

LATE



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

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April 3, 2013

HEARING BEFORE THE
HOUSE COMMITTEE ON FINANCE

TESTIMONY ON SB 757, SD1, Proposed SD2
RELATING TO AGRICULTURE

Room 308
2:30 PM

Chair Luke, Vice Chair Nishimoto, Vice Chair Johanson and Members of the Committee:

I am Dean Okimoto, President of the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of 1,950 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

HFBF strongly supports SB 757, SD1, Proposed SD2, which appropriates funds to the FFA and 4-H.

Hawaii's 4H and FFA programs are vitally important to the future of agriculture in Hawaii. We can no longer rely upon our public education system for education and training of the next generation of sustainable farmers and ranchers. FFA and 4-H have a long history of fulfilling this goal. The passion and direct interaction of volunteer farmers and ranchers with young people will help grow and perpetuate the ranks of the next generation of farmers and ranchers. These organizations address sustainability on social, economic and environmental levels. The 4-H program has a proven track record of not only exposing and educating young people to positive, hands on experience in agricultural production, but is also a program that instills leadership and life skills in a wide variety of projects.

It is clear that we must strongly support agricultural education for our young people if we are to increase Hawai'i's long-term resilience and sustainability.

Please support SB 757, SD1, Proposed SD2 as a first step towards rebuilding the vitality of the 4-H and FFA programs.

We appreciate this opportunity to provide testimony on this matter.



LATE

HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO

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April 3, 2013

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Representative Sylvia Luke, Chair
Representative Scott Nishimoto, Vice Chair
Representative Aaron Ling Johanson, Vice Chair
House Committee on Finance
Hawaii State House of Representatives
State Capitol
Honolulu, Hawaii 96813

Re: SB757, Proposed HD2 which appropriates funds to the Department of Education and University of Hawaii to operate and implement the Future Farmers of America and 4-H Programs; Amends public lands classifications to add taro lands for wetland cultivation as fourth class of agricultural lands; Defines taro lands; Requires retention of supporting structures for taro fields; Adds growth and perpetuation of all traditional Hawaiian crops to agricultural planning objectives.
Hearing: Wednesday, April 3, 2013, 1430, Room 308

Aloha Chair Luke, Vice Chair Nishimoto/Johanson and Committee Members;

The Hawaii Building & Construction Trades Council, AFL-CIO. The Council is comprised of various construction trade unions and represents the interests of over 15,000 of Hawaii's unionized construction trades men and women throughout the state.

The Council OPPOSES SB757, Proposed HD2. Please note, the original language in this measure has been removed and replaced with new proposed language. There has no opportunity to review the potential impacts of this proposed amended draft version.

HBCTC offers the following comments. The proposed draft measure generally refers to public land classification, however language in this measure may have an indirect impact on privately held lands. Please note, that the Task Force that was created by ACT211 (2008) as cited in this measure did not include representation from private land owners. This measure may have significant unintended consequences without proper representation.

HBCTC also believes that the provisions in this proposed draft are redundant and unnecessary and do not provide a fair process of identifying and classifying lands as former taro lands.

Agricultural/Farming "Preservation" issues relating to taro cultivation are already statutorily addressed by the Important Agricultural Lands ("IAL") "Preservation" Law. The IAL law includes ""land types associated with traditional native Hawaiian agricultural uses, such as taro cultivation" as one of the standards and criteria for IAL designation and preservation. Also the IAL law requires the DOA & DLNR to identify state taro lands which qualify as IAL by December 31, 2009; and since

January 1, 2010, the State has been authorized to designate state-owned taro lands as IAL. Thus, the proposed amendment of HRS Section 171 to include references to Taro Lands" is redundant and unnecessary.

Issues relating to Historic Preservation are addressed in HRS Chapter 6E. Taro lands and "ancient agricultural structures" sought to be protected by this Proposed HD2 may, if verified to be culturally significant, be put on historic registers or designated as historic places pursuant to HRS Chapter 6E. As such, no further legislative action need be taken to protect ancient and historic taro lands or structures.

Based on the above, HBCTC respectfully OPPOSES SB757, proposed HD2 and requests that the proposed HD2 be rejected. HBCTC takes no position on the original SB757, HD1.

The HBCTC is a member of the AFL-CIO and sanctioned by the Building and Construction Trades Department (organized in 1901). HBCTC is committed to serving its members and the community through advocacy and education. We sincerely appreciate the opportunity to provide comments in OPPOSITION to SB757, proposed HD2.

Mahalo;

Kika G. Bukoski
Hawaii Building and Construction Trades Council, AFL-CIO



LAND USE RESEARCH
FOUNDATION OF HAWAII

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LATE

April 2, 2013

Representative Sylvia Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair
Representative Aaron Ling Johanson, Vice Chair
House Committee on Finance

Opposition to SB 757, SD2, Proposed HD2 Relating to Agriculture (Appropriates funds to the Department of Education and the University of Hawaii to operate and implement the Future Farmers of America and 4-H Programs; Amends public lands classifications to add taro lands for wetland cultivation as fourth class of agricultural lands; Defines taro lands; Requires retention of supporting structures for taro fields; Adds growth and perpetuation of all traditional Hawaiian crops to agricultural planning objectives.)

Wednesday, April 3, 2013, 2:30 p.m., in CR 308

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. LURF's mission 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 comments in **opposition to SB 757, SD2, Proposed HD2**. As an advocate for the various agricultural stakeholder groups who defend the goals of viable agricultural operations and the conservation and protection of agriculture, including important agricultural lands (IAL) in Hawaii, LURF supports the original intent of this measure and its preceding version, **SB 757, SD2, HD1**, which sought to help revitalize the State's livestock industries by reimbursing qualified livestock producers for feed costs incurred for production of products raised and slaughtered in Hawaii for local consumption.

SB 757, SD2, Proposed HD2. The current HD2 version of this bill now focuses primarily on the protection of taro lands ancient agricultural structures, and seeks to 1) amend public lands classifications to add taro lands for wetland cultivation as a fourth class of agricultural lands; 2) define taro lands; 3) require retention of supporting structures for taro fields; and add growth and perpetuation of all traditional Hawaiian crops to agricultural planning objectives.

LURF's Position. While LURF is a staunch supporter and defender of viable agricultural operations, and the conservation and protection of agriculture in Hawaii, it must question the true intent of SB 757, SD2, Proposed HD2, and the reasons why proponents of this measure are now seeking to pass such legislation, as the actions sought to be taken by this version of the bill are already properly and adequately addressed in existing laws.

1. Agricultural/Farming Issues Relating to Taro Cultivation are Already Statutorily Addressed by the Important Agricultural Lands (“IAL”) Law.

The alleged purpose of SB 757, SD2, Proposed HD2 is consistent with the underlying intent and objectives of the IAL laws (Hawaii Revised Statutes [HRS], Sections 205-41 to 52), which were purposefully enacted to fulfill the mandate in Article XI, Section 3, of the Hawaii State Constitution, “to conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands.”

Land types associated with traditional native Hawaiian agricultural uses, **expressly including taro cultivation**, are already clearly identified in HRS Section 205-44, and specifically designated as IAL, thereby affording such lands all the benefits and protections of the IAL laws.

a. The Proposed Amendment of HRS Section 171 to Include References to ‘Taro Lands’ Allegedly in Order to Further the Purpose of this Bill, is Therefore Redundant and Unnecessary.

As provided in HRS Section 205-44.5(c), public lands (explicitly including “taro cultivation lands”), shall be designated as IAL **notwithstanding any law to the contrary**. In short, the IAL laws supersede HRS Section 171. As such, the proposed amendment to HRS Section 171-1 (to amend public land classifications to add and define taro lands) as recommended by this Proposed HD2, is superfluous and unneeded.

2. Issues Relating to Historic Preservation are Addressed in, and May be Effectively Dealt With by HRS Chapter 6E.

The concerns that proponents of this Proposed HD2 may have relating to the cultural significance of taro lands and ancient agricultural structures are already appropriately and aptly addressed in HRS Chapter 6E. By way of example, taro lands and “ancient agricultural structures” sought to be protected by this Proposed HD2 may, if verified to be culturally significant¹, be put on historic registers or designated as historic places pursuant to HRS Chapter 6E.

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1. It is also important to note that as a practical matter, proper and effective implementation and enforcement of the proposed measure, if passed, would involve complex, time-consuming, subjective and costly determinations including, but not limited to, who would determine what had been in “cultivation prior to statehood” on any given property, and how would that determination be accurately made?

These types of determinations may entail complex inquiries, investigation, and processes, involving assessments of subjective issues which would require significant time and expense.

As such, no further legislative action need be taken, and no further amendments as recommended in this Proposed HD2 are necessary to protect these lands and structures.

Given all of the above, LURF believes the actual intent and purpose underlying the Proposed HD2 is, at the very least, suspect. For the reasons stated, LURF **opposes SB 757, SD2, Proposed HD2**, and respectfully urges this Committee to reject this version of the measure, and to instead **pass the HD1 version of this bill**.

Thank you for the opportunity to comment and provide testimony.

Taro Security and Purity Task Force

LATE

RE: Addressing questions and concerns raised by the House Finance Committee regarding the protection of taro lands [HB734, HB848 and SB757 HD2 PROPOSED]

April 3, 2013

Aloha kakou,

The Taro Security and Purity Task Force would like to thank the members of the Finance Committee and the House as a whole for its support and passing of HB734 and HB484, relating to the protection of taro-growing systems, earlier this session. SB757 HD2 PROPOSED is essentially the same language.

The Taro Security and Purity Task Force is the legislative body created in 2008 to provide guidance and recommendations regarding research, policy and the challenges that taro and taro farmers face both now and for the future. In 2010, legislators received a report from the task force outlining key issues and recommendations. Protecting taro lands addresses a critical issue expounded upon in our 2010 legislative report relating to the lack of protections for and rapid loss of taro lands on all islands, particularly Oahu and Maui Counties but also in many places on Kauai in the uplands outside of the protected lands of Hanalei. These lands represent not only food security but the legacy of productivity of the Hawaiian people.

We would also like to address some of the questions and concerns raised in the House committees in reviewing HB734 and HB484 should there be ongoing question 757 HD2 PROPOSED.

The Taro Task Force would like to clarify that, SB757 HD2 PROPOSED would not apply in any way to land already developed or in the process of being developed on any island, including O'ahu for commercial, residential, or industrial purposes; and applies only to properties that are currently under State jurisdiction or that the State may seek to acquire where wetland taro lands and their physical structures (walls, terraces and 'auwai) still exist and, again, are as yet undeveloped. The State Historic Preservation Office has failed to protect the majority of these Hawaiian cultural sites, despite existing state and federal protection law and their ancient lineage. The proposed bill provides a mechanism for pro-active prevention of further loss.

The wetland taro lands to be protected represent comparatively small, yet critical portions of public land necessary for ensuring future food sustainability. The Department of Agriculture has identified starch crops as *the* most at-risk food security issue for Hawaii and taro lands are the most at-risk intensive agriculture, starch crop-producing lands in the state. Ancient and fallow wetland taro lands have great potential for rehabilitation and production by community groups, including schools and other organizations, and particularly those families and communities most in need of locally grown food

resources.

Because wetland taro lands are often in flood prone areas, *the protection of these lands serves a critical function by creating buffer zones for riparian areas and in preventing extremely costly flood mitigation for the State and the Counties, particularly the City and County of Honolulu.* Poor planning and permitting over many decades has resulted in disaster-level flood damage in many valleys on Oahu, including the University of Hawai‘i at Mānoa campus several years ago, from which they are still recovering. SB575 HD2 PROPOSED pro-actively protects the State and Counties from risk and liability of millions of dollars by removing as yet undeveloped wetland taro sites on public lands from future development.

Additionally, a demand-based rationale for preserving important agricultural lands would fail the test for all crops and all public and private agriculture lands in Hawaii. The idea that taro lands should be held to a different formula of proof of importance and a demonstrated presence of interested farmers in order to be protected is in conflict with the intent and purpose of land use and agricultural lands protection laws, and has the appearance of prejudice.

The Taro Security and Purity Task Force encourages Finance Committee members to support this bill to ensure proactive and preventative measures are taken to support future food security and ecological resilience in the face of environmental occurrences in the state.

We also encourage legislators to contact Emily Kandagawa, Taro Task Force Coordinator at 808-754-7395 should they have any further questions or concerns.

Mahalo nui loa,

Mark Alapaki Luke
Chair, Taro Security and Purity Task Force

Mailing address for the Taro Security and Purity Task Force is c/o E kúpaku ka 'äina 224
Ainahu Place, Wailuku, Hawai'i 96793.

Taro Security and Purity Task Force
TESTIMONY

**HOUSE BILL HB484 AND 734
RELATING TO THE PROTECTION OF TARO LANDS**

House Bills HB484 and HB734 adds a Unique (U) class designation to existing Land Use intensive agricultural classes (HRS171.10) and tightens existing land use and planning statutes to increase protections for taro lands and traditional agricultural structures.

Important Agricultural Lands (IAL) designations include a U class for taro and coffee lands, in recognition that there is a limited amount of land in the islands where a special set of conditions converge and are necessary to support a particular crop. In the case of taro, a unique set of soil conditions (loamy clay mud), climactic and topographic configurations make up a limited subset of public lands that would be affected by a change in land use classification.

Currently, HRS171.10 which defines Land Classifications for intensive agriculture lands with only three classes--highly productive such as sugar and pineapple lands, medium productivity and marginal lands. Taro lands are both intensively cultivated and highly productive. Those still in cultivation are some of the highest yielding food producing lands in the State. A medium or marginal designation is influenced by water availability and acreage. Traditional taro lands are typically small parcels under 15 acres that have often been temporarily dewatered but have great potential for rehabilitation and food production. HB734 and HB484 reconciles DLNR Land Classifications for intensive agriculture with IAL classes and corrects the unspoken assumption in the current language that prime agriculture lands are only those of certain sizes, soil classes, and resources.

The Taro Security and Purity Task Force is the legislative body created in 2008 to provide guidance and recommendations regarding research, policy and the challenges that taro and taro farmers face both now and for the future. In 2009, legislators received a report from the task force outlining key issues and recommendations.

During the development of findings for that report, the task force found that taro lands and ancient agricultural structures such as terraces, walls, and 'auwai (irrigation canals) have had a long history of conversion (the removal and reuse of stone for other projects; grubbing and grading; roads, structures and subdivisions built directly on top of terraces and systems) and disruption (the breaking apart of whole systems and interruption of water conveyances across taro lands). We also found that the Hawaii State Historic Preservation Office has had little ability to influence protection of ancient agricultural systems on public and more so, on private lands since statehood.

Taro lands are also valley and gulch lands, many which have clear records of taro production in maps, photograph and written record, and still retain easily discernable walls, terrace and 'auwai structures. These lands are particularly vulnerable, especially in the conservation zoned areas, because of their beauty and are frequently at risk of being reassigned to other allowable uses.

We find that taro lands are often perceived of by many agencies as prevalent when, in reality, they have become an endangered resource for food self-sufficiency. One of the reasons behind that is the observation that the number of taro farmers today seems small; total acreage in production is approximately 600 acres. At least one recent study indicates the need for approximately 30,000 acres to provide Hawaii's current population of 1.3 million people with taro as one key staple starch for a period of one year. This is roughly equivalent to the number of acres registered as kuleana taro lands (lo'i) in 1940; a time when Hawaii was still food self-sufficient.

Agencies, and sometimes the general public, have rationalized that additional preservation of taro lands may be unnecessary. They point to existing fallow lands and what appears to be a dearth of commercial taro farmers statewide. Presently, less than 1 percent of the population in Hawaii grows food for local consumption or export. A demand-based rationale for preserving important agricultural lands would fail the test for all crops and all public and private agriculture lands in Hawaii. The idea that taro lands should be held to a different formula of proof of importance and a demonstrated presence of interested farmers in order to be protected is in conflict with the intent and purpose of land use and agricultural lands protection laws, and has the appearance of prejudice.

Statewide, community efforts to revitalize long fallowed and disrupted taro lands have proven time and again that lands believed to be unfeasible for rehabilitation have been restored to productivity. Expertise in determining the capacity for restoration can be found in the Taro Security and Purity Task Force, as well as well-respected groups such as 'Onipa'a Na Hui Kalo. *If we are planning for our future food sustainability, we must protect the remaining taro lands we have.*

The Taro Task Force has found that a significant portion of DOE, charter and private schools (K-12), and after school, cultural and community enrichment programs include kalo in curriculum and school gardens. The University of Hawaii is training a new generation of kalo planters throughout its system. There has been exponential growth in the number of youth and young adults training in the cultivation and production of taro and poi each year. At the opening day of this year's legislature an estimated 1,200 pounds were turned into poi by these youth; more than has been hand pounded at one time in one place since the 1930s. *If we fail to protect existing taro lands, whether long fallowed or currently in use, our responsibility to these students will have failed.*

Language proposed for HRS226-7 provides for the inclusion of traditional Hawaiian agricultural crops in the State's economic goals for agriculture. This will provide the State Office of Planning will additional guidance for protecting taro lands as a recognized part of the future of agriculture. Traditional Hawaiian crops are a vitally important part of Hawaiian health, community food security, and rising niche markets in organic and restaurant/hotel sectors. These unique crops play a significant role in visitor industry's images of Hawaii.

This bill also addresses the challenge of protecting the capacity to farm when surrounding properties become developed. HRS205-3.5 provides for the prohibition of any action that would interfere with or restrain farming operations.

The Taro Task Force notes numerous instances of road right of ways, property boundary fencing and other obstructions that have failed to protect the integrity of traditional systems and present day taro farms, particularly 'auwai. In the same way that the State and Counties are granted easement for modern electric and water lines as essential elements to a functioning city; so to are the traditional 'auwai systems to taro farming operations. HB734 adds language that clarifies HRS205-3.5 by prohibiting damage or blockage to 'auwai. The bill also adds to permissible uses within an agricultural district under HRS205-4.5 (8) the rehabilitation of ancient agricultural structures, which may be sites of historic or scenic interest, but are neither historic buildings, nor scenic viewplanes, but food producing systems.

Proposed amendments to HRS205-4.5(b) brings land use classifications into alignment with recommended changes to HRS171.10 Land Classes and prevents taro lands, once designated, from reclassification to other purposes.

HB484 aligns the language of HRS206.7 to the recommended changes in HB734 with respect to protection of taro lands. This statute allows for the acquisition of agricultural lands for development under limited circumstances, in particular affordable housing on Oahu.

Rapid development of the edges of urban boundaries and rural lands on all islands in the last 20 years has allowed for particularly high losses of ancient taro lands on private property. Public lands remain a critically important repository for remaining taro lands. Many valleys on Oahu retain remnant systems that can be brought back to life. Because lo'i kalo have unique requirements, there are rarely substitutions that can be made within the same watershed or valley. A community center, public park, housing or other state proposed project frequently has the option of being developed and able to function on alternative lands; lo'i kalo (wetland taro fields) do not, particularly where ancient structures are still present.

Additionally, taro lands are typically located in riparian areas and low areas prone to flash floods, upwelling groundwater and ponding. Building in these sites has typically represented a liability for the County and State both where developers sue for protection from natural environmental occurrences and in ongoing costs for flood mitigation. HB484 and HB734 protect the Counties and the State from potential liability for developing or permitting in known riparian and low-lying flood zones that are also taro lands.

HB734 and HB484 do not pass judgment on the merits of other noteworthy public works. They acknowledges the rarity of taro lands, the limited areas where taro lands remain and the growing importance of their presence for cultural and food sustainability efforts, whether utilized now or protected for future use.

The highest and best use of traditional taro lands that are still viable is to grow taro, whether that means for commercial purposes, subsistence, as a training ground for students, cultural programs and practitioners or as an incubator for future taro farmers.

The Taro Task Force requests the following amendments to HB734:

SECTION 2. Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

§171-1 Definitions. In this chapter, if not inconsistent with the context: "Taro lands" means any lands in taro cultivation prior to statehood, or any lands that retain historic structural evidence of loi kalo (auwai, terraces, walls).

§226-7 Objectives and policies for the economy--agriculture.

(a) Planning for the State's economy with regard to agriculture shall be directed towards achievement of the following objectives:

- (3) Growth and perpetuation of native Hawaiian crops.

The Taro Security and Purity Task Force strongly supports these measures and will work with the Department of Land and Natural Resources where more specific language may be required to reduce the destruction or conversion of taro lands to other uses on State lands.

Respectfully,



Mark Alapaki Luke, Chair
Taro Security and Purity Task Force

LATE

SB757

Submitted on: 4/3/2013

Testimony for FIN on Apr 3, 2013 14:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Maria Orr	East Maui Taro Festival, Inc	Support	No

Comments:

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FINTestimony

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SB757

Submitted on: 4/3/2013

Testimony for FIN on Apr 3, 2013 14:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Pono Kealoha	Individual	Support	No

Comments:

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SB757

Submitted on: 4/3/2013

Testimony for FIN on Apr 3, 2013 14:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Emily Kandagawa	Individual	Support	No

Comments:

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SB757

Submitted on: 4/3/2013

Testimony for FIN on Apr 3, 2013 14:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
chris kobayashi	Individual	Support	No

Comments: i im in SUPPORT of SB 757 HD2 Proposed. support state lands for lo`i kalo which would not be suitable for any other crop. thank you.

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