

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEXTER KISHIDA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
1428 South King Street
Honolulu, Hawai'i 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEES ON WATER AND LAND AND AGRICULTURE
AND FOOD SYSTEMS

WEDNESDAY, FEBRUARY 14, 2024
11:00 AM
CONFERENCE ROOM 325

HOUSE BILL NO. 1923
RELATING TO CAMPS

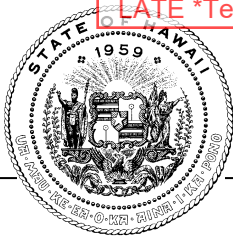
Chairs Ichiyama and Gates, Vice Chairs Poepoe and Kahaloa and Members of the Committees:

Thank you for the opportunity to testify on House Bill 1923 that seeks to repeal the prohibition on overnight camps in the Agricultural Districts by removing the term "overnight camps" on page 3, lines 20-21. The Department of Agriculture (Department) offers comments.

The argument made in Section 1 of the bill that cobbles together two decisions by the Hawaii Supreme Court, existing and presumably grandfathered campgrounds on Maui and Oahu whose Special Permits are nearing expiration, and interpretations of applicable sections in Chapter 205 seem reasonable. Otherwise, the Department defers to other agencies more familiar with interpreting State land use law and court decisions.

Thank you for the opportunity to present our testimony.





LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
INTERIM DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawai'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

Statement of
MARY ALICE EVANS, Interim Director

before the
HOUSE COMMITTEES ON WATER AND LAND AND AGRICULTURE AND FOOD
SYSTEMS

Wednesday, February 14, 2024
11:00 AM
State Capitol, Conference Room 325

in consideration of
HOUSE BILL 1923
RELATING TO CAMPS.

Chairs Ichiyama and Gates, Vice Chairs Poepoe and Kahaloa, and Members of the House Committees on Water and Land and Agriculture and Food Systems:

The Office of Planning and Sustainable Development (OPSD) offers **comments with concerns** on HB 1923, which would amend § 205-4.5 (a) (6), Hawaii Revised Statutes (HRS) to remove “overnight camps” as an excluded use in the State Agricultural District.

The term “overnight camps” is a broad concept that can encompass an open, tent-filled field operated by not-for-profit entities such as the Boy/Girl Scouts of America as well as a commercial enterprise with cabins, dining rooms, meeting rooms, and other permanent structures that could replace agricultural activities.

Removal of the prohibition against overnight camps will add to the list of non-agricultural activities already allowed in the Agricultural District if such special permits are granted.

Furthermore, removal of the prohibition could allow the counties to classify overnight camps as “open area types of recreational uses” which are permitted outright in the Agricultural District under § 205-4.5 (a) (6), HRS.

Thank you for the opportunity to testify on this measure.



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 14, 2024

HEARING BEFORE THE
HOUSE COMMITTEE ON WATER & LAND

TESTIMONY ON HB 1923
RELATING TO CAMPS

Conference Room 325 & Videoconference
11:00 AM

Aloha Chair Ichiyama, Vice-Chair Poepoe, 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 Hawai'i Farm Bureau respectfully opposes HB 1923, which repeals the prohibition on overnight camps in agricultural district.

HFB believes that the primary use of agriculturally zoned lands is production agriculture. Our policy states that we support:

"Directing nonagricultural uses and activities from agricultural lands to other areas and ensure that uses on agricultural lands are actual agricultural uses"

There is a wide array of permissible uses in the Agricultural District. Counties find enforcement difficult. Camping is clearly not an agricultural activity. We believe it should occur only under special conditions and require special use permits. Regardless of how restrictive the intent of the measure is, creative people will find loopholes and there will be unintended consequences.

Abuse and enforcement of these laws is usually the challenge and HFB is especially concerned about the unintended consequences of allowing other types of activities on agricultural land. We believe the primary purpose of the Agricultural District is production agriculture.

Rather than increasing non-agricultural uses on agricultural lands, we suggest creating mechanisms to increase farm and ranch viability so farms and ranches will not need non-agricultural activities to supplement their incomes.

Thank you for this opportunity to provide comments on this measure.



February 13, 2024

Hawai'i House Committee on Water & Land
Representative Linda Ichiyama, Chair
Representative Mahina Poepoe, Vice Chair

Hawai'i House Committee on Agriculture & Food Systems
Representative Cedric Asuega Gates, Chair
Representative Kirsten Kahaloe, Vice Chair

TESTIMONY IN SUPPORT OF HB 1923

Aloha Chair Ichiyama, Chair Gates, Vice Chair Poepoe, Vice Chair Kahaloe, and members of both the Water & Land and Agriculture & Food Systems Committees,

Thank you for the opportunity to provide testimony in strong support of House Bill 1923.

I am testifying on behalf of hundreds of active Scouts and adult volunteers who utilize Camp Maluhia north of Wailuku, which is one of the most widely used wilderness facilities within Maui County. Resting on the island's cool windward slopes and with a panoramic view of the Pacific Ocean, Camp Maluhia has been a favorite destination for over 100 years of Maui's Scouts

Throughout the year, Maui Scouts utilize the camp for overnight camping, in addition to Summer Camp. This camp is an integral part of the Maui Scouting experience.

Our camp currently operates under a special permit set to expire in 2025. We plan to seek renewal of this permit.

Camp Maluhia operated prior to the adoption of the State Land Use law and is considered "grandfathered" for use. Based on the March 2023 Hawai'i Supreme Court our camp will no longer be able to obtain time extensions for the respective special permit, and instead would be required to change our State Land Use classification from "Agricultural" to "Urban." This would create an immense burden for our non-profit, which would require a long and expensive rezoning process. Camp Maluhia is in a rural setting with no urban uses in the nearby vicinity.

If approved this bill would re-establish the regulatory process for overnight camps that existed for over 30 years prior to the recent ruling, allowing Special Permits to be used as a permitting vehicle for overnight camps, requiring approval from the Planning Commissions (or Land Use Commission for uses over 15 acres) via the Special Permit process, including notification neighbors and a public hearing.





BOY SCOUTS OF AMERICA®
ALOHA COUNCIL

We are asking to remain operable by special use permits, it is a guaranteed way for local control to ensure that we are operating as set forth by our use permit.

Thank you for the opportunity to provide testimony.

Blake Parsons
CEO / Scout Executive
Boy Scouts of America, Aloha Council

42 Puiwa Road
Honolulu, HI 96817
(808) 595-6366 Tel.
(808) 595-4323 Fax.
www.ScoutingHawaii.org

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#96100



Hawai'i House Committee on Water & Land
Representative Linda Ichiyama, Chair
Representative Mahina Poepoe, Vice Chair

Hawai'i House Committee on Agriculture & Food Systems
Representative Cedric Asuega Gates, Chair
Representative Kirsten Kahaloa, Vice Chair

DATE: Wednesday, February 14, 2024
TIME: 11:00AM
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

TESTIMONY IN STRONG SUPPORT OF HB 1923
Testimony of **Rory Frampton**

Aloha e Chair Ichiyama, Chair Gates, Vice Chair Poepoe, Vice Chair Kahaloa, and members of both the Water & Land and Agriculture & Food Systems Committees,

Thank you for the opportunity to provide testimony in strong support of House Bill 1923.

As noted in the Section 1 of this bill, in March 2023, the Hawai'i Supreme Court ruled that Special Permits (SPs) cannot be issued to overnight campgrounds in the State Agricultural Land Use District. This ruling reverses the previous Supreme Court opinion which allowed for uses such as campgrounds to be approved via SPs if they were deemed to be an "unusual but reasonable" use in the State Ag District.

I have been retained by Camp Olowalu to help address this issue. Based on my research, there are four (4) campgrounds on Maui in the State Ag District:

Camp Maluhia (Boy Scouts)
Camp Pi'iholo (Girl Scouts)
Ke'anae Uka (formerly Camp Ke'anae)
Camp Olowalu (formerly Camp Pecusa founded by Episcopopol Church)

There are also at least (3) overnight camps in the Ag District on Oahu:

Camp Palehua (Camp Timberline)
Camp Homelani (Salvation Army)
Camp Paumalu (Girl Scouts)

And at least one on the Big Island:

Camp Kilohana (Girl Scouts)

Each campground was established before the adoption of the State Land Use Law and are considered “grandfathered” uses. Two of the existing campgrounds have SPs with time extensions coming up in the next year and a half: Camp Maluhia and Camp Olowalu. Based on this ruling, the two campgrounds would be unable to obtain time extensions for their respective SPs, and instead would be required to change their State Land Use classification from “Agricultural” to “Urban.” The campgrounds on Maui are in rural-country type settings with no urban uses in the nearby vicinity. Changing the land use to Urban would be a type of spot zoning.

The proposed amendment to HRS 205-4.5 contained in SB 2756 would eliminate “overnight camps” from the list of prohibited activities in the State Ag District. Striking “overnight camps” from the language in HRS 205-4.5 would allow for SPs to be used as a permitting vehicle for these overnight camps, and would still require approval from the Planning Commissions (or Land Use Commission for uses over 15 acres) via the Special Permit process, thereby continuing to include notification of neighbors as well as a public hearing.

If approved this bill would re-establish the regulatory process for overnight camps that existed for over 30 years prior to the recent Supreme Court ruling. History has shown that this process has not led to a proliferation of overnight campgrounds in the Agricultural District or a significant loss of productive agricultural lands.

Striking the prohibition would also be establish consistency with Section 205-4.5(14) which allows for eco-tourism activities with overnight accommodations in the Agricultural District.

Thank you for the opportunity to provide testimony.

Rory Frampton

Rory Frampton Consulting Inc.
340 Napoko Place
Kula, Hawaii 96790

HB-1923

Submitted on: 2/13/2024 10:56:58 AM

Testimony for WAL on 2/14/2024 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dustin Tester	Maui Surfer Girls, Inc	Support	Written Testimony Only

Comments:

Aloha e Chair Ichiyama, Chair Gates, Vice Chair Poepoe, Vice Chair Kahaloa, and members of both the Water & Land and Agriculture & Food Systems Committees,

Thank you for the opportunity to provide testimony in strong support of House Bill 1923.

My name is Dustin Tester, I'm the grand daughter of Keith Tester, who founded Lahaina Restoration Foundation and was instrumental in getting Camp Pecusa (now Camp Olowalu) established in the mid 60s for groups like the Maui Boy Scouts and Holy Innocence Episcopal Church to utilize the 6 A-frame cabin group facility. My grandfather Keith Tester, was also Pioneer Mill's plantation manager and understood the benefit a camp facility would provide for the support of the Maui community. As a nine year old at Holy Innocents church camper, I know I benefited as a Lahaina keiki.

For the past 23 years, my company, Maui Surfer Girls, has been empowering teen girls through overnight surf camp programs at Camp Olowalu. After graduating with a degree in Adventure Education and wilderness therapy, I wanted to provide healing surf camps for our community like I had received as a keiki at Camp Pecusa.

Through the years, Maui Surfer Girls has provide scholarships to many local Maui teens to enjoy our surf camps held there each summer and has survived hundreds of girls and womens at Camp Olowalu.. We employ 12 staff during our summer camps and 6 staff during our quarterly womens camp programs hosted there. We've introduced our campers to be stewards of the Olowalu mother reef, as well as volunteered at Kipaku Olowalu, sharing Hawaiian culture and native plant restoration with our campers each year.

On behalf of my loyal staff, and hundreds of local and mainland residents who've benefited from Maui Surfer Girls, we would be absolutely devastated to not have Camp Olowalu to host our programs. We have witnessed so much growth and empowerment of our youth, at such a formative stage of their lives. Access to nature and overnight programs such as ours and the many other that have utilized Camp Olowalu through the past 60 + years has been such a beneficial asset for our Maui community. Why would the state take that away from us? Especially during such trying times for Lahaina residents, accessing places for refuge like at Camp Olowalu tentalows for mental health is crux. Teen girl suicide rates are at a historic high.

If you cut off access to host programs there that help teen girls like we do, it will be such a loss for families needing support for their adolescents. Again, please re consider allowing camp olowalu access to their special use permit for years to come.

Mahalo,

Dustin Tester

Camp Founder



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**HEARING BEFORE THE HOUSE COMMITTEES ON WATER & LAND and
AGRICULTURE & FOOD SYSTEMS
HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 325
Wednesday, February 14, 2024 AT 11:00 A.M.**

To The Honorable Linda Ichiyama, Chair
The Honorable Mahina Poepoe, Vice Chair
Members of the Committee on Water & Land
To The Honorable Cedric Asuega Gates, Chair
The Honorable Kirstin Kahaloo, Vice Chair
Members of the committee on Agriculture & Food Systems

SUPPORT HB1923 RELATING TO CAMPS

The Maui Chamber of Commerce **SUPPORTS HB1923.**

The Chamber notes there was a Hawaii Supreme Court ruling that disallowed camping as a special use in a district that prohibited the use. Here, on Maui, there are four campgrounds in agricultural districts each established before the adoption of the state land use law and considered grandfathered uses. Two campgrounds have special permits expiring in the next year and a half. Based on the Hawaii Supreme Court's ruling, these two campgrounds would need to obtain a district boundary amendment to change the land use classification from agricultural to urban. Changing the land use classification to urban would be a type of spot zoning since the campgrounds are in rural, country type settings with no urban uses in the nearby vicinity.

We support this bill that repeals the prohibition on overnight camps in agricultural districts in order to allow overnight camps to be regulated via the special permit process.

For these reasons, we **SUPPORT HB1923.**

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

HB-1923

Submitted on: 2/10/2024 5:58:14 PM

Testimony for WAL on 2/14/2024 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacqueline S. Ambrose	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose a repeal.

RELATING TO CAMPS.

Repeals the prohibition on overnight camps in agricultural districts.

HB-1923

Submitted on: 2/11/2024 12:15:17 PM

Testimony for WAL on 2/14/2024 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kathleen M. Pahinui	Individual	Oppose	Written Testimony Only

Comments:

Aloha Committee Chairs Ichiyama and Gates and Committee Members:

While I understand the intent of the bill to allow camping in ag areas with special use permits, I am concerned that the spirit and intent of the law will not be honored and there will be a proliferation of overnight camps in ag communities without permits. And I see no mechanisms for enforcement of the rules. Who enforces? The counties? Will there be fines? How will the rules be enforced?

On the North Shore of O’ahu, we are being overrun by people buying ag land then using it for anything but growing food. Most of these individuals do not see the need to get permits for any of their activities and think they are not needed. And our county is having a hard time reigning them in. I believe this change will only embolden those whose only interest is making money and put our food security further at risk.

If the intent is to allow those older existing camps, who are at risk due to the Hawaii Supreme Court ruling, to continue in operation, then please be specific, name them and allow only these camps to be on ag lands with the special use permits. Please do not open this up to allow other ag lands to be used for overnight camping, even with special use permits. We are slowly giving away our nā keiki future by a thousand cuts or in this case, exemptions. The more exemptions, the greater our loss of food security.

This is one more exemption down a very slippery slope and it is not justifiable.

Mālama ‘āina,

Kathleen M. Pahinui

Waialua Resident, North Shore O’ahu

HB-1923

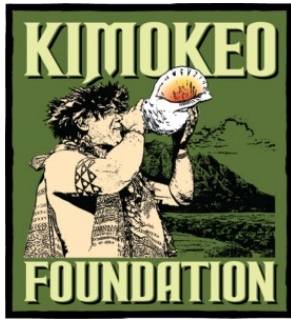
Submitted on: 2/12/2024 11:03:06 AM

Testimony for WAL on 2/14/2024 11:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Regina Gregory	Individual	Support	Written Testimony Only

Comments:

support



Kimokeo Foundation

95 Mahalani St., Ste. #12

Wailuku, Hawai'i 96793

(808) 446-3030

www.kimokeofoundation.org

info@kimokeofoundation.org

February 5, 2024

Hawai'i House Committee on Water & Land
Representative Linda Ichiyama, Chair
Representative Mahina Poepoe, Vice Chair

Hawai'i House Committee on Agriculture & Food Systems
Representative Cedric Asuega Gates, Chair
Representative Kirsten Kahaloa, Vice Chair

DATE: Wednesday, February 14, 2024
TIME: 11:00AM
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

RE: **TESTIMONY IN STRONG SUPPORT OF HB 1923**
Testimony of Kimokeo Kapahulehua

Aloha kākou e Chair Ichiyama, Chair Gates, Vice Chair Poepoe, Vice Chair Kahaloa, and members of both the Water & Land and Agriculture & Food Systems Committees,

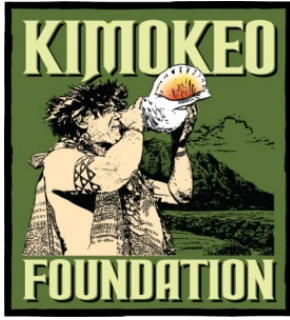
Thank you for the opportunity to provide testimony in strong support of House Bill 1923. My name is Kimokeo Kapahulehua and I'm a Native Hawaiian and President of the Kimokeo Foundation who has seen the importance that Camp Olowalu has provided to Maui's community over time.

For over twenty years, my partners and I have had the privilege of educating our local community about the Hawaiian culture and environment amongst Maui's families and high school students. Through our culture-based education program, we use the traditional practice of hoe wa'a (canoe paddling) to teach program participants about the vital relationship of the ocean connecting with the land. Our participants have paddled from the ancient Hawaiian fishpond of Kō'ie'ie in Kīhei to the shores of Olowalu where they have been able to embrace the mana (spirit) of the ocean. Once at Camp Olowalu, they learn about the environment and in conjunction with Kīpuka Olowalu, they plant Native Hawaiian plants to give back to the land. We have served hundreds of program participants over the years.

We could not have done this culture-based program over the past two decades without the support and utilization of Camp Olowalu. Its location enables us to teach about the ancient Hawaiian ahupua'a system and connect participants from the mountains at Kīpuka Olowalu, to the shores of Camp Olowalu and into the ocean. Because of its importance to our education program and the many other benefits that this establishment offers Maui's community and visitors, **I'm urging you to support HB 1923**. By supporting this bill, this will enable not only Camp Olowalu, but also its counterpart, Camp Maluhia, to remain operable for additional education programs to occur in the future.

The mission of Kimokeo Foundation is to preserve and perpetuate the Native Hawaiian culture, its traditions, practices and language, Maui's environment and community's health through educational programs which benefit the people of Hawai'i.

2024 Board of Directors: President Kimokeo Kapahulehua, Vice President Nāpua Aloy, Treasurer Michael Phillips
Secretary Nancy La Joy, Director Nāmomi McCorriston, Director Brian Walsh and Director/Hawaiian Cultural Advisor Kahu Lyons Naone



Kimokeo Foundation

95 Mahalani St., Ste. #12

Wailuku, Hawai'i 96793

(808) 446-3030

www.kimokeofoundation.org

info@kimokeofoundation.org

Each of the campgrounds that are impacted by this bill were established prior to the adoption of the State Land Use law and are considered "grandfathered" uses. Camp Olowalu and Camp Maluhia are two of the existing campgrounds which have Special Permits (SPs) with time extensions coming up in the next year and a half. Based on the March 2023 Hawai'i Supreme Court ruling, both campgrounds would be unable to obtain time extensions for their respective SPs, and instead would be required to change their State Land Use classification from "Agricultural" to "Urban." The campgrounds on Maui are in rural settings with no urban uses in the nearby vicinity.

If approved, this bill will reestablish the regulatory process for overnight camps that existed for over 30 years prior to the recent ruling, allowing SPs to be used as a permitting vehicle for overnight camps, requiring approval from the Planning Commissions (or Land Use Commission for uses over 15 acres) via the Special Permit process, including notification neighbors and a public hearing.

As a dedicated community supporter, I support the fact that this is not a request for exclusion or exemption. Rather, this is a means to guarantee a way for local control and ensure that Camp Olowalu and Camp Maluhia operate as set forth in their special use permits.

Thank you for your consideration and please join me in supporting SB 2756. If you should have any questions, I can be reached at honokohau@gmail.com.

Aloha,

A handwritten signature in black ink that reads "Kimokeo Kapahulehua". The signature is written in a cursive, flowing style.

Kimokeo Kapahulehua
President

The mission of Kimokeo Foundation is to preserve and perpetuate the Native Hawaiian culture, its traditions, practices and language, Maui's environment and community's health through educational programs which benefit the people of Hawai'i.

2024 Board of Directors: President Kimokeo Kapahulehua, Vice President Nāpua Aloy, Treasurer Michael Phillips
Secretary Nancy La Joy, Director Nāmomi McCorriston, Director Brian Walsh and Director/Hawaiian Cultural Advisor Kahu Lyons Naone