

DAVID Y. IGE
Governor

DOUGLAS S. CHIN
Lt. Governor



SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

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TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

FEBRUARY 7, 2018
8:45 A.M.
CONFERENCE ROOM 312

HOUSE BILL NO. 1884
RELATING TO AGRICULTURE

Chairperson Creagan and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1884 that amends 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. The Department of Agriculture offers comments with concerns on this measure.

The Right-to-Farm Law 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 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. Also, when this language migrates to Chapter 205, HRS (State land use law), more adverse unintended consequences may arise. For instance, “farming operations” in Section 205-4.5(a)(13 and 14) are permitted to have agricultural tourism operations and possibly overnight accommodations.

Thank you for the opportunity to submit our testimony.



HB-1884

Submitted on: 1/31/2018 12:17:32 PM

Testimony for AGR on 2/7/2018 8:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Hawaiian Civic Club of Honolulu	Support	No

Comments:

This bill will protect our salt pond and fish pond 'ohana (families) who rely upon these resources for subsistence.

HB-1884

Submitted on: 2/5/2018 11:53:42 PM

Testimony for AGR on 2/7/2018 8:45:00 AM

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

Comments:

We are in STRONG SUPPORT of this bill, as native Hawaiians who are pursuing "subsistence farming" on Hawaiian Homestead lands. Mahalo.

LATE

HB-1884

Submitted on: 2/6/2018 10:51:38 AM

Testimony for AGR on 2/7/2018 8:45:00 AM

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

Comments:

I am a subsistence farmer; I agree that subsistence farming should be included in the definition of "farming operation." My family knows that by growing our food subsistently and for the ability to barter within our community, as our kupuna (elders) have done long before, it lessens our cost for the need to purchase. In this sense, we ARE a farming operation.

LATE

HB-1884

Submitted on: 2/6/2018 5:56:17 PM

Testimony for AGR on 2/7/2018 8:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Animal Rights Hawai'i	Oppose	No

Comments:

LATE

HB-1884

Submitted on: 2/6/2018 10:45:26 PM

Testimony for AGR on 2/7/2018 8:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
David S. Case		Support	No

Comments:

HB1884 would include farming for personal consumption ("subsistence farming") as a protected form of agriculture under the Hawaii Right to Farm Act. "Subsistence farming" is defined as a "farming operation primarily for direct personal or family consumption and not for commercial purposes." This definition tracks the definition of "subsistence uses" in Section 803 (16 U.S.C.A. sec. 3113) of the Alaska National Interest Lands Conservation Act ("ANILCA") that defines "subsistence uses" of fish, game and plants as they relate to the reality of life in rural Alaska. As ANILCA makes clear, "subsistence" does not denote a life of poverty, but of tradition and abundance. That is the light in which this Bill would treat "subsistence farming" as well. See, e.g. D. Case and D. Voluck, *Alaska Natives and American Laws* (University of Alaska Press, 2012) at 266-267, discussing the economic, cultural, social, customary and traditional aspects of "subsistence", concepts that also apply to subsistence farming in Hawaii.