

**DAVID Y. IGE**  
Governor

**JOSH GREEN**  
Lt. Governor



**PHYLLIS SHIMABUKURO-GEISER**  
Chairperson, Board of Agriculture

**MORRIS M. ATTA**  
Deputy to the Chairperson

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

**TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT**

**FEBRUARY 12, 2020  
1:30 P.M.  
CONFERENCE ROOM 224**

**SENATE BILL NO. 2707  
RELATING TO AGRICULTURAL THEFT AND VANDALISM PILOT PROJECT**

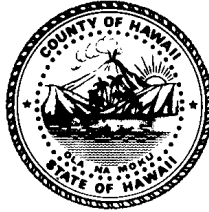
Chairperson Gabbard and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 2707, which appropriate funding for the second year of the pilot project. Act 217, Session Laws of Hawaii (2019) established a two-year pilot project to examine and assess the effectiveness of prosecuting agricultural theft and agricultural vandalism cases in the counties of Hawaii and Maui. The Department supports this bill provided that it does not impact the priorities listed in the Executive Budget.

Thank you for the opportunity to testify on this measure.



County of Hawai'i  
Council District 9 -  
North and South Kohala



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**Chair:** Committee on Agriculture,  
Water, Energy, & Environmental  
Management

**Vice Chair:** Committee on Finance

**HERBERT M. "TIM" RICHARDS, III**  
**HAWAI'I COUNTY COUNCIL**  
**District 9**

25 Aupuni Street, Ste. 1402, Hilo, Hawai'i 96720

February 11, 2020

Senate Committee on Agriculture and Environment  
Honorable Senator Mike Gabbard, Chair  
Honorable Senator Russell E. Ruderman, Vice Chair  
**Submission via online testimony**

RE: Support of SB 2707  
Hearing Date/Time: February 12, 2020 at 1:30 p.m.

Dear Senators:

Thank you for the opportunity to testify. My name is Herbert M. "Tim" Richards, III, DVM. I am a rancher and livestock veterinarian with over 35 years' experience here in Hawai'i. I am currently a sitting County Councilman for the County of Hawai'i, chairing the Committee on Agriculture, Water, Energy and Environmental Management and Vice Chair of the Committee on Finance. I support all forms of agriculture and firsthand understand the agriculture theft concerns statewide.

The agricultural theft and vandalism pilot project have been successful here on Hawai'i Island. It is critical that funding be appropriated to continue this project to protect our agriculture industry that has taken numerous, unfortunate and downright damaging hits due to theft and vandalism. Continuing this project going forward is important as our agriculture industry must be protected statewide.

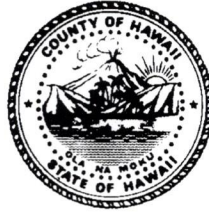
Please feel free to contact me should you need to discuss my position and knowledge of this matter further.

Sincerely,

HERBERT M. "TIM" RICHARDS, III  
Hawai'i County Council, District 9

xc: Aaron S. Y. Chung, Chair – Hawai'i County Council  
Mitch Roth, Prosecutor – Office of the Prosecuting Attorney, County of Hawai'i

Harry Kim  
Mayor



Roy Takemoto  
Managing Director

Barbara J. Kossow  
Deputy Managing Director

## County of Hawai'i Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553  
KONA: 74-5044 Ane Keohokālole Hwy., Bldg C • Kailua-Kona, Hawai'i 96740  
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February 7, 2020

Senator Mike Gabbard, Chair  
Senator Russell E. Ruderman, Vice Chair  
Committee on Agriculture and Environment

Dear Chair Gabbard, Vice Chair Ruderman, and Committee Members:

**RE: SB 2707 Relating to Agricultural Theft and Vandalism Pilot Project**

SB 2707 seeks to deal with the vulnerabilities agriculture has to theft and vandalism. Our news media has documented farmers who have gone out of business because of their losses, and the problem seems to get worse year by year.

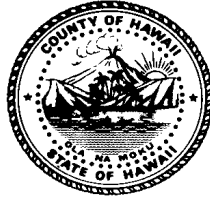
The Hawai'i County Prosecuting Attorney's office has had an investigator working on agricultural crimes, and we have received positive comments from the agriculture community about his work. Therefore, as you would expect, we fully support State funding for the next fiscal year.

We urge passage of SB 2707 and ask that you also include this as a priority item in your funding request for next year's budget.

Respectfully Submitted,

Harry Kim  
MAYOR

County of Hawai'i  
Council District 4 -  
Lower Puna



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## HAWAI'I COUNTY COUNCIL

### OFFICE OF COUNCIL MEMBER ASHLEY L. KIERKIEWICZ

Chair: Committee on Planning, and Committee on Government Relations & Economic Development  
25 Aupuni Street • Hilo, Hawai'i 96720

February 11, 2020

#### Senate Committee on Agriculture and Environment

Senator Mike Gabbard, Chair

Senator Russell Ruderman, Vice-Chair

#### **RE: Support for SB2707 relating to agricultural theft and vandalism pilot project**

Aloha, Senator Gabbard, Senator Ruderman, and Members of the Senate AEN Committee:

Thank you for the opportunity to submit testimony in **strong support of SB2707**, which appropriates funds to Hawai'i and Maui counties for the purpose of continuing to implement a two-year pilot project that examines and assesses the effectiveness of prosecuting agricultural theft and agricultural vandalism cases.

To date, this effort has been successfully implemented on Hawai'i Island and is most welcome by our local farmers. At Hawai'i County, we are fortunate to have an Agricultural Crimes Investigator within our Prosecuting Attorney's Office who works closely with farmers to prevent crimes, encourages them to report incidents, teaches them how to properly report crimes as well as how to be a good witness. In addition to farmers, he continuously outreaches to wholesalers, transportation companies, retailers about the importance of knowing where our food comes from, every step of the way. He also works directly with our local police force and detectives – and State agencies where applicable – to catch offenders. He's empowering farmers, serves as a communication bridge among multiple stakeholders, and is tracking incidents and creating a data set for ag crimes that never existed before. Because of this appropriation, he's able to protect the integrity of our local food system.

We as a community push for being food sustainable and secure. Therefore, we must support and protect those who do the hard work to feed us. Please support SB2707 and consider increasing the appropriation. Hawai'i Island is massive; additional funding would mean we could staff West Hawai'i and do even more to prevent ag crimes.

Mahalo nui loa,

Ashley Lehualani Kierkiewicz  
Hawai'i County Council, District 4

**SB-2707**

Submitted on: 2/5/2020 10:23:25 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ken Love	Testifying for Hawaii Tropical Fruit Growers	Support	No

Comments:

These programs have been extremely successful in working wiuth growers and law enforcement in helping to build awareness and in working to end Agriculture theft. our 1200 plus members across the state need ll the assistance they can get when it comes to dealing with ag theft.

**SB-2707**

Submitted on: 2/10/2020 2:54:20 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mark Shultise	Testifying for LavaRock Farm	Support	No

Comments:

Please pass this important bill.

**SB-2707**

Submitted on: 2/10/2020 4:35:17 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nicole K Galase	Testifying for Hawaii Cattlemen's Council	Support	Yes

Comments:

**SB-2707**

Submitted on: 2/10/2020 9:10:50 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Warren Watanabe	Testifying for Maui County Farm Bureau	Support	No

Comments:



**SB-2707**

Submitted on: 2/11/2020 7:51:05 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mark Robert Hanson	Testifying for Hawaiian Reforestation Program	Support	No

Comments:

Please pass SB2027, Stop! This stealing of from us, Farmers, Who work harder. Than any of you, ever worked in your life's. Unless, you have been a farmer too. You have not a clue. How hard, it is to grow food for you. Every farmer in Hawaii, can hardly, even get ahead. Then the thieves come in the night. Rippers, Just like the pigs. This State has left uncontrolled. If you leave, these, thieves,uncontrolled, like your pet pigs. Some farmers, do have guns, to kill, pigs. It is only a matter of time. Before, We read in the News Paper or see on TV. Of a poor farmer being charged with feeding thieves to Pigs. Penalty for Ag. theif, should be 3 years of farming at Prison.

Mark Hanson, the Sandalwood nut tree farmer of Hawaii



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Phone: (808) 848-2074; Fax: (808) 848-1921  
e-mail [info@hfbf.org](mailto:info@hfbf.org); [www.hfbf.org](http://www.hfbf.org)

February 12, 2020

HEARING BEFORE THE  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

**TESTIMONY ON SB 2707**  
RELATING TO AGRICULTURAL THEFT AND VANDALISM PILOT PROJECT

Room 224  
1:30 PM

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

I am Brian Miyamoto, Executive Director of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

**The Hawaii Farm Bureau supports HB 2707**, which appropriates additional funding to continue the agricultural theft and pilot projects in Hawaii and Maui Counties.

Agricultural crime is persistent problems facing agriculture. Weather, drought, pests, weeds, disease, unstable markets, transportation, labor issues, and a changing climate all contribute to uncertainty for farmers and ranchers. Few businesses face such challenges, yet we are charged with producing food, fiber, fuel and flowers for the 99% of non-farmers. Add in the constant threat and impacts of trespass, theft, and vandalism, and it's a wonder farms and ranches remain viable.

Sadly, agricultural crime is a growing trend in Hawaii. Farmers and ranchers are often victims of those who are looking for easy targets. Despite our efforts to install cameras, form community ag watch groups, and patrol our farms, these criminals know that being caught and prosecuted is unlikely.

In recent years, not only have crops and livestock been stolen, but also tractors, trucks, farm equipment, and tools. We support all efforts to curb this attack on our viability. In most cases, we bear the cost of these crimes since we cannot pass these costs on to the consumer in the form of higher prices.

In working with our members, HDOA, and law enforcement, we have collectively concluded that a dedicated enforcement officer housed in the county prosecutor's office is a giant step forward in minimizing agricultural crimes and enhancing public safety. HFB continues to work with both the police and prosecutor's office to find ways we can work together to help deter, apprehend, and convict individuals that are committing agricultural theft and vandalism.

Thank you for your continued support of our local farmers and ranchers.



PO BOX 116  
Honolulu, HI 96728  
[www.kayefamilyfarms.org](http://www.kayefamilyfarms.org)

Mahalo for the opportunity to support SB2707 Relating to Agricultural Theft and Vandalism.

Our farm sells lychee, longan, and grass-fed beef in Rural South Hilo. Several times during peak Lychee Season our farm has been "raided." Thieves cut whole large branches off of mature lychee trees, stealing about \$1,000 worth of ripe fruit, probably in a few minutes. When we have purchase orders to fill, the loss of ripe fruit can mean the loss of a whole account and business relationship—not just one order. Worse, these trees will not fully recover for years, compounding the losses for our farm. As long as we have been growing, our farm has been a target of theft and vandalism, fruit and equipment, and every community association meeting in our small town includes time for a litany of farm theft reports.

During the lychee season, thieves stake-out either end of our rural access road, using cell phones to alert one another when farmers are coming and going from our farms. We set out motion sensor lights, camp out in fields, but can't always defend our farm while going to our day jobs or running errands in town. They steal our security cameras, cut our fences, and break through our gates. It doesn't seem to matter how remote or how busy the area is, or if we know them by name.

After my neighbor was held at gunpoint by a lychee thief last year, I felt completely vulnerable, with the nearest police station 30 minutes' drive away. When officers do arrive, they are unaware of state agricultural theft laws and sometimes refuse to take action. These laws lower the dollar amount that triggers a felony offense, and require that produce in transit be accompanied by a bill of lading (documentation of whose produce it is, and who has a right to transport it). In the past, officers had not been trained to take it seriously and believed the theft would not be prosecuted, so they maybe thought following through would be a waste of time.

Since the agricultural theft investigator began working on the Big Island, things have improved. He has taken the time to visit our town and introduce himself to the farmers and community association. We now have someone to work with in the prosecutor's office that will take our losses seriously. We know that this position is a temporary one, and appreciate your efforts to make sure the program continues, and hopefully becomes permanent.

This bill would make it clear that ag theft *is theft*, has a serious impact on a farmer's bottom line, and *will be prosecuted*. Thank you for your consideration.

Springer Kaye, Owner

Kaye Family Farms

**SB-2707**

Submitted on: 2/6/2020 8:36:52 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Azuma Chrupalyk	Individual	Support	No

Comments:

**SB-2707**

Submitted on: 2/10/2020 11:22:39 AM

Testimony for AEN on 2/12/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
sharon	Individual	Support	No

Comments:

Please help protect our hard working farmers!

**SB-2707**

Submitted on: 2/10/2020 1:41:55 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Heather Kimball	Individual	Support	No

Comments:

Please support this pilot project. I have spent a lot of time canvassing in Hawaii County and agricultural theft and vandalism is a major concern in this community. This will also increase our ability to encourage new farmers and reach our food sustainability goals.

Mahalo for your consideration,

Heather Kimball

**SB-2707**

Submitted on: 2/10/2020 2:38:35 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kalena Blakemore	Individual	Support	No

Comments:



**SB-2707**

Submitted on: 2/10/2020 7:10:11 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
david hill	Individual	Support	No

Comments:

Where I live on the Big Island, Ag theft has grown to be a huge problem. Many small farmers are not able to withstand the theft of profits and/or the increase in insurance premiums related to theft. It is time to help out small farmers.

**SB-2707**

Submitted on: 2/11/2020 1:38:04 PM

Testimony for AEN on 2/12/2020 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bronsten Kossow	Individual	Support	No

Comments: