

SCR 77

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**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

**MARCH 24, 2017
1:20 P.M.
CONFERENCE ROOM 224**

**SENATE CONCURRENT RESOLUTION NO. 77
REQUESTING THE ESTABLISHMENT OF A BONA FIDE AGRICULTURAL
PRODUCER TASK FORCE TO CREATE A DEFINITION FOR THE TERM "BONA
FIDE AGRICULTURAL PRODUCER"**

Chairperson Gabbard and Members of the Committee:

Thank you for the opportunity to testify on S.C.R. No. 77. This resolution requests the Department of Agriculture to establish a 13-member task force to create a definition for the term "bona fide agricultural producer" to be used across State government, or create different definitions to be applied for different uses. A report to the 2018 Legislature is required. The Department of Agriculture supports the intent of this resolution and offers the following comments and concerns.

The goal of the Task Force is to develop a single or multiple definitions to describe all "bona fide agricultural producers". We anticipate that creating a single or multiple definitions with the intent of supplementing or replacing existing definitions in exiting law such as Chapter 205 may require carefully crafted and substantial amendments to the Hawaii Revised Statutes.

Also, creating a single definition of "bona fide agricultural producer" will likely require the development of standards and criteria to define what constitutes a qualifying



level of performance or achievement for each category of agricultural producer. A single definition may need to be broad so as not to inadvertently exclude farmers that are part-time, full-time, existing, new, recovering from natural/other disasters, corporate, partnership, sole-proprietor, value-added, aquaculture, crop, livestock, forestry, apiary, floriculture, nursery, research, and so forth. If gross income from sales of agricultural products is used in the definition of “bona fide agricultural producer” the same situation arises as every agricultural activity such as truck crop farming, aquaculture, shade house nursery, and livestock grazing has very different gross incomes per acre. A “agricultural producer” may possess the capacity to undertake farming by possessing licenses, certifications, permits, and other evidence but not actual farming experience. Further, the Task Force needs to be mindful that if it is intended that the counties are also required to use the definition or definitions in their respective zoning ordinances, they may balk at complex and multiple definitions.

The Department notes that at least 6 members of the Task Force are from the neighbor islands. There are no resources provided to cover expenses for members and Department staff resources are very limited.

Thank you for the opportunity to present testimony.



SCR77

REQUESTING THE ESTABLISHMENT OF A BONA FIDE AGRICULTURAL PRODUCER TASK FORCE TO CREATE A DEFINITION FOR THE TERM “BONA FIDE AGRICULTURAL PRODUCER”

Senate Committee on Agriculture and Environment

March 24, 2017

1:20 p.m.

Conference Room 224

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on SCR77, which would request the establishment of a bona fide agricultural producer task force, to define the term “bona fide agricultural producer.”

OHA appreciates the need to define terms that can be used to better support local agricultural producers and their role in increasing our islands’ food security, capacity for sustainability, overall quality of life, and local economy. For example, being able to define and legally distinguish bona fide agricultural producers from “gentlemen farms” and other non-agricultural uses of agricultural lands may be critical to enforcing our land use laws, and protecting local farmers from land speculation that can drive up agricultural land lease rents and agricultural property taxes. Similarly, an appropriate and enforceable definition of “bona fide agricultural producer” can also facilitate the promotion of agricultural production on agricultural lands, thereby increasing our islands’ food security and sustainable self-sufficiency.

OHA notes that its beneficiaries include a substantial number of Native Hawaiian farmers, or mahi‘ai, whose agricultural activities embody traditional Native Hawaiian practices of sustainability and community self-sufficiency that not only meet state policy concerns,¹ but that have also been recognized by international bodies such as the World Conservation Congress.² The knowledge and experience of these mahi‘ai will have far-reaching value in guiding the appropriate definition of “bona fide agricultural producers,” for which they should qualify. **Accordingly, OHA respectfully requests that the proposed task force include a practitioner of traditional Native Hawaiian farming methods, to ensure that mahi‘ai are recognized in any definition of “bona fide agricultural producer.”**

Mahalo for the opportunity to testify on this measure.

¹ See State of Hawai‘i Office of Planning, Department of Business Economic Development & Tourism, and Department of Agriculture, INCREASED FOOD SECURITY AND FOOD SELF-SUFFICIENCY STRATEGY (2012), available at http://files.hawaii.gov/dbedt/op/spb/INCREASED_FOOD_SECURITY_AND_FOOD_SELF_SUFFICIENCY_STRATEGY.pdf (last visited Mar. 20, 2017).

² Heidi Chang, *Ancient Hawaiian Farmers Offer Lessons in Sustainability*, VOICE OF AMERICA NEWS, Sept. 1, 2016, <http://www.voanews.com/a/ancient-hawaiian-sustainable-farming/3489904.html>.



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SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT
Friday, March 24, 2017 — 1:20 p.m. — Room 224

Ulupono Initiative Strongly Supports SCR 77, Relating to the Establishment of a Bona Fide Agricultural Producer Task Force to Create a Definition for the Term “Bona Fide Agricultural Producer”

Dear Chair Gabbard, Vice Chair Riviere, and Members of the Committee:

My name is Kyle Datta and I am General Partner of Ulupono Initiative, a Hawai'i-based impact investment firm that strives to improve the quality of life for the people of Hawai'i by working toward solutions that create more locally produced food; increase affordable, clean, renewable energy; and reduce waste. Ulupono believes that self-sufficiency is essential to our future prosperity and will help shape a future where economic progress and mission-focused impact can work hand in hand.

Ulupono strongly supports SCR 77, which establishes a task force to define a “bona fide agricultural producer”, because it aligns with our goal of creating more locally produced food.

A few generations ago, the vast majority of food consumed was locally produced. However, today, estimates range from 8% to 15% of food consumed is locally produced. When working with stakeholders inside and outside of the agricultural industry to change this drastic loss in market share, we often find support for many local food policies. However, when it comes to the details of crafting legislation and incentives, we often get stuck on the single appropriate definition for a bona fide agricultural producer and this often prevents any actionable progress. The proposed task force is valuable because it will create a commonly recognized definition.

Ulupono is supportive of having a different definition for a bona fide agricultural producer depending upon the agricultural topic, since the issues are nuanced. The appropriate definition may need to be different for various issues such as tax credits for producers, differentiated energy and water rates, marketing and labeling of products, land lease criteria, etc. These different issues have often created barriers for our local farmers and ranchers.

As Hawai'i's local food issues become more complex and challenging, organizations need

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additional resources and support to address and overcome them. We appreciate this committee's efforts to look at policies that support local food production.

We believe that by collaborating, we can help produce more local food and support an economically robust homegrown agriculture industry, which strengthens our community with fresh, healthy food. Thank you for this opportunity to testify.

Respectfully,

Kyle Datta
General Partner