

DAVID Y. IGE
GOVERNOR



LAND USE COMMISSION

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT

DANIEL ORODENKER
EXECUTIVE OFFICER

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February 23, 2022

Statement of
Daniel E. Orodenker
Executive Officer
State Land Use Commission

Before the
House Committee on
Finance

Friday February 25, 2022
12:30 PM
State Capitol, Room 308 Virtual Video Conference

In consideration of
HB 1671 HD1
RELATING TO LSB CLASSIFICATIONS AND RATINGS

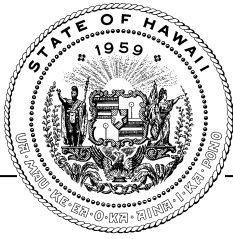
Chair Luke; Vice Chair Yamashita; and members of the House Committee on Finance:

The Land Use Commission (“LUC”) supports HB 1671 HD1. The proposed measure establishes a temporary Land Study Bureau (“LSB”) classifications and ratings review subcommittee within the LUC to review and amend LSB classifications and ratings of agricultural lands.

Currently, there is no method to contest LSB ratings on specific parcels of land. In some instances, the LSB ratings have been proven inaccurate or outdated. This measure would provide a much needed mechanism for landowners to contest the LSB rating of their land and provide significant equity in the land use process.

The proposed committee is intended to be temporary and a “stop-gap” measure to handle the inequities in the LSB system until a new, more modern and comprehensive study can be performed and new ratings system adopted.

Thank you for the opportunity to testify on this matter



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
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Statement of
MARY ALICE EVANS
Director, Office of Planning and Sustainable Development
before the
HOUSE COMMITTEE ON FINANCE
Friday, February 25, 2022
12:30 PM
State Capitol, Conference Room 308 and Videoconference
in consideration of
HB 1671 HD1
RELATING TO LAND STUDY BUREAU CLASSIFICATIONS AND RATINGS.

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

The Office of Planning and Sustainable Development (OPSD) offers the following **comments and concerns** on HB 1671 HD1, which establishes a subcommittee within the Land Use Commission (LUC) in order to process petitions from State departments or agencies, County departments or agencies and any property owner to change or review all or a portion of the land study bureau (LSB) classification and rating of its agricultural lands, including lands designated or sought to be designated as important agricultural lands.

OPSD understands the need to find a way to accommodate changing agricultural needs, especially since the LSB system is outdated and imperfect. While we defer to the Department of Agriculture (DOA) on their acting as a party in Petitions, we are concerned that additional personnel may be required to allow DOA to participate in these proceedings. We are concerned that this measure would allow for a piecemeal approach to changing soils ratings one parcel at a time which could benefit a single petitioner as opposed to a comprehensive review.

We are also concerned that the measure appears to allow a portion of the subcommittee work to be exempt from Chapter 92-6(b), the Sunshine Law. HB 1671 HD1 requires that the petition be processed by a quasi-judicial proceeding, so any portion of the proceedings should not be exempt from the Sunshine Law.

OPSD supports and prefers instead SB 2056 SD1, which just crossed over from the Senate, requiring OPSD to conduct a study of LSB and other agricultural rating systems in consultation with the DOA, College of Tropical Agriculture and Human Resources, the LUC, and US Department of Agriculture. OPSD believes that a comprehensive review of soils rating systems by experts in soil characteristics is timely and a much preferred approach to improving the regulatory basis for the State and counties to preserve our 'best' agricultural lands.

Thank you for this opportunity to testify.

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

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

BEFORE THE HOUSE COMMITTEE ON FINANCE

**FRIDAY, FEBRUARY 25, 2022
12:30 P.M.
VIA VIDEOCONFERENCE**

**HOUSE BILL NO. 1671, HD1
RELATING TO LAND STUDY BUREAU CLASSIFICATIONS AND RATINGS**

Chairperson Luke and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1671, HD1 that temporarily establishes the Land Study Bureau Classifications and Ratings Review Subcommittee within the Land Use Commission to review and amend Land Study Bureau (LSB) classifications and ratings of agricultural lands on a petition-by-petition basis. The Subcommittee is to be repealed at the end of a calendar year to be determined. The Department of Agriculture has concerns and offers a recommendation.

This measure establishes a procedure wherein public and private landowners may seek to have their LSB ratings reviewed and amended based on current conditions. The Department anticipates a considerable number of petitions arising from the recent Land Use Commission decision to remand the petition identifying Oahu's potential Important Agricultural Lands back to the City and County of Honolulu. The Department does not have the professional staff resources to accommodate the procedural requirements described in the measure.



Further, the Department is concerned that reviewing and amending the LSB ratings and related characteristics will require full knowledge of the data gathered and the methodologies employed by the LSB over 60 years ago. Without this knowledge, it may be difficult for the LUC Subcommittee, staff, and participating agencies such as the Department of Agriculture to objectively conclude how new data and other findings provided by the petitioners will merit a change to a petitioned parcel's existing LSB overall productivity ratings and related characteristics.

The Department of Agriculture is concerned that implementing what is proposed in this measure will result in a piecemeal approach to updating the LSB rating system. Instead, we strongly support the comprehensive review proposed in House Bill 1668 and companion Senate Bill 2056 that will study Hawaii's soil quality indexes such as the Land Study Bureau which have significant roles in land use regulation, identifying what agricultural production resources need to be protected, and help to optimize public and private investments that support food sustainability and overall local agricultural production.

Thank you for the opportunity to comment on this measure.

OFFICE OF INFORMATION PRACTICES

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To: House Committee on Finance

From: Cheryl Kakazu Park, Director

Date: February 25, 2022, 12:30 p.m.
State Capitol, Conference Room 308 and Via Videoconference

Re: Testimony on H.B. No. 1671, H.D. 1
Relating to Land Study Bureau Classifications and Ratings

Thank you for the opportunity to submit testimony on this bill, which would temporarily establish a Land Study Bureau Classifications and Ratings Review Subcommittee within the Land Use Commission to review and amend Land Study Bureau classifications and ratings of agricultural lands. The Office of Information Practices (OIP) suggested a technical amendment to the previous version of this bill, which was made in the H.D. 1 version of this bill. OIP has no further concerns regarding this bill.



HOUSE COMMITTEE ON FINANCE

Friday, February 25, 2022, 12:30 PM, Conference Room 308 & Videoconference
HB 1671, HD1

Relating to Land Study Bureau Classifications and Ratings

TESTIMONY

Douglas Meller, Legislative Committee, League of Women Voters of Hawaii

Chair Luke and Committee Members:

The League takes no position concerning the HB 1671, HD1 proposal to create a land study bureau classifications and ratings review subcommittee of the State Land Use Commission. However, we wish to note that on February 24, 2022, the House Committee on Judiciary & Hawaiian Affairs will hold a public hearing on HB 2606, HD1. Section 6 of HB 2606, HD1 proposes to amend §92-6(b), Hawaii Revised Statutes to read as follows:

(b) Notwithstanding provisions in this section to the contrary, this part shall apply to ~~[require open deliberation of the]~~ adjudicatory functions concerning land use, including but not limited to adjudicatory functions of the land use commission.

The League strongly recommends that exactly the same “Sunshine Law” requirements which apply to the State Land Use Commission under §92-6(b), Hawaii Revised Statutes, should also apply to the proposed land study bureau classifications and ratings review subcommittee. This can be accomplished by amending HB 1671, HD1 Section 3(b) to completely delete any exemptions or other references to Chapter 92.

Thank you for the opportunity to submit testimony.



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February 24, 2022

HEARING BEFORE THE
HOUSE COMMITTEE ON FINANCE

TESTIMONY ON HB 1671, HD1
RELATING TO LAND STUDY BUREAU CLASSIFICATIONS AND RATINGS

Conference Room 309 & Videoconference
12:30 AM

Aloha Chair Luke, Vice-Chair Yamashita, and Members of the Committee:

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

The Hawaii Farm Bureau provides comments on HB 1671, HD1, which temporarily establishes the land study bureau classifications and ratings review subcommittee within the land use commission to review and amend land study bureau classifications and ratings of agricultural lands.

HFB recognizes that in the land category system used today, agriculture was originally the catchall land classification and that some lands included within the agricultural district were not necessarily considered optimal for agriculture.

However, agriculture has significantly evolved. Soil classification is no longer the only determinant of land good for agriculture. Greenhouses, hydroponics, aquaculture, and aquaponics are just a few of the many types of agriculture that can occur on *all* classes of land (A, B, C, D, E). Some of the best floriculture and hydroponic operations in Hawaii are on C, D, and E lands. The total environment, including rainfall amount and timing, day and night-time temperatures, wind, and humidity each contribute to whether a particular region is suitable for a specific crop. In many cases, the soil type and even the existing terrain are not determinative of whether farming can exist and thrive.

Thank you for this opportunity to testify on this important subject.