

**NEIL ABERCROMBIE**  
Governor



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

**RUSSELL S. KOKUBUN**  
Chairperson, Board of Agriculture

**JAMES J. NAKATANI**  
Deputy to the Chairperson

**TESTIMONY OF RUSSELL S. KOKUBUN  
CHAIRPERSON, BOARD OF AGRICULTURE**

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

**WEDNESDAY, FEBRUARY 2, 2011  
8:00 A.M.  
CONFERENCE ROOM 312**

**HOUSE BILL NO. 1230  
RELATING TO BUILDING PERMITS.**

Chairpersons Tsuji and Chang, and Members of the Committees:

Thank you for the opportunity to testify on House Bill No. 1230. The purpose of this bill is to exempt the county building permit requirement for construction of nonresidential agricultural and aquacultural structures on state lands and large privately-owned land parcels leased for agricultural or aquacultural operations. The Department respectfully opposes this bill.

The Department recognizes that structures are an integral part of conducting agricultural business. We acknowledge that the county permit process needs to be streamlined; however, this process creates a minimum standard that potential structures must meet for safety as well as public health reasons. It also ensures that the structure is being built according to the plans by conducting regular, unscheduled inspections. In addition to checking that the construction matches the plans, they also check that the contractor is abiding by all Occupational Safety and Health Administration and Hawaii Occupational Safety and Health standards.



Other than structural considerations, applicants must show that they are properly going to dispose of sewage, obtain potable water, meet electrical and plumbing codes, comply with the American Disabilities Act, etc. In many places, there is limited infrastructure available. The location may be below the "no pass" line for leaching fields and in most areas, cesspools are no longer allowed. Unmitigated grading of the land can lead to flooding issues on neighboring properties or heavy sediment runoff from large rains that result in significant soil loss and possible reef damage. There may be a significant increase for the potential of fire and substandard building materials. This directly impacts the health and safety of the people working in the building, as well as visitors to the site. The building permit process ensures that structures as a whole meet a minimum standard and protect the welfare and safety.

Thank you for the opportunity to testify on this measure.



**Shrimp  
Improvement Systems**  
Hawaii LLC

THE HOUSE  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2011

COMMITTEE ON AGRICULTURE  
Rep. Clift Tsuji, Chair  
Rep. Mark Hashem, Vice Chair

COMMITTEE ON WATER, LAND, AND OCEAN RESOURCES  
Rep. Jerry L. Chang, Chair  
Rep. Sharon E. Har, Vice Chair

DATE: Wednesday, February 2, 2011  
TIME: 8:00am

PLACE: Conference Room 312, State Capitol  
415 South Beretania Street

RE: Testimony In Strong Support of HB1230 Relating to Building Permits, with suggested amendments

Aloha Chairs Tsuji and Chang, Vice Chairs Hashem and Har, and Committee Members,

Shrimp Improvement Systems Hawaii LLC is a Hawaii company engaged in the selective breeding and export of Specific Pathogen Free shrimp from facilities in Kapolei, Oahu, and at NELHA. We strongly support HB1230 which states that no county shall require a building permit for the construction of low risk nonresidential temporary or permanent structures used for agricultural or aquacultural operations under specific conditions.

However, we request your consideration of the following two adjustments to the present wording.

Page 2, Line 16, amend to read: commercial purposes, or stocking purposes, including aquaponics or any growing of plants or animals with aquaculture effluents.

Justification: aquaponics is a relatively new component of aquaculture whereby aquaculture effluents are reused for the growing of additional plants and animals, and in the process stripping the effluents of excess nutrients, enabling multiple use of

73-4460 Queen Kaahumanu Highway #108, Kailua-Kona, Hawaii 96740  
Phone: 808 334 9737

aquaculture affluents while complying with EPA and DOH discharge requirements in an environmentally appropriate and sustainable manner.

Page 2, Line 17, amend to read: "low risk" means any structure [1,500] 2,000 square feet or

Justification: Commercially available agricultural and aquacultural cold frames (temporary green houses) used for temperature and pest control are commonly 20 ft wide and 100ft in length, i.e., 2,000 square feet.

At present, in the City and County of Honolulu, all agricultural and aquacultural structures 100 square feet (10ft x 10ft) or larger are deemed commercial structures and must go through the same commercial review and can be held to the same commercial standards as a public shopping center or hotel. Also, metal structures 18 inches or higher must be locally engineered and constructed, although recycled ocean shipping containers and other temporary metal structures such as storage sheds are ubiquitous in the islands, as are temporary cold frames widely used in the agriculture and aquaculture industries. Although other Counties may recognize agricultural structures as distinct from other commercial structures, compliance to the stringent building permit requirements are still a major obstacle to competitive farming efforts in Hawaii in this global economy.

Issues of sewage disposal, potable water, "no pass" lines, grading, and flooding are addressed by other existing regulations. Most leased and privately owned farms are already cooperators of the USDA Natural Resource Conservation Service (NCRS) which assists farms in developing conservation plans incorporating appropriate land use measures.

The present building permit system has been tried for decades and has served as a major impediment to economically viable and globally competitive commercial agriculture and aquaculture in Hawaii. It is time to amend current laws to be more favorable and supportive of agriculture and aquaculture ventures in Hawaii.

Thank you for the opportunity to testify and offer amendments on this important bill.

Sincerely,



Joseph Tabrah  
President



**EAST OAHU COUNTY FARM BUREAU**

**45-260 WAIKALUA ROAD S 101 KANEHOE, HI 96744**

February 1, 2011

Representative Clift Tsuji, Chair, House Committee on Agriculture  
Representative Jerry L. Chang, Chair,  
Committee on Water, Land, and Ocean Resources  
State Capitol Building, 415 S. Beretania St.  
Honolulu, Hawaii 96813

Dear Representatives Tsuji and Chang and Members of the Committees:

I am sending this testimony to express the **strong support** of the East Oahu County Farm Bureau for **HB 1230**, "Relating to Building Permits." On Oahu, agricultural structures are generally treated as commercial buildings, and are subject to burdensome standards that may be appropriate for large public buildings, but that are excessive for farm structures such as sheds, greenhouses, and equipment housings. These standards are a major obstacle in terms of both time and money to any farmer who wants to improve or expand his operation.

HB 1230 would remove the County requirement of a building permit for certain temporary or permanent nonresidential structures, and would therefore significantly reduce one major obstacle to profitable farming. We support this bill and applaud its intention to remove unnecessary and expensive restrictions on agricultural and aquacultural businesses.

We would, however, like to suggest two minor changes to HB 1230. We would prefer that the size limit for exempted structures be 2000 square feet instead of 1500, in order to accommodate commercially available greenhouse structures that are needed for insect control and protection from wind and weather. Also, the bill as written does not specifically mention aquaponics, which is the use of aquaculture effluents to grow agricultural crops. While aquaponics may fall within the definition of "agricultural or aquacultural operations," it would be best to include aquaponics by name to avoid any question when the new law is applied.

Thank you for the opportunity to testify.

Sincerely,

Frederick M. Mencher  
for Grant Hamachi, President



THE HOUSE  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2011

COMMITTEE ON AGRICULTURE  
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Thank you for the opportunity to testify and offer amendments on this important bill.

Sincerely,

Ronald P Weidenbach  
HAAA President