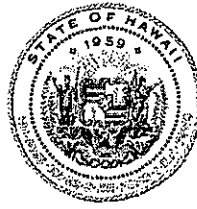
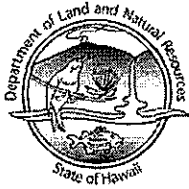


TESTIMONY
HB 2409 HD 2

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the Senate Committee on
WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS**

**Wednesday, March 17, 2010
2:45 PM
State Capitol, Conference Room 229**

**In consideration of
HOUSE BILL 2409, HOUSE DRAFT 2
RELATING TO AQUACULTURE**

House Bill 2409, House Draft 2 proposes to increase lease terms for aquaculture ventures from 35 to 45 years, provides aquaculture lessees in good standing the right of first refusal, and allows for supportive aquaculture activities. The Department of Land and Natural Resources opposes the provision in this bill that provides aquaculture operations in good standing with a right of first refusal and allow such entities to seek a renewal of a lease that has been issued. The inclusion of a right of first refusal to a lessee in good standing for lease renewals is especially objectionable because it would constitute a de facto extension of the lease for unspecified consecutive terms that could continue into perpetuity.

The Department could support an amended version of this bill that does not include any renewal rights that may override the Department's discretionary authority to issue leases to appropriate lessees and clarifies that any renewal preference provided to existing lessees is not a perpetual option.

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 17, 2010 1:29 PM
To: WTLTestimony
Cc: Bspencer@hioceanictech.com
Subject: Testimony for HB2409 on 3/17/2010 2:45:00 PM

Testimony for WTL 3/17/2010 2:45:00 PM HB2409

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Bill Spencer
Organization: Hawaii OceANic technology inc.
Address:
Phone: 808-225-3579
E-mail: Bspencer@hioceanictech.com
Submitted on: 3/17/2010

Comments:

This bill is critical to growing the aquaculture industry in Hawaii bot on land and in the ocean. It will help attract investment and make companies eligible for federal ahriculture loans.

Pleas pass this bill in it's present form

thank you

bill Spencer
CEO
Hawaii oceanic technology Inc.



EAST OAHU COUNTY FARM BUREAU
45-260 WAIKALUA ROAD S 101 KANEHOE, HI 96744

March 17, 2010

Senator Clayton Hee, Chair
Water, Land, Agriculture, and Hawaiian Affairs Committee
State Capitol Building, 415 S. Beretania St.
Honolulu, Hawaii 96813

Dear Senator Hee and Members of the Committee:

I am sending this testimony to express the strong support of the East Oahu County Farm Bureau for HB 2409 HD2, "Relating to Aquaculture." Aquaculture is one of the largest and fastest-growing sectors of Hawaii's diversified agriculture industry. Aquaculture and aquaponics farms tend to have substantial infrastructure requirements such as wells, tanks, raceways, pipes, and support structures which in turn require a substantial investment. In order to make this investment, aquafarmers need to have access to long-term loan capital, and need to know that they will be allowed to remain in place long enough to justify not only the financial investment, but the investment of personal time, labor, and ingenuity that is necessary to succeed in a challenging endeavor.

HB 2409 HD2 would increase the maximum lease terms for aquaculture and aquaponics farms, which would encourage investment in farm facilities and allow farmers greater access to Federal loan guarantees. It would allow established farms in good standing the right of first refusal, reducing the risk that farmers who have invested much of their lives in building successful businesses will see their life's labors taken away when their original leases expire. It also encourages more efficient use of resources by specifically permitting supportive activities such as the use of aquaculture effluents to produce secondary crops. We therefore support HB 2409 HD2, and encourage its passage.

Thank you for the opportunity to testify.

Sincerely,

Frederick M. Mencher
for Grant Hamachi, President

From: Jeffrey A. Koch [jkoch@hawaii.rr.com]
Sent: Wednesday, March 17, 2010 12:08 PM
To: Sen. Clayton Hee
Cc: "senbunda@Capitol.hawaii.gov."@smtp2.pauspam.net
Subject: Testimony In Strong Support of HB2409

MOKULEIA AQUAFARM
QUALITY FARM RAISED AQUACULTURED PRODUCTS

THE SENATE
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2010

Water, Land, Agriculture, and Hawaiian Affairs Committee
Senator Clayton Hee, Chair
Senator Jill N. Tokuda Vice-Chair

DATE: Wednesday March 17, 2010
TIME: 2:45pm
PLACE: Conference Room 229, State Capitol
415 South Beretania Street

RE: Testimony In Strong Support of HB2409 HD2- Relating to Aquaculture

Aloha Chair Hee, Vice-Chair Tokuda, and Committee Members,

Mokuleia AquaFarm strongly supports HB2409 HD2 as written. Please make all possible efforts to see that this important bill is passed. Important wording w/r/t extending the terms of leases, first right of refusal to lease renewals, and the recognition of aquaponics as a viable if not vital support activity to aquaculture are all vital components to this important bill.

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

Respectfully Submitted,

Jeffrey A. Koch
Mokuleia Aquafarm

From: JSCorbin@aol.com
Sent: Wednesday, March 17, 2010 11:56 AM
To: Sen. Clayton Hee
Cc: Sen. Robert Bunda
Subject: Testimony HB 2409 HD 2 for Wednesday, March 17, 2010

THE SENATE
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2010

Water, Land, Agriculture, and Hawaiian Affairs Committee
Senator Clayton Hee, Chair
Senator Jill N. Tokuda Vice-Chair

DATE: Wednesday March 17, 2010
TIME: 2:45pm
PLACE: Conference Room 229, State Capitol
415 South Beretania Street

RE: Testimony In Strong Support of HB2409 HD2- Relating to Aquaculture

Aloha Chair Hee, Vice-Chair Tokuda, and Committee Members,

My name is John Corbin. I was formerly Manager of the State Aquaculture Development Program in the Department of Agriculture and have worked with the aquaculture industry in Hawaii for over 30 years. I support what H.B 2409 H.D. 2 is trying to do and strongly recommend the Committee on Water, Land, Agriculture and Hawaiian Affairs pass this bill. However, I would also recommend the effective date be changed to July 1, 2010.

My experience with the application of Section 171-59 HRS is, land-based and ocean aquaculture farmers would benefit from a longer term 45 year lease with respect to time to grow their businesses and having more options with respect to financing, particularly federal loans. In addition, allowing complimentary activities, such as aquaponics, water reuse technologies and renewable energy technologies, that enhance farm profitability and growth potential is consistent with the State's desire to encourage this industry to diversify the economy on all islands. Finally, giving aquaculture farmers the opportunity of first refusal to further extend a lease is a policy issue, however allowing this option for successful farmers would help maintain a viable , long term industry resulting in greater long-term food self sufficiency for all the people of Hawaii.

In summary, I believe this is a positive bill that promotes a supportive business environment for aquaculture development, while not costing the State any money in these difficult times. I urge the WTL Committee to support this bill and make it effective July 1, 2010, so that aquaculture companies may take appropriate action in the near future.

Mahaloand Aloha

John Corbin

John S Corbin MS, CFP, AICP
President
Aquaculture Planning & Advocacy LLC
Email: [jscarbin@aol.com]
808 239-8316
47-215 Iuiu St
Kaneohe, Hawaii 96744

HAWAII FISH COMPANY

Post Office Box 1039
Waiialua, HI 96791, USA
Cell Phones: 808-429-3187, 429-3147
E-mail: hawaiiifish@gmail.com

City Bank 2000 TIGR Award
US SBA 2000 Tibbitts Award
US SBA 2001 Small Business Award
Special Congressional Recognition 2001

The Senate
The Twenty-Fifth Legislature
Regular Session of 2010

Water, land, Agriculture, and Hawaiian Affairs Committee
Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice-Chair

Date: Wednesday, March 17, 2010
Time: 2:45 pm
Place: Conference Room 229, State Capitol
415 South Beretania Street

Re: Testimony In Strong Support of HB2409 HD2—Relating to Aquaculture

I am an aquaculture farmer committed to providing fresh products for the local community. An increase in lease terms for aquaculture to 45 years would allow my business to secure the larger long-term financial loans necessary to build up my infrastructure, to buy the necessary equipment, and to hire workers. For a family-run operation, as many farms in Hawaii are, such an increase would allow our children, the next generation, to continue the legacy of fulfilling Hawaii's need for locally-grown crops.

I also believe that a farmer who has consistently demonstrated good management and practices and who has expended great time and investment towards developing his/her farm, should have the right of first refusal, rather than having the farm potentially lost to a future higher bidder without the expertise and personal commitment to the land.

In addition, allowing additional supportive aquaculture activities to recycle the water for other crops, such as aquaponics, makes just makes good sense.

Aquaculture farming require much investment and commitment, and HB2409HD2-Relating to Aquaculture would make more viable an agricultural venture so well suited for Hawaii and her people.

Mahalo,

Estralita Pasalo Weidenbach
North Shore AquaFarm
Hawaii Fish Company

Aquatic Innovations
"Aquaculture service provider & wholesaler of aquacultured products"
2366 Kaola Way • Honolulu, HI 96813
PH: 808-381-5892 • Email: aquaticdave@gmail.com

THE SENATE
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2010

Water, Land, Agriculture, and Hawaiian Affairs Committee
Senator Clayton Hee, Chair
Senator Jill N. Tokuda Vice-Chair

DATE: Wednesday March 17, 2010
TIME: 2:45pm
PLACE: Conference Room 229, State Capitol
415 South Beretania Street

RE: Testimony In Strong Support of HB2409 HD2- Relating to Aquaculture

Aloha Chair Hee, Vice-Chair Tokuda, and Committee Members,

Please register my strong support of HB2409 HD2.

This Bill encourages increased investment in aquaculture and the economy by allowing for longer lease terms.

It provides strong investment incentive by providing lessees in good standing with the right of first refusal.

This Bill would help stimulate and diversify our economy by encouraging increased investment in land-based, coastal, and ocean aquaculture ventures in Hawaii.

Thank you for considering my testimony in strong support of this important bill.

Sincerely,

David L. Cohen, Owner
Aquatic Innovations

From: Olomana Gardens [olomanagardens@hawaii.rr.com]
Sent: Wednesday, March 17, 2010 1:43 PM
To: Sen. Clayton Hee
Cc: hawaiiifish@gmail.com
Subject: HB2409 HD2 please support

Dear Senator Yee,

Please give your support to passing HB 2409 HD2,

Our aquaculture farmers need security. Please support it as written, our farmers need the ability -if they are in good standing- to be able to renew their leases to longer terms.

t Aquaculture, as written, to extend State aquaculture leases from 35 yrs to 45 yrs, to provide tenants in good standing the right for renewal, and to clarify the definition of aquaculture purposes to include associated supportive activities such as the reuse of aquaculture effluents for aquaponics and the use of renewable energy.

I would be there in person if I could make it.

Aloha,

Glenn Martinez

Olomana Gardens www.olomanagardens.com

email: olomanagardens@hawaii.rr.com

41-1140 Waikupanaha St.

Waimanalo, HI 96795

808 259-0223 Cell is 237-0842

Driving Instructions; Coming into Waimanalo from Kailua, pass Glenn's Flowers and Plants (that is Flamingo Street - a dead end), go to the next corner, Kumuhau and turn RIGHT, drive to the end and to Waikupanaha Street and turn RIGHT, drive to the end, we are the last place on the left. Drive down the open gate driveway to the pavilion below. Ring the bell or call Glenn at 259-0223. Glenn's cell 237-0842 and Natalie Cash's cell 230-4557.

Driving from Hawaii Kai directions? Drive though Waimanalo, pass Jack-In-Box, go three streets and turn left on Kumuhau Street, drive to the end and to Waikupanaha Street and turn RIGHT, drive to the end, we are the last place on the left. Drive down the open gate driveway to the pavilion below.

From: Stephen Van Kampen-Lewis [isurus09@gmail.com]
Sent: Wednesday, March 17, 2010 12:00 PM
To: Sen. Clayton Hee
Cc: Sen. Robert Bunda
Subject: RE: Testimony In Strong Support of HB2409 HD2- Relating to Aquaculture

Aloha Chair Hee, Vice-Chair Tokuda, and Committee Members,

I am in support of HB2409 HD2 as written because of the same reasons that the Hawaii Aquaculture Association states. Namely:

1.
It would increase lease terms for aquaculture to 45 years thereby encouraging increased investment in expensive aquaculture infrastructure and equipment requiring long-term financing, and encourage multi-generational commitment to aquaculture farming
2.
It would provide lessees in good standing the right of first refusal such that their years of financial investment in the aquaculture farming operation are not put on the auction block and potentially lost to a higher bidder who would not have the intimate knowledge of the site nor the experience gained in the aquaculture farming operation, and may not have the commitment or experience of the lessee who has already demonstrated such commitment and experience;
3.
It would allow additional supportive aquaculture activities such as aquaponics, which would reuse aquaculture effluent water to grow additional plant products thereby improving the overall financial viability of the operation, or the generation of renewable energy, which could improve the long-term sustainability of the operation; and
4.
It would help stimulate and diversify our economy by encouraging increased investment in land-based, coastal, and ocean aquaculture ventures in Hawaii.

Thank you for the opportunity to testify in strong support of this important bill.

Stephen Van Kampen-Lewis
2737 Pacific Heights Rd Unit B
Honolulu, HI
96813

THE HOUSE
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2010

Water, Land, Agriculture, and Hawaiian Affairs Committee
Senator Clayton Hee, Chair
Senator Jill N. Tokuda Vice-Chair

DATE: Wednesday, March 17, 2010

TIME: 2:45 pm

PLACE: Conference Room 229, State Capitol
415 South Beretania Street

TO: Chair Hee, Vice-Chair Tokuda, and Committee Members,

RE: Testimony In Support of HB2409 HD2- Relating to Aquaculture


Aloha,

Please accept my support to HB2409 HD2 as written for the following reasons:

1. This bill will encourage future investments and commitment by farmers who hold good record in food production by increasing the lease terms for aquaculture to 45 years.
2. This bill will encourage the following generation of a farmer with good record to continue with the family values and commitment to aquaculture and by that to help bring about future food security and food safety to the State of Hawai'i, which currently imports 90% of its seafood.
3. This bill will give the professional aquaculturists, who are lessees the right of first refusal to make sure that their hardship and many years of financial investment in the aquaculture avoid the auction block and lost to a higher bidder, regardless her/his experience in aquaculture.
4. This bill will help encourage professional farmer to invest in new areas of aquaculture and go with the latest technology for growing food for the community in Hawai'i and by that to bring future food security and food safety to the State of Hawai'i, which currently imports 90% of its seafood.

Mahalo,

Dr. Tetsuzan Benny Ron



Hawaii Aquaculture Association

THE SENATE
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2010

Water, Land, Agriculture, and Hawaiian Affairs Committee
Senator Clayton Hee, Chair
Senator Jill N. Tokuda Vice-Chair

DATE: Wednesday March 17, 2010
TIME: 2:45pm
PLACE: Conference Room 229, State Capitol
415 South Beretania Street

RE: Testimony In Strong Support of HB2409 HD2- Relating to Aquaculture

Aloha Chair Hee, Vice-Chair Tokuda, and Committee Members,

The Hawaii Aquaculture Association strongly supports HB2409 HD2 as written because:

1. it would increase lease terms for aquaculture to 45 years thereby encouraging increased investment in expensive aquaculture infrastructure and equipment requiring long-term financing, and encourage multi-generational commitment to aquaculture farming
2. it would provide lessees in good standing the right of first refusal such that their years of financial investment in the aquaculture farming operation are not put on the auction block and potentially lost to a higher bidder who would not have the intimate knowledge of the site nor the experience gained in the aquaculture farming operation, and may not have the commitment or experience of the lessee who has already demonstrated such commitment and experience;
3. it would allow additional supportive aquaculture activities such as aquaponics, which would reuse aquaculture effluent water to grow additional plant products thereby improving the overall financial viability of the operation, or the generation of renewable energy, which could improve the long-term sustainability of the operation; and

4. it would help stimulate and diversify our economy by encouraging increased investment in land-based, coastal, and ocean aquaculture ventures in Hawaii.

Thank you for the opportunity to testify in strong support of this important bill.

Sincerely, Ron Weidenbach, HAA President

From: Allen Riggs [acriggs@hawaiiacquaculture.org]
Sent: Wednesday, March 17, 2010 12:48 PM
To: Sen. Clayton Hee
Cc: Sen. Robert Bunda
Subject: Support for HB2409 HD2

Dear Sirs:

As a Hawaii State tax-payer, associate member of HAA , aquatic animal veterinarian and consumer of locally produced aquaculture products including shrimp, prawns and finfish.... I request you strongly consider support for HB2409 HD2.

If Hawaii is serious about local production of a variety of healthy economical animal protein products ...then aquaculture is a logical choice.

If either of you have questions or concerns about this area of agriculture, please contact HAA or myself and I will be glad to discuss them.

Sincerely,

Allen C. Riggs DVM, MS
808-832-5005

Proposed amendments to HB2409, HD2

- 1) Remove the right of first refusal to renew a lease.
- 2) Add "taro" to the definition of "Aquaculture".
- 3) Add a new section, requiring DLNR and Dept. of Agriculture to review the State's public land inventory and identify those lands that are available and suitable for taro farming. The identification shall include, but not be limited to location, acreage and water source.

TESTIMONY
HB 2409 HD 2
(END)