

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 HOUSE COMMITTEE ON WATER AND LAND

TUESDAY, FEBRUARY 1, 2022
8:30 A.M.
VIA VIDEOCONFERENCE

HOUSE BILL NO. 1712
RELATING TO AGRICULTURAL LANDS

Chairperson Hashem and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1712 that prohibits “waste disposal facilities” on “A”-rated land in the Agricultural District and prohibits the creation of “waste disposal sites” on Important Agricultural Land. The Department of Agriculture supports the intent of this measure that seeks to protect agricultural lands with the highest productivity potential from land uses that are inconsistent with agricultural production.

The Department recommends the Committee consider including “B”-rated agricultural that are often found adjacent to “A”-rated lands and are also considered to possess very good productivity potential for most agricultural uses.

(Page 2, line 14 to page 3, line 5, new language is double underscored and bold)

"(7) Public, private, and quasi-public utility lines and roadways, transformer stations, communications equipment buildings, solid waste transfer stations, major water storage tanks, and appurtenant small buildings such as booster pumping stations, but not including offices or yards for equipment, material, vehicle storage, repair or



maintenance, treatment plants, corporation yards, or other similar structures; provided that waste disposal facilities shall not be permitted on lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A **and B**;"

Thank you for the opportunity to provide our testimony on this measure.

HB-1712

Submitted on: 1/31/2022 8:37:05 AM

Testimony for WAL on 2/1/2022 8:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
earl yamamoto	dept. of agriculture	Support	Yes

Comments:

I will be available to answer any questions

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://envhonolulu.org>



RICK BLANGIARDI
MAYOR

ROGER BABCOCK, JR., Ph.D., P.E.
DIRECTOR DESIGNATE

MICHAEL O'KEEFE
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
DIR 22-19

January 31, 2022

The Honorable David A. Tarnas, Chair
The Honorable Patrick Pihana Branco, Vice Chair
and Members of the Committee on Water and Land
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Tarnas, Vice-Chair Branco, and Members of the Committee on Water and Land:

SUBJECT: House Bill 1712, Relating to Agricultural Lands

The City and County of Honolulu's Department of Environmental Services ("ENV") is writing to express a serious concern that HB 1712 will further reduce the potential locations to site a new landfill on Oahu.

In case you are not aware, in November 2019 the Hawaii State Land Use Commission issued a Decision and Order that, among other things, requires the City and County of Honolulu ("City") to identify an alternative landfill site that is not the Waimanalo Gulch Sanitary Landfill ("WGSL") by no later than December 31, 2022, and to close the WGSL by no later than March 2, 2028.

Then, in 2020, Governor Ige signed Act 73 (SB2386, SD2, HD2) into law. Act 73 added the following requirement to Hawaii Revised Statutes Section 342-52.

(b) No person, including the State or any county, shall construct, modify, or expand a waste or disposal facility including a municipal solid waste landfill unit, any component of a municipal solid waste landfill unit, a construction and demolition landfill unit, or any component of a construction and demolition landfill unit **without first establishing a buffer zone of no less than one-half mile around the waste or disposal facility.** This subsection shall not apply to the continued operation of an existing waste or disposal facility that is properly permitted; provided that continued operation does not require physical expansion, vertical or horizontal, of the facility requiring additional permitting review and a permit modification.

Act 73 also defined a "buffer zone" as, "the distance between the edge of waste or waste activity and the nearest residential, school, or hospital property line." Additionally, Act 73 prohibits siting a landfill in a conservation district except in emergency circumstances.

The Honorable David A. Tarnas, Chair
The Honorable Patrick Pihana Branco, Vice Chair
and Members of the Committee on Water and Land
January 31, 2022
Page 2

The City is required to have an active solid waste landfill that is capable of receiving ash and residue from its waste-to-energy facility, H-POWER. An active landfill is also needed to accept non-combustible material that is unable to be processed at H-POWER, as well as wastes diverted from H-POWER during required annual maintenance shut-downs. Additionally, the City needs a landfill in order to receive and/or store large amounts of debris that could be generated in a natural disaster. The land area required for the new landfill site is estimated to be approximately 80 acres. This does not include the required landfill buffer zone, which could add approximately 400 hundred acres, depending on the location.

The City is under a deadline to identify a site for its new landfill before the end of 2022. Act 73 already prohibits the use of several sites that would otherwise be well-suited to accommodate a landfill, and HB 1712 would further reduce remaining available sites, possibly requiring the City to site its next landfill in a less desirable location.

Thank you for your consideration. Please feel free to contact me with any questions at 768-3486.

Sincerely,

Roger Babcock, Jr., Ph.D., P.E.
Director Designate



Email: communications@ulupono.com

HOUSE COMMITTEE ON WATER & LAND
Tuesday, February 1, 2022 — 8:30 a.m.

Ulupono Initiative supports HB 1712, Relating to Agricultural Lands.

Dear Chair Tarnas and Members of the Committee:

My name is Micah Munekata, and I am the Director of Government Affairs at Ulupono Initiative. We are a Hawai'i-focused impact investment firm that strives to improve the quality of life throughout the islands by helping our communities become more resilient and self-sufficient through locally produced food; renewable energy and clean transportation; and better management of freshwater and waste.

Ulupono supports HB 1712, which prohibits the use of important agricultural lands (IAL) and lands with class A productivity ratings for waste disposal.

Ulupono supports our local producers across the State and believes that maintaining Hawai'i's most productive lands in agriculture will help local communities meet our sustainability and resiliency commitments for generations to come. We understand that competing interests seek similar lands across the State. Lands that, amongst other things, have healthy soils, little to no slope, access to water, utilities and infrastructure, and a favorable location provide an incentive to many that seek land intensive operations, including those in the energy and waste sectors.

Agricultural Lands classified as "A" are considered the most productive in the State. They constitute 3% or about 56,000 acres of the 1.83 million acres of agricultural zoned land in Hawai'i. If we are serious about supporting local farmers and ranchers while meeting our food security goals, this small percentage of extremely viable agricultural land should remain in productive agriculture.

The State's IAL lands prioritize agriculture by maintaining agriculturally zoned lands in production in perpetuity. The IAL designation remains a direct commitment to agricultural production and its role for Hawai'i's resilient future. Allowing this designation to reopen for additional uses can threaten currently identified IAL lands and future production as we look to increase our local ag footprint here in Hawai'i. We should be encouraging future generations with dedicated agricultural lands and resources that are best suited for success. This bill seeks to maintain that hope.

Thank you for the opportunity to testify.

Respectfully,

Micah Munekata
Director of Government Affairs

Investing in a Sustainable Hawai'i



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

February 1, 2022

HEARING BEFORE THE
HOUSE COMMITTEE ON WATER & LAND

TESTIMONY ON HB 1712
RELATING TO AGRICULTURAL LANDS
Conference Room 430 & Videoconference
8:30 AM

Aloha Chair Tarnas, Vice-Chair Branco, 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 1712, which prohibits the use of important agricultural lands and lands with class A productivity ratings for waste disposal

Land is one of the greatest resources in Hawaii. HFB believes that policies must be developed and implemented which would ensure long-term viable agricultural use of this resource is used for the general welfare of the people of Hawaii and reserved for the benefit of future generations. Act 183 (SLH 2005) and Act 233 (SLH) provide policies and mechanisms to identify and protect Important Agricultural Lands as required by the State Constitution, Article XI, Section 3.

As our population increases the farming community continues to see an increase in competing uses for agriculturally zoned lands, such as housing, solar, and now waste disposal sites.

We recognize 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.

HFB recognizes the need for future landfill locations, however, we have serious concerns about future waste or disposal facilities being sited on agriculturally zoned land, especially land with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A and lands designated as Important Ag Lands (IAL).

HFB believes that the primary use of agriculturally zoned lands is production agriculture. We should direct nonagricultural uses and activities from agricultural lands to other areas and ensure that uses on agricultural lands are actual agricultural uses. The coronavirus pandemic has underlined the importance of agriculture in our isolated and vulnerable state. We must protect agricultural lands and avoid simplistic solutions to Hawaii's waste disposal problems.

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



HAWAII CROP IMPROVEMENT ASSOCIATION

In Support of HB1712
Relating to Agricultural Lands

House Committee on Water & Land

Date: Tuesday, February 1, 2022

Time: 8:30 a.m.

Place: Videoconference

Chair Tarnas, Vice Chair Branco, and members of the committee:

Thank you for allowing the Hawaii Crop Improvement Association the opportunity to provide testimony in **support** of HB1712, which prohibits the use of important agricultural lands and lands with class A productivity ratings for waste disposal.

Siting landfills on agricultural lands presents safety and compliance problems for farm owners and the public. Farmers must comply with food and safety regulations to ensure they produce and sell quality crops. It is a complex regulatory compliance program that has created added expenses for local farmers. Having a landfill on or near farmland jeopardizes crop safety because it may contaminate with dust, soil runoff, or poor water quality. Farm owners are then forced to pull back and reduce productive farm acres, move operations elsewhere, or, worst of all, close down all operations. Agriculture is an important part of Hawaii's economy and sustainability strategy. For these reasons, we support this measure to prohibit waste disposal on important agricultural lands and lands with class A productivity ratings.

Mahalo for this opportunity to testify in support of HB1712. If you have any questions, please contact me at your convenience.

Sincerely,

Pono Chong
Hawaii Crop Improvement Association

The Hawaii Crop Improvement Association is a Hawaii-based non-profit organization that promotes modern agriculture to help farmers and communities succeed. Through education, collaboration, and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices, and build a healthy economy.

Bill: House Bill 1712
Title: Relating to Agricultural Lands
Position: SUPPORT
Committees: Water and Land
Date: February 1, 2022 8:30 am

Aloha Honorable Chair, Vice Chair and Committee Members,

My name is Vickie Parker Kam and I have been a proud owner of a tiny piece of agricultural land for 10+ years. I am writing to you in support of HB1712 to prohibit the use of important agricultural lands and lands with class A productivity ratings for waste disposal.

We need to preserve the agricultural lands in our state to allow for planning and development of food sustainability. We are blessed with the most amazing growing climate and should protect all possible sources of agriculture for the future of our families. There are other options to consider for waste disposal (looking at you giant Red Hill tanks).

As an agricultural land owner, veteran educator, and a taxpayer, I am asking you to support HB1712 to protect our agricultural land from use as waste facilities.

Mahalo Nui Loa,
Vickie Parker Kam