of our agricultural land already. If we don't preserve what we have left, we will not be able to survive on this island.

Show Alish map.

All of the A and B lands in Waianae, Kunia, the North Shore, and Waimanalo are taken.

All of the A and B lands in the central area are covered over with Miliani, Waipio Gentry, Waikele, Village Park, and Royal Kunia.

Much of the good land on the Ewa plain is covered over with Kapolei, Ewa by Gentry, and other developments.

The north shore can only grow things that don't touch the ground because of the water from Lake Wilson – sewer water for decades.

What is left? Ho'opili Koa Ridge Waiawa Some Castle and Cooke and by Dole tourist shops.

DOH forbids growing vegetables on land irrigated by Lake Wilson water.

If these lands go, we will lose about 1/2 of the fresh vegetables grown in Hawaii.

The State Constitution gives the legislature the task of preserving our agricultural lands. The legislature has delegated that task to the Land Use Commission, but the legislature sets the laws and administrative rules by which the LUC works. It is therefore proper for the legislature to mandate the directives in this bill.

As stewards of this land for future generations, we need to consider the many things that could make it impossible for them to survive without these lands.

War Pandemics Rising seas High oil prices making imports financially unfeasible

It is therefore incumbent upon this legislature to protect these last farm lands.

I want to tell you also that the people of this state want these lands kept in agriculture. Three polls were taken recently which show this

planned? KHON-2 poll, August 30. Should the proposed development on the Ewa Plain go through as
87% no 12% yes

Advertiser poll August 30 Do you support the Ho'opili project, which is in line with the overall
development plan for the area? No 78% Yes 17%

Advertiser poll, October 19. Should the Ewa urban growth boundary be changed to protect agricultural land? 87% yes 17% no

The people of this area and of the island want to keep this land in agriculture.

I would like to introduce my wife, Doris Dudley, who will tell you of our petition signed by more than 4000 people, and of her experience when going door-to-door.

LATE TESTIMONY

From: Jeannine Johnson [jeannine@hawaii.rr.com]
Sent: Thursday, February 04, 2010 7:03 PM
To: WTLTestimony
Subject: Testimony in Strong Support of SB2780 Relating to Agricultural Lands

Aloha mai kākou,

I'm sure you will hear from the Land Use Research Foundation, the Hawaii Board of Realtors, developers, and large land owners vehemently opposing this bill at the expense of sustainable agriculture for the production of food for future generations. However, each of you have the power to do the pono thing for sustainable agriculture, for the good of the people of Hawai'i. It is YOUR kuleana to protect our agricultural lands.

Mahalo,

Jeannine

Jeannine Johnson
5648 Pia Street
Honolulu, Hawai'i 96821
Ph: 373-2874 / 537-7261 (work)
Email: jeannine@hawaii.rr.com
"PUPUKAHI I HOLOMUA"
(Unite in Order to Progress)

LATE TESTIMONY

From: Dorner [dorners@hawaiiantel.net]
Sent: Thursday, February 04, 2010 7:19 PM
to: WTLTestimony
Subject: SB 2780

Dear Committee Members,

I am writing to you to show my strong support for SB 2780 and its goal of protecting agricultural lands. One of the many things we have learned from the recent natural disasters around the world is the need for self-sufficiency. We in Hawaii are now at the mercy of the shipping companies to provide the majority of our fresh food and vegetables. Locally grown food is healthier, more nutritious and provides jobs during these tough economic times. Please stop the powerful builders and their full time legal staffs from recklessly throwing up homes on top of this precious resource, our agricultural lands.

Mahaio,

Ken Dorner
Homeowner in the Villages of Kapolei

LATE TESTIMONY

From: Bert Ingalls [ingallsa001@hawaii.rr.com]
Sent: Thursday, February 04, 2010 7:22 PM
To: WTLTestimony
Subject: SB 2780 PROTECTING AG LANDS

Aloha

To whom it may concern.

I am responding in favor of SB2780 that you have under consideration.

Please consider the following:

1. **The AARP Magazine for September/October 2008 lists the 10 healthiest cities in the US. Honolulu was ranked #2** due to Hawaii's warm weather, postcard-ready scenery and the fact that residents spend more time exercising than do people in almost any other city they surveyed. **The negatives - "...the traffic is awful..."** **On the plus side the article states - "...residents stand to gain from Honolulu's commitment to preserving the island, with strict growth limits, sustainable-tourism efforts and progress to protect views and the shoreline..."** **Don't make liars out of them!!!** - the island needs it's open spaces and ESPECIALLY ITS FARM LANDS. SB 2780 has as its express goal that of protecting our rich agricultural lands, thus keeping the Leeward area from becoming a concrete jungle with TOTAL gridlock on our roads by preventing the LUC from reclassifying them. Please respond favorably towards it.

Mahalo,

Bert Ingalls
92-1364 Hunekai St
Kapolei, Hawaii
383-6328

LATE TESTIMONY

From: RICHARD POIRIER [rpoirier3@msn.com]
Sent: Thursday, February 04, 2010 7:54 PM
To: WTLTestimony
Subject: Testimony Regarding SB 2780 - relating to agricultural lands

The residents of Central Oahu strongly support SB 2780.

The gradual and inevitable encroachment of urbanization on and at the expense of prime and important agricultural lands has resulted in developments in our Central plain lacking suitable regional transportation infrastructure. This in turn has led to increased daily travel times from Mililani to Honolulu--a distance of only 17 miles--in an excess of one hour and 15 minutes each way, which is projected to rise to two hours each way by the year 2030. Continuing to pave over our best agricultural lands will do little to resolve the problem of inadequate infrastructure, especially in view of the fact that Federal, State, and county financial resources necessary to fund our much-needed schools and roads are projected to diminish substantially in the years ahead.

SB 2780 will both promote and encourage the continued productive use of our precious agricultural lands while at the same time discourage their premature urbanization.

Thank you for the opportunity to comment on this important bill of mutual concern.

Richard G. Poirier, Chair
Mililani/Waipio/Melemany Neighborhood Board #25

LATE TESTIMONY

From: Nani Bacon [naninrichintheshade@hotmail.com]
Sent: Thursday, February 04, 2010 7:58 PM
To: WTLTestimony; Dr. Kioni Dudley
Subject: SB 2780

To Whom It May Concern: I support SB 2780 and its express goal of protecting agricultural lands. We need to move towards food self-sufficiency for our community and the livelihood of future generations, which cannot occur if we pave over our best agricultural lands.

Your E-mail and More On-the-Go. Get Windows Live Hotmail Free. [Sign up now.](#)

LATE TESTIMONY



LIFE OF THE LAND

76 North King Street, Suite 203

Honolulu, Hawai'i 96817

Phone: 533-3454; E: henry.lifeoftheland@gmail.com

COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

Senator Clayton Hee, Chair

Senator Jill N. Tokuda, Vice Chair

Date: Friday, February 5, 2010

TIME: 2:45 PM

PLACE: Conference Room 229

Testimony: WTLTestimony@Capitol.hawaii.gov

Re: SB 2780 RELATING TO AGRICULTURAL LANDS

SUPPORT

Aloha Chair Hee, Vice Chair Tokuda and Members of the Committee

Description: SB 2780 protects agriculturally suitable lands on Oahu (lands with productivity ratings of "A" or "B"). Provides for mandatory extension of agricultural leases

Life of the Land is Hawai'i's own energy, environmental and community action group advocating for the people and `aina for four decades. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

Analysis: According to the bill the acres of class A&B lands in Hawaii has decreased from 360,000 (1960) to 172,000 (2007), a decrease of 186,000 acres in 37 years or an average of 5000 acres/years. Projecting forward, with the same loss rate, we will have no A&B land left in 35 years (2042).

According to the bill the acres of cultivation land on Oahu declined from 125,000 (1982) to 70,000 (2005), a decrease of 55,000 acres over a 23 year period, or 2400/year. Projecting forward, with the same loss rate, Oahu will have no land under cultivation in 29 years (2034)

Life of the Land's Position: Please protect our dwindling agricultural base. Hawai'i needs agricultural land to become food self-sufficient.



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 5, 2010, 2:45 P.M.

(Testimony is 1 pages long)

TESTIMONY IN SUPPORT FOR SB 2780

Aloha Chair Hee and Members of the Committees:

The Hawai'i Chapter of the Sierra Club supports SB 2780, which could be considered a required moratorium on the development of O`ahu's dwindling supply of agricultural land.

As development pressure continues to increase, and lands needed to provide our people with food and energy are being lost to speculation, we need to start taking unprecedented steps -- like this measure -- to protect our remaining agricultural land. We have to stop giving away the farm.

Agricultural lands currently in use or with excellent potential for agricultural productions are a finite and irreplaceable resource in Hawai'i. There has been a steady decline in the number of acres in Agricultural District statewide and on O`ahu. Since 1991, approximately 3,297 acres of "A" and "B" rated lands have been lost on O`ahu alone. Approximately 10,900 acres of farm land of this quality are estimated to remain on O`ahu.¹ Two large development proposals are currently planning to develop large portions of this remaining agricultural land (Koa Ridge would be equivalent to 5% of the remaining land alone).

As you may be aware, Hawai'i imports close to 90% of its food supply. As the cost of oil increases, we must prepare for the day when it may no longer be economical to ship in our food. That type of tragedy would dwarf the small economic potential of developing parking spots and urban sprawl on this land today.

Thank you for this opportunity to provide testimony.

¹ Castle & Cooke/Koa Ridge Final Environmental Impact Statement, page 4-21.

LATE TESTIMONY

From: Pearl Johnson [pearlj@hawaii.rr.com]
Sent: Thursday, February 04, 2010 8:25 PM
To: WTLTestimony
Subject: SB 2780

The League of Women Voters of Hawaii supports SB 2780. 55% of prime A and B agricultural land has already been developed and thus never again available for growing food. We must protect the remaining agricultural land. Hawaii needs to grow more of its own food and not rely on imports for 80 to 90 % of its food.

Pearl Johnson, President
League of Women Voters of Hawaii
2404 Kanealii Ave.
Honolulu, HI 96813
537-5471

LATE TESTIMONY

From: skyewhite@yahoo.com
Sent: Thursday, February 04, 2010 8:11 PM
To: WTLTestimony
Subject: RE: SB 2780

I support SB 2780 and its express goal of protecting agricultural lands. Don't over burden the land, when it can be use for sustainable needs. Our State of Hawaii 2050 Sustainability Plan calls for Hawaii to use more land to grow and not depend on food shipped. Shipped produce and meats are knowingly less healthy, when food can be grown and eaten fresh, here in Hawaii. Please recognize that we the people of Hawaii, are very much aware of who is voting for and against what's right for it's citizens and the Aina. Save and Aina, you will save the people.

U.S. White
Honolulu, HI 96814
808-341-7863

LATE TESTIMONY

From: Jim & Cyndy Pratt [jcpratt@hawaiiantel.net]
Sent: Wednesday, January 21, 1970 11:43 PM
To: WTLTestimony
Subject: This Kapolei High School Teacher is in favor of SB2780

Senator Hee and Committee,

It saddens me and my culinary arts high school students to think the beautiful Ewa plains currently producing food for our island families may someday be gone forever. The thought of more homes in what has become urban sprawl in Kapolei is disheartening. More homes upon homes does not a community make, and **we cannot eat concrete.**

Mrs. Cynthia Pratt
Teacher, Kapolei High School
Food Service I, II and Food Science & Nutrition

LATE TESTIMONY

From: harmony bentosino [harmonyrainbow5@yahoo.com]
Sent: Thursday, February 04, 2010 8:56 PM
To: WTLTestimony
Cc: Kioni Dudley

I am writing in support of HB2780. We need to preserve agricultural land because it is irreplaceable once we lose it, & much of it is prime farmland. Oahu needs to become more self sufficient with food.

Sincerely, Harmony Bentosino

LATE TESTIMONY

From: Richard Valasek [richard.valasek@gmail.com]
Sent: Thursday, February 04, 2010 9:56 PM
To: WTLTestimony
Subject: SB2780

Hawaii needs to move toward sustainability and our agriculture lands need to be protected and local agriculture promoted. A local agriculture creates healthy and stable communities. Please pass SB 2780.

Thank you

Richard Valasek, RN

LATE TESTIMONY

From: Jim & Cyndy Pratt [jcpratt@hawaiiantel.net]
Sent: Thursday, January 22, 1970 12:54 AM
To: WTLTestimony
Subject: This Kapolei High School Teacher is in favor of SB2780

Senator Hee and Committee,

It saddens me and my culinary arts high school students to think the beautiful Ewa plains currently producing food for our island families may someday be gone forever. The thought of more homes in what has become urban sprawl in Kapolei is disheartening. More homes upon homes does not a community make, and **we cannot eat concrete.**

Mrs. Cynthia Pratt
Teacher, Kapolei High School
Food Service I, II and Food Science & Nutrition

LATE TESTIMONY

From: Ann Freed [annfreed@hotmail.com]
Sent: Thursday, February 04, 2010 11:17 PM
To: WTLTestimony
Subject: RE: SB2780 testimony correction

Please note I have corrected the typo in previous testimony that read SB2789. (see bold below.)

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

>

> Senator Clayton Hee, Chair

> Senator Jill N. Tokuda, Vice Chair

>

> Aloha kakou Senators Hee and Tokuda,

>

> I am offering testimony in SUPPORT of **SB2780**. This important bill aimed at preserving the few agricultural lands we have left on Oahu and the neighbor islands must be enacted and quickly before our precious aina is gone forever.

>

> Consider the facts. We are the most isolated population on the planet yet we grow only 15% of our food and are totally dependent on imported oil for our energy requirements.

>

> With the scandals over tainted pet foods from China, recent salmonella and other imported food contaminations coupled with the threat of natural disasters that has been increasing in recent years, we need food security that can only be achieved by growing more of our own.

>

> In addition Hawaii is unique among the fifty states in that more than 90 percent of its

> energy comes from oil. Because we are isolated geographically, Hawaii cannot

> draw power from neighboring states and also must import every

> barrel of oil and ton of coal it uses. This lack fuel independence makes the preservation of AG lands for biomass fuels as well as food all the more urgent.

>

> Global warming is not going away and neither is it's effects on weather conditions, making the threat of extreme weather of all kinds more likely. We as a State are not prepared for a major disaster. Like Haiti we are an island State. Unlike Haiti we are even more remote from help.

>

> We have already paved much of paradise and put up many parking lots. The developers and real estate moguls have argued that residential development in Central Oahu, the Leeward Coast and the North Shore will create jobs, provide affordable homes for future generations and be "green."

>

> These arguments are a sleight of hand designed to direct your/our attention away from the dire consequences of continuing down the beaten path. First, the jobs that would be created will dry up when residential project development is over, which must happen at some point as land here is a very finite resource. Secondly, try and get the developers to give you a price for an "affordable" three bedroom home. They will hedge and try to avoid the question. By my calculations these so-called affordable homes will range from \$400,000 to \$600,000. So I ask for whom are these homes affordable? Certainly not those most in need of housing. Third - green communities - really? Not when the mere existence of these communities takes away agricultural land forever.

>

> I believe we must stop urban sprawl on this island. The plan should be to build up in the already urbanized areas, not out into what is left of our open spaces and agricultural lands. It is said that when tribal native American elders met to consider matters of importance they weighed the results of their decisions out to the seventh generation. We must do likewise and consider the future of our fragile and beautiful islands.

>

> with aloha,

>

> Ann S. Freed

> 95-227 Waikalani Dr. A403

> Mililani, HI 96789

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LATE TESTIMONY

Testimony on SB 2780, Relating to Agricultural Lands

Hawaiian Affairs

Senate Committee on Water, Land, Agriculture and

Friday, February 5, 2010

9:00 a.m.

Conference Room 312

**Chair Hee, Vice Chair Tokuda, and Members of the Committees,
In support of SB 2780**

This measure would safeguard the agricultural use of some of Oahu's best farmlands. With the price of oil projected to rise dramatically over the next decade, *it is imperative that we take coordinated steps to grow our food security now.*

Hawaii Farmers Union is the newest branch of the National Farmers Union – America's oldest and most distinguished farming organization, representing nearly 300,000 members nationwide and advocating for family farmers, ranchers, fishers and rural communities since 1902.

National Farmers Union's focus on the viability and prosperity of family farmers extends to a concern for healthy communities, stewardship of natural resources and a just distribution of economic resources – beyond borders and for urban as well as rural people everywhere.

Established as a subdivision of the California Farmers Union in 2008, Hawaii Farmers Union now has active chapters on Kauai, Oahu, Maui, and Hawaii Island, HFU currently represents approximately 150 members with membership and interest growing weekly.

Thank you for your conscientious efforts to preserve prime agricultural lands for food production.

Sincerely,
Eden Marie Peart

President, Hawaii Farmers Union
hawaiifarmersunion@gmail.com
www.hawaiifarmersunion.org
www.nfu.org

LATE TESTIMONY

From: luanlani@juno.com
Sent: Thursday, February 04, 2010 11:35 PM
To: WTLTestimony
Cc: drkionidudley@hawaii.rr.com; Thad@thad.com
Subject: SB 2780

Your Honorable Senator Clayton Hee:

Our Family of three generations supports SB2780 for the following reasons:

1. Prime agriculture lands are the gifts of nature. They are irreplaceable. We need to Cherish, manage and preserve them for our own survival.
2. The ever changing world condition and situation due to economical, political, military, terroristic and pandemic conditions may require us to be totally self sufficient in food production.
3. Houses can be best built on stable soil without destroying the unstable prime agricultural lands.
4. I bought and currently own several new homes in Kapolei/Makakilo. I am for new homes. I am still in the market for more but NOT at the expense of prime ag land.

This ohana againsts rezoning ag lands and supports SB2780

Sincerely,

The Luan, Zaehler and Ichinose Family

LATE TESTIMONY

From: kaaina@me.com
Sent: Thursday, February 04, 2010 11:46 PM
To: WTLTestimony
Subject: SB 2780

Re: SB 2780 "Relating to Agricultural Lands"

I support SB 2780 and its goal of preventing the loss of Hawaii's agricultural land to housing and building projects. Our ag lands are a precious resource that cannot be brought back once they are lost. Man can make houses and buildings, but Man cannot make ag land.

Man *can* destroy ag land. Let's fulfill our responsibilities and not let that happen.

Hawaii is the most isolated land mass in the world. It is essential that it be able to have food self-sufficiency in an emergency, but we have been rapidly moving toward making that all but impossible. Besides, local and fresh is best. With all due respect to the nations of Mexico and China (and others), for the sake of my health, I avoid their produce whenever possible. So far it's possible. I hope I won't soon be put in a position where it's not possible.

Patricia Beekman
West Honolulu, Hawaii

LATE TESTIMONY

From: inwaikele@aol.com
Sent: Friday, February 05, 2010 12:00 AM
To: WTLTestimony
Subject: SB 2780

I support SB 2780 which seeks to preserve our agricultural lands.

We need to continue to protect the best agriculture land. Once rezoned, they're gone and we will suffer as a result. We need to preserve ag lands to assure we have an in-state source of food and to preserve green space.

Further, global issues such as rising seas, the ever higher cost of fuel will impact our ability to obtain our foods from outside of our state.

Sincerely,

Wayne Oshiro
Kapolei Resident.

LATE TESTIMONY

From: hauoli83@hawaii.rr.com
Sent: Friday, February 05, 2010 12:05 AM
To: WTLTestimony
Cc: Pearl Johnson
Subject: Testimony on SB 2780

Aloha. Please relay this testimony for Friday's WTL 2:45 hearing in Conf Rm 229.

I support SB 2780 and its expressed goal to protect agricultural lands. Hawaii needs to move towards food self-sufficiency and do all it can to achieve it. We cannot continue to pave over or grow houses on our agricultural lands.

Mahalo.

Piilani Kaopuiki
McCully, Oahu
946-4936

LATE TESTIMONY

From: Karen Luke [nahele@yahoo.com]
Sent: Thursday, February 04, 2010 11:42 PM
To: WTLTestimony
Subject: In support of SB 2780

Aloha,

I support SB 2780.

Agricultural lands are fast diminishing and SB2780 is the right way to protect our future. We need food.

Mahalo,

Karen Luke
91-429 Ewa Beach Road
Ewa Beach, HI 96706
Phone: 689-3798

LATE TESTIMONY

From: Karen's Gmail [valasek.karen@gmail.com]
Sent: Friday, February 05, 2010 1:16 AM
To: WTLTestimony
Subject: SB2780

Hawaii needs to move toward sustainability and our agriculture lands need to be protected and local agriculture promoted. A local agriculture creates healthy and stable communities. Please pass SB 2780.
Thank you
Richard Valasek, RN

LATE TESTIMONY

From: Charles A Fox [old70walker@juno.com]
Sent: Friday, February 05, 2010 1:28 AM
To: WTLTestimony
Subject: SB 2780

I support SB 2780. We need to retain every bit of farm land in farming, to help feed our people.

Once land is paved over, it can never be recovered to grow crops.

Charles Fox 92-7038 ELELE St. Kapolei, (Makakilo)
Hawaii. 96707 old70walker@juno.com

LATE TESTIMONY

From: Antya Miller & Boyd Ready [millera012@hawaii.rr.com]
Sent: Friday, February 05, 2010 7:59 AM
To: WTLTestimony
Subject: Testimony in Support of SB 2780

Importance: High

Aloha,

I urge you to vote in favor of SB 2780 protecting agricultural lands. We need to become more food self-sufficient instead of importing 95% of our food. We are in a precarious position if there were to be a pandemic flu or other crisis.

In addition, open space is imperative for our tourism. Visitors do not want to see parking lots and housing. Agriculture lands provide open space and scenic views. Please don't allow "Pave paradise by putting up a parking lot." Paving our best agricultural lands is sacrilegious.

Sincerely,
Antya Miller
59-661 Alapio Road
Haleiwa, HI 96712
808-638-8462

LATE TESTIMONY

From: pat missud [missudpat@yahoo.com]
Sent: Friday, February 05, 2010 7:44 AM
To: WTLTestimony
Subject: Testimony in SUPPORT of SB 2780:

Thoughts from a tourist's point of view:

We don't come to Hawaii to look at the same developments as on the mainland;
We do come to HI to see the ocean, green rolling hills, sunshine, quick rain showers and rainbows;
We leave the mainland to escape congestion brought on by high population density;
We come to HI to experience the 'laid back lifestyle' where the natives don't rush around like city folk;
When we book rooms and hotels, we prefer the small bed and breakfasts over the modern corporate inns
because they offer more charm and plantation feeling of old, like when HI grew more pineapples, sugarcane and poi.
If I want to visit concrete, strip malls and developments, I'll stay in San Francisco or visit NYC.

Please Keep Hawai'i Hawai'i . Support SB2780

Pat Missud

San Francisco

LATE TESTIMONY

From: aiu0829 [aiu0829@hawaii.rr.com]
Sent: Friday, February 05, 2010 8:12 AM
To: WTLTestimony
Subject: re: SB 2780

To the Senate Agricultural Committee:

Please support this act to protect our farmlands! We need not only to permanently set aside land to provide us with fresh, local foods and support our local farming communities, but to insure a healthy partnership between the people who grow our food and the people who eat it. Our urban and rural communities should be encouraged to work together to preserve these agricultural lands for the benefit of all. This bill would provide much-needed support for that goal.

Thank you,

Dustine Aiu
Makakilo

hee3 - Michael

From: Swenson [hulame@hawaiiantel.net]
Sent: Friday, February 05, 2010 8:37 AM
To: WTLTestimony
Subject: Support SB 2780
Attachments: Hoopili testimony to Agriculture Committee.wps

LATE TESTIMONY

Testimony in Support of SB 2780

February 5, 2010

To: Hawaii State Legislature
Committee on Agriculture
Chairperson Clayton Hee

From: Danielle Guion-Swenson

92-732 Aoloko Place
Kapolei, Hawaii 96707-1122
808.291.6438

We *must* value long term survival over short term profits. We should *not* allow unlimited development to reign over well planned sustainability.

There is no choice *but* to ensure the survival of life on this land by protecting the remaining swathes of food producing aina, here and *now*. Precious land is like gold. Acknowledge the gifts; don't throw them away.

Development FOREVER disposes of IRREPLACEABLE aina. Honor the higher good. Support SB2780 to protect agricultural lands.

Thank you for taking my testimony.

Danielle Guion-Swenson



LATE TESTIMONY

BOARD
OF
DIRECTORS

2010

February 10, 2010

WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS
SENATOR CLAYTON HEE, CHAIR
Via: WTLTestimony@Capitol.hawaii.gov

Elizabeth Reilly
President

RE: **SUPPORTING SB 2780**

Aloha Chair Hee, Vice Chair Tokuda and Honorable Senators,

Marian Grey
Vice President

First, mahalo to Senator Hee for introducing SB 2780 and to those who understand the urgent need to stop reclassifying agricultural land and shift our focus to getting these lands in production.

Tai Hong
Treasurer /
Secretary

For those you don't quite see the big picture allow us to share the thought "sustain the lands that sustain us" –

Kaumaka Wong
Director

There are ample lands already zoned for development and growth- lets work with delivering those plans, absorb and adjust to those impacts and plan from there-

Allen Tateishi
Director

Please support the passage of SB 2780- take the necessary step to shift our focus towards Hawai'i improving our chances towards food self-sufficiency, which cannot occur if we pave over our best agricultural lands.

Gary Weller
Director

Livable Hawai'i Kai Hui is a non-profit, nonpartisan community action group. We strive to promote sensible growth and respect for the land as well as uphold the integrity of the East Honolulu Sustainable Communities Plan.

Sincerely,
Elizabeth Reilly

Livable Hawaii Kai Hui ~ P.O. Box 25493 ~ Honolulu, HI ~ 96825
Phone: 808.864-8081 Fax: 808.396-5399

Email: hawaiiikaihui@aol.com ~ Website: www.hawaiiikaihui.org

LATE TESTIMONY

From: Tom Coffman [tomcoffman@hawaii.rr.com]
Sent: Friday, February 05, 2010 9:27 AM
To: WTLTestimony
Subject: SB2780

I support the intent of this bill. The urgency is underscored by the so-called Koa Ridge and Ho'opili subdividing proposals, which will unalterably diminish alternative agriculture on Oahu and degrade the watershed. As a reporter in the 1960s and 1970s, I became aware of the central importance of preserving prime agriculture land, and despite all the talk this has not happened.

Tom Coffman
247 8181

LATE TESTIMONY

Support SB 2780

February 5, 2010

TO: Senate Water, Land Agriculture and Hawaiian Affairs Committee

Dear Senators:

The State Constitution's mandate to preserve important ag land is not being met and thousands of acres of prime agricultural real estate have been lost forever. I use the term "real estate" because prime ag land is valuable in its current use, not as something that can be "improved" by another use.

The need to preserve high quality agriculture lands is beyond dispute. Voluntary designation of IAL has not worked, nor should we expect it to miraculously start working in the future. Efforts by the Counties and the State have not worked.

The state has thousands of acres of non-arable land that might warrant development or some better use, but the loss of our best lands must be stemmed! These two bills to preserve the best quality lands, A and B, should become law.

Thank you for supporting preservation of important agricultural lands and for passing SB 2780 .

Gil Riviere
65-137 Hukilau Loop
Waialua, HI 96791

808-220-2280

From: HFUOahu [hfuoahu@gmail.com]
Sent: Friday, February 05, 2010 10:57 AM
To: WTLTestimony
Subject: Testimony on SB2780

LATE TESTIMONY

Testimony on SB2780, Relating to Agricultural Lands

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

Friday, February 5, 2010

2:45 p.m.

Conference Room 229

Chair Hee and Members of the Committee,

I support SB2780, which would protect agriculturally suitable lands on Oahu and provide for mandatory extension of agricultural leases.

All efforts to secure our access to locally grown food on Oahu and throughout the State are critical at this time. Smart planning for our island means making a commitment to the protection of our agricultural lands, which once gone cannot be replaced.

This important bill also brings security to the profession of farming by addressing the pressing need for long-term access to farmland.

Hawaii Farmers Union is a branch of the National Farmers Union – America's oldest and most distinguished farming organization, representing over 250,000 members nationwide and advocating for family farmers, ranchers, fishers and rural communities since 1902. The mission of Hawaii Farmers Union is to advance the

rights of farmers to create vibrant and prosperous agricultural communities for the benefit of all through cooperation, legislation, and education.

Thank you for your attention to this most pressing issue for our state.

Sincerely,

Lydi Morgan

Hawaii Farmers Union Vice President

HFUOahu@gmail.com

www.hawaii farmersunion.org

www.nfu.org



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

February 5, 2010

Opposition to SB 2780 Relating to Agricultural Lands
(Alteration of agricultural leases and boundary amendment prohibition)

LURF's OBJECTIONS to Mandatory Extension of Agricultural leases and prohibition on amendment of land use district boundary. SB 2780 changes the terms of existing Agricultural leases by mandating the extension of leases on Class A or B agricultural lands for a period not less than 75% of the original lease term if the lessee has made improvements, or is seeking to make improvements. The bill also prohibits the landowner from amending the land use district boundary of such lands under certain criteria.

LURF respectfully **opposes SB 2780**, based on, among other things, the following:

- **Unintended negative consequences for farmers – prohibition on construction of farm improvements and revocation of long-term agricultural leases.** LURF supports the conservation and protection of important agricultural lands and supports the IAL law, however, this bill is unconstitutional, unfair, and will likely cause unintended negative consequences for farmers - - In order to avoid the mandatory lease extensions, some landowners may prohibit farm improvements, cancel existing long-term agricultural leases, or require month-to-month revocable licenses for all of their A and B agricultural lands.
- **Unintended negative consequences for farmers – Limitation of active farming operations.** LURF supports and encourages active farming operations on IAL, however, Part II of this bill is unconstitutional, unfair and will likely cause unintended negative consequences for farmers - - In order to retain the flexibility to file a future district boundary amendment, some landowners others may cease active farming operations on much of their A and B agricultural lands.
- **Unconstitutional violation of the Contracts Clause of the U.S. Constitution.** SB 27680 illegally impairs existing Agricultural lease contracts, because it alters the terms of existing leases by creating a new right, requiring new conditions favorable to lessees and imposing different liabilities (lease extension for not less than 75% of the original term).

TESTIMONY
SB 2780
LATE
(END)