

LATE

SB 951

Testimony

**SB 951
RELATING TO PART III OF CHAPTER 205, HAWAII REVISED STATUTES**

**PAUL T. OSHIRO
MANAGER – GOVERNMENT RELATIONS
ALEXANDER & BALDWIN, INC.**

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Chair Nishihara, Chair Solomon, and Members of the Senate Committees on
Agriculture and Water & Land:

I am Paul Oshiro, testifying on behalf of Alexander & Baldwin, Inc. (A&B) and its agricultural company Hawaiian Commercial & Sugar Company on SB 951, "A BILL FOR AN ACT RELATING PART III OF CHAPTER 205, HAWAII REVISED STATUTES." We respectfully oppose this bill.

After over twenty five years of debate, negotiation, and compromise, the IAL Law and process was finally enacted in July 2008. After years of pursuing a land-use approach to this constitutional mandate, the IAL law that was successfully passed (Act 183 (2005) and Act 233 (2008)) was premised on the principle that the best way to preserve agricultural lands is to preserve agricultural businesses and agricultural viability. As such, the IAL Law not only provides the standards, criteria, and processes to identify and designate important agricultural lands to fulfill the intent and purpose of Article XI, Section 3 of the Hawaii State Constitution, it also provides for a package of incentives designated to support and encourage sustained, viable agricultural activity on IAL. With the enactment of this comprehensive package of IAL incentives, the long awaited IAL identification and designation process was finally started in July 2008.

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The IAL Law authorizes the identification and designation of IAL in one of two ways --- by voluntary petition to the State Land Use Commission by the landowner or farmer; or subsequently by the Counties filing a petition to designate lands as IAL pursuant to a County identification and mapping process. The IAL Law further provides incentives to the landowner and/or farmer to conduct agricultural activities on IAL lands. In either case, the LUC determines whether the petitioned lands qualify for IAL designation pursuant to the standards, criteria, objectives, and policies set forth in the IAL Law. To date, the IAL Law has resulted in the designation by the LUC of over 89,000 acres of agricultural lands as IAL from voluntary petitions by Alexander & Baldwin, Parker Ranch, Castle & Cooke, and Mahaulepu (Grove) Farm. We believe that additional acres will be designated through the voluntary landowner and County petition process in the years to come.

The purpose of this bill is to establish an ad hoc advisory committee to propose statutory amendments to the IAL Law. As mentioned above, the process to identify and designate lands as IAL, which was formally started in July 2008, has thus far resulted in over 89,000 acres of land being designated as IAL by the State Land Use Commission. We understand that applications to designate additional lands as IAL are presently pending before the Land Use Commission, which may soon bring the IAL total statewide to over 100,000 acres. In addition, we understand that several Counties are in various stages of their process to identify and map additional lands as IAL.

One of the compelling factors that resulted in the passage of the IAL Law after many, many years of debate, was a collaborative effort put forth by various entities and individuals to find common ground on this important issue. Through much thoughtful

and open discussion, consensus building agreements were developed to strike a delicate balance that was instrumental in the passage and enactment of the present IAL Law. We ask that the present IAL Law, which evolved from good faith efforts of many diverse interests, be allowed to proceed as presently set forth in statute. In short, please give the present IAL Law a chance to work.

Based on the aforementioned, we respectfully request that this bill be held in Committee.

Thank you for the opportunity to testify.

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