



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

JOSH GREEN, M.D.
GOVERNOR

SCOTT J. GLENN
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
SCOTT GLENN, Director

before the
HOUSE COMMITTEE ON AGRICULTURE AND FOOD SYSTEMS

Wednesday, February 1, 2023, 9:45 AM
State Capitol, Conference Room 325

in consideration of
HB 611
RELATING TO AGRICULTURE.

Chair Gates, Vice Chair Kahaloa and Members of the House Committee on Agriculture and Food Systems.

The Office of Planning and Sustainable Development (OPSD) supports the intent and offers comments on HB 611 which clarifies that customary and traditional subsistence farming conducted by a Native Hawaiian cultural practitioner is included as a protected activity under the Hawaii Right to Farm Act; clarifies that cultivation of crops, activities related to game, fish, and livestock in the State Agricultural District may be for economic use or customary and traditional subsistence farming; and amends Chapter 226, the Hawaii State Planning Act, to add an objective to assure the right of customary and traditional subsistence farming.

OPSD offers the following comment. The Hawaii State Planning Act is comprised of goals, objectives and priorities and is not a self-enforcing statute. If the Legislature's intent is to create an enforceable entitlement, a different statute with an enforcement mechanism would be more effective. However, if the intent is to include perpetuation of the practice of traditional and customary subsistence farming, then OPSD suggests that page 24, line 20, be amended by deleting "Assure the right..." to read, "Perpetuate the practice...".

OPSD defers to other agencies on other sections of the bill that impact other statutes.

Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

MORRIS M. ATTA
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 COMMITTEE ON AGRICULTURE AND FOOD SYSTEMS

WEDNESDAY, FEBRUARY 1, 2023
9:45 A.M.

HOUSE BILL NO. 611
RELATING TO AGRICULTURE

Chairperson Gates and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 611 that seeks to establish "customary and traditional subsistence farming", which is customary and traditional subsistence farming conducted by a native Hawaiian cultural practitioner in certain situations, as a protected activity under the Hawaii Right-to-Farm Act. The bill also seeks to amend the Hawaii Land Use Law by establishing that the cultivation of crops and activities related to game, fish, and livestock on agricultural lands may be for economic use or "customary and traditional subsistence farming". Finally, the bill would add to the economic objectives and policies for agriculture in the Hawaii State Planning Act, a new policy to assure the right of native Hawaiian cultural practitioners to engage in "customary and traditional subsistence farming" for direct personal or family consumption. The Department of Agriculture has strong concerns on this measure.

The Department acknowledges that promotion and protection of customary and traditional subsistence farming by native Hawaiian cultural practitioners is a concern for the State. We believe, however, that it is inappropriate to amend Chapter 165 (the Hawaii Right-to-Farm Act) as a vehicle to achieve protection for "customary and traditional subsistence farming".

The Hawaii Right-to-Farm Act (Act) was enacted to protect the viability of commercial farming operations that drive local food production and are critical for food sustainability and security. The definition of a "farming operation" in the Act was intentionally limited to a commercial agricultural, silvicultural, or aquacultural facility or



pursuit, to achieve that purpose. As written, this measure seeks to expand the activities covered by the Act to subsistence farming by a native Hawaiian cultural practitioner for personal or family consumption with commercial agricultural operations. If enacted, this amendment will diffuse the focus on commercial agriculture and its fundamental role in Hawaii becoming more food self-sufficient. The Right-to-Farm is meant to protect those commercial agricultural operations by limiting the circumstances under which farming operations may be deemed to be a nuisance. Complaints typically arise from noises, odors, dust, and fumes common to commercial agricultural operations. The Right-to-Farm Act does not establish a right to commence or maintain a farming operation, the right to farm is already established and protected by our State Constitution.

The proposed amendments to Section 205-2(d)(1-3) and Section 205-4.5(a)(1-2) will be moot if the proposed amendment to Chapter 165 is not accepted. This is not to say that “customary and traditional subsistence farming” is not a permitted use on agricultural land, however the activities and uses that are used to describe the Agricultural District would be confused by the inclusion of a specific practice that is limited to native Hawaiian cultural practitioners undertaking customary and traditional subsistence farming.

Similarly, amending the Hawaii State Planning Act (Section 226-7(b)) by inserting a specific practice that is limited to native Hawaiian cultural practitioners undertaking customary and traditional subsistence farming seems misplaced. Perhaps similar language may be a better fit in Section 226-25(b), objective and policies for socio-cultural advancement.

Thank you for the opportunity to present our testimony.



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State President

Anabella Bruch
Vice-President

Maureen Datta
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Reba Lopez
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Madeline Ross
Kohala, Hawai'i

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Kaiea Medeiros
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Maui

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Rufina Kaauwai
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Negus Manna
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Brynn Foster
North Shore, O'ahu

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Ted Radovich
Waimanalo, O'ahu

Vincent Kimura
Honolulu, O'ahu

Ray Maki
Kauai

Aloha Chair Gates, Vice Chair Kahaloa, and Members of the House Agriculture & Food Systems Committee,

The Hawaii Farmers Union United (HFUU) is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. HFUU strongly supports HB611 to clarify the protected status of customary and traditional subsistence farming conducted by Native Hawaiian cultural practitioners. This type of farming is an integral part of our state's cultural heritage and it is crucial that it be protected and preserved for future generations. The bill's inclusion of customary and traditional subsistence farming as a protected activity under the Hawaii Right to Farm Act will help to ensure that these practices are not unduly burdened or restricted.

Furthermore, the bill's recognition of the cultivation of crops and activities related to game, fish, and livestock in the agricultural district as being for both economic use and customary and traditional subsistence farming is critical. This recognition acknowledges the importance of subsistence farming to our communities and will help to ensure that these practices are not overshadowed by other agricultural uses. The bill's inclusion of customary and traditional subsistence farming as one of the state's policies under the Hawaii State Planning Act's agricultural objectives is a clear signal of the state's commitment to preserving and supporting these important cultural practices.

Mahalo for the opportunity to testify.

Kaipō Kekona, President HFUU/HFUF

HB-611

Submitted on: 1/31/2023 7:21:33 AM

Testimony for AGR on 2/1/2023 9:45:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|-------------------|
| Chelsea Marvin | Individual | Support | Remotely Via Zoom |

Comments:

HOUSE OF REPRESENTATIVES

THE THIRTY-SECOND LEGISLATURE

REGULAR SESSION OF 2023

COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

Rep. Cedric Asuega Gates, Chair

Rep. Kirstin Kahaloa, Vice Chair

Rep. Elle Cochran Rep. Justin H.
Woodson

Rep. Nicole E. Rep. Gene Ward
Lowen

Rep. Amy A.
Perruso

NOTICE OF HEARING

DATE: Wednesday, February 1, 2023

TIME: 9:45 AM

PLACE: VIA VIDEOCONFERENCE

Conference Room 325

State Capitol

415 South Beretania Street

Testimony in strong Support of HB611 Relating to Agriculture

From: Chelsea Marvin, concerned citizen

Dear Committee Members,

I Chelsea Marvin strongly support HB611 which protects the cultural Native Hawaiian tradition of farming. The Hawaiians believed that if they cared for the land the land would in return provide for them and sustain life.

The ancient Hawaiians understood the balance and they believed in taking care of the land as they would take care of their parents and in return the land would provide for them by sustaining their families and future generations. If all the powerful citizens of the earth could be reminded of the connection with nature, then maybe they would think twice about their actions.

Waikiki used to be land used for farming because it was rich in freshwater springs. This natural source of fresh flowing water is a requirement of growing taro. There are 600 documented Hawaiian names for taro. The reason for such distinctions is due to different varieties, each kind has a different use or symbolism attached to it.

The ancients were very smart about dividing up the land from the mountains into the sea so that each community had everything it would need to sustain life. They maintained the quality of their water and they believed in no waste. After the agriculture uses the water for growing taro the water is returned to the stream when it can be used for bathing and creating rich fish ponds near the ocean.

The belief in taking care of the aina and in return nature will provide all that is essential for life is a dying practice. Colonization has made Hawaii heavily reliant on imported goods rather than the goods the land and the sea can provide.

The state and local government should be creating programs that support locally grown and built products so the cost of production and sale of the goods could be affordable to the people of Hawaii.

We must support HB611 in the hopes that it will protect the cultural tradition of farming especially for the Native Hawaiians who have had their land taken from them.

Mahalo,

Chelsea Marvin

HB-611

Submitted on: 1/30/2023 8:11:00 PM

Testimony for AGR on 2/1/2023 9:45:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Dana Keawe | Individual | Support | Written Testimony Only |

Comments:

Strongly support HB611

HB-611

Submitted on: 1/30/2023 9:50:28 PM

Testimony for AGR on 2/1/2023 9:45:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Will Caron | Individual | Support | Written Testimony Only |

Comments:

Please pass HB611.



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

February 1, 2023

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

TESTIMONY ON HB 611
RELATING TO AGRICULTURE

Conference Room 325 & Videoconference
9:45 AM

Aloha Chair Gates, Vice-Chair Kahaloa, 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 offers the following support with comments relating to HB 611, which would make changes to three statutes to include customary and traditional substance farming conducted by Native Hawaiian cultural practitioners.

HFB supports all types and sizes of agriculture, including customary and traditional substance farming conducted by Native Hawaiian cultural practitioners. While some of the proposed amendments may be duplicative of the current laws, some may conflict with current law.

Chapter 165 (the Hawaii Right-to-Farm Act) was enacted to protect the viability of commercial farming operations. The definition of a "farming operation" in the Act was intentionally limited to a commercial agricultural, silvicultural, or aquacultural facility or pursuit, to achieve that purpose. As written, this measure seeks to expand the activities covered by the Act to subsistence farming by a native Hawaiian cultural practitioner for personal or family consumption with commercial agricultural operations. If enacted, this amendment will diffuse the focus on commercial agriculture and its important role in Hawaii becoming more food self-sufficient. The Right-to-Farm is meant to protect those commercial agricultural operations by limiting the circumstances under which farming operations may be deemed to be a nuisance. Complaints typically arise from noises, odors, dust, and fumes common to commercial agricultural operations. The Right-to-Farm Act does not establish a right to commence or maintain a farming operation, the right to farm is already established and protected by our State Constitution.

The proposed amendments to Section 205-2(d)(1-3), Section 205-4.5(a)(1-2), and Section 226-7 (b) would not be valid if the proposed amendment to Chapter 165 is not accepted.

Thank you for the opportunity to testify on this important matter.