

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEXTER KISHIDA
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State of Hawai'i
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**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

**FRIDAY, FEBRUARY 23, 2024
2:00 PM
CONFERENCE ROOM 325**

**HOUSE BILL NO. 2505, HOUSE DRAFT 1
RELATING TO LAND USE**

Chair Tarnas, Vice Chair Takayama and Members of the Committee:

Thank you for the opportunity to testify on House Bill 2505, HD1 that increases the existing fines for violations of Chapter 205 or any related rule and enhances fines for developers and owners of designated Important Agricultural Lands (IAL) who repeatedly use these lands for purposes violative of the IAL law (Chapter 205, Part III). The bill speculates that there may be individuals who “abuse the important agricultural land designation system for its incentives” by using their designated IAL lands “for unintended purposes” (page 2, lines 9-12).

The IAL Law does not add another regulatory layer to Chapter 205. Unlike Part I of Chapter 205, the IAL Law is meant to incentivize the existing or potential use of agricultural lands for agricultural production. IAL designation does not prohibit the landowner or developer from seeking uses and activities permitted in Chapter 205.



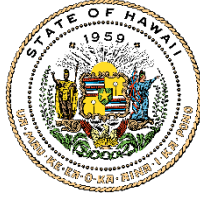
The IAL incentive relating to farm dwellings and employee housing (Section 205-45.5) may be affected by this measure, but we are not aware of qualified landowners and/or developers having used this incentive that would be administered by the applicable county.

To our knowledge, the only IAL incentive used thus far is the Qualified Agricultural Cost Tax Credit (Tax Credit) (Section 235-110.93). The Department is not aware of any owners or developers on designated IAL land improperly claiming agricultural costs.

Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
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MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
JUDICIARY AND HAWAIIAN AFFAIRS

Friday, February 23, 2024
2:00 PM

State Capitol, Conference Room 325 and Via Videoconference

In consideration of
HOUSE BILL 2505 HOUSE DRAFT 1
RELATING TO LAND USE

House Bill 2505 House Draft 1 proposes to increase the fines for violations of land use laws and imposes enhanced fines for developers and owners of important agricultural lands who repeatedly use the lands for unintended purposes. **The Department of Land and Natural Resources (Department) supports this measure.**

Over 25% of the lands in the state are covered in flammable, nonnative grasses, and much of these lands are fallow agricultural lands. Many agricultural landowners in the state are not actively farming or ranching these lands which leads to abundant hazardous fuel loads that threaten adjacent communities and forested watersheds.

Mahalo for the opportunity to provide testimony in support of this measure.



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February 23, 2024

HEARING BEFORE THE
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

TESTIMONY ON HB 2505, HD1
RELATING TO LAND USE

Conference Room 325 & Videoconference
2:00 PM

Aloha Chair Tarnas, Vice-Chair Takayama, 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 supports HB 2505, HD1, which increases the fines for violations of land use laws and imposes enhanced fines for developers and owners of important agricultural lands who repeatedly use the lands for unintended purposes.

The identification and designation of Important Agricultural Lands (IAL) was first proposed at the 1978 Constitutional Convention and subsequently approved by voters in the same year. Enacted as Article XI, Section 3, of the Constitution of the State of Hawai'i, the State is required to conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency, and assure the availability of agriculturally suitable lands.

Several attempts to establish IAL in statute were attempted over the years, but it was only in 2005 that Act 183 was enacted. In 2008, Act 233 was enacted to establish incentives, such as tax credits, loan guarantees, and expedited regulatory processing to encourage landowners to designate their lands as IAL.

We support the retention of agricultural lands in blocks of contiguous, intact, and functional land units large enough to allow **flexibility** in agricultural production and management and discourage the fragmentation of agricultural lands to non-agricultural uses. Lands zoned for agriculture should be used primarily for productive agricultural purposes, including family farming.

The Hawaii Farm Bureau supports policies that ensure that agricultural lands, especially IAL, are used primarily for productive agricultural purposes.

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

HB-2505-HD-1

Submitted on: 2/21/2024 11:32:56 AM

Testimony for JHA on 2/23/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leah Gouker	Individual	Support	Written Testimony Only

Comments:

This is critical to our future. These lands must be protected and those that exploit these lands MUST BE HELD ACCOUNTABLE. This bill creates a stronger deterrent to illegal actions.

HB-2505-HD-1

Submitted on: 2/21/2024 10:13:51 AM

Testimony for JHA on 2/23/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lu Ann Mahiki Lankford-Faborito	Individual	Support	Written Testimony Only

Comments:

Support, keeping the honest on the intend and follow up with enforecment.