

SB 2350

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

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

**BEFORE THE SENATE COMMITTEES ON WATER, LAND, AND AGRICULTURE,
AND HOUSING**

Thursday, February 11, 2016
2:50 P.M.
CONFERENCE ROOM 225

**SENATE BILL NO. 2350
RELATING TO AGRICULTURE**

Chairpersons Gabbard and Harimoto and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill No. 2350 that restricts any subdivision, including by condominium property regime, of parcels of Agricultural District land one hundred acres or greater in size. Requires a qualified owner seeking subdivision to make and implement a farm plan prior to the construction of any homes on the resulting legal lots or records. The Department of Agriculture supports the intent of this measure and offers comments

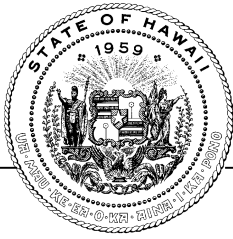
The Department of Agriculture agrees that subdivisions of and condominium property regimes on agricultural land with little, if any, agricultural activity, run counter to the efforts taken by the legislature to protect and conserve productive agricultural land. Furthermore, there have been legislative measures in the past that sought to control these divisions of agricultural land and bring them into compliance with State law requiring dwellings built on them to be used in connection with a farm or where agricultural activity provides income to the family occupying the dwelling. (Section 205-4.5(a)(4)). Senate Bill 2350 ranks as one of the more thorough, complex, and stringent measures to address the "gentlemen farm" issue.



The concept of the farm plan (page 5, lines 10-16) has potential. As stated, the farm plan is to depict "...the agricultural purposes for which the divided lots shall be dedicated." It appears that the majority of the lot owners will need to comply with the farm plan that will be in effect before the lot owner takes possession of the lot. The majority of lot owners will have to achieve one of the following three conditions: \$35,000 minimum income from sales of crops within five years of subdivision approval, or 51 percent of the gross income of the lot owner is from crop sales, or majority of the lots created are dedicated to cultivation or production of crop for sale. Regardless, every potential lot purchaser will have different skill sets, perhaps none in implementing agricultural activity on a property. Some bona fide farm operations end because of issues that even the experience farmer cannot overcome. This is a creative approach to ensuring agricultural use on the majority of the lots created.

It appears that this measure does not affect the manner in which subdivisions of agricultural land are approved by the counties. For example, on Oahu, subdivisions approvals are ministerial actions. This bill will require considerable resources from the counties to carry out the many requirements.

Thank you for the opportunity to submit our testimony.



**OFFICE OF PLANNING
STATE OF HAWAII**

DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
DIRECTOR
OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <http://planning.hawaii.gov/>

Statement of
LEO R. ASUNCION
Director, Office of Planning
before the
**SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE
AND
SENATE COMMITTEE ON HOUSING**

Thursday, February 11, 2016

2:50 PM

State Capitol, Conference Room 225

in consideration of
SB 2350
RELATING TO AGRICULTURE.

Chairs Gabbard and Harimoto, Vice Chairs Nishihara and Galuteria, and Members of the Senate Committees on Water, Land, and Agriculture and Housing.

The Office of Planning (OP) has concerns about SB 2350, which would amend Hawaii Revised Statutes (HRS) Chapter 205 to prohibit the subdivision of land greater than 100 acres unless the applicant meets proposed agricultural income or sales thresholds.

The retention of large, contiguous parcels of affordable agricultural land is critical for the long-term viability of commercial agriculture in Hawaii. OP supports the adoption of measures that would discourage the fragmentation and possible conversion of agricultural land: a range of such tools is needed to effectively protect agricultural lands from fragmentation and price inflation. OP offers the following comments regarding the bill:

- The bill may reduce access for smaller farmers and new farmers to agricultural land;
and

- Reliance on the approval of farm plans and evidence of implementation of farm plans will be difficult to implement and enforce given the absence of standards for farm plans and the need for agricultural expertise in the farm plan review process.

Thank you for the opportunity to testify on this measure.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: prentissc001@hawaii.rr.com
Subject: Submitted testimony for SB2350 on Feb 11, 2016 14:50PM
Date: Tuesday, February 09, 2016 4:15:32 PM

SB2350

Submitted on: 2/9/2016

Testimony for WLA/HOU on Feb 11, 2016 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Prentiss	Kailua Neighborhood Board	Support	No

Comments: Please support this measure. Our Constitution requires protection of ag lands. There are so many forces, motivated by easy short term profit, that are working against this protection. This bill is a logical step to implementing our Constitution and providing the protection ag lands need, and what our community needs for future generations. We must not be short sighted.

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Hawaii Cattlemen's Council, Inc.

**SENATE COMMITTEE ON HOUSING
SENATOR BREENE HARIMOTO, CHAIR
SENATOR BRICKWOOD GALUTERIA, VICE CHAIR**

**COMMITTEE ON WATER, LAND, AND AGRICULTURE
SENATOR MIKE GABBARD, CHAIR
SENATOR CLARENCE K. NISHIHARA, VICE CHAIR**

DATE: Thursday, February 11, 2016
TIME: 2:50 PM
PLACE: Conference Room 225

SB 2350 – RELATING TO AGRICULTURE.

Restricts any subdivision, including by condominium property regime, of parcels of agricultural lands one hundred acres or greater in size. Requires the owner to make and implement a farm plan prior to the construction of any homes on the resulting legal lots of record.

Chair Harimoto and Vice Chair Galuteria, Chair Gabbard and Vice Chair Nishihara, Respective Members of the Committees:

My name is Dale Sandlin, and I am Managing Director of the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our 140+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council **strongly opposes** SB 2350. We assume that your intent is to curb Gentleman Farms from displacing bona-fide agricultural lands, but that goal could be reached and should be reached through Important Agricultural Lands (IAL) laws enacted by this legislature, but for which the Counties have failed to institute incentives, and the State has failed to designate which of its lands would be designated IAL.

For the most part, our members are landowner/ranchers and not developers. We are more interested in managing our herds versus subdividing our pastures. However, and of utmost importance, is the preservation of the value of our land holdings. While we may not necessarily be interested in subdividing our property, the intrinsic value of being able to subdivide creates a value that many of our operations depend on for collateral and loan purposes. Furthermore, many of our ranchers are family owned and multi-generational; the enactment of SB 2350 may inhibit the rancher from helping their children build and finance their homes on family lands.

Hawaii already has a mechanism in place to protect and preserve agricultural property, IAL.



The goals and purpose of the Important Lands Initiative are to:

1. Promote the retention of IAL in blocks of contiguous, intact, and functional land units large enough to allow flexibility in agricultural production and management;
2. Discourage the fragmentation of IAL and the conversion of these lands to nonagricultural uses;
3. Direct nonagricultural uses and activities from IAL to other areas and ensure that uses on IAL are actually agricultural uses;
4. Limit physical improvements on IAL to maintain affordability of these lands for agricultural purposes;
5. Provide a basic level of infrastructure and services on IAL limited to the minimum necessary to support agricultural uses and activities;
6. Facilitate the long-term dedication of IAL for future agricultural use through the use of incentives;
7. Facilitate the access of farmers to IAL for long-term viable agricultural use; and
8. Promote the maintenance of essential agricultural infrastructure systems, including irrigation systems.

These IAL goals were based on a consensus of agricultural stakeholders (including landowners, HCC, the Hawaii Farm Bureau Federation (HFBF), and various agricultural and government stakeholders); all of them coming together to form a mutual agreement on a system to protect agricultural lands based on the common understanding that the only effective long-term way to protect agricultural lands is to protect and support viable agricultural businesses on such lands.

Enactment of IAL laws involved extensive collaboration between private property owners, agricultural stakeholders and government entities, including more than five years of public input through the legislative process, which was culminated by the legislative finding that the laws are consistent with the goals and objectives of creating a viable agricultural industry and protecting Hawaii's agricultural lands as mandated by the Hawaii Constitution. Many of our members have already committed thousands of acres to IAL.

The State, HCC, HFBF, and many other agricultural groups have already invested much time and energy creating the Important Agricultural Lands initiative based on incentives and collaboration. We strongly oppose SB 2350 and encourage you to reinvest in IAL. We recommend this reinvestment first start on State agricultural lands by identifying, mapping and submitting its own State agricultural lands for designation as IAL. We further recommend that the State provide adequate funding to the counties to assist with county mapping and identification of Important Agricultural Lands.

The funding and implementation of the IAL initiative will further Hawaii's agricultural goals and preserve farm and ranch lands. Creating punitive, duplicative and unnecessary legislation such as SB 2350 will negatively affect Hawaii's goal of preserving these important lands.

We respectfully ask this committee to oppose SB 2350 due to its duplicate nature. Thank you for giving us the opportunity to testify on this important matter.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: barteng@hawaii.rr.com
Subject: Submitted testimony for SB2350 on Feb 11, 2016 14:50PM
Date: Tuesday, February 09, 2016 10:17:02 PM

SB2350

Submitted on: 2/9/2016

Testimony for WLA/HOU on Feb 11, 2016 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Larry Bartley	Save Oahu's Neighborhoods	Support	Yes

Comments: Please pass any bill that will reduce the tragedy of fake farmers on agricultural land. Our land use laws are becoming a joke at the county and state level. "Not-so-Gentlemen farms" are everywhere that grow nothing except retreats for the wealthy and those looking to abuse farmland for every other purpose. Stop it please.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: charobrien@gmail.com
Subject: Submitted testimony for SB2350 on Feb 11, 2016 14:50PM
Date: Monday, February 08, 2016 9:14:24 PM

SB2350

Submitted on: 2/8/2016

Testimony for WLA/HOU on Feb 11, 2016 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Charlotte OBrien	Carbon Drawdown Solutions, Inc.	Support	No

Comments: This is only fair!

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: Alana.Ross@hotmail.com
Subject: *Submitted testimony for SB2350 on Feb 11, 2016 14:50PM*
Date: Tuesday, February 09, 2016 3:16:19 PM

SB2350

Submitted on: 2/9/2016

Testimony for WLA/HOU on Feb 11, 2016 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
AlanaRoss	Individual	Support	No

Comments:

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To: [WLA Testimony](#)
Cc: Benjitheshammy@gmail.com
Subject: *Submitted testimony for SB2350 on Feb 11, 2016 14:50PM*
Date: Wednesday, February 10, 2016 2:28:05 AM

SB2350

Submitted on: 2/10/2016

Testimony for WLA/HOU on Feb 11, 2016 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Ben Hambright	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: debra.l.mendes@hawaii.gov
Subject: Submitted testimony for SB2350 on Feb 11, 2016 14:50PM
Date: Monday, February 08, 2016 8:22:53 AM
Attachments: [SB2350 BED-OP 02-11-16 WLA-HOU.pdf](#)

SB2350

Submitted on: 2/8/2016

Testimony for WLA/HOU on Feb 11, 2016 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Debra Mendes	Office of Planning	Comments Only	Yes

Comments: Please see attached testimony.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: ihemphi@live.com
Subject: *Submitted testimony for SB2350 on Feb 11, 2016 14:50PM*
Date: Monday, February 08, 2016 3:14:41 PM

SB2350

Submitted on: 2/8/2016

Testimony for WLA/HOU on Feb 11, 2016 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Denise Key	Individual	Support	No

Comments:

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To: [WLA Testimony](#)
Cc: whoru@hawaiiantel.net
Subject: *Submitted testimony for SB2350 on Feb 11, 2016 14:50PM*
Date: Monday, February 08, 2016 12:17:10 PM

SB2350

Submitted on: 2/8/2016

Testimony for WLA/HOU on Feb 11, 2016 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Dennis F Lokmer	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: mcilhenny.ethan@gmail.com
Subject: Submitted testimony for SB2350 on Feb 11, 2016 14:50PM
Date: Monday, February 08, 2016 11:56:03 PM

SB2350

Submitted on: 2/8/2016

Testimony for WLA/HOU on Feb 11, 2016 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Ethan McIlhenny	Individual	Oppose	No

Comments: On large plots of land areas of optimal planting & terrain for supporting buildings are largely unknown before clearing. If passed this bill would inhibit local farmer productivity as land needs to be prepare & planted as soon as possible after clearing or regrowth may occur inhibiting crop production. Requiring plans for farm buildings is unnecessary & would force farmers to delay building necessary structures to support farm development.

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To: [WLA Testimony](#)
Cc: kadc31999@gmail.com
Subject: Submitted testimony for SB2350 on Feb 11, 2016 14:50PM
Date: Monday, February 08, 2016 11:13:52 PM

SB2350

Submitted on: 2/8/2016

Testimony for WLA/HOU on Feb 11, 2016 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Katarina Culina	Individual	Oppose	No

Comments: Aloha, Please do not restrict farmers with additional rules and regulations when targeting condo property regimes. Maybe it can be specified that condo-type development is prohibited on Ag land. Additionally, the zoning and building regulations need an overhaul to include the reality, sustainability and possibility of farming eco-villages that are on various acreages. This bill would unintentionally restrict them as well. Mahalo, Katarina Culina Po box 2142 Pahoehoe, HI 96778

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: kristenmartinek@gmail.com
Subject: *Submitted testimony for SB2350 on Feb 11, 2016 14:50PM*
Date: Tuesday, February 09, 2016 8:26:27 AM

SB2350

Submitted on: 2/9/2016

Testimony for WLA/HOU on Feb 11, 2016 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Kristen Martinek	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: marie.janiszewski@gmail.com
Subject: *Submitted testimony for SB2350 on Feb 11, 2016 14:50PM*
Date: Tuesday, February 09, 2016 7:14:13 AM

SB2350

Submitted on: 2/9/2016

Testimony for WLA/HOU on Feb 11, 2016 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
marie janiszewski	Individual	Support	No

Comments:

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To: [WLA Testimony](#)
Cc: naomi.picinich@gmail.com
Subject: *Submitted testimony for SB2350 on Feb 11, 2016 14:50PM*
Date: Tuesday, February 09, 2016 2:07:36 PM

SB2350

Submitted on: 2/9/2016

Testimony for WLA/HOU on Feb 11, 2016 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
naomi	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: neil.vonhof@gmail.com
Subject: *Submitted testimony for SB2350 on Feb 11, 2016 14:50PM*
Date: Monday, February 08, 2016 10:47:54 AM

SB2350

Submitted on: 2/8/2016

Testimony for WLA/HOU on Feb 11, 2016 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Neil Vonhof	Individual	Support	No

Comments:

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To: [WLA Testimony](#)
Cc: pamelaboyar@gmail.com
Subject: *Submitted testimony for SB2350 on Feb 11, 2016 14:50PM*
Date: Monday, February 08, 2016 12:54:19 PM

SB2350

Submitted on: 2/8/2016

Testimony for WLA/HOU on Feb 11, 2016 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela Boyar	Individual	Support	Yes

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: malamaopuna@yahoo.com
Subject: Submitted testimony for SB2350 on Feb 11, 2016 14:50PM
Date: Monday, February 08, 2016 12:51:23 PM

SB2350

Submitted on: 2/8/2016

Testimony for WLA/HOU on Feb 11, 2016 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Rene Siracusa	Malama O Puna	Support	No

Comments: Although we are called The Big Island, we are rapidly losing land to development faster than County infrastructure can keep pace with. In addition, lands that are 100 acres or more are usually either still natural or have been farmed. Those in a natural state should be left that way so that we can assure habitat, wildlife corridors and buffers for natural area reserves, wildlife refuges, national parks, marine life conservation districts and other similarly designated areas. Farmland already in use should not be converted to development, or we will end up one day with lots of homes but no way to feed that population without importing. That runs counter the the State's policy of food sustainability. Islands have a limited carrying capacity, unlike continental areas, and we must take this into consideration in our land use decisions. Please support this bill. mahalo, Rene Siracusa, President, Malama O Puna (an environmental nonprofit).

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**Written Testimony Presented Before the
Senate Committee on Water, Land, and Agriculture
Thursday, February 4, 2016; 8:30 am**

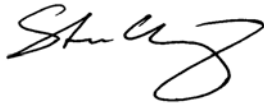
**By
Steven Chiang**

**In Support Of
SB2350 Relating To Agriculture**

As the Director of the Agribusiness Incubator Program, which provides business consulting to new and existing agribusinesses, and as the co-founder of the GoFarm Hawaii beginning farmer training program, I am well aware of the agricultural landscape and the challenges Hawaii's farmers face.

I support SB2350 as I believe it will increase the ability of the State to maintain agricultural lands for their intended use and maintain usability of large tracts of land for efficient agriculture, without unduly hampering legitimate agricultural uses and subdivisions.

Thank you,

A handwritten signature in black ink, appearing to read "Steven Chiang", written in a cursive style.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: sunnysavage@gmail.com
Subject: *Submitted testimony for SB2350 on Feb 11, 2016 14:50PM*
Date: Wednesday, February 10, 2016 12:58:31 AM

SB2350

Submitted on: 2/10/2016

Testimony for WLA/HOU on Feb 11, 2016 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Sunny Savage-Luskin	Individual	Support	No

Comments:

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Cc: tracy.emills@gmail.com
Subject: *Submitted testimony for SB2350 on Feb 11, 2016 14:50PM*
Date: Monday, February 08, 2016 12:32:45 PM

SB2350

Submitted on: 2/8/2016

Testimony for WLA/HOU on Feb 11, 2016 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Tracy E Mills	Individual	Support	No

Comments:

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To: [WLA Testimony](#)
Cc: wshizuru@msn.com
Subject: *Submitted testimony for SB2350 on Feb 11, 2016 14:50PM*
Date: Monday, February 08, 2016 6:52:08 PM

SB2350

Submitted on: 2/8/2016

Testimony for WLA/HOU on Feb 11, 2016 14:50PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
wayne shizuru	Individual	Support	No

Comments:

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