

LATE

nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 27, 2014 2:58 PM
To: AGL Testimony
Cc: erika.goddess@gmail.com
Subject: Submitted testimony for SB2777 on Feb 27, 2014 13:30PM

SB2777

Submitted on: 2/27/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Erika Schneider	Individual	Oppose	No

Comments: I STRONGLY oppose SB 2777 because it appears to preempt review and decision-making at both the State and County levels, and to allow a complete free-for-all on agricultural lands, including the unrestricted use of genetically modified seeds. The part of the bill that deals with forest reserve boundaries does not concern me as much as: "land uses described in section 205_2, HRS, relating to agricultural lands shall be permitted without further limitations or restrictions, rather than as determined by the land use commission." This seems to restrict what counties can do to regulate agriculture. We should allow counties to make restrictions as they see fit on agricultural issues - some counties, like Kauai, are dealing with severe pesticide drift and expansion of GMO experimentation using vast amounts of pesticides and experimental pesticides. This bill appears to be yet another attempt by biotech to STOP Kauai from protecting it's 'life and health' of the citizens. The State needs to stop trying to pre-empt county jurisdiction over the health and well being of county communities. It is a thinly veiled attack from big chemical biotech - once again on the county of Kauai. I oppose this bill, and hope that you will too. It's time for 'sneaky legislation', sponsored by lobbyists for biotech hiding behind our elected officials, to STOP! It's no coincidence that the legislators that keep sponsoring these 'preemption' bills, are ALSO the ones that took the most campaign money from biotech chemical corporations. We have better things to do with our legislators time, rather than once again pandering the interests of a few international chemical corporations through sneaky bills. Let's deal with the homeless, the drugs, the ill-equipped DOA at the State level, and stop trying to preempt the counties. Mahalo.

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nishihara1 - Amanda

From: Lorie Farrell <lorie.farrell@gmail.com>
Sent: Thursday, February 27, 2014 2:30 PM
To: AGL Testimony
Subject: I support SB 2777 - Relating to Agriculture

Chair Nishihara,

COMMITTEE ON AGRICULTURE
Senator Clarence K. Nishihara, Chair
Senator Ronald D. Kouchi, Vice Chair

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS Senator Will Espero, Chair Senator Rosalyn H. Baker, Vice Chair

COMMITTEE ON WATER AND LAND
Senator Malama Solomon, Chair
Senator Brickwood Galuteria, Vice Chair

DATE: Thursday, February 27, 2014 - TIME: 1:30pm
PLACE: Conference Room 225 - State Capitol - 415 South Beretania Street

Aloha Chair(s) and Committee Members

I support the intent of SB 2777 and the clarification of the land use zoning requirements. This is a positive action to clarify existing language and removing hurdles and fostering agriculture growth for Hawaii.

Mahalo for the chance to support Hawaii Agriculture

Lorie Farrell

Lorie Farrell
POBox
Honokaa, HI 96727

LATE

nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 27, 2014 1:25 PM
To: AGL Testimony
Cc: chris@mentzel.com
Subject: *Submitted testimony for SB2777 on Feb 27, 2014 13:30PM*

SB2777

Submitted on: 2/27/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Mentzel	Individual	Oppose	No

Comments:

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 27, 2014 12:46 PM
To: AGL Testimony
Cc: rts5371@yahoo.com
Subject: *Submitted testimony for SB2777 on Feb 27, 2014 13:30PM*

SB2777

Submitted on: 2/27/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Roy Shitanaka	Individual	Oppose	No

Comments:

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 27, 2014 12:31 PM
To: AGL Testimony
Cc: mauigeorge13@yahoo.com
Subject: Submitted testimony for SB2777 on Feb 27, 2014 13:30PM

SB2777

Submitted on: 2/27/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
George Simon	Individual	Oppose	No

Comments: SB 2777 is but the latest attempt to protect the interests of Monsanto and other biotech companies in the wake of recently passed county legislation on the islands of Kauai and Hawaii to require disclosure of pesticide/herbicide use, and the banning of growing GMO crops. Shame on Senators Delacruz, Kidani, Solomon, and Nishihara for bringing forth this bill who by doing so are answering only to their corporate masters! This is a thinly veiled attempt to further the interests of the Biotech corporations in direct response to the legislation recently passed on Kauai and Big Island. It is in line with national trends to take away the rights of local people for self governance. Furthermore the unregulated use of experimental pesticides/herbicides (especially in untried combinations!) scientifically violates the "precautionary principle" that it be proven safe before it is released into the environment especially near our communities, water supply, and schools as they are doing on Molokai and Kauai. I oppose this bill and any future attempts by the state and/or federal government to restrict the a county government's right to implement their own laws and/or ordinances.

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 27, 2014 11:57 AM
To: AGL Testimony
Cc: milolii12@yahoo.com
Subject: *Submitted testimony for SB2777 on Feb 27, 2014 13:30PM*

SB2777

Submitted on: 2/27/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Melia Leslie	Individual	Oppose	No

Comments:

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 27, 2014 11:42 AM
To: AGL Testimony
Cc: babesagainstbiotech@gmail.com
Subject: Submitted testimony for SB2777 on Feb 27, 2014 13:30PM

SB2777

Submitted on: 2/27/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Nomi Carmona	Babes Against Biotech	Oppose	Yes

Comments: No.

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 27, 2014 11:38 AM
To: AGL Testimony
Cc: kellytsutsui@gmail.com
Subject: *Submitted testimony for SB2777 on Feb 27, 2014 13:30PM*

SB2777

Submitted on: 2/27/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Kelly Tsutsui	Individual	Oppose	No

Comments:

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 27, 2014 11:24 AM
To: AGL Testimony
Cc: madcower@gmail.com
Subject: *Submitted testimony for SB2777 on Feb 27, 2014 13:30PM*

SB2777

Submitted on: 2/27/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Bryce Boeder	Individual	Oppose	No

Comments:

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 27, 2014 11:19 AM
To: AGL Testimony
Cc: lauryn_rego@hotmail.com
Subject: Submitted testimony for SB2777 on Feb 27, 2014 13:30PM

SB2777

Submitted on: 2/27/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
lauryn rego	Individual	Oppose	No

Comments: I strongly oppose this bill, and feel that it is just another sneaky attempt to take away the rights of counties to pass laws to protect themselves.

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 27, 2014 11:19 AM
To: AGL Testimony
Cc: haha@hawaii.rr.com
Subject: Submitted testimony for SB2777 on Feb 27, 2014 13:30PM

SB2777

Submitted on: 2/27/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kong	Individual	Oppose	No

Comments: You continue to relentlessly attack the land and rights of county rule. Shamelessly sneaky attacks to preempt the rights of the people. Auwe.

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 27, 2014 11:17 AM
To: AGL Testimony
Cc: protecthawaiifromgmos@gmail.com
Subject: Submitted testimony for SB2777 on Feb 27, 2014 13:30PM

SB2777

Submitted on: 2/27/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Sandee Phillips	Individual	Oppose	No

Comments: STRONGLY OPPOSE!! Please start listening to the people's voice.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 27, 2014 10:45 AM
To: AGL Testimony
Cc: autumnness@yahoo.com
Subject: Submitted testimony for SB2777 on Feb 27, 2014 13:30PM

SB2777

Submitted on: 2/27/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
autumn ness	Individual	Oppose	No

Comments: I cant believe you are trying to strip counties of their rights AGAIN. Never have I heard of such a law. Common sense AND legal precedent says that when state and federal governments dont have the time or resources to make decisions to protect local citizens, the local government shall act.

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 27, 2014 10:05 AM
To: AGL Testimony
Cc: dianehawaii@hotmail.com
Subject: *Submitted testimony for SB2777 on Feb 27, 2014 13:30PM*

SB2777

Submitted on: 2/27/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Parker	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 27, 2014 9:59 AM
To: AGL Testimony
Cc: Imuakako@ymail.com
Subject: Submitted testimony for SB2777 on Feb 27, 2014 13:30PM

SB2777

Submitted on: 2/27/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Maria Taylor	Individual	Comments Only	No

Comments: I oppose this bill. Until the claims of the Hawaiian Kingdom and kanaka beneficiaries are finalized, EVERYTHING should be kept status quo.

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 27, 2014 9:17 AM
To: AGL Testimony
Cc: jacelynkane@hotmail.com
Subject: *Submitted testimony for SB2777 on Feb 27, 2014 13:30PM*

SB2777

Submitted on: 2/27/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Jacelyn Kane-Simpson	Individual	Oppose	No

Comments:

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 27, 2014 8:53 AM
To: AGL Testimony
Cc: sansdioso@gmail.com
Subject: Submitted testimony for SB2777 on Feb 27, 2014 13:30PM

SB2777

Submitted on: 2/27/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
sanna kauhane	Individual	Oppose	No

Comments: I am so outraged at our "government" and the fact that they're trying so hard to jeopardize our health and the health of our children. Here in Maui county we are trying to get GMO crops out because it's in our groundwater, our air we breathe and next to our schools. Shame on you for proposing such a bill that would deny us of this right!

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 27, 2014 8:35 AM
To: AGL Testimony
Cc: ffmummy@gmail.com
Subject: Submitted testimony for SB2777 on Feb 27, 2014 13:30PM

SB2777

Submitted on: 2/27/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Lynn	Individual	Oppose	No

Comments: Keep Kauai and all counties strong and independent. Keep our rights to determine our values and make decisions for our particular needs. Please don't give away our county rights to the State.

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 27, 2014 8:31 AM
To: AGL Testimony
Cc: jeff@outofthesea.com
Subject: Submitted testimony for SB2777 on Feb 27, 2014 13:30PM

SB2777

Submitted on: 2/27/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Haun	Individual	Oppose	No

Comments: Please do not pass any legislation that restricts home rule or the county's ability to pass laws regarding the use of agriculture lands.

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 27, 2014 7:32 AM
To: AGL Testimony
Cc: suzanne@punapono.com
Subject: *Submitted testimony for SB2777 on Feb 27, 2014 13:30PM*

SB2777

Submitted on: 2/27/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Suzanne Wakelin	Individual	Oppose	No

Comments:

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LATE

nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 27, 2014 4:38 AM
To: AGL Testimony
Cc: annbassel@earthlink.net
Subject: Submitted testimony for SB2777 on Feb 27, 2014 13:30PM

SB2777

Submitted on: 2/27/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Ann Bassel	Individual	Oppose	No

Comments: As an owner of agricultural land on Maui, growing produce and pasturing livestock, I care very much about the land. It is important that each county maintain the authority to regulate and restrict the use of agricultural land. I am opposed to this bill that removes county authority to restrict uses such as Genetically Engineered Operations and Practices, whose true impact on our lands and people is unknown at this time.

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 26, 2014 10:57 PM
To: AGL Testimony
Cc: ponosize@hotmail.com
Subject: *Submitted testimony for SB2777 on Feb 27, 2014 13:30PM*

SB2777

Submitted on: 2/26/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

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

Comments:

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 26, 2014 9:55 PM
To: AGL Testimony
Cc: ben@beachbreeze.com
Subject: *Submitted testimony for SB2777 on Feb 27, 2014 13:30PM*

SB2777

Submitted on: 2/26/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Ben Little	Individual	Oppose	No

Comments:

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 26, 2014 8:15 PM
To: AGL Testimony
Cc: dubieldesign@hotmail.com
Subject: Submitted testimony for SB2777 on Feb 27, 2014 13:30PM

SB2777

Submitted on: 2/26/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Rexann Dubiel	Individual	Oppose	No

Comments: Please.....it is your responsibility to take care and look after the welfare of the citizens of Hawaii. Any actions which jeopardizes our health and well being should be opposed. It is your duty to protect us. Get educated.....watch the documentary, "Genetic Roulette." and you will see the devastation around the world regarding heavy, poisonous chemical pesticide and herbicide use and genetically modified foods which require these toxic products.

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 26, 2014 7:51 PM
To: AGL Testimony
Cc: menardtheresa@gmail.com
Subject: Submitted testimony for SB2777 on Feb 27, 2014 13:30PM

SB2777

Submitted on: 2/26/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Theresa Menard	Individual	Oppose	No

Comments: I am for preserving the rights of Counties.

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 26, 2014 7:24 PM
To: AGL Testimony
Cc: duberstem001@hawaii.rr.com
Subject: *Submitted testimony for SB2777 on Feb 27, 2014 13:30PM*

SB2777

Submitted on: 2/26/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Jeanne Duberstein	Individual	Oppose	No

Comments:

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Sent: Wednesday, February 26, 2014 7:19 PM
To: AGL Testimony
Cc: lindaamenzies@gmail.com
Subject: Submitted testimony for SB2777 on Feb 27, 2014 13:30PM

SB2777

Submitted on: 2/26/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Linda	Individual	Oppose	No

Comments: No stripping what the people want!!!

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nishihara1 - Amanda

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Sent: Wednesday, February 26, 2014 7:18 PM
To: AGL Testimony
Cc: orchid6128@aol.com
Subject: *Submitted testimony for SB2777 on Feb 27, 2014 13:30PM*

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Submitted on: 2/26/2014

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Submitted By	Organization	Testifier Position	Present at Hearing
deb mader	Individual	Oppose	No

Comments:

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 26, 2014 5:08 PM
To: AGL Testimony
Cc: ahuntemer@aol.com
Subject: Submitted testimony for SB2777 on Feb 27, 2014 13:30PM

SB2777

Submitted on: 2/26/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Angela Huntmer	Individual	Oppose	No

Comments: I am absolutely OPPOSED to SB2777. The ordinances established by counties to protect us from experimental and other misuses of pesticides are NOT to be undermined by companies seeking to avoid disclosure on this important issue. A'ole SB2777. Mahalo for your time and attention. Angela Huntmer M.Ed.

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 26, 2014 4:36 PM
To: AGL Testimony
Cc: erikaireland@gmail.com
Subject: *Submitted testimony for SB2777 on Feb 27, 2014 13:30PM*

SB2777

Submitted on: 2/26/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Erika E. Ireland, Esq.	Individual	Oppose	No

Comments:

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 26, 2014 3:34 PM
To: AGL Testimony
Cc: f88000001d@gmail.com
Subject: *Submitted testimony for SB2777 on Feb 27, 2014 13:30PM*

SB2777

Submitted on: 2/26/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Doug Killpatrick	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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nishihara1 - Amanda

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 26, 2014 2:21 PM
To: AGL Testimony
Cc: katiehorgan@me.com
Subject: Submitted testimony for SB2777 on Feb 27, 2014 13:30PM

SB2777

Submitted on: 2/26/2014

Testimony for AGL/PSM/WTL on Feb 27, 2014 13:30PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Katie	Individual	Oppose	No

Comments: This law is another attempt to preempt the county's rights to regulate agriculture. As written it would be vague and ambiguous. It would leave the counties vulnerable to additional lawsuits by ag corporations. From Gary Hooser's analysis: The changes if approved would result in the law saying this "(b) Within agricultural districts, uses described in section 205-2 shall be permitted without further limitations or restrictions ;provided that accessory agricultural uses and services as identified in sections 205-2 and 205-4.5 may be further defined by each county by zoning ordinance. SB2777 in effect says all agricultural uses of agricultural land described within 205-2 shall be allowed without any restrictions from County government (or anyone). Laws by definition are "restrictions and limitations". The legal impact of SB2777 is that the County may not limit any agricultural use defined in 205-2 which means the passage of SB2777 would nullify both the Kauai and the Hawaii County ordinances regulating pesticide and GMO use. Existing law also says that the County may by zoning ordinance further define accessory agricultural uses and services as identified. This provision in the law that already exists at first glance offers some comfort, however is contradictory to the provision being added that specifies "without further limitations or restrictions". It is important to note that "zoning ordinances" are much more difficult to pass than a standard ordinance. In Kauai County, zoning ordinances must pass through the planning commission before the Council can pass them into law. To say that the County may not limit or restrict agriculture but then say the County may "further define accessory agricultural uses and services as identified" is vague and ambiguous. It appears that these uses and services can be further defined but only in a manner that does not limit or restrict their activity. In addition, it seems that there no definition or use of the words "accessory agricultural uses and services" within the existing 205-2 and 205-4.5 law.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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nishihara1 - Amanda

From: lanimac <lanimac@aloha.net>
Sent: Thursday, February 27, 2014 1:52 PM
To: AGL Testimony; AGRtestimony
Subject: RE Proposed anti-HOME RULE legislation

Citizen/Resident-Testimony
to Joint Committee Hearing on the proposed
"Home Rule" landuse legislation.

Dear Committee Members

I've owned a modest, livestock-fenced farmlot acreage in one Big Island farmlot subdivision in Puna for 18 years, and for 35 years I've also owned a one-acre lot within an ag-zoned semi-rural residential-subdivision, with my home on it - where I've lived during this entire time. Within the legal boundaries for both of these lots and for each of the respective durations of ownership, I've maintained all the soils and their open-catchment water-sources as certifiably "ORGANIC" - and considered this fact an added advantage regarding their potential market-values, as well as for my own and family's better health and greater enjoyment, as well as for all the crops and livestock we've had living on these lands, and for our pets and garden at home - not to mention the wildlife including birds that come and go and share our spaces at will.

This larger farmlot is physically located within a group of roughly similar, adjacent privately-owned farmlots - with residences and both commercial and non-commercial agricultural activities being variously pursued on these neighboring lots as well. I've lived in Hawaii County for 35 years I believe with intense conviction, based both in my higher-education background and from being employed in the field of University-based medical genetics research, and from the outpouring of previous concurring testimonies to our own Hawaii County Council last fall, regarding testimonies provided at hearings on the recently passed GMO-control bill signed into county law by our Mayor, that every county needs to preserve its LOCAL CONTROL over making and enforcing as much of our local land-use laws as we can.

Politically too, I believe that the lifestyle priorities and local cultures and subcultures of any given locality of resident peoples are significantly AND IMPORTANTLY geographically based - have been shaped and conducted for generations in conformity with all those more permanent requisites for living and thriving within the particular conditions afforded by the land for establishing natural and familiar adaptations with the most normalized ways of living on that land. And that, in fact, the natural adaptations over time greatly supercede and also underpin the rest of the predominant local residents' social, economic and cultural adaptations and trump over most of the innovations tried or accrued as well, by lasting so durably over time for the generations of local residents in a given area, in meeting their more basic everyday life-needs - even while barely consciously so in many residents' minds - trumping the current trends and temporary aberrations in the local social and economic factors, also guiding them in refining their lifestyles for the more daily ways of living in choosing among these for ourselves, but which are always being influenced by them, based on the unique features, weather and climates of the particular land-areas in and on which their neighborhoods and local communities coexist. Understanding the power of these basic natural geographic conditions of our local environments are indivisibly preeminent in all matters of speaking about adhering to "The Ground Rules for Living Successfully On the Earth" - if you will - themselves. This is where moral vision and judgment is most needed for the basic wellbeing of every person, for surviving and living well and long enough over time, and raising their new generations, within their local communities.

Meanwhile, the "amoral" aspect of profit-seeking by industrializations within our system, where needed for their jobs, whether or not for their specific products and by-products, motivates the financially more powerful to be constantly seeking to invade and build incursions into those natural systems - both for increasing

profits from production and for creating unnatural needs or increasing discomforts for the people, into which they can sell more or other newer products: on the standard business-model of seeking ways to double the company's profitability by creating a new problem for their target consumer-group, then developing an innovative solution for it to sell them.

This kind of business model is built on principles for achieving shorter term gains for themselves at real or potential longer term expense for others - and logically quite possibly in this case, for nearly everyone else.

The GMO-crops industry's ambitions, in my opinion, have been consistently, demonstrably and absolutely in conformity for following this description of its primary business model for creating and selling its manufactured, highly unnaturally genetically modified products - as aided by advertising and lobbying campaigns (including this industry's documented underhanded practices of threatening or bribing state and local elected public officials, with intent to divert their sworn loyalty from their constituencies in favor of providing for the industry's priorities, instead). Also, this business-model is geared toward running up their stockmarket and commodities valuations and securities-share-pricings.

In my deeply held opinions being formed by scientifically valid means over the past three decades, there can be no difference found in all of nature now and prehistorically between any two given species of natural life-form existing on this planet could be defined as more oppositional and potentially destructive for all of natural life exposed to it, with higher potential for causing its particularly damaging effects OVER TIME - especially generationally - than those capable of being created artificially by insert alien genes into living organisms capable of being reproduced without further interventions by Man, as genetically altered progeny by that altered parent-being down through its subsequent generations - and even doubled or multiplied via natural means of generational succession. I simply cannot pull or push my conscience hard enough to agree to credit any justification - not even by that industry's claims of finding a "way" for "feeding a hungry world" - for EVER allowing the RISK of ACTUALLY CREATING - by CHOICE - more and more genetic ILLNESSES and DISORDERS to afflict or destroy the children and LIVES and OPPORTUNITIES for us ALL.

We wondered, some worrying about it more than others, as I was growing into adulthood and beyond, if the then-newly developing radiation-industries - from nuclear weapons productions, in the newer medical radiology devices, or as electrical-power sources might alter OUR OWN GENES and cause us to produce "little monsters" when we had our own kids. It was shown by scientific research and medical experience that over-exposures to radiation CAN DO THAT - alter genes that can then be inherited. So our society led by government, got busy and created whole new systems for monitoring radiation-exposure and built networks of scientifically viable practices, policies, laws and rules-making to PROTECT our people from "radioactivity" in all its known forms. And, in fact, now we can see that we've virtually dodged that bullet - reduced to near-zero that very real and present, grave THREAT of spreading radioactive disease among all of humanity.

WOULDN'T ONE LOGICALLY BELIEVE NOW - SHOULDN'T YOU THINK? - THAT ANY kind of TECHNOLOGY THAT COULD DO, or potentially inflict, THAT KIND OF IRREVERSIBLE GENETIC and PHYSICAL DAMAGE UPON US as living organisms, and CAN THREATEN OUR FAMILIES PERMANENTLY in this way, SHOULD ALSO BE FORESWORN and PREVENTED BY ALL MEANS POSSIBLE, INCLUDING LAWMAKING, FROM EMPLOYING EVERY POTENTIALLY SHORT-TERM "SHORTCUT" to prosperity for some folks, somewhere - and CUT OFF from ALL OPPORTUNITIES FOR DOING SO??? "GMO" NEEDS TO BE REGARDED AS A FAR MORE POTENTLY DAMAGING "POISON" EVEN than the PESTICIDES SOME GMO CROPS DEPEND UPON.

As if this weren't MORE than reason-enough to STOP Hawaii's burgeoning GMO industry, consider this ADDED HARM to factor into our mental "Insult to Injury" dept: - Let's not fail to be mindful that the ECONOMIC wellbeing of our farmers is also SERIOUSLY THREATENED by this cynical introduction intended to totally upend the time-honored means of making a decent living by farming - growing and selling fresh food-crops, of ANY unnaturally industrialized system of using patents and influencing lawmaking to enable itself to LEGALLY FORCE FARMERS TO BUY NEW SEEDS FROM THE ONE COMPANY EVERY GROWING SEASON, BECAUSE THEIR LAND IS POLLINATED ALREADY WITH THE

PATENTED GMO CROP SOLD TO THEM AND GROWN THE YEAR BEFORE, to FOREVER-AFTER keep replenishing its harvested crops, on pain of legal prosecution or lawsuit by the company for "breaking the contract" that comes WITH the purchase of GMO seeds, instead of allowing individual farmers to GROW THEIR OWN SEEDS for subsequent crops - and from sellers OF THEIR OWN CHOICE. instead of being REQUIRED to BUY THEM from the SAME outfit "forevermore" until they retire from farming on their own land.

Frankly I cannot even comprehend how our society..., in which I grew up and was educated and treated in accordance with collectively believing that this country's founding and ongoingly primary objective was to use this democracy we inherited from our forefathers and from those who fought and died to keep us free, to secure for our selves and posterity the benefits of individual liberty under Constitutional laws, from being systematically enslaved or overpowered by any form of self-serving dictatorship based on power - military or financial, alike! - in order to BETTER the lives of ALL Americans... could possibly have condoned allowing ANY industry to take us to this bizarrely corrupted place we now find ourselves facing, in pursuing the time-honored individual and family occupation of food-farming and marketing, in the first place!!!

I thank you with all my heart for hearing me out, and listening carefully to all my fellow opponents of GMO crops. Because we ARE at "this place" now in seeking to understand how to regulate our agricultural producers, it would seem PARAMOUNT to allow each of our local communities to autonomously protect themselves from such dangerous and unwanted industrial exploitations, as well as to legislate however this legislature may be able, to HELP us do this - rather than reduce our authority for pursuing our own best ways to make and implement our "Home Rule". Please try to put a really strong "FLOOR" of protective legislation from which we, the free citizens of a free nation, can design and refine locally to meet the conditions of our own local areas and our communities can benefit optimally from.

Sincerely,
Ana Mack, longtime resident of Hawaii County

Additional testimony on SB777-HB2467
from Richard Morse P.O. Box 61102; Honolulu HI 96839

The USDA just began accepting public comments on a plan allowing farmers to plant 2,4-dichlorophenoxyacetic acid (2,4-D) resistant corn. 2,4-D is a toxic herbicide associated with serious health impacts. Dow AgroScience created these 2,4-D resistant crops so farmers could spray it without killing their corn and soy. **2,4-D is a component of AGENT ORANGE.**

Monsanto: Agent Orange, GMO's, Deformities

By ShockRa Zulu

What is the Relationship between Monsanto and Agent Orange?

What is Agent Orange?

"Agent Orange was a defoliant weaponized by the US military during the Vietnam War. It was composed of a 50-50 mix of 2,4-D and 2,4,5-T, 2,4-dichlorophenoxyacetic acid and 2,4,5 trichlorophenoxyacetic acid, respectfully. These compounds are auxins. Auxins are a class of plant growth regulator associated with cell division, elongation growth, and a large suite of other plant processes. These two auxins are synthetic mimics of the natural compounds. They work well at low concentrations because plants do not have a means to break them down easily. Essentially, a plant grows itself to death."

Agent Orange, Blue, Pink, Purple, etc. were created by Monsanto, Uniroyal, Diamond Shamrock, Hercules and Dow Chemical. Created To De-foliate the thick Vietnamese vegetation. The infamous slogan of these Operation Ranch Hand pilots was a sick spin off of the smokey the bear campaign: "Only you can prevent a forest".

The effects of these chemicals were not only felt by the vegetation but also by indigenous people, causing HORRID disfigurations, Birth Defects, Still born mutated fetus's (feti?). EX.

These are some of the SAME companies manufacturing GMO crops!! How far will this go? We already see chem-trails on a daily basis, yet what is the Govt. explanation of them? I have yet to hear one... What happened to these people is heartbreaking, and seeing children having to grow up without certain appendages, or eyes, or any deformity really brings tears to my eyes and sorrow to my soul. THIS IS HAPPENING NOW, ON AMERICAN SOIL. WAKE UP AND SMELL THE ORANGES!!

Testimony of
Howard R. Green, Owner
GreenWorld Coffee Farm
Re: Senate Bill 2777 and House Bill 2467

In 2012 the legislature passed Senate Bill 2375 which became Act 113, and ultimately became Section 205-2(d)(15) Hawaii Revised Statutes. Act 113 was intended to permit farmers to retail farm products and sell farm products as prepared foods from their farms. But as explained below, Act 113 did not actually take effect for technical reasons explained below. Senate Bill 2777 was written to make Act 113 effective.

I. The Purpose of Act 113 (2012).

The legislature which passed the law understood an economic reality facing Hawaii's farmers, especially small farmers: That farms on the average receive 10% or less of the retail dollars being spent for their products, and for farms to be economic, farmers needed to be able to recover a larger percentage of the retail dollar. This means as a practical matter, development of more direct channels for marketing products to ultimate consumers, including direct farm retail sales, farmers' markets, and the like. The Agriculture Legislative Committees have been acutely aware of the economic reality farmers face.

Nevertheless a patchwork of county zoning ordinances throughout the state had by various means, limited or restricted such sales operations to the point that they were illegal or so restricted as to be uneconomic. Act 113 sought to bypass county restrictions by permitting such sales directly by State Law. Rather than restate the reasons for the adoption of Act 113 in 2012, I am attaching to my testimony, a copy of all of the testimony provided by farmers in support of that Act. All of those reasons are as relevant now as they were in 2012 as Exhibit A.

II. Why Act 113 did not take effect.

Act 113 did not in practice have any effect, because it is nullified by a Land Use Commission Rule.

Act 113 became the present Section 205-2-(d)(15) HRS which includes the described commercial activity as a permitted use in ag zones. Section 205-5 HRS modifies the zoning power of the counties to define uses as described in that section as permitted uses in an Ag zone. Section 205-5 reads as follows:

“(a) Except as herein provided, the powers granted to counties under section 46-4 HRS shall govern the zoning districts, other than conservation districts.

“(b) ***Within agricultural districts, uses compatible to the activities described in section 205-2 as determined by the commission shall be permitted*** (emphasis added); provided that accessory agricultural uses and services described in sections 205-2 and 205-4.5 may be further defined by each county by zoning ordinance....”

Thus under Land Use Commission Rules to be adopted, the uses in Sections 205-2 and 205-4.5 became permitted uses in Ag districts. Land Use Commission Rule 15-15-25 provides as follows:

“Permissible uses within the “A” agricultural district.

“(a) Permissible uses within agricultural district land classified by the land study bureau’s detailed land classification as overall master productivity rating class A or B shall be those uses set forth in section 205-4.5, HRS.

“(b) Permissible uses within the agricultural district land classified by the land study bureau’s detailed land classification as overall(master) productivity rating class of C, D, E, and U, shall be those uses permitted in A and B lands as

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set forth in section 205-4.5, HRS, and also those uses set forth in section 205-2(d), HRS.”

Section 205-4.5 separately identifies “Agricultural based commercial operations as described in Section 205-2(d)(15). So it would seem that under Land Use Commission Rules these commercial activities would be permitted.

However, Land Use Commission regulation section 15-15-23 provides as follows:

“Except as otherwise provided in this chapter, the following land and building uses are compatible and permitted within the following land use districts, ***except when applicable county ordinances or regulations are more restrictive.***

(Emphasis added). Except as otherwise provided in this chapter, uses not expressly permitted are prohibited.”

Thus, if the Counties have in their zoning ordinances, adopted regulations which restrict or prohibit the ag based commercial operations as described in Sections 205-2 and 205-4.5, including the provisions added by Act 113, the state law has no effect. And in fact, at least on Oahu, the County has pointedly ignored Act 113. A copy of the Honolulu Department of Planning and Permitting letter to GreenWorld Farms, written after passage of Act 113, is attached as Exhibit B.

III. Intent of Senate Bil 2777.

The Land Use Commission has not in fact addressed any of the actual issues raised by these sections, but has simply punted to the Counties. Therefore, the approach of Senate Bill 2777 has been to simply allow Act 113 to take effect, bypassing the Land Use Commission, which has shown that it has no interest in addressing these issues.

Furthermore, as a matter of clarification, the bills provide that the State Law will take effect *without further restriction or limitation* on the uses to make it clear that the counties and

Land Use Commission, cannot simply adopt restrictions and limitations which effectively gut the enactments of the legislature.

A concern has been raised that the intent of SB 2777 was to rob the counties of the power to regulate use of pesticides or farming of genetically modified crops. That was not the intent of SB 2777 as originally drafted. It is my understanding that a new proposed version of SB 2777 has been drafted that limits the application of the amendment solely to the commercial based agricultural operations covered by Act 113 and contained in Sections 205-2(d)15 and Section 205-4.5(a)(9). With that change, the regulation of pesticides and GMO products as well as the more general regulation of Agriculture as contained in Sections 205-2 and 205-4.5 HRS are not affected by the bill.

A question has also been raised as to whether the State Legislature should involve itself in issues of agricultural land use, as it does do with conservation lands, or should leave those issues exclusively to the Counties as is done with urban designated lands.

In this regard, agriculturally zoned land stands in a very different position than land classified as urban. Both houses of the Legislature have agriculture committees, and the members of those committees have interests and develop expertise in agriculture. Moreover, the State of Hawaii has an Agriculture Department with 240 employees who have expertise in various aspects of Agriculture and a College of Tropical Agriculture at the University with more expertise. Moreover, the Legislature in this particular case, has spent tens of millions of dollars acquiring lands to preserve them for agriculture, which completely surround a marketing facility already constructed by GreenWorld Farms that could be a great blessing to those farmers.

In contrast, in the City of Honolulu, there is no Department of Agriculture, there is no Committee on Agriculture on the Honolulu City Council, and in fact in the Department of Planning and Permitting, there is no subdepartment specializing in agricultural issues, and in fact, not even one planner whose designated speciality is in Agriculture.

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So for these reasons, it seems reasonable for the Legislature in limited circumstances,
with its greater interest and greater expertise to legislate in this area.

For GreenWorld Farms


By Howard R Green

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Exhibit A

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Testimony of
Jon Okudara
on

S.B. 2375, S.D. 3, H.D. 1
Relating to Agricultural-based Commercial Operations
House Committee on Water, Land, and Ocean Resources
Friday, March 30, 2012
11:00 a.m.
Conference Room 325

Thank you for the opportunity to present testimony in strong support of S.B. 2375.

The Land Use Law describes as primary permissible uses on class A and B agricultural lands: open area recreational uses, transformer stations, communications equipment buildings, solid waste transfer stations, wind energy facilities, biofuel processing facilities, plantation community subdivisions, and wireless communication antennas. The only direct sales of agricultural products that is allowed on agricultural lands are through "roadside stands for the sale of products grown on the premises."

Because the best way to preserve agriculture is to make it profitable, the objective of S.B. 2375, as originally introduced, was to provide other profit-making opportunities for agricultural producers. It describes as permissible uses on agricultural lands, "agricultural-based commercial operations," which are already allowed on agricultural lands by other law with a special permit or conditional use permit.

Current Law

Under the Land Use Law, Chapter 205, HRS, the only agribusiness activity that provides for direct sales to consumers on agricultural lands are "roadside stands for the sale of products grown on the premises." Under other law, however, certain retail activities are described as an agricultural use:

- Section 165-2, HRS, the Hawaii Right to Farm Act, describes a "farming operation" as including but not limited to "[m]arketed produce at roadside stands or *farm markets*." "Farm market" is not defined and is not listed as a permissible use on agricultural lands in the Land Use Law.
- The Land Use Ordinance of the City and County of Honolulu, allows "*agribusiness activities*" in an agriculture zone, including "*retail activities in an enclosed structure ...limited to a structure not exceeding 500 square feet*". "Agribusiness activities" is not defined in the Land Use Ordinance," and is not listed as a permissible use on agricultural lands in the Land Use Law.
- Under section 166-3.5, HRS, the Agricultural Parks Law, the Department of Agriculture allows "*agricultural-based commercial venture operations*" on lots leased and operated by an agricultural park lessee. "Agricultural-based commercial venture operations" is not defined in Chapter 166 or in the rules of

the Department, and “agricultural-based commercial venture operations” is not listed as a permissible use on agricultural lands in the Land Use Law.

These uses, however, have been allowed with a special permit or conditional use permit from the county planning commission on agricultural lands. Obtaining these permits, however, is a very expensive for an applicant.

Hawaiian Vanilla Company

The Hawaiian Vanilla Company started growing and processing vanilla in the Hamakua district on the island of Hawaii. As part of its operation, the company started educating people about vanilla and incorporating the vanilla into value-added products produced in their commercial kitchen. The operation evolved into a vanilla experience luncheon that included an educational component about growing and processing vanilla. The operation served organic greens grown at the farm topped with a vanilla raspberry balsamic dressing, goat cheese from a dairy in Ahualoa, tomatoes and bananas from Hamakua Springs Country Farms, beef from the Andrade slaughterhouse in Paauilo, Hamakua Mushrooms in Laupahoehoe, honey from Volcano Ishald Honey in Ahualoa, and Ahualoa Goat Dairy.

Because of a complaint filed with the Planning Department that Hawaiian Vanilla Company was operating a restaurant and retail establishment, they ceased the food and retail operations and applied for a special permit. Hawaiian Vanilla spent over \$30,000 to get a special permit to operate a retail establishment and retail food establishment for sale and tasting of its vanilla products. (Board of Appeals, County of Hawaii, Hearing transcript, February 8, 2008).

Kahuku Farms

Kahuku Farms operates a “country store” under a conditional use permit from the City and County of Honolulu. Section 21-5.10A of the Land Use Ordinance allows retail “agribusiness activities” in an enclosed structure not exceeding 500 square feet, and where all products offered for sale shall be:

- Agricultural products grown on the parcel;
- Agricultural products grown in the City and County of Honolulu; or
- Jams, jellies, candies, and pickled or dried produce made from those products.

Kahuku Farms incurred significant costs in obtaining the special permit for the 500 square foot store.

The Land Use Ordinance requires that at least 50 percent of the floor area be used for display of the products grown on the premises or made from products grown on the premises, with the remainder of the area used for display of agricultural products grown in the City and County of Honolulu.

In addition to its operations in Kahuku, Kahuku Farms grows its products on parcels in Haleiwa and Kawaihoa. It also has a family cattle operation in Mokuleia. The current law prohibits the products from these operations from being sold at the Kahuku store.

S.B. 2375 will allow Kahuku Farms to sell the products from all of its farm parcels at its store. In addition, it could sell the products or use the products from other agricultural producers in its food products, such as Hawaiian vanilla, flavored butters from naked Cow Dairy, Hamakua Mushrooms, and others.

Because of concerns raised in the Senate that this bill that it will allow commercial franchise operations, such as Jamba Juice or commercial restaurants, claiming to use Hawaii agricultural products, on agricultural lands, S.B. 2375 was amended to require that the agricultural-based commercial facilities be *owned and operated by a producer*. This will prevent franchise operations or non-owner operated businesses.

“Franchisee”... person or company that is granted a *license* from the owner of a trademark or trade name permitting the person to sell a product or service under that name or mark.”

“Franchise agreement” ...an agreement between a supplier of a product or service or an owner of a desired trademark or copyright (franchisor), and a reseller (franchisee) under which the franchisee agrees to sell the franchisor’s product or service or to do business under the franchisor’s name. (Black’s Law Dictionary)

S.B. 2375 will create an opportunity for agricultural producers to establish direct sales opportunities for their products and promote synergies among Hawaii’s agricultural producers.

S.B. 2375 should be amended to change the effective date to “upon its approval.”

Thank you for the opportunity to offer these comments.



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KAMEHAMEHA SCHOOLS®

March 28, 2012

Testimony to the House Committee on Water, Land & Ocean
Resources

Hearing Date: Friday, March 30, 2012
11 a.m., Conference Room 325

Rep. Jerry L. Chang, Chair

Rep. Sharon E. Har, Vice Chair

Members of the Committee on Water, Land & Ocean Resources

**RE: Support of Senate Bill No. 2375 SD3 HD1 - Relating to
Agricultural Based Commercial Operations**

I am Kapu C. Smith, Senior Land Asset Manager for Kamehameha Schools' Kawaihoa Plantation in Waialua, Oahu. I am here to testify in support of SB 2375 SD3 HD1 because it will have an immediate impact on the farmers' ability to improve their economic feasibility and thus continue to farm. Under the current land use, agricultural based commercial operations are not described as one of the permissible uses. As a result, this has increased permitting, limited the farmers' economic opportunities and placed them at a disadvantage with neighboring landowners. This means that their products can be sold across the street by others but not by the farmer on their own farm lot.

Thank you for the opportunity to testify in support of SB 2375 SD3 HD1.

Testimony of
Kylie Matsuda
Managing Director
Kahuku Farms
on
S.B. 2375, SD 3, HD 1
Relating to Agricultural-based Commercial Operations

House Committee on Water, Land, & Ocean Resources
Friday, March 30, 2012
11:00 am
Conference Room 325

Kahuku Farms, Matsuda-Fukuyama Farms, and Kahuku Farmers strongly supports S.B. 2375, which will allow agricultural-based commercial operations on agricultural lands. These entities are owned and managed by the Matsuda and Fukuyama families.

Together, our farms operate on more than 300 acres located in Kahuku, Kawaihoa, and Haleiwa. We employ about 40 people from the community and specialize in growing long eggplant, luau leaf, papayas, apple bananas, and have recently ventured into growing vanilla, cacao, lilikoi, and many other tropical fruit crops. We are food safety certified and have also invested in a certified commercial kitchen at our farm in Kahuku.

Our produce is sold at farmer's markets, super market chains and to wholesalers here in Hawaii. We also produce value added products in our farm commercial kitchen such as Lilikoi Jelly, Mango Tea, Pineapple Papaya Jam, and promote them at Farmers' Markets.

However, our primary retail market for our value added products are sold at our farm Country Store in Kahuku. People from all around the community have come to enjoy our fresh produce, long eggplant panini sandwich, papaya and banana smoothies, lilikoi sorbet, vanilla ice cream, and grilled banana bread all created from fresh ingredients grown on the farm.

My dad, Melvin, myself, and over a hundred other leaders in agriculture have had an amazing opportunity to be a part of The Agricultural Leadership Program of Hawaii. This program has enlightened and engaged us to other ways of farming in Hawaii and abroad. Marketing, land, water, labor, strategic planning, and agri-tourism are some of the topics that we explored. It is through this leadership program that we have learned to think out of the box and we are encouraged to protect, support, and promote all of Hawaii's agriculture.

In 2005, Kahuku Farms was born because we felt the desire to open our farm to the public to educate all who were interested in learning about what it is we do as farmers and where their food comes from.

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S.B. 2375, will help to make it easier for agricultural operators to start commercial operations providing another direct sales outlet for their agricultural products. The current law allows roadside stands to sell products only grown on their premises and is limited to 500 square feet. With this regulation, we are prohibited to sell products from our other farm sites in Haleiwa and Kawaihoa because it is not grown at our farm in Kahuku. My grandfather is a second generation cattle rancher from Mokuleia. It would be great to promote my families grass fed beef at our country store.

We have invested over \$200,000 into our retail store in Kahuku because we believe in its' purpose of educating, promoting local agriculture and providing farmers with opportunities of direct sales. We have experienced that current regulations make it extremely difficult to turn a profit. Our agri-tourism venture which started over 6 years ago has suffered extreme financial challenges and the permitting process and regulations had delayed our opening for a very long time. We have exhausted our financial budget and are asking you to help us through this new and exciting agricultural evolution.

S.B. 2375 will allow agricultural operators to expand the market for their products, increase their profits and sustain their agricultural operations.

Thank you very much for allowing me to present this testimony.

Kylie Matsuda
Managing Director, Kahuku Farms.

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Exhibit B

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

331 SOUTH KING STREET 7TH FLOOR • HONOLULU HAWAII 96813
PHONE 808 768-6000 • FAX 808 768-6041
DEPT. WEB SITE www.honolulu.gov • CITY WEB SITE www.honolulu.gov

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PETER B. CARLISLE
MAYOR



DAVID K. TANGUE
DIRECTOR

JIRO A. SUMADA
DEPUTY DIRECTOR

2012/ELOG-1335(AA)

July 19, 2012

Mr. Reynaldo Rios
Architect
Architect Design Associates
822 Ahuwale Street
Honolulu Hawaii 96821

Dear Mr. Rios:

Subject: Retailing of Coffee Products
71-101 Kamehameha Highway - Wahiawa
Tax Map Key 7-1-1: 32

This responds to your letter dated July 5, 2012, in which you requested clarification of zoning regulations relating to the sale of coffee (both in bean and beverage form) on the above 3.632-acre lot, which is in the AG-1 Restricted Agricultural District and State Land Use Agricultural District. You stated that GreenWorld Farm has no interest in or intention of selling "general tourist items." Further, it is your understanding that: "GreenWorld Farms can without any further permit, sell its coffee from this parcel ... as an accessory use to its farm operation" pursuant to Land Use Ordinance (LUO) Section 21-5.530. Your second statement is not correct. LUO Section 21-5.530 ("Retail, accessory") relates only to the Industrial, and not the Agricultural Districts. Accessory sales of coffee grown on the same agricultural zoning lot are only permitted pursuant to LUO regulations for the following uses: (1) agribusiness activities; (2) plant nurseries; and (3) accessory roadside stands.

LUO Table 21-3 permits agribusiness activities in the AG-1 District, subject to an approved Conditional Use Permit, Minor (CUP, Minor). LUO Section 21-10.1 defines "agribusiness activities" as "accessory uses conducted on the same site where agricultural products are cultivated or raised." [Emphasis added.] LUO Section 21-5.10A ("Agribusiness activities") states, mainly, that retail activities in an enclosed structure shall be limited to a structure not exceeding 500 square feet of floor area. Further, all products for sale therein shall be: (1) agricultural products grown on the parcel; (2) agricultural products grown in the City and County of Honolulu; or (3) jams, jellies, candies and pickled or dried produce made from those products. A single farmer's market, subject to certain conditions, for growers and producers of agricultural products to display and sell agricultural products grown in the City may also be permitted on the zoning lot. Finally, as a condition of approval, dedication of a 50 percent or more of the project site, as the Director determines is necessary to preserve the purpose and intent of the agricultural districts, for a minimum of 10 years to active agricultural use, is required by way of an agricultural easement or comparable mechanism acceptable to the Director. You may access the LUO on the internet at <http://www1.honolulu.gov/council/ocs/roh/index.htm>.

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Mr. Reynaldo Rios
July 18, 2012
Page 2

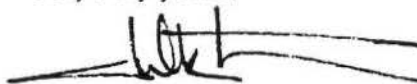
Plant nurseries are also permitted in the AG-1 District as a permitted use, subject to standards in LUO Article 5. LUO Section 21-10.1 defines "plant nurseries" as "land, greenhouses, or other similar type of agricultural structures used to raise flowers, shrubs, and other plants primarily for wholesale sales." The term includes establishments where retail sales of agricultural products, which are raised or grown on-site in containers or directly in the ground, occur. [Emphasis added.] It does not include "retail establishments that are typically categorized as garden shops, which sell to retail customers items other than plants, such as pots and planters; gardening supplies, implements and tools; mulch, potting soil, and fertilizers; decorations, books, and cards." LUO Section 21-5.500A applies the following standards for plant nurseries in the AG-1 District: (1) Retail sales shall be limited to plants sold directly from the greenhouse or open field where the products has been grown or cultivated, and only sales of the products in their primary form shall be allowed; (2) there shall be no retail sales of secondary products such as jams, candies, juices, and baked goods; and (3) except for an accessory roadside stand (see below) or an enclosed structure approved by a CUP for accessory agribusiness activities, there shall be no separate structures used primarily for retail sales.

Finally, accessory roadside stands, as a special accessory use in the AG-1 District subject to standards enumerated in LUO Article 5, are also permitted. Although LUO Section 21-10.1 does not contain a definition of "roadside stands," it does define "accessory use" as one that meets the following conditions: (1) A use that is conducted on the same zoning lot as the principal use to which it is related, whether located in the same building or an accessory building or structure, or as an accessory use of land; (2) a use that is clearly incidental to and customarily found in connection with the principal use; and (3) a use that is operated and maintained substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the zoning lot with the principal use. [Emphasis added.] LUO Section 21-5.540 ("roadside stand, accessory") provides that "no more than one roadside stand as an accessory to agricultural production on the same premises shall be permitted, provided that no stand shall exceed 500 square feet of floor area."

We confirm that once coffee production becomes viable on the adjacent Parcels 7 and 29, a CUP Minor for the joint development of Parcels 7, 29, and 32 will be required in order for the accessory sale of coffee grown on Parcels 7 and 29 to continue on Parcel 32, pursuant to one of the above-outlined alternatives.

We hope this clarifies the matter. If you have any questions, please do not hesitate to contact Ann Asaum, of our staff at 768-8020.

Very truly yours,



David K. Tanoue, Director
Department of Planning and Permitting

DKT:hd



RESOLUTION NO. 272 14
(DRAFT 2)

A RESOLUTION PROPOSING A STATE BILL RELATING TO THE COUNTIES' AUTHORITY TO REGULATE THE CULTIVATION AND DEVELOPMENT OF GENETICALLY ENGINEERED CROPS AND PLANTS AND ASSOCIATED PESTICIDES.

WHEREAS, Hawai'i Revised Statute (HRS), Section 46-1.5, "General powers and limitation of the counties," provides for county-level jurisdiction over matters affecting health, life, and property; and

WHEREAS, the regulation of genetically engineered crops, plants, and associated pesticides – including herbicides, insecticides, and fungicides – is well within the counties' authority pursuant to HRS, Section 46-1.5, as these matters affect the health, safety, and welfare of our residents, as well as private and public property; and

WHEREAS, the Hawai'i County Council ("Council") supports sustainable, community-based agriculture, which is the growth of healthy and safe crops that are customarily consumed by the residents of Hawai'i Island by using agricultural practices that are, likewise, healthy and safe for the long-term health of the soil and environment; and

WHEREAS, the Council is concerned about the adverse effects that the widespread cultivation of genetically engineered crops has had in other counties, as well as the harmful effects that many have experienced from cultivating these crops in other communities around the world; and

WHEREAS, the Council is cognizant that the possible short-term advantages of cultivating genetically engineered crops need to be weighed against the long-term benefits of more ecofriendly agricultural policies and practices as is underscored in the County of Hawai'i General Plan, Section 2.2(h), Economic Goals:

"Promote and develop the island of Hawaii into a unique scientific and cultural model, where economic gains are in balance with social and physical amenities. Development should be reviewed on the basis of total impact on the residents of the County, not only in terms of immediate short run economic benefits."; and


WHEREAS, in 2013 multinational agrochemical corporations lobbied at the State Legislature for: (1) Senate Bill No. 727 that would have eliminated county-level jurisdiction over agriculture and all matters relating to the health and wellbeing of residents; and (2) Senate Bill No. 590 that would have largely insulated the agrochemical corporations from lawsuits relating to harms caused by their operations as well as from state-level regulation of the cultivation or development of genetically engineered organisms and use of associated pesticides; and

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BE IT FINALLY RESOLVED that the Clerk of the County of Hawai'i shall transmit copies of this resolution to the Honorable Neil Abercrombie, Governor of the State of Hawai'i; the President of the State Senate; the Speaker of the State House of Representatives; and the Mayors of Kaua'i, Maui, Hawai'i, and the City and County of Honolulu.

Dated at Kona , Hawai'i, this 19th day of February , 2014.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAI'I

COUNTY COUNCIL
County of Hawai'i
Hilo, Hawai'i

ROLL CALL VOTE

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawai'i on February 19, 2014 .

	AYES	NOES	ABS	EX
EOFF	X			
FORD	X			
ILAGAN		X		
KANUHA	X			
KERN	X			
ONISHI	X			
POINDEXTER	X			
WILLE	X			
YOSHIMOTO	X			
	8	1	0	0

ATTEST:





COUNTY CLERK

CHAIRPERSON & PRESIDING OFFICER

Reference: C-604.3/GREDC-6

RESOLUTION NO. 272 14
(DRAFT 2)

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36 regulate the cultivation of genetically modified crops by way of
37 Senate Bill No. 590, a proposed amendment to the Right to Farm
38 Act aimed at insulating these corporations from lawsuits and
39 regulations that might in some manner curtail their cultivation,
40 development, or testing of genetically engineered crops in the
41 State of Hawai'i. The counties abhor these efforts to undermine
42 local government protection of the people and the environment.
43

44 SECTION 2. Section 165-1, Hawai'i Revised Statutes, is
45 amended to read as follows:
46

47 "§165-1 Findings and purpose. The legislature finds that
48 when nonagricultural land uses extend into agricultural areas,
49 farming operations often become the subject of nuisance lawsuits
50 that may result in the premature removal of lands from
51 agricultural use and may discourage future investments in
52 agriculture. The legislature also finds that under the Hawaii
53 State Planning Act, it is a declared policy of this State to
54 "foster attitudes and activities conducive to maintaining
55 agriculture as a major sector of Hawaii's economy." Accordingly,
56 it is the purpose of this chapter to reduce the loss to the
57 State of its agricultural resources by limiting the
58 circumstances under which farming operations may be deemed to be
59 a nuisance. This act is intended to prevent the inappropriate
60 intrusion of non-agricultural land uses into agricultural areas
61 and is not meant to insulate those engaged in the cultivation,
62 development, or testing of genetically engineered crops or
63 plants from legitimate public or private nuisance claims or
64 other civil actions resulting from the contamination of non-
65 genetically engineered crop farms, neighboring properties, or
66 adjacent waterways."

67
68 SECTION 3. New statutory material is underscored.
69

70 SECTION 4. This Act shall take effect upon its approval.
71
72
73
74

75 INTRODUCED BY: _____

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COUNTY OF HAWAI'I



STATE OF HAWAI'I

BILL NO. 113
(DRAFT 3)

ORDINANCE NO. 13 121

AN ORDINANCE AMENDING CHAPTER 14 OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), BY ADDING A NEW ARTICLE RELATING TO GENETICALLY ENGINEERED CROPS AND PLANTS.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Findings.

- (1) The public trust doctrine is memorialized in the Hawai'i State Constitution, Article XI, Section 1 "Conservation and Development of Resources," and in the Charter of the County of Hawai'i, Article XIII, Section 13-29 "Conservation of Natural and Cultural Resources." Pursuant to the public trust doctrine, our natural resources, including land and water, are entrusted to our care for the benefit of both current and future generations. The county government in its trustee capacity is subject to the precautionary principle and therefore must exercise a higher level of scrutiny in establishing reasonable measures and making appropriate assessments in order to avoid harmful impacts to our public trust resources. The Council therefore recognizes the right of the people and their government to guard against the intrusion of potential contaminants and prevent the contamination of non-genetically engineered crops, plants and lands by genetically engineered crops and plants without having to first wait for definitive science. As the United States Supreme Court made clear in *Maine vs. Taylor* (1986), the government is not required "to sit idly by and wait until potentially irreversible environmental damage has occurred or until the scientific community agrees on what disease organisms are or are not dangerous before it acts to avoid such consequences." In this context the precautionary principle requires that if a new technology poses threats of harm to human or environmental health, the burden of proof is on the promoter of the technology to demonstrate that the technology is safe, not on the public or governments to demonstrate that the technology is unsafe;
- (2) The Council finds that policies relating to agricultural practices are most appropriate to be determined by each county of the State of Hawai'i given the island-by-island variation in customary and generally accepted agricultural practices and opportunities, the variation in topography and land ownership patterns, and in light of the natural geographic ocean barriers that allow for these distinctions.
- (3) The Council finds that optimizing a local agricultural policy that promotes non-genetically engineered crops and seeds along with eco-friendly agricultural practices affords the County of Hawai'i a unique economic opportunity to capture a niche market for non-genetically engineered produce, seeds, and meats. Optimizing this opportunity is consistent with the Hawai'i County General Plan (Economic policies 2.2(h)): "Promote and develop the island of Hawai'i into a unique scientific and cultural model, where economic gains are in balance with social and physical amenities. Development should

Section 14-__. **Definitions.**

As used in this article, unless otherwise specified:

“Genetically engineered” means an organism that has been modified at the molecular or cellular level by means that are not possible under natural conditions or processes. Such means include recombinant DNA and RNA techniques, cell fusion, microencapsulation, macroencapsulation gene deletion and doubling, introducing a foreign gene, and changing the position of genes. Such organisms are sometimes referred to as “genetically modified organisms” or “transgenic organisms.” Genetically engineered or genetically modified crops and plants include crops and plants for human consumption or for any other purpose. Genetic engineering does not include modification that consists exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture.

“Open air” means a location or facility that is not enclosed in a greenhouse or in another completely enclosed structure so as to prevent the uncontrolled spread of genetically engineered organisms.

“Person” includes natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, or corporations or any officer, agent, employee, or any other personal representative thereof, in any capacity, acting either for himself, his heirs, or for any other person under personal appointment pursuant to law.

“Plant pestilence” means a virulent plant disease or infestation that is causing substantial harm to one or more crops or plants.

“Register” or “Registration” means registration by persons engaged in the cultivation, propagation, development, or indoor testing of genetically engineered crops or plants. Registration shall include: the tax map key and the council district of the property or properties; a detailed description of the location on the property where genetically engineered crops or plants are being cultivated, propagated, developed, or tested, which description shall include the size of the location and scope of usage; the name of the owner of the property or properties; the lessee or any other party in control of the genetically engineered plant or crop operation or usage; the type of genetically modified organism or transgenic manipulation used; the produce or products involved; the type, frequency, and customary amount of pesticides, inclusive of herbicides and insecticides, used; a description of any containment procedures employed; and relevant contact information.

Section 14-__. **Prohibition.**

No person shall knowingly engage in the open air cultivation, propagation, development, or testing of genetically engineered crops or plants.

Section 14-__. **Exemptions.**

The following persons shall be exempt from the provisions of this article:

- (1) Persons engaged in the open air cultivation, propagation, or development of genetically engineered crops or plants, other than genetically engineered papaya, but only in those specific locations where genetically engineered crops or plants have been customarily open air cultivated, propagated, or developed by that person prior to the effective date of this article, provided

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- (c) Pursuant to section 92F-13 of the Hawai'i Revised Statutes, information such as the name of the registrant and the exact location of the genetically engineered crops or plants may be withheld from the public to the extent that disclosure of that detailed information would otherwise frustrate the ability of the County to obtain accurate information.

Section 14-__ . Penalties.

Any person who violates any provision of this article shall be guilty of a violation, and upon conviction thereof, shall be sentenced to a fine of up to \$1,000 for each separate violation. The person shall be deemed to be guilty of a separate offense for each and every day a violation of this article is committed, continued, or permitted for each location. To the extent permitted by law, the person found in violation of this article shall also be responsible for all costs of investigation and testing, as well as for court costs, including but not limited to witness fees and witness expenses.

Section 14__ . Declaratory and injunctive relief.

A court of competent jurisdiction may hear proceedings for declaratory relief or injunctive relief, or both, for violations or potential violations of this article. To the extent permitted by law, the person found in violation of this article shall be responsible for all costs of investigation and testing, as well as for court costs, including, but not limited to, attorney's fees, witness fees, and witness expenses.

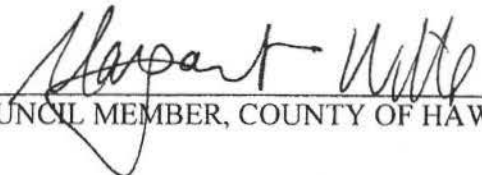
Section 14__ . Cumulative remedies.

The provisions of this article are cumulative. Nothing in this article shall affect any other remedy or relief that may be available to any adversely affected person or to the County or other governmental entity.

SECTION 4. If any provision of this ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 5. This ordinance shall take effect upon approval.

INTRODUCED BY:



 COUNCIL MEMBER, COUNTY OF HAWAI'I

 Kona , Hawai'i
 Date of Introduction: October 15, 2013
 Date of 1st Reading: October 16, 2013
 Date of 2nd Reading: November 19, 2013
 Effective Date: December 5, 2013