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**TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEES ON
WATER, LAND & OCEAN RESOURCES
AND
AGRICULTURE
FRIDAY, FEBRUARY 13, 2009
9:00 A.M.
Room 325**

**HOUSE BILL NO. 1009
RELATING TO PUBLIC LANDS WHICH ARE IMPORTANT AGRICULTURAL LANDS**

Chairpersons Ito and Tsuji and Members of the Committees:

Thank you for the opportunity to testify on House Bill No. 1009 which is an Administration measure. The Department of Agriculture strongly supports this bill that clarifies the process that the Department of Agriculture (DOA) will use to select, identify and map potential Important Agricultural Lands (IAL) from the public lands that are being transferred from Department of Land and Natural Resources (DLNR) in order to be in compliance with the provisions described in Chapters 166 (Agricultural Park Program) and 166E (Non-Agricultural Park Lands Program). The DOA will identify potential IAL using criteria and standards in Section 205-44, HRS. This measure also authorizes the Board of Agriculture to determine specific provisions of Chapter 205, HRS and IAL incentives enacted pursuant to Act 233, 2008 Session Laws of Hawaii, that will apply or be made available for qualified public lands managed by DOA under Chapters 166 and 166E.

Designation of public lands as IAL will allow existing and future lessees of these public lands to have access to the IAL incentives such as the Qualified Agricultural Cost Tax Credit. Allowing farmers on public lands designated IAL to utilize certain IAL incentives will help stabilize and improve their agricultural operations. However, the classification of public lands as IAL as provided for in Section 205-44.5, HRS will have unintended consequences that will

jeopardize the integrity of the Department's Agricultural Park Program and Non-Agricultural Park Lands Program, the two programs where transferred agricultural public lands will be situated and managed.

Pursuant to part III of Chapter 205, Section 205-43 will be used to determine what are permissible uses on IAL public lands; however, this section does not contain a list of permissible uses on IAL. By default, the permissible uses found in Section 205-2 and Section 205-4.5 would apply to IAL-designated public lands. These permissible uses include farm dwellings, employee housing, plantation community subdivisions, agricultural tourism, open area recreation, parks, riding stables, communications antennas, etc. Other "unusual and reasonable" uses may be located on Agricultural land by special permit and include, for example, schools, churches, gas stations, commercial and medical offices. The permissible uses under Section 205-2 and Section 205-4.5 are in or may conflict with the intent, purpose, and rules of the Agricultural Parks Program and the Non-Agricultural Parks Program. As required in these two programs, the Department utilizes a thorough qualification process to ensure potential lessees will undertake substantial agricultural activity. Farm dwellings or employee housing are often not allowed. Uses and activities not directly related to agricultural production are strictly controlled. The majority of the total annual income of each lessee is required to come from agricultural activities. We strongly feel the public land management programs of the Department of Agriculture closely emulate and even surpass the purpose and intent of part III of Chapter 205, the Important Agricultural Lands Act. Unlike the privately owned lands under the IAL Act, these public lands are not subject to reclassification, subdivision, lack of monitoring, and special permitted uses.

Protection of important public agricultural lands and promoting their proper use in agricultural production will enhance the well-being of the public inasmuch as it may increase food self-sufficiency for the State.



**DEPARTMENT OF BUSINESS,
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Statement of
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before the
HOUSE COMMITTEE ON WATER, LAND AND OCEAN RESOURCES
AND
HOUSE COMMITTEE ON AGRICULTURE
Friday, February 13, 2009
9:00 AM
State Capitol, Conference Room 325

in consideration of
HB 1009
RELATING TO PUBLIC LANDS WHICH ARE
IMPORTANT AGRICULTURAL LANDS.

Chairs Ito and Tsuji, Vice Chairs Har and Wooley, and Members of the House Committees on Water, Land, and Ocean Resources and Agriculture.

The Office of Planning (OP) supports HB 1009, an Administration bill submitted in support of the implementation of Act 183 of the 2005 Legislative Session. HB 1009 clarifies the timeframe for the transfer of public lands that are suitable for designation as important agricultural lands (IAL) from the Department of Land and Natural Resources to the Department of Agriculture (DOA), and for the designation of these public lands as IAL by the Land Use Commission. The bill also provides that the DOA has the authority to determine what agricultural incentives for IAL will be available to agricultural lessees, and that the more restrictive rules governing State agricultural parks and agricultural leases will apply to any public lands designated as IAL.

The designation of appropriate public lands as IAL ensures that farmers on public lands have access to agricultural incentives adopted to increase and maintain agricultural viability on IAL lands. OP fully supports this measure.

Thank you for the opportunity to testify.



Hawaii Agriculture Research Center

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TESTIMONY BEFORE THE HOUSE COMMITTEES
ON
WATER, LAND, AND OCEAN RESOURCES
AND
AGRICULTURE

HOUSE BILL 1009

Relating to Public Lands which are Important Agricultural Lands

February 13, 2009

Chairmen Ito and Tsuji, Vice Chairs Har and Wooley, and Members of the Committees:

My name is Stephanie Whalen. I am Executive Director of the Hawaii Agriculture Research Center (HARC). I am testifying today on behalf of the center and our research and support staff.

HARC strongly supports House Bill 1009.

It is extremely important that public lands transferred by executive order from the department of land and natural resources to the department of agriculture are subject to the same criteria and standards for identifying and designating IAL and that they have access to certain IAL incentives. This measure is necessary to stabilize and improve agricultural operations on public lands.

Thank you for the opportunity to testify in support of Hawaii's agricultural needs.