

JAN 23 2014

A BILL FOR AN ACT

RELATING TO AGRICULTURAL LANDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that maintaining the soil
2 organic matter on agricultural lands is essential for Hawaii's
3 future food security. Further, agricultural lands comprise some
4 of the highest yielding staple food crop acreage in the State.

5 In Hawaii in the distant past, farms were small and
6 communal. In the past one hundred years, agriculture was
7 dominated by plantations that utilized low wages and often
8 imported laborers for most if not all food production.
9 Currently, there is a resurgence in local, community-based
10 farming. Even the larger producers of today are still small
11 compared to mainland and Hawaii plantation agriculture.
12 Presently, there is a focus on local markets and niche
13 production that is sold locally or exported from Hawaii. A new
14 interest is in reforming that community-based, sustainable
15 agricultural environment.

16 The purpose of this Act is to require leaseholders of
17 agricultural lands leased from the State to improve and maintain
18 soil quality through management of soil organic matter.



1 SECTION 2. Chapter 205, Hawaii Revised Statutes, is
2 amended by adding a new section to part III to be appropriately
3 designated and to read as follows:

4 **"§205- Leased public lands; duty to maintain soil**
5 **quality and integrity of organic matter.** (a) Every leaseholder
6 of agricultural lands leased from the State shall protect,
7 during the period of the lease, the organic soil nutrient
8 structures on the leased land by establishing and maintaining
9 soil quality and the integrity of organic matter in the soil.

10 (b) The department of agriculture and the department of
11 land and natural resources shall:

12 (1) Establish and enforce guidelines and best practices
13 for purposes of subsection (a); and

14 (2) Monitor soil quality over a period of time on leased
15 agricultural lands to ensure soil quality is
16 maintained at a tolerable per cent change from the
17 baseline at the time the lease was executed.

18 (c) The requirements of this section shall be incorporated
19 into every lease agreement entered into after _____ ;
20 provided that all extensions of time of the lease shall
21 incorporate the requirements.



1 (d) Every leaseholder to whom this section applies shall
2 have soil tests conducted at certain sites identified by the
3 department of agriculture. The soil tests shall be conducted
4 annually, the initial test beginning with the end of the first
5 year of the lease, by an established, independent third party.
6 The cost of the soil testing shall be borne by the leaseholder.

7 (e) Every leaseholder to whom this section applies shall
8 formulate and file with the department of agriculture a soil
9 conservation plan that includes mandatory "lightest cultivation"
10 practices as provided in the guidelines of the United States
11 Natural Resources Conservation Service. The plan shall include
12 maps of the leased land, which shall be divided into distinct
13 cultivation parcels for maintenance of testing accuracy over a
14 period of time.

15 (f) The department of agriculture shall notify the
16 leaseholder in writing of noncompliance with the established
17 guidelines and best practices as provided in subsection (b), if
18 applicable; provided that:

19 (1) The notice of noncompliance shall be made at years
20 three and four following execution of the lease; and

21 (2) A leaseholder receiving a notice of noncompliance as a
22 result of declining levels of soil quality for the



1 third straight year shall be required to restore the
2 soil quality to a level deemed acceptable by the
3 department of agriculture. By the fifth year after
4 receiving the notice, the soil quality shall have been
5 restored to the original year one level that was
6 indicated by the initial soil test as provided under
7 subsection (d). If by the fifth year no improvement
8 in the soil quality occurs:

9 (A) The lease shall be subject to review for possible
10 termination;

11 (B) The lessee shall be subject to an administrative
12 fine of \$ _____ ; and

13 (C) The lessee shall be required to pay for the costs
14 to reestablish soil quality to a level deemed
15 acceptable by the department of agriculture.

16 (g) No later than December 13, 2014, the department of
17 agriculture and the department of land and natural resources
18 shall develop a plan to implement this section.

19 (h) For purposes of this section, "soil quality" means the
20 percentage, by mass, of organic matter present in the soil."

21 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

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S.B. NO. 3019

Report Title:

Agricultural Lands; Soil Quality; Soil Organic Matter

Description:

Require leaseholders of agricultural lands to improve and maintain soil quality through management of soil organic matter.

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