

LATE

nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 10, 2014 5:12 PM
To: AGL Testimony
Cc: oilipua64@gmail.com
Subject: Submitted testimony for SB2407 on Feb 11, 2014 14:55PM

SB2407

Submitted on: 2/10/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica O. Kaikaina	Individual	Support	No

Comments: Aloha Committee Chair(s), I would like to submit testimony in favor of this measure. I appreciate all of you for supporting, protecting, and perpetuating of our Native Hawaiian practices and ways of life. Aloha and Mahalo, Jessica Oilipua Kaikaina

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1768 Kalawi Place
Wailuku (Maui), Hawaii 96793

February 9, 2014

Email Testimony

The Honorable Clarence Nishihara
Chairman Senate Agriculture Committee
sennishihara@capitol.hawaii.gov

The Honorable Malama Solomon
Chairwoman Senate Committee on Water and Land
sensolomon@capitol.hawaii.gov

The Honorable Chairwoman Shimabukuro
Chairwoman Senat Committee on Hawaiian Affairs
senshimabukuro@capitol.hawaii.gov

Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Joint Committee Hearing on SB 2407

Vincent Mina
President
Maui

Aloha Chairman Nishihara, Chair Solomon and Chair Shimabukuro and Honorable Committee Members,

Simon Russell
Vice-President
Maui

HFUU is submitting testimony in support of SB 2407. We agree with the Sate Commissioned Taro task Force that these protections for Taro and Taro farmers need to be put in place a robust future for Taro production in the near future. We have Taro farmers in our membership and can say that many more people will farm Taro when land and water are more abundant, as well as security in the long term availability of those 2 critical factors in the Taro Farming equation.

David Case
Secretary
Kona

We are of the opinion that Taro production in Hawaii has declined to dangerously low levels, and the availability of land and water to farm Taro has followed suit. We know hat needs to be done, preservation of the resource that we hold sacred.

Ray Maki
Treasurer
Kauai

Respectfully submitted,

HAWAII FARMERS UNION UNITED

Pamela Boyar
Member
Oahu

Vincent Mina, President

David Fisher
Member
Maui

The Hawaii Farmers Union and its Chapters is a nonprofit corporation formed under Hawaii law. It advocates for the sovereign right of farmers to create and sustain vibrant and prosperous agricultural communities for the benefit of all Hawaii through cooperation, education and legislation.

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 10, 2014 11:25 PM
To: AGL Testimony
Cc: acthalmann@gmail.com
Subject: *Submitted testimony for SB2407 on Feb 11, 2014 14:55PM*

SB2407

Submitted on: 2/10/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
alison thalmann	Individual	Support	No

Comments:

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nishihara1 - Amanda

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 11, 2014 6:43 AM
To: AGL Testimony
Cc: hokuokekai50@msn.com
Subject: Submitted testimony for SB2407 on Feb 11, 2014 14:55PM

SB2407

Submitted on: 2/11/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Lacques	Individual	Support	No

Comments: Mahalo for supporting SB2407 with the amendments recommended by the Taro Task Force.

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KAKO'O 'ŌIWI

LATE

February 10, 2014

To: The Honorable Clarence K. Nishihara, Chair
The Honorable Ronald D. Kouchi, Vice Chair, and
Members of the Senate Committee on Agriculture

Date: February 11, 2014
Time: 02:55 p.m.
Place: Room 229, State Capitol

From: Janice-Renee Yoshioka, Chief Financial Officer
Kāko'o 'Ōiwi

Re: Support of S.B. No. 2407 Relating to Agricultural Lands

I. OVERVIEW OF PROPOSED LEGISLATION

S.B. No. 2407 proposes certain protections on wetland taro lands including (a) an amendment to public land classifications to include taro lands for wetland cultivation as a fourth class of intensive agricultural use lands; (b) increased protections for supporting structures associated with taro fields such as 'auwai (traditional irrigation systems) where they cross parcel boundaries; and (c) the addition of the "growth and perpetuation of Hawaiian crops" to the State Office of Planning goals for agriculture.

II. COMMENTS ON THE SENATE BILL

This bill expands access to affordable State lands in which to cultivate wetland taro, a culturally-important staple crop, and is an important step toward enhancing the vitality and survival of taro and taro agriculture in the State and achieving greater food self-sufficiency in Hawai'i.

Kāko'o 'Ōiwi is a Hawai'i 501(c)(3) non-profit organization that manages a 405-acre property in the wetlands of He'eia, O'ahu with a rich heritage of wetland taro cultivation. Each year, our organization hosts over 3,000 volunteers from across O'ahu and supplies high-value taro to local markets. Our experience has demonstrated that there is clear demand for wetland taro and for providing opportunities to engage in the cultivation of this important crop. Expanded access to suitable wetland taro lands is critical for ensuring that our State can continue to support the perpetuation of taro and the practices and skills associated with its cultivation. For this reason, we request that you support S.B. No. 2407.

Mahalo piha for the opportunity to submit this testimony.



Hawaii Reserves, Inc.
A LAND MANAGEMENT COMPANY

LATE

February 11, 2014

Via E-mail to: AGLtestimony@capitol.hawaii.gov
Senate Committee on Agriculture
Sen. Clarence K. Nishihara, Chair
Sen. Ronald D. Kouchi, Vice Chair

Re: S.B. 2407 (Re: Agricultural Lands)
Testimony In Opposition
Hearing AGL-WTL-HWN: Tues., Feb. 11, 2014, 2:55 p.m., Conf. Rm. 229

Chairs Nishihara, Solomon, and Shimabukuro, and Committee Members:

Aloha and thank you for the opportunity to testify in opposition to the above bill on behalf of Hawaii Reserves, Inc., a land management company located in Laie, Oahu.

This bill restricts the use of certain lands and prohibits district boundary amendments of "taro lands". Taro lands are defined as "any lands in wetland taro cultivation prior to statehood, or any traditional taro lands that retain historic structural evidence of lo'i kalo, such as 'auwai irrigation ditches, terraces, or walls" (Section 3).

While likely well-intended, this language is overbroad and could have unintended consequences. Several issues and questions are not addressed in this bill, including:

1. Who makes the determination as to what was in "cultivation prior to statehood" - a government agency or panel, a state appointed council or commission, the landowner, third party private groups or citizens?
2. What criteria is used to make the determination - property records, aerial photography, oral testimony, etc?
3. What is the process? (What triggers a determination, what timeframe is involved, are there appeal procedures, etc?)
4. Decades may have passed since a particular property has been used for taro cultivation. If former taro lands have long since been reused for other crops or uses, should there be established exceptions since the "protection"/restriction afforded by this bill may be moot?

We know and understand the importance of kalo to Hawaii – our company's logo bears the kalo leaf and we have been strong supporters of lo'i kalo on our lands and in our community. However, it appears that the language and consequences of this bill have not been well considered.

For these reasons and others we respectfully urge you to hold S.B. 2407.

Mahalo,

Steve Keali'iwahamāna Hoag, Esq.
Vice-President, Administration

Hawai'i Construction Alliance

LATE

P.O. Box 179441
Honolulu, HI 96817
(808) 348-8885

February 11, 2014

The Honorable Clarence Nishihara, Chair, Committee on Agriculture
The Honorable Malama Solomon, Chair, Committee on Water and Land
The Honorable Maile Shimabukuro, Chair, Committee on Hawaiian Affairs
and members
Hawai'i State Senate
Honolulu, Hawai'i 96813

Dear Chair Nishihara, Chair Solomon, Chair Shimabukuro, and members:

The Hawai'i Construction Alliance **would like to express its opposition to SB2407**. We are concerned about whether the bill is indeed necessary, given the protections which already exist for traditional Hawaiian agricultural uses under IAL laws; whether the bill would apply broadly to any lands ever used for taro production; and how the bill treats taro lands' productivity.

The Hawai'i Construction Alliance is comprised of the Hawai'i Regional Council of Carpenters; the Hawai'i Masons Union, Local 1 and Local 630; the Laborers' International Union of North America, Local 368; and the Operating Engineers, Local 3. Together, the four member unions of the Hawai'i Construction Alliance represent over 15,000 working men and women in the four basic crafts of Hawai'i's construction industry.

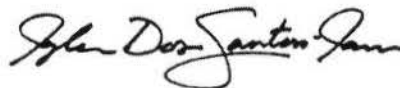
Current statutes already provide a process for "lands associated with native Hawaiian agricultural uses, such as taro cultivation" to be designed as important agricultural lands, thus providing them the benefits, protections, and preservation of existing IAL laws.

We are concerned that the language to define "taro lands" in Section 3, which specifies that taro lands are "any lands in wetland taro cultivation prior to statehood," or "any traditional taro lands that retain historic structural evidence of lo'i kalo, such as 'auwai irrigation ditches, terraces, or walls," is extremely broad. Will the bill protect all lands that were ever used for taro cultivation at any point prior to 1959, or only those which were used traditionally and over a long period of time?

We are also concerned that Section 4 of SB2407 is internally inconsistent. On one hand, the bill creates a new class of "taro lands" under the classification of "intensive agricultural use." On the other hand, taro lands are defined as having "no particular productivity determination." How can lands be classified as "intensive" without necessarily weighing the lands' productivity?

Because of our concerns above, and because of the concerns raised by many other organizations, we recommend that the bill be deferred at this time. Mahalo for the opportunity to provide these comments on this bill.

Aloha,



Tyler Dos Santos-Tam
Executive Director
Hawai'i Construction Alliance
execdir@hawaiiconstructionalliance.org

nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 11, 2014 2:10 PM
To: AGL Testimony
Cc: farmfreshhawaii@gmail.com
Subject: Submitted testimony for SB2407 on Feb 11, 2014 14:55PM

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SB2407

Submitted on: 2/11/2014

Testimony for AGL/WTL/HWN on Feb 11, 2014 14:55PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Juanita Kawamoto Brown	Environmental Caucus	Support	Yes

Comments: Late testimony to be submitted to committee.

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February 11, 2014 2013

Senator Clarence K. Nishihara, Chair
Senator Ronald D. Kouchi, Vice Chair
Senate Committee on Agriculture

Senator Malama Solomon, Chair
Senator Brickwood Galuteria, Vice Chair
Senate Committee on Water and Land

Senator Maile S.L. Shimabukuro, Chair
Senator Clayton Hee, Vice Chair
Senate Committee on Hawaiian Affairs

Comments and Concerns in Opposition to SB 2407 Relating to the Protection of Taro (Prohibits district boundary amendments of taro lands. Amends public land classifications to add taro lands for wetland cultivation as a fourth class of intensive agricultural use lands. Defines taro lands. Requires retention of supporting structures associated with taro fields. Adds growth and perpetuation of traditional Hawaiian crops to agricultural state planning objectives.)

Tuesday, February 11, 2014, 2:55 p.m., in CR 229

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 2241.**

SB 757, SD2, HD2. This measure prohibits district boundary amendments of taro lands; amends public land classifications to add taro lands for wetland cultivation as a fourth class of intensive agricultural use lands; defines taro lands; requires retention of supporting structures associated with taro fields; and adds growth and perpetuation of traditional Hawaiian crops to agricultural state planning objectives.

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LURF's Position. LURF supports the preservation of taro lands for wetland cultivation and the retention of supporting structures associated with taro fields as Important Agricultural Lands (IAL) under Chapter 205, Section 205-44(c)(4). While LURF continues to be 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 2241, 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 2241 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 currently affording such lands all the benefits and protections of the IAL laws.

a. The Amendment of HRS Sections 171 and 205 to Include References to 'Taro Lands' Allegedly in Order to Further the Purpose of this Bill, is Therefore Redundant, Confusing, 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 amendment to HRS Section 171-1 (to amend public land classifications to add and define taro lands) as recommended by this bill, is superfluous and unneeded.

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

The concerns that proponents of this bill 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 version of the bill may, if verified to be culturally significant¹, be put on historic registers or designated as historic places pursuant to the State historic preservation process set forth in HRS Chapter 6E.

-
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 that determination would accurately be made and confirmed?

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Committee on Agriculture
Committee on Water and Land
Committee on Hawaiian Affairs
SB 2241 Relating to Protection of Taro
February 11, 2014
Page 3

This bill would, in fact, create confusing, overlapping and potentially conflicting laws and requirements relating to historic preservation by:

- Creating a new class of “Taro Lands,” under the classification “**[i]ntensive agricultural use**”, yet providing an inconsistent definition: “*This class does not make a determination of productivity and recognizes the cultural, social, economic, and food self-sufficiency value of preserving traditional taro lands for wetland cultivation.*”
- Including yet another **inconsistent and vague definition** of “taro lands” as “any lands in wetland taro cultivation prior to Statehood.”
- Subjecting such lands and landowners to an additional, new process.

Based on the above, it is clear that no further legislative action need or should be taken to further the alleged purpose of this measure, since the amendments proposed by this HD2 are not necessary to protect the identified lands and structures.

LURF strongly believes that SB 2407 is needless given existing legislation, and that the true intent and stated underlying purpose of the measure is suspect. For the reasons set forth above, LURF **opposes this bill**, and respectfully urges that it be held by your Committees.

Thank you for the opportunity to share these comments and concerns.

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