

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committees on
AGRICULTURE
and
WATER & LAND**

**Monday, February 4, 2013
8:30AM
State Capitol, Auditorium**

**In consideration of
HOUSE BILL 483
RELATING TO TARO LANDS**

House Bill 483 proposes to require the Department of Land and Natural Resources (“Department”) and the Department of Agriculture (“DOA”) to work with the Taro Security and Purity Task Force to identify taro lands, adjust lease rents and modify lease qualification criteria, beginning July 1, 2013. **While the Department appreciates the intent of this measure, it opposes portions of the bill.**

The Department finds the provisions of the bill that minimize the lease rental rates for lands used for taro cultivation particularly objectionable. Pursuant to Chapter 171, Hawaii Revised Statutes, the minimum upset rent for a lease, as well as any subsequent modification, is based on the fair market value as determined by a qualified appraiser. Revenues generated by the public land trust are used to fund various public purposes consistent with the Department’s fiduciary obligations to protect, preserve and manage the State’s natural resources. These revenues fund 100% of the operating expenses of both Land Division and the Office of Conservation and Coastal Lands, as well as three positions in the Commission of Water Resource Management, certain lifeguard services, the dam safety program, the geothermal program; as well as contribute to the protection of threatened and endangered species, eradication and control of invasive species, and to the cost of fighting wild land fires. Moreover, these funds are often used when emergency responses are required due to flooding, earthquakes, rock falls or other natural disasters. These services provide an important benefit to the State’s people (including the taro farmers) and its environment.

The Special Land Development Fund (SLDF) supports critical activities and essential programs undertaken by the Commission on Water Resource Management (Commission). Annual supplemental funding from the SLDF provides payroll costs for three key Planning Branch

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DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

positions: State Drought and Water Conservation Coordinator, Hydrologist VI, and Hydrologist V. These three positions comprise the entire professional nonsupervisory staff of the Planning Branch, which is responsible for the establishment of an integrated program for the protection, conservation, and management of the waters of the State. The Commission's General Fund Personal Service budget is not adequate to pay for these three positions at this time. Efforts to convert these special-funded personnel to general-funds in the past were denied. In addition, future pay raises, pay adjustments (e.g., reallocations and step movements) and increases in the fringe benefit rates for these positions will require additional funding.

The SLDF is also used to supplement Commission programs, activities, and priority projects. Many of these activities are conducted on a cost-share basis with the U.S. Army Corps of Engineers and the U.S. Geological Survey (USGS), effectively doubling the State's funding. Recent projects funded by the SLDF include Implementation of Interim Instream Flow Standards in East Maui, the Annual Cooperative Water Resources Monitoring Program (USGS) and the Rainfall Atlas of Hawaii – historical trends and changes in frequency (USACE). Due to the year-to-year uncertainty of federal grant opportunities, it is important for the Commission to maintain available funding in order to qualify for federal grants requiring a cost-share.

Continued funding allotments from the SLDF is essential for the Commission to implement the State Water Code's declaration of policy by funding personnel, programs activities, and projects that are fundamental to water resource planning and fulfillment of State Water Code mandates. To date, the Commission has effectively utilized its SLDF allotments to further the management of our most precious public trust resource.

In addition, the Department has executed numerous revocable permits with taro farmers, many of which are already at or even below the Land Board's minimum annual rent of \$480.00¹, which was established by the Land Board to merely recover the costs incurred by the Department for processing and managing these permits.² Finally, please note that except for revocable permits for taro cultivation, many of the agricultural lands under the Department's management have been, or are in the process of being set aside to DOA for their management. Therefore, it is likely the lands identified suitable for taro cultivation for long term leases will be those currently encumbered by those short term revocable permits.

¹ HRS 171-43.1 allows the Board to issue permits and even leases to qualified nonprofit entities at below market rents.

² Many taro farmers are satisfied with a revocable permit. Although the permit is subject to renewal on a month-to-month basis, it is preferred over a long term disposition as it allows the farmer to retain the property without having to engage in a public auction and paying a lease rent subject to fair market value. In addition, taro farmers that hold revocable permits are not charged more than the minimum \$480.00 annual rent.

NEIL ABERCROMBIE
Governor



RUSSELL S. KOKUBUN
Chairperson, Board of Agriculture

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

**BEFORE THE HOUSE COMMITTEES ON AGRICULTURE
AND WATER & LAND
MONDAY, FEBRUARY 4, 2013
8:30 A.M.
STATE CAPITOL AUDITORIUM**

**HOUSE BILL NO. 483
RELATING TO TARO LANDS**

Chair Wooley, Chair Evans, and Members of the Committees:

Thank you for the opportunity to testify on House Bill No. 483. The purpose of this bill is to require the Department of Land and Natural Resources and the Department of Agriculture (department) to work with the Taro Security and Purity Task Force to identify taro lands, adjust lease rents, and modify lease qualification criteria. The department respectfully opposes this bill.

The existing land leasing programs within the department already have the ability to lease lands to taro farmers, provided that they qualify as bona fide or new farmers. Any potential lessee has the opportunity to identify and bid on any vacant parcel under our jurisdiction. The department strives to promote all forms of agriculture in a fair and consistent manner and feels that providing special considerations to any one group conflicts with this mission.

Thank you for the opportunity to testify.



February 3, 2013 re-emailed at 5:03 am

Dear Elected Representatives of the House:

RE: H.B. No. 483
Committee: AGR/WAL, FIN
Hearing Date: Monday, February 4, 2013
Time: 8:30 am

This letter is written in support of passing HB No. 483 as a means of increasing accessibility to taro-growing lands and opportunities for taro self-sufficiency. It is absolutely ridiculous that Hawai'i, home of the *kalo* (taro) imports 1.8 million pounds of taro each year!!! It's about time that we as an ISLAND State start to realize the importance of producing our own healthy food just as the *akamai* (smart) people did thousands of years ago. *Kalo* (taro), one of the most nutritious foods in the world in which every part is edible with more calcium than milk, more fiber than oat meal, hypoallergenic (meaning no one in the world is allergic to this food), easily digestible for all ages young and old, while we as a society battle with childhood obesity, high blood pressure, heart disease, cancers, etc. How long are we going to depend on other countries to ship us something as critically important as FOOD? The price we pay is not only the higher monetary costs due to the ever-increasing shipping costs, but we pay a greater cost in the lack of quality, freshness and nutrition, increased cancer risks due to the man-made chemicals that we are eating since countries such as Mexico, Chile and Argentina aren't abiding by our government's safety and health regulations. The heavier the tomato, the more money – end of story. Mexico for years has provided most of our tomatoes. Meanwhile our precious State lands have been leased since the 1970s to non-food biotech-conglomerates like Monsanto, Syngenta and Pioneer Hybrid with their dangerous franken-crops contaminating nature's true seeds. While ancient and ingeniously made agricultural food systems created thousands of years ago lay under invasive species unused or worse, filled in and destroyed to make toxic golf courses, or other unproductive purposes. On every island, in valleys throughout Hawai'i lay dormant, hidden ancient taro food systems waiting to once again feed her people – heal her people with the *kalo* (taro).

We as a State could and should be EXPORTING the excess taro to other countries after feeding Hawai'i's people. Local sales of taro has yet to even touch the demand so of course it would generate lots of taxable income which would remain within our island State and further boast our local economy. With our unique location in the middle of the Pacific Ocean surrounded by thousands of miles of ocean, how can we afford to not be self-reliant?

To each of you hearing these words, this is YOUR TIME to do what is best for the people of Hawai'i. Your time to make a positive difference, or you can chose not to but you are accountable for your choices. I am confident that if you follow your *na'au* (gut, conscience, "still small voice") you will know the *pono* (right) choice. Please have the courage to choose the right by doing what is best for the people that you represent, putting your own personal or corporate-sponsored interests on the side. Thank you for your time and consideration of this important issue.

With aloha,
L. Kamakanoe Paikuli-Stride