

DAVID Y. IGE
Governor

DOUGLAS S. CHIN
Lt. Governor



SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
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**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE HOUSE COMMITTEE ON FINANCE

**FEBRUARY 22, 2018
11:00 A.M.
CONFERENCE ROOM 308**

**HOUSE BILL NO. 1884 HD1
RELATING TO AGRICULTURE**

Chairperson Luke and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1884 HD1 that amends:

1. The Hawaii Right-to-Farm Law (Chapter 165, HRS) to define “subsistence farming” as a “farming operation” for personal or family consumption and not commercial purposes; and
2. Sections 205-2 and -4.5 by appending the phrase “for economic or personal use” to the fundamental permitted agricultural activities on agricultural land.

The Department of Agriculture has strong concerns on this measure.

The Right-to-Farm Law (Chapter 165) is meant to limit the circumstances under which farming operations may be deemed to be a nuisance. “Farming operation” is defined as commercial agricultural, silvicultural, or aquacultural facility or pursuit. As written, House Bill 1884 HD1 conflates personal agriculture with commercial agricultural operations. This will diffuse the current focus on commercial agriculture and its important role in Hawaii becoming more food self-sufficient.

The amendments to Section 205-2(d) and Section 205-4.5(a) by appending the phrase “...for economic or personal use” has the effect of lowering expectations as to what amount of activity is sufficient on agricultural land. These amendments may



adversely affect the counties administration of their primary incentives for agriculture – the agricultural dedication programs that reduce the property tax burden of commercial agricultural operations, and discounted agricultural water rates.

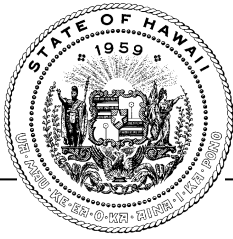
The present legislature and those in the past have struggled with the problem of “fake farm” agricultural subdivisions. Amending Chapter 205 to equate personal and subsistence agriculture to commercial agriculture may result in a substantial increase of “fake farms”.

The amendments in HD1 may also adversely affect the Important Agricultural Lands Law and Incentives (Chapter 205, Part III) as the permitted uses on designated Important Agricultural Land are, by default, the same as described in Section 205-2 and Section 205-4.5.

The term “farming operations” in Section 205-4.5(a)(13 and 14) are permitted to have agricultural tourism operations and possibly overnight accommodations. There are probably other unintended consequences of conflating subsistence or personal farming with commercial agriculture.

The Department of Agriculture recognizes subsistence and personal farming in helping to meet an individual’s or family’s food requirements. We do not recommend that this level of activity merits inclusion into Chapter 165 or Chapter 205.

Thank you for the opportunity to submit our concerns on this measure.



OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
DIRECTOR
OFFICE OF PLANNING

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Statement of
LEO R. ASUNCION
Director, Office of Planning
before the
HOUSE COMMITTEE ON FINANCE
Thursday, February 22, 2018
11:00 AM
State Capitol, Conference Room 308

in consideration of
HB 1884, HD 1
RELATING TO AGRICULTURE.

Chair Luke, Vice Chair Cullen, and Members of the House Committee on Finance.

The Office of Planning (OP) respectively opposes HB 1884, HD 1 which would amend Hawaii Revised Statutes (HRS) Chapter 165 to define subsistence farming as agricultural activity for economic or personal use, and amend HRS Chapter 205 to incorporate agricultural activity for personal use as permissible uses in the State Agricultural Land Use Districts.

The effect of HB 1884, HD 1 would be to enable non-agricultural, higher-valued uses, like transient vacation rentals, as permissible uses in the State Agricultural District. This dramatic relaxation of the threshold of agricultural activity required for the range of permissible uses currently allowed in the State Agricultural District would essentially eliminate the counties' ability to keep non-agricultural uses from encroaching on Hawaii's agricultural lands and facilitate the conversion of agricultural lands to higher-valued non-agricultural use. This would make it more difficult for bona fide farmers to access affordable agricultural lands, and severely compromise the efforts of the State and counties to promote agriculture and conserve agricultural land for current and future agricultural use pursuant to the Hawaii State Constitution.

Thank you for the opportunity to testify on this measure.

Harry Kim
Mayor



Wil Okabe
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i
Office of the Mayor

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February 20, 2018

Representative Sylvia Luke, Chair
Committee on Finance
Hawai'i State Capitol, Room 308
Honolulu, HI 96813

Dear Chair Luke and Committee Members:


Re: HB 1884, HD 1 Relating to Subsistence and Right to Farm
Hearing Date: 02/22/18 – 11:00 am; House Conference Room 308

Although HB 1884 is well meaning, and subsistence farming is generally to be encouraged, I must oppose HB1884, HD 1. As stated in the testimony of the Department of Agriculture, the unintended consequences of this bill may be substantial.

We can anticipate that elevating subsistence farming to the same level as commercial agriculture will cause problems that have already been flagged by several State departments and agencies. I would add that there are numerous residential subdivisions on agricultural land (particularly on the Big Island but elsewhere as well), which are made up of relatively small lots and where we must recognize that some agricultural activities can constitute a nuisance, such as the raising of pigs or chickens. Protecting against neighborhood conflict is important, and HB 1884, HD 1 might make the situation very difficult to control.

I regretfully urge that HB 1884, HD 1 be deferred.

Respectfully submitted,


Harry Kim
Mayor, County of Hawai'i

DAVID Y. IGE
Governor



DANIEL ORODENKER
Executive Officer

DOUGLAS CHIN
Acting Lieutenant Governor

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

LUIS P. SALAVERIA
Director

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

RILEY K. HAKODA
Chief Clerk/Planner

MARY ALICE EVANS
Deputy Director

FRED A. TALON
Drafting Technician

Statement of
Daniel E. Orodenker
Executive Officer
Land Use Commission
Before the
House Committee on Finance
Thursday February 22, 2018
11:00 AM
State Capitol, Conference Room 308

In consideration of
HB 1884 HD1
RELATING TO AGRICULTURE

Chair Luke, Vice Chair Cullen, and members of the Committee on Finance:

The Land Use Commission is opposed to HB 1884 HD1 in that it seeks to provide a definition for subsistence farming to Section 165-2, Hawai'i Revised Statutes (HRS).

We believe that inclusion of subsistence farming under the broader definition of "farming operation" in that same section of the law will create greater difficulties for the counties in enforcing sections of Chapter 205, HRS, with respect to what would qualify as allowable, bona fide farm dwellings and farm worker housing.

Thank you for the opportunity to testify on this matter.

HB-1884-HD-1

Submitted on: 2/20/2018 10:51:00 PM

Testimony for FIN on 2/22/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omanapono Political Action Committee (HPAC)	Support	Yes

Comments:

We STRONGLY SUPPORT this bill. Mahalo.



February 21, 2018

Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair
House Committee on Finance

Comments, Concerns and Opposition to HB 1884, HD1, Relating to Agriculture (Claims to clarify that "subsistence farming" is included as a protected activity under the Hawaii Right to Farm Act; and clarify that the cultivation of crops and activities related to game, fish, and livestock on agricultural lands may be for economic or personal use.)

Thursday, February 22, 2018, 11:00 a.m., in Conference Room 308

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 appreciates the opportunity to provide **comments, concerns and STRONG OPPOSITION to this measure.**

HB 1884, HD1. This bill does not even have a purpose clause, so it is impossible to determine the TRUE PURPOSE of this measure. Nevertheless, the "Description" attached to this bill claims that it clarifies that "subsistence farming" is included as a protected activity under the Hawaii Right to Farm Act, and further claims that it clarifies that the cultivation of crops and activities related to game, fish, and livestock on agricultural lands may be for economic or personal use.

LURF's Position. Under the circumstances, the proposed "clarifications" are UNJUSTIFIED, CONTRARY TO "Right to Farm" principles and application, and NOT CONSISTENT with Hawaii's Right to Farm law. Moreover, this bill could LEGALIZE "FAKE FARMS" and "GENTLEMEN FARMS."

LURF supports subsistence farming, and would like to believe that HB 1884, HD1, is a well-meaning, but misguided attempt to support subsistence farming. However, under the circumstances, LURF must **OPPOSE** this measure, based on, among other things, the following:

- There is **NO JUSTIFICATION** for these bills – there is no purpose clause or any justification or facts to support these bills.
- Adding “*subsistence farming*” to the Right to Farm law is **NOT CONSISTENT** with the purpose and intent of Hawaii’s Right to Farm law, which was meant to protect commercial farming operations against nuisance complaints;
- Adding “economic and personal use” is **UNNECESSARY**.
- Adding “*personal use*” could have the **NEGATIVE EFFECT OF LEGALIZING “FAKE FARMS” and “GENTLEMEN FARMS”** on agricultural lands throughout the State;
- Adding “*personal use*” could have the **NEGATIVE EFFECT** of **FRUSTRATING THE COUNTIES’ ENFORCEMENT EFFORTS** of improper uses in agricultural districts;

Based on the above, LURF respectfully requests that HB 1884, HD1 be **DEFERRED** and **HELD** by this Committee.

Thank you for the opportunity to provide comments and concerns relating to this proposed measure.

Please feel free to contact David Arakawa, LURF Executive Director, if there are any questions.

HB-1884-HD-1

Submitted on: 2/21/2018 10:14:12 AM

Testimony for FIN on 2/22/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

HB-1884-HD-1

Submitted on: 2/21/2018 12:39:40 PM

Testimony for FIN on 2/22/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Support	Yes

Comments:

LATE

HB-1884-HD-1

Submitted on: 2/21/2018 3:53:22 PM

Testimony for FIN on 2/22/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Helmut Klauer	Individual	Support	No

Comments:

LATE

HB-1884-HD-1

Submitted on: 2/21/2018 3:55:45 PM

Testimony for FIN on 2/22/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Crawford	Individual	Support	No

Comments:

LATE

HB-1884-HD-1

Submitted on: 2/21/2018 4:02:15 PM
Testimony for FIN on 2/22/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Terez Amato Lindsey	Individual	Support	No

Comments:

This is a much needed clarification. Thank you!

LATE

HB-1884-HD-1

Submitted on: 2/21/2018 4:05:54 PM
Testimony for FIN on 2/22/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeffrey Bronfman	Haiku Aina Permaculture Initiative	Support	No

Comments:

HB-1884-HD-1

Submitted on: 2/21/2018 4:06:26 PM

Testimony for FIN on 2/22/2018 11:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Jacqueline S. Ambrose	HFUU	Support	No

Comments:

LATE

HB-1884-HD-1

Submitted on: 2/21/2018 4:24:40 PM

Testimony for FIN on 2/22/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Anderson	Hawaii Farmers Union United	Support	No

Comments:

We need protection from agri business....the monopolies.

LATE

HB-1884-HD-1

Submitted on: 2/21/2018 4:25:37 PM

Testimony for FIN on 2/22/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dennis F Lokmer	Individual	Support	No

Comments:

Strongly in favor of including subsistence farming.

LATE

HB-1884-HD-1

Submitted on: 2/21/2018 4:38:33 PM
Testimony for FIN on 2/22/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sunny Savage-Luskin	Individual	Support	No

Comments:

LATE

HB-1884-HD-1

Submitted on: 2/21/2018 4:41:18 PM
Testimony for FIN on 2/22/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John NAYLOR	Individual	Support	No

Comments:

LATE

HB-1884-HD-1

Submitted on: 2/21/2018 4:58:29 PM

Testimony for FIN on 2/22/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sara Mason	Individual	Support	No

Comments:

LATE

HB-1884-HD-1

Submitted on: 2/21/2018 5:20:31 PM

Testimony for FIN on 2/22/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bobby Grimes	Individual	Support	No

Comments:

*I testify in support of HB1884 and feel this is another great step to clarify and solidify that Farming and Animal Husbandry are critical elements to a healthy and productive society. Please support this Bill. Thank you, **Bobby Grimes***

LATE

HB-1884-HD-1

Submitted on: 2/21/2018 6:00:52 PM
Testimony for FIN on 2/22/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
marcy montgomery	One Island Sustainable Living and Same Canoe Local Food Project	Support	No

Comments:

On behalf of our 2,000 participants, we support the inclusion of subsistence farming as an essential component to reclaiming our local food system. Growing small scale ag - for your own family, or to sell at a farmer's market - is a critically important cornerstone for building a secure food economy in order to reverse our current highly insecure food system.

LATE

HB-1884-HD-1

Submitted on: 2/21/2018 7:32:39 PM

Testimony for FIN on 2/22/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Perruso	Individual	Support	No

Comments:

LATE

HB-1884-HD-1

Submitted on: 2/21/2018 8:13:39 PM

Testimony for FIN on 2/22/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
scott lacasse	Individual	Support	No

Comments:

LATE

HB-1884-HD-1

Submitted on: 2/21/2018 8:15:43 PM

Testimony for FIN on 2/22/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
A Kathleen Lee	Individual	Support	No

Comments:

Aloha and Mahalo to All Sponsoring Representatives,

We are a remote tropical island and protecting ourselves from the economic and nutritional limitations of importing our food are only a couple of the logical reasons to support local farmers and pur farming industries. I am a small farmer and consider my excellent health at 67 due to the local diet I enjoy. I know that if we don't encourage our youth with farming initiatives like this, our food supply & sustainability will suffer in the future & our youth will suffer the joy of growing affordable and nutritious food. Farming needs to be supported on all fronts for us to fulfill our responsibility to our ohana and our aina.

Mahalo for your continued support!!

April Lee

Hawi, HI

LATE

HB-1884-HD-1

Submitted on: 2/21/2018 8:15:58 PM

Testimony for FIN on 2/22/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Dowd	Individual	Support	No

Comments:

LATE

HB-1884-HD-1

Submitted on: 2/21/2018 9:59:52 PM
Testimony for FIN on 2/22/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
irene plunkett	HFUU	Support	No

Comments:

I strongly support HB1884, Thank You Kindly

LATE

HB-1884-HD-1

Submitted on: 2/22/2018 7:11:59 AM

Testimony for FIN on 2/22/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
sallyjane Bodnar	Individual	Support	No

Comments:

HB-1884-HD-1

Submitted on: 2/22/2018 8:02:17 AM

Testimony for FIN on 2/22/2018 11:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Marilyn Creagan	Individual	Support	No

Comments:

LATE

HB-1884-HD-1

Submitted on: 2/22/2018 8:47:19 AM
Testimony for FIN on 2/22/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Briana Hurley	Individual	Support	No

Comments:

HB-1884-HD-1

Submitted on: 2/22/2018 8:52:29 AM

Testimony for FIN on 2/22/2018 11:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Lorie Farrell	Individual	Oppose	No

Comments:

This Bill further convolutes an already problematic issue for Hawaii and agriculture; just who is defined as a farmer. Therefore I oppose.

LATE

HB-1884-HD-1

Submitted on: 2/22/2018 9:04:52 AM

Testimony for FIN on 2/22/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
RONALD R RIESS	Individual	Support	No

Comments:

I whole heartily support. Stop this tons of food rotting on the ground while people do without. Current laws make it impossible for subsistence to prosper.

HB-1884-HD-1

Submitted on: 2/22/2018 10:10:12 AM

Testimony for FIN on 2/22/2018 11:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Suellen Barton	Individual	Support	No

Comments: