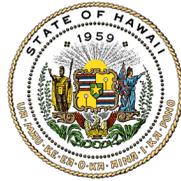


**JOSH GREEN, M.D.**  
Governor

**SYLVIA LUKE**  
Lt. Governor



**SHARON HURD**  
Chairperson, Board of Agriculture

**DEAN M. MATSUKAWA**  
Deputy to the Chairperson

State of Hawai'i  
**DEPARTMENT OF AGRICULTURE**  
KA 'OIHANA MAHI'AI  
1428 South King Street  
Honolulu, Hawai'i 96814-2512  
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**TESTIMONY OF SHARON HURD**  
**CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON WATER AND LAND**

**TUESDAY, MARCH 11, 2025**  
**9:00 AM**  
**CONFERENCE ROOM 411**

**SENATE BILL NO. 1099**  
**RELATING TO IMPORTANT AGRICULTURAL LANDS**

Chair Hashem, Vice Chair Lamosao and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No.1099 that authorizes the Land Use Commission to designate Important Agricultural Lands and adopt maps for the designated lands in counties that fail to identify and recommend Important Agricultural Lands by December 31, 2027. This measure establishes a deadline for the counties to identify and submit to the Land Use Commission their respective maps of potential Important Agricultural Lands via the process described in Section 205-47. After December 31, 2027, the Land Use Commission may directly designate lands and adopt maps for counties that fail to meet the deadline. The Department of Agriculture (Department) offers **comments**.

The Department strongly supports the county process described in Section 205-47 as this would provide decisionmakers with maps of agricultural lands that should receive existing and future incentives to maintain a "strategic agricultural land resource base that can support a diversity of agricultural activities and opportunities that expand agricultural income and job opportunities and increase agricultural self-sufficiency for current and future generations." (Section 205-42 Important Agricultural Lands; definitions and objectives). We would caution against ignoring or undervaluing a county's familiarity with its agricultural lands, existing agricultural operations and their characteristics, historic uses, potential uses, agriculture-related infrastructure capacities, and so forth.

Thank you for the opportunity to testify on this measure.







# LAND USE COMMISSION

*Komikina Ho'ohana 'Āina*

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

*Ka 'Oihana Ho'omōhala Pā'oihana, 'Imi Wai wai a Ho'omāka'ika'i*

**JOSH GREEN, MD**  
GOVERNOR

**DANIEL E. ORODENKER**  
EXECUTIVE OFFICER

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

Before the  
**House Committee on Water and Land**

Tuesday March 11, 2025  
9:00 AM  
State Capitol, Room 411 and Video Conference

In consideration of  
**SB1099**

## **RELATING TO IMPORTANT AGRICULTURAL LANDS**

Chair Hashem; Vice Chair Lamasao; and members of the House Committee on Water and Land:

The proposed measure would authorize the Land Use Commission ("LUC") to designate lands and adopt maps as Important Agricultural Lands ("IAL") for any county that fails to identify and recommend IAL by December 31, 2027 using the process as established pursuant to Hawai'i Revised Statutes ("HRS") section 205-49(a).

The LUC has taken a position to support the intent of the measure.

Thank you for the opportunity to testify on this matter.



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March 11, 2025

HEARING BEFORE THE  
HOUSE COMMITTEE ON WATER & LAND

**TESTIMONY ON SB 1099**  
RELATING TO IMPORTANT AGRICULTURAL LANDS

Conference Room 411 & Videoconference  
9:00 AM

Aloha Chair Hashem, Vice-Chair Lamosao, 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 provides comments on SB 1099**, which authorizes the Land Use Commission (LUC) to designate Important Agricultural Lands (IAL) and adopt maps for the designated lands in counties that fail to identify and recommend IAL by December 31, 2027. While we strongly support the intent of IAL to protect and promote agricultural viability in Hawai'i, we have concerns regarding the approach outlined in this measure.

The identification and designation of Important Agricultural Lands 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.

The original intent of the IAL law was to ensure that the State designates its own agricultural lands as IAL before any involuntary designation of private lands. HRS §205-44.5 requires that the Department of Agriculture (DOA) and the Department of Land and Natural Resources (DLNR) identify public lands that should be designated as IAL before subjecting private landowners to such designation. Since the enactment of Act 233 in 2008, the State has failed to fulfill this requirement.

If the goal of SB 1099 is to increase the amount of designated IAL, the State should first fulfill its existing obligation and designate its own agricultural lands before shifting responsibility onto counties or private landowners. The State has substantial agricultural holdings, which, if designated, would contribute significantly to the preservation of prime agricultural land and set an example for counties and private landowners.

We have additional concerns regarding SB 1099:

- The State should fulfill its kuleana first. Before seeking to override county authority or subject private landowners to involuntary IAL designation, the State must comply with HRS §205-44.5 and designate its own agricultural lands. This would demonstrate a commitment to agricultural preservation without infringing on private property rights.
- The LUC should not usurp the County planning authority. Counties are responsible for land use planning, including general plans, development plans, zoning, and special use permits. Allowing the LUC to bypass counties in designating IAL could undermine local decision-making and create conflicts with county-level agricultural planning efforts.
- The involuntary designation of private lands could be considered a constitutional taking.
- The LUC lacks the necessary staff and funding to conduct proper studies and assessments. Identifying and designating IAL requires comprehensive land use and agricultural viability studies. Without the required expertise and resources, involuntary designation by the LUC could result in poorly informed decisions that do not support actual agricultural productivity.

We urge the Legislature to require the State to first designate its own agricultural lands as IAL, as mandated by existing law, before taking further action on private lands. Ensuring that the State leads by example will strengthen IAL efforts and reinforce trust with private landowners and county governments.

Thank you for the opportunity to testify on this measure.

**SB-1099**

Submitted on: 3/11/2025 6:34:50 AM

Testimony for WAL on 3/11/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Frank Schultz	Individual	Support	Written Testimony Only

Comments:

I support this initiative.