

DAVID Y. IGE  
Governor

SHAN S. TSUTSUI  
Lt. Governor



State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

SCOTT E. ENRIGHT  
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER  
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON AGRICULTURE**

February 4, 2016  
8:30 A.M.  
CONFERENCE ROOM 312

HOUSE BILL NO. 2045  
RELATING TO AGRICULTURAL LANDS

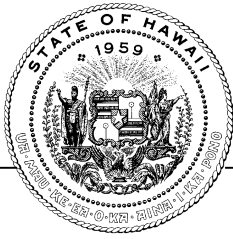
Chairperson Tsuji and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 2045 that limits lands within the Agricultural District, regardless of acreage, to be subdivided into no more than five lots if meant to be sold in fee. The five-lot limitation does not apply to the sale of the lots to family members that is the child, parent, grandchild, sister, brother, or grandparent of the landowner. The Department of Agriculture has very strong concerns about this measure.

This measure limits the ability of landowners to subdivide their property into more than five lots. For example, a 100-acre property can be subdivided into five-20 acre lots. This measure does not prevent each 20-acre lot from being further subdivided or made into a condominium property regime. Further, this bill does not require any dwelling built on the subdivided lots to be used in connection with a farm or where agricultural activity provides income to the family occupying the dwelling. This measure does not promote agricultural activity or the protection of agricultural resources.

Thank you for the opportunity to submit our testimony.





# OFFICE OF PLANNING STATE OF HAWAII

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846  
Fax: (808) 587-2824  
Web: <http://planning.hawaii.gov/>

DAVID Y. IGE  
GOVERNOR

LEO R. ASUNCION  
DIRECTOR  
OFFICE OF PLANNING

Statement of  
**LEO R. ASUNCION**  
Director, Office of Planning  
before the  
**HOUSE COMMITTEE ON AGRICULTURE**  
Thursday, February 4, 2016  
8:30 AM  
State Capitol, Conference Room 312

in consideration of  
**HB 2045**  
**RELATING TO AGRICULTURAL LANDS.**

Chair Tsuji, Vice Chair Onishi, and Members of the House Committee on Agriculture.

The Office of Planning (OP) has concerns about HB 2045. HB 2045 would amend Hawaii Revised Statutes (HRS) § 205-4.5 to prohibit the subdivision of lands in the State Agricultural District into more than five lots for each subdivision for the purpose of selling or otherwise re-assigning the fee, unless sold to family members within the second degree of consanguinity of the landowner.

The retention of large, contiguous parcels of affordable agricultural land is critical for the long-term viability of commercial agriculture in Hawaii. OP supports the adoption of measures that would discourage the fragmentation and possible conversion of agricultural land: a range of such tools is needed to effectively protect agricultural lands from fragmentation and price inflation. While HB 2045 offers one mechanism to begin to address this issue, in the absence of provisions to limit non-agricultural use of the land, OP is concerned that the bill could:

- Reduce access for smaller farmers to affordable leased land;

- Encourage serial subdivision of agricultural land that would exacerbate fragmentation; and
- Enable continued conversion of agricultural land through sale to family members.

Thank you for the opportunity to testify on this measure.

**DAVID Y. IGE**  
Governor

**SHAN S. TSUTSUI**  
Lieutenant Governor

**LUIS P. SALAVERIA**  
Director

**MARY ALICE EVANS**  
Acting Deputy Director



**LAND USE COMMISSION**  
Department of Business, Economic Development & Tourism  
State of Hawai'i

**DANIEL ORODENKER**  
Executive Officer

**Bert K. Saruwatari**  
Planner  
**SCOTT A.K. DERRICKSON AICP**  
Planner

**RILEY K. HAKODA**  
Chief Clerk/Planner

**FRED A. TALON**  
Drafting Technician

---

Statement of  
**Daniel E. Orodener**  
**Executive Officer**  
Land Use Commission  
Before the  
**House Committee on Agriculture**  
Thursday February 4, 2016  
8:30 AM  
State Capitol, Conference Room 312

In consideration of  
**HB 2045**  
**RELATING TO AGRICULTURAL LANDS**

Chair Tsuji, Vice Chair Onishi, and members of the Committee on Agriculture:

The Land Use Commission supports the intent of HB2045 in that it seeks to prevent the wholesale subdivision of large and medium size agricultural lots.

The limitation on subdivision of agricultural lands to one acre lots has proven to be ineffective in halting subdivision of large and medium size parcels into lots too small for agricultural purposes. Allowing subdivision of lots of this size also allows the development of "gentleman farm subdivisions" which are essentially low density, but sometimes large subdivisions.

Subdivision of, for example, a 100 acre parcel into one acre lots can result in the sudden development of 100 homes in an agricultural district, that's not even considering the additional dwelling units that might be allowed by a county. This can create significant and adverse impacts on infrastructure, water, roadways, the environment, and may endanger cultural gathering rights and archeological features. As these subdivisions may occur with limited permitting and without any requirements for a chapter 343 analysis government agencies and the general community are not provided the opportunity to review potential impacts or recommend appropriate mitigation measures for such development. Furthermore, unlike other developments, these agricultural subdivisions are not required to contribute to State and county infrastructure to handle increased impacts and other issues.

In sum, the current agricultural subdivision rules allow for significant abuse, costs to the State and counties, and limits the public of its right to have impacts reviewed and mitigated.

Thank you for the opportunity to testify on this matter.

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8000 • FAX: (808) 768-6041  
DEPT. WEB SITE: [www.honolulu.gov/dpp](http://www.honolulu.gov/dpp) • CITY WEB SITE: [www.honolulu.gov](http://www.honolulu.gov)

**LATE**

KIRK CALDWELL  
MAYOR



GEORGE I. ATTA, FAICP  
DIRECTOR

ARTHUR D. CHALLACOMBE  
DEPUTY DIRECTOR

February 4, 2016

The Honorable Clift Tsuji, Chair  
and Members of the Committee on Agriculture  
Hawaii House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Tsuji and Committee Members:

Subject: House Bill No. 2045  
Relating to Agricultural Subdivisions

The Department of Planning and Permitting (DPP) **opposes** House Bill No. 2045, which limits subdivision of land in the state agricultural district to no more than five lots for the purpose of selling or otherwise assigning fee simple interest. An exemption is made to subdivisions for "family members within the second degree of consanguinity of the landowner."

The counties process land subdivision applications. In the City and County of Honolulu, this responsibility lies with the Department of Planning and Permitting. House Bill No. 2045 does not include an intent for the Bill. However, it is unenforceable for the following reasons:

- While it may limit a subdivision action to five lots, the Bill does not limit the number of subdivisions that can be processed on a lot.
- The Bill makes no provision for lands owned by corporations, non-profit organizations or trusts.
- In processing a subdivision application, the Department cannot confirm the intent of the applicant. It could be for long-term leasing purposes. It could be purely for conveyance purposes. Regardless, we do not believe that the applicant should be tied in perpetuity to an intent made at the time of subdivision. A landowner should be able to use the created lots however allowed by law. More practically, the Department is not involved in the process of selling or leasing land, and the Bill remains unclear how this provision will be enforced.

The Honorable Clift Tsuji, Chair  
and Members of the Committee on Agriculture  
Hawaii House of Representatives  
House Bill No. 2045  
February 4, 2016  
Page 2

If we were aware of the purpose, we would be happy to offer suggestions on amending House Bill No. 2045 to meet the purpose. Otherwise, we request the committee hold this Bill.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in blue ink that reads "George I. Atta". The signature is written in a cursive style with a long horizontal flourish extending to the right.

George I. Atta, FAICP  
Director

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 02, 2016 4:29 PM  
**To:** AGRtestimony  
**Cc:** kaimiunger@gmail.com  
**Subject:** Submitted testimony for HB2045 on Feb 4, 2016 08:30AM

**HB2045**

Submitted on: 2/2/2016

Testimony for AGR on Feb 4, 2016 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Keith Unger	McCandless Ranch	Oppose	No

Comments: This measure runs counter to Hawaii's self-sustainability goals. McCandless Ranch just sold 2 smaller parcels in South Kona; a 3.23 acre property and an 8.9 acre property. Both buyers will be planting coffee and avocados. Without new inventory of smaller properties coming on line, prices will spike and the small farmer will be unable to find suitable properties to either purchase or lease to farm.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**LARRY JEFTS FARMS, LLC  
PO BOX 27  
KUNIA, HAWAII 96759  
(808) 688-2892**

HB2045, Relating to Agricultural Lands  
House AGR Hearing, Thurs. Feb. 4, 2016 – 8:30am  
Testimony by: Larry Jeffs  
Position: Oppose

Chair Tsuji, and Members of the House AGR Committee:

I am Larry Jeffs, owner and operator of Larry Jeffs Farms, LLC, which is part of our family-run business of farms on Oahu and Molokai, under the administrative umbrella of Sugarland Growers, Inc. We have more than 35 years of Hawaii farm experience on Molokai and Oahu.

Appreciation is expressed for efforts to stop gentlemen farms on agricultural subdivisions. However, opposition is expressed for this bill because the proposed bill seems to hurt farmers and ranchers with large TMKs by limiting its subdivision to no more than five lots.

For example, this bill would allow a farmer with ten, 25 acre TMKS, to divide the ten lots into 50 lots total. However, a rancher with a 250 acre TMK or even a larger 2,500 acre TMK could only subdivide into 5 lots. This does not seem equitable.

Thank you for the opportunity to submit testimony.



February 3, 2016

Members of 28<sup>th</sup> Hawaii State Legislature

**RE: HB2045 Relating to agricultural subdivisions**

Dear Legislators:

This Bill would inhibit subdivision of agricultural lands. It is not unusual for land owners to have very large undivided land parcels in the agricultural district. Our company, for instance, has parcels that are 1,000 and 2,000 acres or more. All of our lands are already subject to County level zoning that limits the size that these lots maybe subdivided to. Subdivision itself is often a rather arduous task requiring reviews at the County level, notification to surrounding land owners, posting of signage to clearly alert the community to proposed subdivision and more. Adding yet another regulatory level to State law - for whatever purpose - is what in football we would call “piling on.”

In a State known for being the most difficult entity in the Country for doing business such “piling on” is unnecessary, uncalled for and merely adds to a reality and reputation well earned. Further, there are many reasons why a landowner may wish to subdivide - even to allow for more efficient and effective agricultural uses. For instance

- A landowner may wish to form a more focused entity with somewhat different ownership and investors to make better agricultural use of the land. +
- Or there may be an agricultural investor wishing to purchase in bulk and subdivide to allow for borrowing for each of several different agricultural enterprises.

IF this bill is primarily to protect such lands from development we might note the following:

- The State has a plethora of laws, regulations and hoops to go through before such a conversion might take place - again the most difficult State in the Union to do business comes to mind
- The State shows a need for 60,000 or more homes in the next decade - legislation like this will not help us get there AND would make resulting homes even more expensive under many circumstances.

Good as the intentions of the Bill are, I urge you to reject it.

Sincerely,

Bill Walter  
President

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 04, 2016 5:57 AM  
**To:** AGRtestimony  
**Cc:** gottlieb@hawaii.rr.com  
**Subject:** Submitted testimony for HB2045 on Feb 4, 2016 08:30AM

**HB2045**

Submitted on: 2/4/2016

Testimony for AGR on Feb 4, 2016 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alan Gottlieb	Ponoholo Ranch Limited	Oppose	No

Comments: We strongly opposes HB 2045 as this is unfair to land owners with large TMK's in athe agricultural district. If the purpose of this bill was to reduce the number of "gentlemen farms" in the state, we believe that this could be better accomplished through enforcement of current land use laws by both the state and the counties. When limiting the number of parcels an existing TMK can be divided into to five, this unfairly penalizes existing landowners with large TMKs. As an example, say a farmer owns 10 x 100 acre TMKs at the present time, they would be able to subdivide the 1,000 acres into 50 lots of 20 acres each. Another farmer who is unfortunate enough to now own a large track of land of say 1,000 acres, would be limited to subdividing into 5 lots. Although this might not affect the smaller parcels in the state, it does hinder the rights and privileges of large landowners unfairly. Some have suggested, in light of the recent announcement by HC&S, that HC&S subdivide the land and offer it to sale in small tracks to employees and other Maui farmers. If this law passes, that would not be possible. We can't force folks who own ag land to farm. Over time, some owners of large tracks of ag land have had to subdivide and sell off some of their land just to keep the rest of the land in production. We all want to keep productive ag land in production, and not lose it to gentlemen farms. The Important Ag Lands (IAL) legislation this legislature passed years ago was supposed to help address that. Counties have yet to create the incentives for land owners to keep their land in ag. If we do that, maybe we will start to address the issue of Gentlemen Farms.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)



**LATE**

P.O. Box 253, Kunia, Hawai'i 96759  
Phone: (808) 848-2074; Fax: (808) 848-1921  
e-mail info@hfbf.org; www.hfbf.org

February 4, 2016

HEARING BEFORE THE  
HOUSE COMMITTEE ON AGRICULTURE

TESTIMONY ON HB 2045  
RELATING TO AGRICULTURAL LANDS

Room 312  
8:30 AM

Aloha Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

I am Randy Cabral, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,900 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

**The Hawaii Farm Bureau opposes HB 2045**, which limits subdivisions of agricultural district lands to no more than five lots if the fee simple interest in any of the lots is being sold or otherwise transferred to anyone within the second degree of consanguinity of the landowner.

The bill **does not state a problem that it intends to address, nor its purpose, nor the reason for the 5 lots "trigger" for the law.** Before mandating a state-wide prohibition, it seems reasonable to have a **factual determination of the widespread harm done by such subdivisions – and confirmation that no other alternative exists and that the only solution is to prohibit agricultural subdivisions of more than 5 lots.**

HFB advocates for public policies and incentives that provide for viable farming and ranching activities on agricultural lands thereby retaining agricultural lands for future generations. The HFB believes that lands capable of supporting viable agricultural activities should be protected and kept in agriculture, and discourages the fragmentation of agricultural lands to non-agricultural uses, however, the **"one-size-fits-all" approach in this bill fails to account for localized agricultural conditions that are site specific**, which should be examined when such subdivision applications are made. The prohibition of all subdivisions of more than five agricultural lots, **will also hamstring communities who may want to create several small farms** on large parcels that are often unavailable to the beginning and family farmer due to the high cost threshold.

Moreover, Hawaii Farm Bureau is a strong supporter of private property rights as outlined in the US Constitution. This bill **involuntarily restricts the property rights** of agricultural land owners and farmers, and will have a **net effect of devaluing land without just compensation for the landowner**. We therefore argue that this measure, if passed, **violates the Constitution of the United States**.

We support the retention of agricultural lands in blocks of contiguous, intact, and functional land units large enough **to allow flexibility in agricultural production and management**. Lands zoned for agriculture should be used primarily for productive agricultural purposes, including **providing smaller lots for family farming and/or new farmers**. **This type of localized land use planning is best left to local communities**.

The Hawaii Farm Bureau appreciates the opportunity to testify on this measure.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 02, 2016 4:33 PM  
**To:** AGRtestimony  
**Cc:** kaimiunger@gmail.com  
**Subject:** Submitted testimony for HB2045 on Feb 4, 2016 08:30AM

**HB2045**

Submitted on: 2/2/2016

Testimony for AGR on Feb 4, 2016 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Keith Unger	Individual	Oppose	No

Comments: I strongly oppose HB 2045. If the State's objective is to support agriculture and become more self reliant on home grown products, we need to increase opportunities for the small farmer, not limit them by restricting larger parcels from becoming smaller farm properties.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 03, 2016 8:12 AM  
**To:** AGRtestimony  
**Cc:** dylanarm@hawaii.edu  
**Subject:** \*Submitted testimony for HB2045 on Feb 4, 2016 08:30AM\*

**HB2045**

Submitted on: 2/3/2016

Testimony for AGR on Feb 4, 2016 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dylan Armstrong	Individual	Support	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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)



February 3, 2016

Representative Clift Tsuji, Chair  
Representative Richard H.K. Onishi, Vice Chair  
House Committee on Agriculture

**Testimony in Strong Opposition to HB 2045 Relating to Agricultural Lands. (Limits subdivisions of agricultural district lands to no more than five lots if the fee simple interest in any of the lots is being sold or otherwise transferred to anyone within the second degree of consanguinity of the landowner.)**

**AGR Hearing: Thursday, February 4, 2016, 8:30 a.m., in Conf. Rm. 312**

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. One of LURF's missions 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 and its members strongly support the long-term use and protection of Important Agricultural Lands (IAL) for agricultural use (and not for so-called "Gentlemen Farms"). LURF has worked with the Department of Agriculture (DOA), Hawaii Farm Bureau Federation (HFB), Hawaii Cattlemen's Council (HCC) and other agricultural stakeholders to pass the IAL law, whose purpose is to provide agricultural incentive programs to promote agricultural viability, sustained growth of the agricultural industry, and the long-term use and protection of important agricultural lands for agricultural use. Since that time, LURF members have designated more than 53,942 acres as IAL; and LURF has been working with the DOA, HFB, HCC, other agricultural stakeholders, and the counties to implement county IAL incentives and the IAL designation process for the counties.

However, LURF must **strongly oppose HB 2045**, which may be well-intended, but is not based on any reliable facts or research; lacks consultation with, and support of key agricultural stakeholders (including the HFB and HCC); would have the unintended negative consequences of severely limiting available small agricultural parcels for use by *bonafide* small farmers, new farmers and small family farms; and is counter-productive to the State's goals relating to agricultural sustainability, including, but not limited to, promoting agricultural viability, diversified agriculture and the IAL law.

**HB 2045.** This measure would prohibit subdivisions of agricultural district lands to no more than five lots, as follows:

"Lands within the agricultural district, regardless of acreage, may be subdivided into no more than five lots for each subdivision if for the purpose of selling or otherwise assigning the fee simple interest in any of the lots; provided that the limitation in this subsection shall not apply to the sale or other assignment of the fee simple interest in all of the resulting lots to a family member within the second degree of consanguinity of the landowner."

The effect of this bill is to severely constrict the availability of smaller agricultural lots and to unnecessarily restrict the use of agricultural lands by *bonafide* small farmers, ranchers, agricultural operators and landowners and large landowners who have already designated their lands as IAL.

**Important Background Facts and Reasons to Hold HB 2045:**

- This measure will result in unnecessary, negative consequences of actually harming diversified agriculture, by prohibiting the creation of smaller parcels for new, small bona fide farmers to have access to smaller and affordable leased lands;
- This bill unreasonably prohibits bona fide farmers, agricultural land owners and entities, like farmer cooperatives, from creating smaller separate agricultural lots and separate interests in the land for individual farmers' operational and financing purposes;
- If this measure is aimed at discouraging "Gentlemen Farms," it ignores the fact that current laws, rules and regulations and government enforcement powers over "Gentlemen Farms" on agricultural lands, and that the problem is not subdivisions – the problem is enforcement of the laws we already have. The DOA's recent comments to SB 2351, state that without sufficient controls, monitoring, and enforcement, CPRs have resulted in the establishment of "Gentlemen Farms..."
- This measure lacks prior consultation, collaboration and the support of with key Agricultural Stakeholders who would be most affected, including the HFB, HCC, LURF, the county planning departments, and the large land owners who already dedicated over fifty percent of their lands to IAL;
- This bill is not based on any reliable facts or research showing that subdivision of more than five lots would cause harm that is substantial enough to override private property rights to subdivide lands;
- DOA recently commented on a bill to limit agricultural property regimes (CPRs) and subdivisions (SB 1162), recommending that there should be more public discussion and consultation regarding issues including, but not limited to quantifying the actual harm done by subdivisions and the involvement of the counties, who have the primary authority for granting subdivisions of agricultural lands;
- LURF members and other private land owners have designated over 110,719 acres of IAL, including some IAL which had previously been subdivided into more than five lots – and would be in violation of this proposed law;



- HB 2045 indiscriminately and unfairly imposes severe restrictions on landowners who have already designated over fifty percent of their lands as IAL – and would prohibit IAL lands from being subdivided into smaller parcels for diversified agriculture, family farms and new farmers;
- This measure ignores the fact that the State is in serious violation of the IAL law - - it has failed to comply with the IAL statutory requirement that the State identify its own state public lands that should be designated as IAL, and submit those lands for IAL designation by December 31, 2009 (over six years ago);
- Instead of passing this bill, the Legislature could preserve more agricultural lands for farming, by providing adequate funding to the Department of Land and Natural Resources and DOA, so that it can designate its own State agricultural lands as IAL, and funding to the counties, so that they can comply with the “State mandate” that the counties shall map and identify potential IAL; and
- HB 2045 does not have an introduction, preamble, purpose clause or any explanation of why this Committee should pass this bill.

For the reasons stated above, LURF **must strongly oppose HB 2045** and respectfully requests that this bill be **held** in your Committee.

Thank you for the opportunity to present testimony regarding this matter.



Hawaii Cattlemen's Council, Inc.

**LATE**

**HOUSE COMMITTEE ON AGRICULTURE  
REPRESENTATIVE CLIFT TSUJI, CHAIR  
REPRESENTATIVE RICHARD H.K. ONISHI, VICE CHAIR**

DATE: Thursday, February 4, 2016  
TIME: 8:30 AM  
PLACE: Conference Room 312

**HB 2045 – RELATING TO AGRICULTURAL LANDS.**

Limits subdivisions of agricultural district lands to no more than five lots if the fee simple interest in any of the lots is being sold or otherwise transferred to anyone within the second degree of consanguinity of the landowner.

Chair Tsuji, Vice Chair Onishi, and Members of the Committee:

My name is Dale Sandlin, and I am Managing Director of the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our 140+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council **strongly opposes** HB 2045 as this is unfair to land owners with large TMK's in the agricultural district.

If the purpose of this bill was to reduce the number of "gentlemen farms" in the state, we believe that this could be better accomplished through enforcement of current land use laws by both the state and the counties.

When limiting the number of parcels an existing TMK can be divided into to five, this unfairly penalizes existing landowners with large TMKs. As an example, say a farmer owns 10 x 100 acre TMKs at the present time, they would be able to subdivide the 1,000 acres into 50 lots of 20 acres each. Another farmer who is unfortunate enough to now own a large track of land of say 1,000 acres, would be limited to subdividing into 5 lots. Although this might not affect the smaller parcels in the state, it does hinder the rights and privileges of large landowners unfairly.

Some have suggested, in light of the recent announcement by HC&S, that HC&S subdivide the land and offer it to sale in small tracks to employees and other Maui farmers. If this law passes, that would not be possible.

We can't force folks who own ag land to farm. Over time, some owners of large tracks of ag land have had to subdivide and sell off some of their land just to keep the rest of the land in production.



We all want to keep productive ag land in production, and not lose it to gentlemen farms. The Important Ag Lands (IAL) legislation this legislature passed years ago was supposed to help address that. Counties have yet to create the incentives for land owners to keep their land in ag. If we do that, maybe we will start to address the issue of Gentlemen Farms.

We have met and talked for several years now on ways we can curtail the loss of productive ag lands to Gentleman Farms. We would support finding a viable solution, but this bill is not the way.

We respectfully ask this committee to oppose HB 2045 in it's current format.

Thank you for giving us the opportunity to testify on this important matter.