

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

**JANUARY 27, 2017
8:30 A.M.
CONFERENCE ROOM 312**

**HOUSE BILL NO. 66
RELATING TO PLANNING AND ECONOMIC DEVELOPMENT**

Chairperson Creagan and Members of the Committee:

Thank you for the opportunity to testify on House Bill No.66 that authorizes the state legislature to reclassify certain Agricultural District lands that are rated "C" and "D" to the Urban District by adoption of a concurrent resolution approved by two-thirds majority of each house. These reclassified lands are then to be transferred to the Department of Hawaiian Home Lands or Office of Hawaiian Affairs and the value of the reclassified lands are to be credited against the pro rata portion of funds derived from the public land trust dedicated for use by the Office of Hawaiian Affairs. The Department of Agriculture has strong concerns about reclassification of any Agricultural District land, regardless of Land Study Bureau rating, that is not accomplished via the existing processes provided for in Chapter 205 and the Land Use Commission Rules in Chapter 15-15, HAR.

Thank you for the opportunity to comment on this measure.





HB66
RELATING TO PLANNING AND ECONOMIC DEVELOPMENT
House Committee on Agriculture

January 27, 2017

8:30 a.m.

Conference Room 312

The Administration of the Office of Hawaiian Affairs (OHA) will recommend that the Board of Trustees respectfully **OPPOSE** HB66, which authorizes the Legislature, by a supermajority vote, to directly reclassify certain agricultural lands as urban, and which additionally authorizes transfer of such lands to the Department of Hawaiian Home Lands or OHA, with any transfers to the latter used to offset the amount of monies OHA would otherwise receive as its pro rata share of the Public Land Trust.

OHA greatly appreciates this measure's intention, to transfer potentially valuable state lands to Native Hawaiian-serving agencies. OHA particularly appreciates the bill's recognition of the state's commitment to address the many needs of the Native Hawaiian community, including through its continuing obligations under the Public Land Trust and the Hawaiian Home Lands Trust.

However, OHA must hesitate to support any land value credit against the current \$15,100,000 of Public Land Trust revenues it annually receives, as an "interim" reflection of Native Hawaiians' pro rata share of the Trust. Currently, these Public Land Trust revenues support a substantial portion of OHA's grants and programs benefitting Native Hawaiians. **Offsets against the annual Public Land Trust revenues OHA receives would introduce significant uncertainty into OHA's biennium budgeting process, where legislatively-approved land transfers could unexpectedly decrease monies available for OHA grants, programs, and other activities.** This in turn could force OHA to either make up the difference from other trust fund sources, or make funding cuts to potentially critical programs and services. Coupled with the cost of managing and developing any newly acquired lands, the funding offsets resulting from lands transferred pursuant to this measure could significantly disrupt OHA's ability to serve our beneficiaries.

Of significant note, the process in this measure may also eliminate key mechanisms that provide for the reasonable protection of Native Hawaiian traditional and customary practices, in the contemplated reclassification of agricultural lands. For nearly two decades, the Land Use Commission ("LUC") has applied the analytical framework established in *Ka Pa'akai O Ka 'Āina v. Land Use Commission*, when rendering decisions on the reclassification of agricultural and other lands. This framework requires the LUC to make specific findings and conclusions as to 1) the identity and scope of "valued cultural, historical, or natural resources" in lands considered for reclassification; 2) the extent to which those resources – including Native Hawaiian traditional and customary rights – will be affected; and 3) the feasible action that the LUC can take to reasonably protect Native Hawaiian rights. Such *Ka Pa'akai* analyses, along with the LUC's well-established public hearing process, currently allows the LUC to place conditions on land reclassification decisions that mitigate impacts to Native Hawaiian traditional and customary practices and the resources they rely upon. This measure would replace the LUC's *Ka Pa'akai* analysis and public

hearing process with legislative decision-making, and thereby eliminate a critical opportunity for Native Hawaiian rights to be formally considered in the future reclassification of agricultural lands.

Similarly, this measure may also result in land use decision-making that does not fully consider numerous important environmental and socioeconomic factors, as otherwise provided for under the state's current land use reclassification process. For example, HRS § 205-17 governs the decision-making criteria of the LUC, and provides for its careful consideration of the Hawai'i State Plan, county and community plans, as well as the impact of any proposed reclassification on the following:

1. Preservation or maintenance of important natural systems or habitats;
2. Maintenance of valued cultural, historical, or natural resources;
3. Maintenance of other natural resources relevant to Hawai'i's economy, including agricultural resources;
4. Commitment of state funds and resources;
5. Provision for employment opportunities and economic development; and
6. Provision for housing opportunities for all income groups, particularly the low, low-moderate, and gap groups.

Notably, the LUC is also tasked with ensuring that land use reclassifications in close proximity to agricultural lands contain conditions "prohibit[ing] any action that would interfere with or restrain farming operations," in light of agricultural operations' sensitivity to surrounding activities.¹ Such explicit considerations and requirements, vetted through a months-long public hearing process, help to ensure that land use decisions by the LUC are fully informed and reflective of the state's long-term needs and interests. **In contrast, legislative decision-making pursuant to this bill would not be bound to any of the aforementioned considerations, and would not afford the public or legislative decisionmakers a commensurate amount of time as the LUC's public hearing process, to collect and evaluate relevant information on lands proposed for reclassification.**

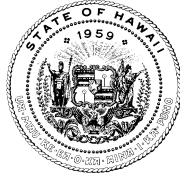
Finally, OHA notes that the agricultural potential of the class C and D agricultural lands described in this measure should not be categorically dismissed. Some of the most productive agricultural lands used for the farming of wetland kalo have been rated class C and D. On the island of O'ahu, the class C and D agricultural lands that comprise almost the entirety of Waiāhole and Waikāne support a subsistence community of kalo farmers, whose healthy living conditions and environmentally harmonious lifestyles mirror the self-sufficiency and sustainability of a traditional Native Hawaiian ahupua'a management system. Accordingly, the reclassification of agricultural lands based on soil ratings alone, as suggested in this measure, may foreclose significant future agricultural opportunities for the state.

Therefore, OHA urges the Committee to **HOLD** HB66. Mahalo for the opportunity to testify on this measure.

¹ HRS § 205-3.5.

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

SHAN S. TSUTSUI
LT. GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

WILLIAM J. AILA, JR.
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879
HONOLULU, HAWAII 96805

**TESTIMONY OF JOBIE M. K. MASAGATANI, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEE ON AGRICULTURE**

IN SUPPORT WITH AN AMENDMENT

HB 66 RELATING TO PLANNING AND ECONOMIC DEVELOPMENT

January 27, 2017

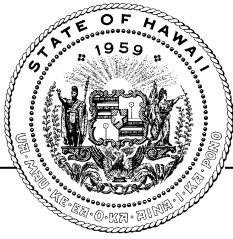
Aloha Chair Creagan and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) supports this bill authorizing the legislature to reclassify certain agricultural lands and transfer them to DHHL with an amendment. One of the challenges DHHL faces with regard to meeting the mission of homesteading is that DHHL can only develop where it has lands. Most of DHHL's lands are located on the neighbor islands in rural or more remote locations. The greatest demand (longest waiting list) is for residential property on Oahu. Yet, DHHL has the least amount of land holdings on Oahu (3.3% of total lands). This bill could provide an avenue for DHHL to increase the land holdings on Oahu and subsequently award more lots to applicants.

At the same time, the waiting lists for an agricultural lot are longer than a residential lot for Maui, Hawaii, Kauai, and Molokai. Given this strong apparent demand for agriculture lots and DHHL's extensive agricultural land inventory on the neighbor islands, DHHL is developing a new agricultural award that focuses on use of the lot for subsistence (including residency) rather than commercial purposes. These lots anticipate less-costly infrastructure that is more consistent with its rural location, e.g. agricultural standard roads, catchment water systems, overhead electrical, etc. This new award is intended to allow for more awards of lots at a lower price tag for infrastructure. In light of this area of focus, the section of the bill to reclassify lands from agricultural district to urban district may be unnecessary since the Hawaiian Homes Commission has the authority to determine how Hawaiian Home Lands are used.

The only amendment DHHL would request is an opportunity to conduct due diligence on the land prior to transfer to DHHL.

Thank you for your consideration of 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
Friday, January 27, 2017
8:30 AM
State Capitol, Conference Room 312

in consideration of
HB 66
RELATING TO PLANNING AND ECONOMIC DEVELOPMENT.

Chair Creagan, Vice Chair DeCoite, and Members of the House Committee on
Agriculture.

The Office of Planning (“OP”) does not support HB 66, which allows the Legislature by concurrent resolution to reclassify State designated Agricultural lands into the State Urban District by a two-thirds vote of each house of the Legislature. The lands that are reclassified by concurrent resolution should have a productivity rating of class C or D. These lands would then be transferred to the Department of Hawaiian Home Lands (DHHL) or Office of Hawaiian Affairs (OHA), and furthermore, the value of the reclassified Urban District lands would then be credited against the pro rata portion of funds derived from the public land trust.

The bill does not indicate whose lands could be reclassified, and that if there are existing uses or improvements on the lands to be reclassified, whether the value as well as the actual uses or improvements also transfer to DHHL or OHA. “C” rated lands could be productive, and there are limited soils in this classification statewide.

Mostly, OP is concerned that this measure would circumvent the authority of the Land Use Commission. Under Hawaii Revised Statutes Chapter 205, the Land Use Commission has the sole authority to reclassify State Land Use Districts. The statute mandates that the Land Use Commission issue Findings of Facts, Conclusions of Law and Decision of Order, to reclassify any lands within the State of Hawaii. This bill would prevent the consideration and mitigation of issues, such as State and County land use plans, social and economic issues, historical and archaeological findings, cultural impacts, coastal water resources, traffic, drainage, potable water resources, endangered species, and other considerations.

Thank you for the opportunity to testify on this matter.

DAVID Y. IGE
GOVERNOR OF
HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
AGRICULTURE**

**Friday, January 27, 2017
8:30 AM
State Capitol, Conference Room 312**

**In consideration of
HOUSE BILL 66
RELATING TO PLANNING AND ECONOMIC DEVELOPMENT**

House Bill 66 proposes to authorize the Legislature to reclassify certain agricultural lands and transfer them to the Department of Hawaiian Home Lands or the Office of Hawaiian Affairs. **The Department of Land and Natural Resources (Department) offers the following comments.**

House Bill 66 poses to reclassify agricultural lands with soil classification C and D of overall productivity as established by the Land Study Bureau, to the urban district, and transfer those lands to the Department of Hawaiian Home Lands or the Office of Hawaiian Affairs. The Department manages a significant amount of land that would fall under these soil classifications.

There are over 217,000 acres of soil classification C and D managed by the Department's Division of Forestry and Wildlife, which are largely found within the conservation district but also include lands in the agricultural district. These agricultural areas represent the lands within the Forest Reserve System and Game Management Areas, as well as those lands necessary to access those areas. These lands are important for maintaining watershed function, restoring habitat for our rare and endangered wildlife, developing forest products, providing subsistence hunting areas, and providing public access via the Na Ala Hele system. Additionally, there is 75,000 acres of soil classification C and D managed by the State of Hawaii for agricultural production, much of which abuts the Department's lands managed for conservation.

The Department notes that the approximately 1,060,000 acres of land in soil classification C and D within the conservation district are governed by Chapter 183C, Hawaii Revised Statutes, and subject to Chapter 13-5, Hawaii Administrative Rules.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

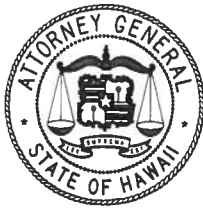
JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

LATE

Lastly, much of the land in soil classification C and D may be inappropriate for urban development because of their importance for watershed protection and/or for providing opportunities for diversified agriculture, such as through development of agroforestry systems.

Thank you for the opportunity to provide comments on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2017**

LATE

ON THE FOLLOWING MEASURE:

H.B. NO. 66, RELATING TO PLANNING AND ECONOMIC DEVELOPMENT.

BEFORE THE:

HOUSE COMMITTEE ON AGRICULTURE

DATE: Friday, January 27, 2017

TIME: 8:30 a.m.

LOCATION: State Capitol, Room 312

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Bryan C. Yee, Deputy Attorney General, or
Dawn T. Apuna, Deputy Attorney General

Chair Creagan and Members of the Committee:

The Department of the Attorney General recommends that another vehicle be used to accomplish the purpose of House Bill No. 66, Relating to Planning and Economic Development.

The purpose of this bill is to authorize the Legislature, by adoption of a concurrent resolution approved a two-thirds vote of each house, to reclassify agricultural lands rated class C or D by the Land Study Bureau to the urban classification, and to transfer the reclassified lands to either the Department of Hawaiian Home Lands (DHHL) or the Office of Hawaiian Affairs (OHA). Any lands reclassified and transferred to OHA by this measure shall be credited against the pro rata portion of funds derived from the public land trust for use by OHA.

Article III, section 14, of the Hawaii State Constitution provides that each law shall embrace but one subject, which shall be expressed in its title. This bill, titled "A Bill for an Act Relating to Planning and Economic Development," embraces two subjects – "planning" and "economic development" -- and therefore is not constitutionally sound. Generally, titles to bills should not be amended. The Department of the Attorney General recommends that another vehicle with an appropriate title be used in moving the substance of this measure forward.

Assuming another vehicle is available, we suggest the following technical, nonsubstantive amendments to the bill:

1. Page 1, lines 5-8, should be amended as follows: "(a) Notwithstanding any other law to the contrary, by concurrent resolution adopted by a two-thirds vote of each house, the legislature~~[, by the adoption of a concurrent resolution approved by a two-thirds vote of each house of the legislature voting separately,]~~ may:"
2. On page 1, lines 9-12, the bill presumably intends to reclassify state-owned lands, not privately owned lands. We suggest the following amendment: "(1) Reclassify state-owned agricultural land with soil classified by"
3. Page 1, line 12, should be amended as follows: "from ~~[an]~~ the agricultural district to ~~[an]~~ the urban district;"
4. On page 2, lines 6-8, the bill states that the value of the transferred land shall be determined after the land has been reclassified for urban use. The bill should provide a point in time or set timeframe for valuation following reclassification to institute a uniform and predictable practice. Proposed language is as follows: "(c) For the purposes of this section, the value of the transferred land shall be determined ~~[after]~~ at the time the land has been reclassified for urban use."

We respectfully ask the Committee to hold this bill based solely on its title while taking note of our technical comments should the substance of this bill move forward in another vehicle.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 11:15 AM
To: AGRtestimony
Cc: clum@honolulu.gov
Subject: Submitted testimony for HB66 on Jan 27, 2017 08:30AM

HB66

Submitted on: 1/26/2017

Testimony for AGR on Jan 27, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Curtis Lum	Department of Planning and Permitting	Comments Only	No

Comments: The Department of Planning and Permitting has concerns with this Bill as drafted.

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



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

January 27, 2016

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE

TESTIMONY ON HB 66
RELATING TO PLANNING AND ECONOMIC DEVELOPMENT

Room 312
8:30 AM

Aloha Chair Creagan, Vice Chair DeCoite, 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.

HFB has concerns associated with HB 66, which authorizes the legislature to reclassify certain agricultural lands and transfer them to DHHL or OHA.

Uncertainties facing farmers and ranchers are significant. Weather, pests, markets, input costs, labor and the list goes on. Some of our farmers and ranchers have operations on State lands classified as soil productivity C and D. This does not mean they are not viable. For example, there are very successful nursery operations on these lands that are rocky with poor to no soil. The environment make it conducive to plant growth with vibrant colors and market appeal. This bill will cast a shadow of doubt on their long term viability.

There are many agriculturally classified lands that do not have viable operations. If lands being considered do not have or are not being considered for viable agricultural operations, HFB does not object to reclassification. We recognize that there are lands classified as agriculture that could be better suited in another classification.

We suggest amending the language to read:

- (1) Reclassify agricultural land
 - a. with soil classified by the land study bureau's detailed land classification as overall(master) productivity rating class C or D and
 - b. concurrence by the Department of Agriculture that the lands do not and have a low probability of viable agricultural operations from an agricultural district to an urban district; and

HFB respectfully requests your serious consideration of the proposed language above to support viable agricultural operations while meeting the land needs of the people of Hawaii.

Thank you for this opportunity to testify on this measure.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 10:39 AM
To: AGRtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB66 on Jan 27, 2017 08:30AM*

HB66

Submitted on: 1/26/2017

Testimony for AGR on Jan 27, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 1:19 PM
To: AGRtestimony
Cc: kaipelayo@gmail.com
Subject: Submitted testimony for HB66 on Jan 27, 2017 08:30AM

HB66

Submitted on: 1/26/2017

Testimony for AGR on Jan 27, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Alvin K Pelayo	Individual	Support	No

Comments: As a Hawaiian and a Lessee I support HB66. We need to protect our agricultural lands for the future and make them available for Hawaiians and their families in the future.

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

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 2:19 PM
To: AGRtestimony
Cc: cantodoreen@gmail.com
Subject: *Submitted testimony for HB66 on Jan 27, 2017 08:30AM*

HB66

Submitted on: 1/26/2017

Testimony for AGR on Jan 27, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Doreen Canto	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



SIERRA CLUB OF HAWAII

MĀLAMA I KA HONUA. *Cherish the Earth.*

House Committee on Agriculture

Friday, January 27, 2017 8:30 AM Room 312

In **OPPOSITION** HB66 Relating to Planning and Economic Development

Aloha Chairman Creagan and members of the House Agriculture Committee,

On behalf of our 20,000 members and supporters statewide, the Sierra Club of Hawai'i strongly opposes HB66 because it would introduce politics into land use designation decisions.

This measure would grant authority to the Legislature, to reclassify any agricultural land with C or D grade soil from an agricultural district to an urban district. This bill would allow landowners to circumvent the Land Use Commission's expertise in land use decisions and rely on the political process for land use designations. Making a change of this kind introduces uncertainty into land use designation process.

History Behind the LUC

In 1961, the Legislature determined that a lack of adequate controls had resulted in mismanagement of the development of Hawai'i's limited and valuable land. Scattered subdivisions were developed for the short-term gain of a few, without due consideration for long-term plans for the island. The conversion of prime agricultural land to residential use was a key reason for establishing the state-wide land use system.¹ The State Land Use Law² was adopted in 1961, establishing a framework of land use management and regulation in which all lands in the State of Hawai'i are classified into one of four land use districts: conservation, agricultural, urban, and rural. The Land Use Commission (LUC) was created to ensure proper management and regulation of state land.

The Sierra Club believes that the LUC has the necessary agency expertise and the proper authority to make the tough decisions necessary to balance the needs of our economy with the protection of our environment and culture.

Importance of Agricultural Land protection

¹ *History*, State of Hawai'i Land Use Commission <http://luc.hawaii.gov/about/history-3/> (last visited Jan. 25, 2017).

² Haw. Rev. Stat. § 205-1, et seq. (2006)

Currently, about 85-90% of Hawai'i's food is imported.³ This means Hawai'i's residents are particularly vulnerable in the event of natural disasters that disrupt shipping routines, and creates economic hardships for consumers forced to pay ever-increasing high prices for food. This also means Hawai'i's food has a larger carbon footprint compared to other communities with more locally grown food.

For these reasons and more, Hawai'i committed to doubling its local food production by 2020. As O'ahu's population continues to increase, these burdens will become increasingly heavy to bare. That is why we must act now to protect agricultural lands for future use. Even agricultural land that is not being actively farmed is consistent with the original intent of the law as a planning strategy to contain urban development to the urban core and preserve the character of rural areas and agricultural resources.⁴ Soil that is classified as C & D grade is prime land that can easily be used for agricultural purposes in the future. Soil ratings were designated in the 1972 and were indexed based mainly on the ability to grow only the desired crops of that time, sugar and pineapple.⁵ Successful farms operate on soil classified as C or D or even lower.

Just as one example, the highly successful MA'O Organic Farm in Wai'anae farms soil that was classified as E grade.⁶ Hard work, skilled farmers, and access to water helped to area return to its original lush, productive state prior to the introduction of cattle ranching.

Soil classifications below A & B is not the sole measure of a land's potential bounty for agricultural purposes. This arbitrary soil classification system should not be used as a justification for the Legislature to authorize urban sprawl in agricultural districts.

Thank you very much for this opportunity to provide testimony on this important issue.

Mahalo,



Martha Townsend
Director

³ *Increased Food Security and Food Self-Sufficiency Strategy*, Office of Planning, Department of Business Economic Development & Tourism, 2012. http://files.hawaii.gov/dbedt/op/spb/INCREASED_FOOD_SECURITY_AND_FOOD_SELF_SUFFICIENCY_STRATEGY.pdf

⁴ Blake D. McElheny, *Land-Use Law Helps Prevent Unnecessary Urbanization*, The Honolulu Advertiser (Oct. 14, 2003), <http://archives.starbulletin.com/2003/10/14/editorial/commentary.html>.

⁵ Earl Yamamoto, *Agricultural Land Rating System for the Non-Soil Scientist*, State Department of Agriculture. February 5, 2000

⁶ *More Than Just Farming*, Hawaii Business Magazine, November 2010. <http://www.hawaiibusiness.com/more-than-just-farming/>



LATE

Hawaii Floriculture and Nursery Association

Testimony for the Twenty Ninth Legislature, 2017
State of Hawaii

COMMITTEE ON AGRICULTURE

Rep. Richard P. Creagan, Chair
Rep. Lynn DeCoite, Vice Chair

FRIDAY, JANUARY 27, 2017
8:30 AM.
Conference Room 312
State Capitol
415 South Beretania Street

A bill for an act

HB66 RELATING TO PLANNING AND ECONOMIC DEVELOPMENT

My name is Eric S. Tanouye and I am the President for the Hawaii Floriculture and Nursery Association. HFNA is a statewide umbrella organization with approximately 300 members. Our membership is made up with breeders, hybridizers, propagators, growers, shippers, wholesalers, retailers, educators, and the allied industry, which supports our efforts in agriculture.

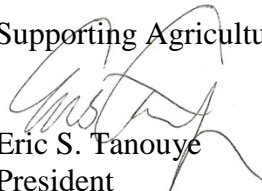
The Hawaii Floriculture and Nursery Association (HFNA) **OPPOSES** HB66.

We believe that Agricultural Land should not be easily reclassified. It is important to go through a process that allows the appropriate crop to be grown on the corresponding land. For our floral and ornamental growers, there are examples of nurseries growing products in shade houses that may have little to no soil or growing on low soil land outside of shade houses.

We ask that you consider a process that would check that land is not usable by agriculture and is not only reliant on the classification of the soil.

We thank you for consideration of our opposition to HB66. If you have any questions at this time, I would be happy to discuss them and can be reached by phone at 808-959-3535 ext 22, cell 960-1433 and email eric@greenpointnursery.com.

Supporting Agriculture and Hawaii,


Eric S. Tanouye
President

Hawaii Floriculture and Nursery Association

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 27, 2017 1:50 AM
To: AGRtestimony
Cc: begoniabarry@gmail.com
Subject: *Submitted testimony for HB66 on Jan 27, 2017 08:30AM*

HB66

Submitted on: 1/27/2017

Testimony for AGR on Jan 27, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Barry	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 10:57 PM
To: AGRtestimony
Cc: mauifaith@gmail.com
Subject: *Submitted testimony for HB66 on Jan 27, 2017 08:30AM*

HB66

Submitted on: 1/26/2017
Testimony for AGR on Jan 27, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Faith Chase	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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



Waimānalo Hawaiian Homes Association
P.O. Box 353, Waimanalo, Hawaii 96795-0353 • (808) 426-1223

Thursday, January 26, 2017

LATE

TESTIMONY IN SUPPORT OF
HOUSE BILL 66
RELATING TO PLANNING AND ECONOMIC DEVELOPMENT

Aloha e Chair Creagan, Vice Chair DeCoite and members of the Committee on Agriculture,

Please accept this written testimony in support of House Bill 66 relating to planning and economic development. This bill authorizes the legislature to reclassify certain agricultural lands and transfer them to the Department of Hawaiian Home Lands (DHHL) or to the Office of Hawaiian Affairs (OHA) and require that the value of lands transferred to OHA be credited against OHA's pro rata share of ceded land revenues.

One of the principal purposes of the Hawaiian Homes Commission Act of 1920, as amended, is:

“Establishing a permanent land base for the benefit and use of native Hawaiians, upon which they may live, farm, ranch, and otherwise engage in commercial or industrial or any other activities as authorized in this Act.”

Establishing a permanent agricultural land base for the benefit and use of native Hawaiians is a priority of DHHL. While most of DHHL's lands are located on the neighboring islands, the greatest demand with a long waiting list are residential properties on O'ahu with at least 10,000 applications. This bill could provide DHHL to increase its land holdings on O'ahu and award more lots to applicants.

Mahalo for allowing us to submit this written testimony.

Kamakana M. Aquino, President
Waimānalo Hawaiian Homes Association

Kamakana Aquino, President • A. Squeaky Peahi, Vice-President
Moana Akana, Secretary • Vacant, Treasurer
Joseph Aipa, Director • Roxanne Hanawahine, Director • Punahelu Pires, Director

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 27, 2017 7:46 AM
To: AGRtestimony
Cc: blawaiianlvr@icloud.com
Subject: Submitted testimony for HB66 on Jan 27, 2017 08:30AM

HB66

Submitted on: 1/27/2017

Testimony for AGR on Jan 27, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We support this measure only to the extent that the lands is given to DHHL. OHA is suffering from a serious management crisis at the moment & its future remains unclear. Calls have been made by our company & many other beneficiaries who are fed up with the personality conflicts, in fighting & overall mismanagement of beneficiary trust funds & lands that OHA currently has in its portfolio. For the Legislature to throw more Kuleana to OHA would only do a disservice to beneficiaries & over burden OHA with more responsibility than it can handle. We recognize the Governir's selected Director of DHHL, MS. Jobie Masagatani who has made tremendous strides to improving DHHL & its ability to manage its Kuleana over native Hawaiian trusts. DHHL must be the sole receiver of lands. We humbly ask for an amendment to this bill, to remove OHA from any further due consideration, until such time that the forensic audit of OHA is completed & corrective action is taken in OHA.

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

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 9:38 PM
To: AGRtestimony
Cc: kahananui16@gmail.com
Subject: *Submitted testimony for HB66 on Jan 27, 2017 08:30AM*

HB66

Submitted on: 1/26/2017

Testimony for AGR on Jan 27, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
kahana albinio	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

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 7:10 PM
To: AGRtestimony
Cc: kpurdyavelino@yahoo.com
Subject: Submitted testimony for HB66 on Jan 27, 2017 08:30AM

HB66

Submitted on: 1/26/2017
Testimony for AGR on Jan 27, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Kilia Purdy-Avelino	Individual	Support	No

Comments: As a homesteader, I support HB66 as a means to place other Hawaiians on Homestead lands.

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

LATE

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 27, 2017 8:11 AM
To: AGRtestimony
Cc: dkapua@gmail.com
Subject: Submitted testimony for HB66 on Jan 27, 2017 08:30AM

HB66

Submitted on: 1/27/2017

Testimony for AGR on Jan 27, 2017 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Kapua Keliikoa-Kamai	Individual	Support	No

Comments: COMMITTEE ON AGRICULTURE Friday, January 27, 2017 @8:30 AM Conference Room 312 HB 66 RELATING TO PLANNING AND ECONOMIC DEVELOPMENT. Authorizes the legislature to reclassify certain agricultural lands and transfer them to DHHL or OHA. Requires the value of lands transferred to OHA to be credited against OHA's pro rata share of ceded land revenues. Aloha Chair Creagan and Committee members, While HB66 could be good, the State needs to ensure that the land is clear of all toxins, chemicals, rubbish, construction debris, detrimental residue, etc., PRIOR to considering transferring these lands. AFTER the state CERTIFIES the land to be CLEAN and clear for development, then they may consider transferring the lands to either the Office of Hawaiian Affairs (OHA) or the Department of Hawaiian Home Lands (DHHL). I also support both OHA & DHHL completing a due diligence PRIOR to considering the receipt of such lands. If the lands are not CLEAN, as certified by the State, the State should pay for the cost of the due diligence. Both Agencies should also confer with their beneficiaries prior to accepting the lands for FULL TRANSPARENCY. Mahalo for allowing mana'o to be considered. Aloha, Kapua Keliikoa-Kamai Concerned Wai'anae Resident

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