

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 AGRICULTURE

**FEBRUARY 14, 2018
8:30 A.M.
CONFERENCE ROOM 312**

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

Chairperson Creagan and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1884 Proposed 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.

DAVID Y. IGE
Governor

DOUGLAS CHIN
Acting Lieutenant Governor

LUIS P. SALAVERIA
Director

MARY ALICE EVANS
Deputy Director



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

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Statement of
Daniel E. Orodenker
Executive Officer
Land Use Commission
Before the
House Committee on Agriculture
Wednesday February 14, 2018
8:30 AM
State Capitol, Conference Room 312

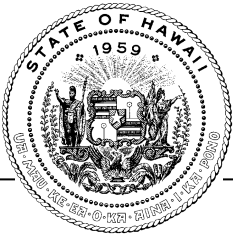
In consideration of
HB 1884 and HB 1884 HD1 Proposed
RELATING TO AGRICULTURE

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

The Land Use Commission does not object to the intent of HB 1884 and HB 1884 HD1 Proposed that seeks to provide a definition for subsistence farming to Section 165-2, Hawai`i Revised Statutes (HRS).

However, we are concerned that its inclusion 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.



OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
DIRECTOR
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Statement of
LEO R. ASUNCION
Director, Office of Planning
before the
HOUSE COMMITTEE ON AGRICULTURE

Wednesday, February 14, 2018
8:30 AM

State Capitol, Conference Room 312

in consideration of
HB 1884
RELATING TO AGRICULTURE.

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

The Office of Planning (OP) provides comments regarding HB 1884 and Proposed HD1 which would amend Hawaii Revised Statutes (HRS) Chapter 165 to define subsistence farming as an 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 and proposed 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 provide comments on this measure.

HB-1884

Submitted on: 2/11/2018 11:59:03 AM

Testimony for AGR on 2/14/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jacqui Hoover	Hawaii Leeward Planning Conference	Support	No

Comments:

HB-1884

Submitted on: 2/11/2018 11:59:56 AM

Testimony for AGR on 2/14/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jacqui Hoover	Hawaii Island Economic Development Board	Support	No

Comments:

LATE

HB-1884

Submitted on: 2/13/2018 10:47:31 AM

Testimony for AGR on 2/14/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Grant Wolf	Individual	Oppose	No

Comments:

I believe that this bill is in a sense short sighted. Hawaiians and people who have access to agricultural land already farm, fish, and use resources. Some of them already use these resources for economic profit. People have been using agricultural lands pretty regularly without the proposal of this bill. My concern is that when you add the words into the bill about "economic gain" is that there will be some that would take advantage of that and overly fish, overly harvest, and take advantage of excessive hunting for profit. We already have depleted resources and species which are facing extinction in some areas here on Maui. If we were to allow everyone to come in and kill 'o'opu fish from our stream, hihiwai, mountain opae, as well as take excessive fruits and leave the land barren, much of our endemic life would become extinct. Those that have access to such areas are already making profits. If you legalize the agricultural uses for "economic gain" how would certain people interpret that. I have not seen much use for this bill since again we as Hawaiians do practice our Hawaiian rights. On occasion I see people trying to steal from other Hawaiians, by tryin to farm andor profit on the agricultural kuleana land of others not constantly around to obtain "adverse possession". Would the state try similar measures. If Hawaiians had not been ripped off from the onset of Americanization we would not see this kind of thing. I never saw that there was a bill against Hawaiians or anyone else making profit off of agricultural land. Harvesting on such lands seems like a no brainer. What is the purpose of this bill? It opens doors to misinterpretation.I stand opposed to this bill.

LATE

HB-1884

Submitted on: 2/13/2018 10:38:22 PM
Testimony for AGR on 2/14/2018 8:30:00 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. Native Hawaiians have an opportunity to do “subsistence farming” with DHHL now offering “subsistence Agriculture” lots. We need this bill to ensure that we will be able to farm without hassle. Mahalo.