



State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
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TESTIMONY OF SCOTT E. ENRIGHT  
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE  
THURSDAY, JANUARY 23, 2014  
9:30 A.M.  
Room 312

HOUSE BILL NO. 1533  
RELATING TO AGRICULTURE

Chairperson Wooley and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1533. This measure:

1. Seeks to create a fifth land use district to be named the "Agricultural-Food" district;
2. Defines the Agricultural-Food district as class "A" or "B" agricultural land;
3. Limits the permissible uses of Agricultural Food district land to growing "nutritious agricultural produce" suitable for human consumption, agricultural parks, and agricultural tourism.
4. Prohibits the growing of seed, livestock (cattle, pigs, poultry, sheep, etc.), aquaculture, and flowers/foilage/nurseries in the Agricultural-Food district;
5. Does not permit housing for farmers within the Agricultural-Food district but allows overnight accommodations for agricultural tourism;
6. Treats existing farms on lands with "A" and "B" soils but not growing nutritious foods as of January 1, 2015 as non-conforming uses and will have one year to change to a conforming use (Section 8, pages 23-24); and
7. Requires that all negotiated leases under the Agricultural Park (Chapter 166, HRS) and Non-Agricultural Park (Chapter 166E) programs be limited to producing food if the lands are within the Agricultural-Food District. If the lease



lands are rated “C”, “D”, “E” or “U”, the land may be used to produce “feedstock” which is not defined.

The Department of Agriculture recognizes the importance of local food production and food security; however, we have strong reservations in regards to this measure for the following reasons.

House Bill 1533 prohibits types of agricultural production from “A” and “B” lands that have long been considered bona fide agricultural activities on all agricultural lands. This redefinition of permissible agricultural activities conflicts with the ongoing identification and designation of Important Agricultural Lands Law (Chapter 205, Part III) by the voluntary and county processes.

The IAL Law protects Hawaii’s most productive agricultural lands by providing incentives to existing agricultural enterprises, regardless of the type of crop and livestock is being grown. To date, over 101,000 acres have been designated statewide.

House Bill 1533 will create uncertainty for farmers who live on their farms and severely inhibit investments in agricultural production.

Finally, this measure interferes with the management of the Department’s Agricultural Park and Non-Agricultural Park lands programs that promote the establishment and growth of agricultural businesses. Currently 13,565 acres are leased to over 400 farmers throughout the State who are growing a wide variety of edible and non-edible crops.

Thank you, again, for the opportunity to testify on this measure.

**onishi2-Micah-Seth**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 22, 2014 6:12 AM  
**To:** AGRtestimony  
**Cc:** gottlieb@hawaii.rr.com  
**Subject:** \*Submitted testimony for HB1533 on Jan 23, 2014 09:30AM\*

**HB1533**

Submitted on: 1/22/2014

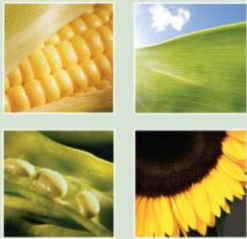
Testimony for AGR on Jan 23, 2014 09:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alan Gottlieb	Hawaii Cattlemen's Council	Oppose	Yes

Comments:

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# Hawaii Crop Improvement Association

*Growing the Future of Worldwide Agriculture in Hawaii*

Testimony by Alicia Maluafiti  
HB 1533 – Relating to Agriculture  
The House Committee on Agriculture  
Thursday, January 23, 2014  
9:30 a.m., Room 312

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Alicia Maluafiti

## Position: Strong Opposition

Aloha Chair Wooley, Vice Chair Onishi, and members of the Committee:

My name is Alicia Maluafiti, Executive Director of the Hawaii Crop Improvement Association, a nonprofit trade association representing Hawaii seed farmers and a proud member of the Hawaii Farm Bureau Federation and Hawaii Farmers and Ranchers Alliance. We oppose HB 1533 which is a disingenuous attempt to carve out seed farmers from Hawaii's agricultural community.

If the state is serious about addressing food security, then the state must talk to the farmers. It does not appear that anyone has done that because even farmers who grow "nutritious agricultural produce" oppose this bill (although it is unclear as to how "nutritious" is being defined). These are the commercial farmers who grow more than 80 percent of all agricultural produce and product for the entire state and they have not been consulted about this bill. The unintended consequence of this type of poor policy making is that it does nothing to address the real issue of food security.

Food security does not happen in a silo. As Mr. Richard Ha always says, "Farmers will farm if they make money." You can lead a backyard gardener or "hobby farmer" to land, but you cannot make them viable if they don't know how to farm. Farming is hard work. And it is expensive. Farmers use every tool in the tool box to sustain their operations and to do that, they must balance a number of competing challenges from inputs to labor to infrastructure...and even weather. Land is only one small portion of the equation.

In the end, the state cannot address food security if people cannot afford to buy the food being grown here locally. By passing policies that add to the costs of doing business in Hawaii and making it harder for farmers to farm (by taking away their tools as farmers), you actually hurt farmers more than you are helping them.....all in the quest to rid the state of the seed farmers.

HB 1533 is another example of the unintended consequences of bad policy making.

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**onishi2-Micah-Seth**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 22, 2014 6:49 AM  
**To:** AGRtestimony  
**Cc:** jesse.k.souki@dbedt.hawaii.gov  
**Subject:** Submitted testimony for HB1533 on Jan 23, 2014 09:30AM

**HB1533**

Submitted on: 1/22/2014

Testimony for AGR on Jan 23, 2014 09:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jesse Souki	State Office of Planning	Comments Only	No

Comments: See comments in testimony file.

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## **Hawaii Agriculture Research Center**

*P.O. Box 100, Kunia, Hawaii 96759  
Ph: 808-621-1350/Fax: 808-621-1359  
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### **TESTIMONY BEFORE THE HOUSE COMMITTEE ON AGRICULTURE**

#### **HOUSE BILL 1533**

#### **Relating to Agriculture**

**January 23, 2014**

Chairman Wooley and Members of the Committee:

HARC strongly opposes HB 1533 relating to Agriculture.

In a veiled attempt to target certain agricultural businesses in the state this measure casts a very broad net in its use of the word, seed, on page 3 line 20 in its definition of food which would be harmful to agriculture in Hawaii.

While this is targeting state land and using the current concern over importing food stuffs to Hawaii to justify this proposal, excluding, seed, also includes coffee, macadamia nuts, cacao, sunflowers other nut crops (many of which are seeds). Many seed crops happen to be very important export crops to Hawaii' and its farmers.

The energy that this proposal is demanding of the majority of the agricultural community involved would be better used in promoting all sectors of agriculture, not devising ways to target sectors. Time and energy needs to be spent on understanding the entire dynamics of agricultural businesses (not personal philosophies) in Hawaii and how these all work together to enable viable businesses to utilize what land and water is available. One of the major hurdles for the viability of agricultural businesses is infrastructure. Smaller operations can not afford to compile with the increasing food safety certifications without adequate but expensive infrastructure-water quality, processing facilities, transportation, adequate housing for labor and marketing.

Please focus your energy on helping all agriculture in Hawaii and understand how it all stands together: from research to restaurant; from plants to products; each sector provides for another in not so obvious ways to the non-producer.

This proposal will not ensure more 'food' is produced based on the definition in this measure. More food will be produced by farmers in the business of agriculture when and where it makes economic sense. The 'food' must be of the quantity and quality the market demands. Let us not be dictating this business. It already has enough rules and regulations to discourage a typical citizen and that includes those associated with the lands the state leases for agricultural use.

From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, January 21, 2014 12:27 PM  
To: AGRtestimony  
Cc: mendezj@hawaii.edu  
Subject: \*Submitted testimony for HB1533 on Jan 23, 2014 09:30AM\*

**HB1533**

Submitted on: 1/21/2014

Testimony for AGR on Jan 23, 2014 09:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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**onishi2-Micah-Seth**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 21, 2014 1:44 PM  
**To:** AGRtestimony  
**Cc:** mauibrad@hotmail.com  
**Subject:** Submitted testimony for HB1533 on Jan 23, 2014 09:30AM

**HB1533**

Submitted on: 1/21/2014

Testimony for AGR on Jan 23, 2014 09:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brad Parsons	Individual	Support	No

Comments: Support the bill, esp. the priority of leasing state ag land for the production of edible crops.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 21, 2014 2:02 PM  
**To:** AGRtestimony  
**Cc:** Karen@RedwoodGames.com  
**Subject:** Submitted testimony for HB1533 on Jan 23, 2014 09:30AM

**HB1533**

Submitted on: 1/21/2014

Testimony for AGR on Jan 23, 2014 09:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Karen Chun	Individual	Support	No

Comments: This is an excellent bill. No more of our limited land should be used for pesticide- intensive experimentation and seed operations that do not contribute to our local food security.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 21, 2014 3:16 PM  
**To:** AGRtestimony  
**Cc:** lynhowe1946@yahoo.com  
**Subject:** Submitted testimony for HB1533 on Jan 23, 2014 09:30AM

**HB1533**

Submitted on: 1/21/2014

Testimony for AGR on Jan 23, 2014 09:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lyn Howe	Individual	Support	No

Comments: I agree this should be our main priority, we should also support on-farm local seed production for our vegetable food crops by promoting open pollinated seed that is locally grown, adapted to our diverse climates and made available to our island farmers.

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**onishi2-Micah-Seth**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 22, 2014 7:49 AM  
**To:** AGRtestimony  
**Cc:** naldajw@gmail.com  
**Subject:** \*Submitted testimony for HB1533 on Jan 23, 2014 09:30AM\*

**HB1533**

Submitted on: 1/22/2014

Testimony for AGR on Jan 23, 2014 09:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jw nalda	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 22, 2014 6:37 AM  
**To:** AGRtestimony  
**Cc:** westsidekauai@hotmail.com  
**Subject:** Submitted testimony for HB1533 on Jan 23, 2014 09:30AM

**HB1533**

Submitted on: 1/22/2014

Testimony for AGR on Jan 23, 2014 09:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kristi	Individual	Comments Only	No

Comments: Please pass HB 1533 for the future of our keiki & our land . Hawaii should be moving toward sustainability instead of relying on the barges. This is a step in that direction.. Aloha

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**LATE**

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

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**LATE**

KIRK CALDWELL  
MAYOR



GEORGE I. ATTA, FAICP  
DIRECTOR

ARTHUR D. CHALLACOMBE  
DEPUTY DIRECTOR

January 23, 2014

The Honorable Jessica Wooley, Chair  
and Members of the Committee on Agriculture  
Hawaii State House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Wooley and Committee Members:

**Subject: House Bill No. 1533  
Relating to Agriculture**

The Department of Planning and Permitting (DPP) **opposes** House Bill No. 1533, which creates a new state land use district, "agricultural food." It also adds conditions to state agricultural leases, and further adds to the nonconformity provisions of Chapter 205, HRS.

We support the promotion of food self-sufficiency. However, the bill creates dramatic changes to the regulation of agricultural lands, will confuse ongoing initiatives, cannot be enforced, and will have unanticipated impacts.

We question the proposed prohibition of various uses that directly support agricultural production, and therefore, the health of the overall agricultural industry, which we understand to be largely export-based. Moreover, it appears that agri-tourism uses would be excluded from lands rated "C," "D," or "E," but these lower rated lands would be better suited for these activities than higher rated lands. In addition, the ongoing county-initiated processes of defining the long-awaited Important Agricultural Lands (IAL) may be put in jeopardy or delayed, based on how this new district is mapped and administered.

We are also concerned with the proposed changes to nonconformity provisions. It appears that as a nonconforming use, when a non-food crop is abandoned, it can only be replaced with a food crop. We leave it to farmers to comment on this restriction, but this provision is unenforceable by the City and County of Honolulu. We have no resources to check on every farm on a frequent basis to monitor crop changes.

We take no position on the bill's proposal to limit agricultural leases of State lands for food production for human consumption.

To sum, we support increased food self-sufficiency for Hawaii, but creating broad, new restrictive land use regulations is not a constructive strategy. We suggest incentives to make it more feasible for farmers and landowners to pursue food crops. Further, as evidenced by other

The Honorable Jessica Wooley, Chair  
and Members of the Committee on Agriculture  
State of Hawaii House of Representatives  
Re: House Bill No. 1533  
January 23, 2014  
Page 2

bills presented this session, the State Land Use Law has many elements that need updating, such as reliance on Land Study Bureau maps. Perhaps these needed updates should be addressed before adding a new land use district to Chapter 205, HRS.

Please hold this bill in Committee.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in blue ink that reads "George I. Atta". The signature is written in a cursive style with a large initial "G".

George I. Atta, FAICP  
Director

GIA: cl  
HB1533-ks



LAND USE RESEARCH  
FOUNDATION OF HAWAII

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**LATE**

**LATE**

January 22, 2014

Representative Jessica Wooley, Chair  
Representative Richard H.K. Onishi, Vice Chair  
House Committee on Agriculture

**Testimony in Opposition to HB 1533, Relating to Agriculture (Prioritizes and Promotes the Production of Nutritious Agricultural Produce for Human Consumption, Excluding Seed).**

**Thursday, January 23, 2014, 9:30 a.m., in Conference Room 312**

The Land Use Research Foundation of Hawaii (LURF) is 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 appreciates the opportunity to provide testimony **in opposition to HB 1533**, and to offer comments.

**HB 1533.** The purpose of this bill is to restrict use of certain lands classified as agricultural, as well as the Department of Agriculture's lease of such agricultural lands, only to the growth of "nutritious agricultural produce suitable for human consumption, excluding seed." This bill also proposes to amend Section 205-2 of the Hawaii Revised Statutes (HRS) to add a fifth major land use district entitled "agricultural – food," which use would be limited only to the growth of "nutritious agricultural produce suitable for human consumption, excluding seed."

**LURF's Position.** LURF members include private property owners, farmers and ranchers who own, maintain, and engage in a wide array of diverse agricultural enterprises, and who consider such activities and ventures critical to the conduct of their operations and to help sustain their businesses.

These land owners and agricultural stakeholders believe HB 1533 is a misguided and unwelcomed attempt to divide Hawaii agriculture between food producers and non-food producers (such as flower and nursery growers, sod farms and landscapers), in direct opposition to the policies and objectives for the State's economy with regard to agriculture pursuant to the Hawaii State Planning Act (HRS Section 226), which include "growth and development of **diversified agriculture** throughout the State.

HB 1533 also undermines the foundation, and violates underlying principles of the constitutional mandate that is Hawaii's Important Agricultural Lands (IAL) law, which includes "promoting diversified agriculture" (HRS Section 205-41(2)).

Most significant about the IAL laws is the fact that said laws were based on a **consensus of agricultural stakeholders** (including the Hawaii Farm Bureau Federation (HFBF), various agricultural and government stakeholders); all of them coming together to form a mutual agreement on a system to protect agricultural lands based on the common understanding that the only effective long-term way to protect agricultural lands is to protect and support viable agricultural businesses on such lands.

Enactment of the IAL laws involved over five years of public input through the legislative process, which was culminated by the legislative finding that the laws are consistent with the goals and objectives of creating a viable agricultural industry and protecting Hawaii's agricultural lands as mandated by the Hawaii Constitution.

As far as LURF and its members are aware, there was no such consensus with regard to this bill. The introducers and proponents of HB 1533 never consulted with the HFBF, agricultural landowners, farmers, livestock business operators, or other agricultural stakeholders regarding this proposal which improperly attempts to **limit, rather than diversify** agriculture throughout the State. The proposed bill thereby completely disregards, if not destroys the very essence of the IAL laws and State planning policies and objectives relating to agriculture.

As this Committee should be aware, the unsustainable operating costs cast upon land owners and agricultural stakeholders, together with the various safety and security standards, programs and regulations being put in place, are already proving to be counterproductive to the long-term objective of sustainable agriculture. Rather than "prioritizing and promoting" agriculture in Hawaii, HB 1533 will negatively affect non-food growers who utilize agricultural land, as well as the agricultural industry in general, for no reason. Given the current circumstances, there appears to be no viable justification or support for this proposed measure.

For the reasons stated above, LURF **must oppose HB 1533**, and respectfully requests that this bill be held in Committee.

Thank you for the opportunity to present testimony regarding this matter.