

DAVID Y. IGE  
Governor

SHAN S. TSUTSUI  
Lt. Governor



State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
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SCOTT E. ENRIGHT  
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER  
Deputy to the Chairperson

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

**BEFORE THE HOUSE COMMITTEE ON AGRICULTURE**

March 19, 2015  
8:30 A.M.  
ROOM 312

**SENATE BILL NO. 512 SD2  
RELATING TO AGRICULTURE**

Chairperson Tsuji and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 512, SD2 that would require the Department of Agriculture to establish a computer-based conservation planning tool named the Hawaii One Plan through a steering committee comprised of conservation-focused organizations and State agencies, and an invitation to farm organizations, the Ulupono Initiative, the Natural Resources Conservation Service, and the Hawaii Association of Conservation Districts. The Department offers the following comments.

Conservation plans are an important tool for farmers to use in order to maximize soil retention by implementing erosion and sediment control best manage practices. Having the ability to create a preliminary conservation plan online, will assist small farmers to comply with government regulations and increase productivity of the farm.

The Department agrees that there is need for more conservation planning. The Department recently entered into a memorandum of understanding with DLNR to fund Hawaii Association of Conservation District (HACD) conservation planners to develop conservation plans and implement best management practices. For FY14, DOA



committed \$210,000 to this effort. Subject to availability of funds, we will continue to fund the conservation planners in this manner until HACD finds other funding.

Senate Bill No. 512, SD2 mentions an earlier effort to develop and establish a Hawaii One program based on the Idaho experience. This effort came to an end when DOA and DLNR were unable to find a permanent “host” server. Contrary to the statement found in the bill on page 4, lines 6-7, the DOA does not have the server capacity.

Operation for the Hawaii One program also requires regular updates for Geographic Information System data, NRCS conservation program and rule updates, and updates to the assignment of management practices to resource concerns. The Department is not capable of implementing, operating, and maintaining the Hawaii One Program given our current resources and staffing.

The Department has been made aware of a grant-in-aid application being submitted by the Oahu Resource Conservation and Development Council (Oahu RC&D) for the development of a “Hawaii One” platform that mirrors the Hawaii One plan outlined in this bill. The Department has been in conversation with Executive Director Jean Brokish of Oahu RC&D and would support the funding of this grant-in-aid as a way to start the “Hawaii One” platform. The Department respectfully requests the Hawaii One Plan outlined in this bill be put on hold until RC&D’s “Hawaii One” platform is completed.

Thank you for this opportunity to present our testimony.

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
NO. 1 CAPITOL DISTRICT BUILDING  
250 SOUTH HOTEL STREET, SUITE 107  
HONOLULU, HAWAII 96813  
TELEPHONE: 808-586-1400 FAX: 808-586-1412  
EMAIL: [oiip@hawaii.gov](mailto:oiip@hawaii.gov)

To: House Committee on Agriculture

From: Cheryl Kakazu Park, Director

Date: March 19, 2015, 8:30 a.m.  
State Capitol, Conference Room 312

Re: Testimony on S.B. No. 512, S.D. 2  
Relating to Agriculture

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Thank you for the opportunity to submit testimony on this bill. The Office of Information Practices (“OIP”) takes no position on the substance of this bill, which would create and appropriate funds for a Hawaii One Plan for computer-based conservation planning. However, OIP has concerns regarding the confidentiality provision at bill page 7, lines 17-21, and recommends amendments.

OIP’s first concern is technical: to make the information exempt from public disclosure under the Uniform Information Practices Act (“UIPA”), all that would be necessary is to say, “The information provided by a user of the Hawaii one plan shall be exempt from disclosure pursuant to chapter 92F.” The Senate draft’s language stating that the information is also “trade secrets, production records, or other proprietary information” is confusing and could have unintended effects. For instance, declaring that all Hawaii One user information constitutes trade secrets could have unintended implications in terms of intellectual property law.

OIP’s second concern is that even if the technical issues with the confidentiality provision are fixed, the confidentiality provision is still extremely broad when compared to the treatment of comparable information, and the bill’s

purpose clause does not explain why complete confidentiality of all information submitted by plan users would be necessary. The plan is apparently intended to replace the current conservation plan and grading or grubbing permit application process for smaller farmers, and information found in such applications would not be expected to be completely confidential under current law, nor should it be, given the UIPA's stated purpose of making the formation and conduct of public policy as open as possible. The UIPA's exception for information whose disclosure would frustrate a legitimate government function already protects confidential business information whose disclosure would give an unfair advantage to a business competitor, so a special confidentiality provision is not needed to avoid requiring users to reveal their confidential finances or trade secrets. This broad confidentiality provision may also create a conflict of law with section 92F-12(a)(13), which specifically makes public the name, business address, and type and status of license for all persons holding licenses or permits granted by an agency – all of which would presumably be included in a Hawaii One Plan users application and thus would be made confidential by this provision.

**In the absence of any clearly established need for the confidentiality provision at bill page 7, lines 17-21, OIP recommends that this Committee delete it entirely. Alternatively, if there is a need for confidentiality, then OIP recommends that the language on bill page 7, lines 17 to 21 be deleted and replaced as follows: “The information provided by a user of the Hawaii one plan shall be exempt from disclosure pursuant to chapter 92F.”**

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov  
Sent: Monday, March 16, 2015 9:07 PM  
To: AGRtestimony  
Cc: darakawa@lurf.org  
Subject: Submitted testimony for SB512 on Mar 19, 2015 08:30AM

**SB512**

Submitted on: 3/16/2015

Testimony for AGR on Mar 19, 2015 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
David Z. Arakawa	Land Use Research Foundation of Hawaii	Support	No

Comments: The Land Use Research Foundation of Hawaii SUPPORTS SB 512,SD1, RELATING TO AGRICULTURE, which establishes the Hawaii One Plan Steering Committee; and appropriates funds to develop and operate the Hawaii One Program to provide conservation plans online. Effective 7/1/2050. (SB 512, SD2)

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## Hawaii Cattlemen's Council, Inc.

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HOUSE COMMITTEE ON AGRICULTURE  
Thursday March 19, 2015 8:30 a.m. Room 312

### **SB 512 SD2** **RELATING TO AGRICULTURE**

Appropriates funds to develop and operate the Hawaii one program to provide conservation plans online.

Chair Tsuji, Vice Chair Onishi and Members of the Committee:

My name is Alan Gottlieb, and I am a rancher and the Government Affairs Chairperson for 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 130+ 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 supports SB 512 SD2.

The preamble of the bill very accurately points out the dilemma for conservation plans; they are very important for conservation of our resources, but they are very hard to come by for many small farmers and ranchers.

While an on-line system like the Proposed Hawaii One is not a silver bullet, it can be a tool that many land users can utilize to help prepare a conservation plan. Funds requested in this bill will help to leverage funds already raised and committed to implement a system similar to one which works very well for Idaho.

Thank you for giving me the opportunity to testify on this important matter.

**LARRY JEFTS FARMS, LLC  
PO BOX 27  
KUNIA, HAWAII 96759  
(808) 688-2892**

SB 512sd2, Relating to Agriculture  
House AGR Committee  
Thursday, March 19, 2015  
8:30 am  
Conference Room 312

Written Testimony by: Larry Jeffs  
Position: Support

Chair Tsuji, and Members of the House AGR Committee:

I am Larry Jeffs, owner and operator of Larry Jeffs Farms, LLC, which is part of our family-run business of farms on Oahu and Molokai, under the administrative umbrella of Sugarland Growers, Inc. We have more than 35 years of Hawaii farm experience on Molokai and Oahu. I am a volunteer director for the West Oahu Soil and Water Conservation District (SWCD).

Your support of the Hawaii One Program is urged. There has been much talk and support of improving Hawaii's capacity to grow food for local consumption. Within that discussion, concerns about preservation of our natural resources are often expressed.

The Hawaii One Program is a modest tool that will go far toward increasing the capacity of Hawaii farmers. Establishing the Hawaii One Program will help more of the 7,000 farms obtain basic conservation plans and better manage soil erosion, thus further protecting land and water resources. Future incremental development to the Hawaii One Plan could address wildlife and pesticide management.

Thank you for the opportunity to present testimony.



HOUSE COMMITTEE ON AGRICULTURE  
Thursday, March 19, 2015 – 8:30 a.m. – Room 312

**UluPono Initiative Strongly Supports SB 512 SD 2 with Amendments, Relating to Agriculture**

Dear Chair Tsuji, Vice Chair Onishi, and Members of the Committee:

My name is Brandon Lee and I am the policy and public-private partnership associate of the 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 grown food, increase renewable energy, and reduce/recycle waste. UluPono invests in projects that have the potential to create large-scale, innovative change.

**UluPono strongly supports SB 512 SD 2**, which appropriates \$70,000 for the development of an online "Hawai'i One" program that helps to provide conservation plans for our local farmers and ranchers.

A conservation plan is similar to a business or strategic plan that helps land users (e.g. farmers) manage land profitably while protecting natural resources. Developing a conservation plan requires careful evaluation of site conditions, and then recommending activities to mitigate any negative impacts. For example, a farm may have a steep slope that experiences soil erosion during heavy rains. A conservation plan would document the existing conditions and recommend one or more of the following conservation practices: a diversion to direct water away from the exposed slope, cover crops to cover and protect the soil, planting across the slope, or a grassed channel to convey runoff safely down the slope. The actual practice(s) recommended are based on the farmer's input and related site constraints.

A conservation plan ensures long-term productivity and profitability, supports compliance with local regulations, and may provide access to federal cost-share programs. Conservation planning also helps landowners, communities, and agricultural professionals (government and private sector) work together to identify resources and accomplish multiple objectives that are best for the land, water, and people.

The funding will resolve a critical bottleneck that is preventing our farmers from accessing much needed federal funding for the USDA Soil Conservation Service. Farmers are required to have an approved Conservation Plan in order to access federal Farm Bill funds and to be in compliance with local grading/grubbing ordinances. However, the number of people qualified to write conservation plans in Hawai'i is not sufficient to meet the need. This

*Investing in a Sustainable Hawai'i*



leaves many Hawai'i farmers, who may have relatively small operations, waiting 2-4 years to receive a conservation plan. Without an approved conservation plan, farmers are technically out of compliance with local regulations, leaving them subject to significant penalties if those rules are enforced.

The development of an online interface for farmers and other agricultural professionals to input much of the data for a conservation plan will save both time and money for all parties involved. The State of Idaho developed an online program for conservation plans called Idaho One Plan. Through offering a similar tool to Hawai'i's farmers, this online program will help the roughly 87.5% of Hawai'i farmers, and 60% of agricultural land, who do not have a conservation plan to obtain one. The local version of the online conservation planning tool will be modeled on successful tenets of the Idaho One Plan and is tentatively known as "Hawai'i One."

In 2008, realizing the need for a better process to help farmers obtain conservation plans, the Department of Agriculture (DOA) and Department of Land and Natural Resources collaborated to develop an online conservation plan application. However, the departments were unsuccessful due to insufficient server space and the subsequent recession, which forced funding cuts to both departments, including 40% for DOA. Wanting to help solve a problem for farmers, many organizations have stepped up to help make Hawai'i One a reality.

Our first proposed amendment for this bill is on page 4, line 6 – 7. DOA has indicated that they currently do not have the capacity to house a host server for the Hawai'i One program. Therefore, we would request that the sentence in the rationale section which indicates they do, be removed.

Our second proposed amendment is to request that either DOA as the expending department or the steering committee be able to establish a process that would allow them to contract with a third party to build, operate, and house the Hawai'i One program.

Our third proposed amendment would be to change the makeup of the steering committee. We would request that the steering committee members be able to select its chairperson. Also, we would request that Oahu RC&D be removed as a member because they could be a potential bidder for the Hawai'i One program.

In 2013, Ulupono Initiative granted \$111,500 to train more conservation plan analysts, build industry support for a Hawai'i One program, and provide partial funding for the Hawai'i One program buildout. Of the Ulupono grant funds, \$30,000 is allocated for the Hawai'i One buildout. At this time, an additional \$12,500 has been pledged from the Department of Health – Clean Water Branch, \$2,800 from Soil and Water Conservation Districts, and \$11,000 has been tentatively pledged from the City and County of Honolulu's Office of Economic Development to build out the Hawai'i One program. Furthermore, there is also political support from farmers, agricultural organizations, government agencies,

University of Hawai'i's College of Tropical Agriculture and Human Resources, and local soil and water conservation districts. The total cost for the build-out and implementation of a Hawai'i One program is ~\$125,300. Therefore, this bill requests the State of Hawai'i allocate \$70,000 (56% of the buildout cost for the Hawai'i One program) to pay for the remaining expenditures. An investment by the State would provide an excellent public-private partnership for this much-needed program that can provide customized information to farmers about how to improve their operations economically and environmentally.

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

Respectfully,

Brandon Lee  
Policy and Public-Private Partnership Associate

Email: [communications@ulupono.com](mailto:communications@ulupono.com)

## **HAWAII ASSOCIATION OF CONSERVATION DISTRICTS**

### **Testimony in Strong Support of SB 512, SD 2** **Appropriating Funds to Develop a Hawaii One Program** **That Provides Conservation Plans for Farmers**

Chair Tsuji and Members of the Committee on Agriculture,

I am Karen Ah Mai, chair of the South Oahu Soil and Water Conservation District and representing the Hawaii Association of Conservation Districts, made up of 16 districts across the state.

From Department of Agriculture statistics, there has been a 29% increase in the market value of agricultural products in the state in the 5-year period between 2007 and 2012. The economic value has grown from \$512 million to \$660 million. The trends indicate that the number of small farms is increasing, with many immigrant and first-generation producers.

With the US Department of Agriculture's Natural Resource Conservation Service and county engineers, we provide technical assistance to farmers on erosion control; nutrient, pest, and waste management; water quality and wetlands; air quality; endangered species; and cultural/historical concerns. This is accomplished through personal interaction by limited staffing, resulting in conservation plans that cover the myriad of concerns above.

We note, that on Oahu, the opening of new farmlands from the former Dole and Del Monte plantations has created more opportunities for sustainable agriculture. The pattern is similar on the Neighbor Islands. The demand for plans that address best agricultural practices and regulatory requirements far exceeds to capability to provide them. The waiting lists for assistance is already years long.

The Hawaii One program would streamline and simplify the process for the growing population of farmers, increase their efficiency, maintain the viability of agricultural lands, and, ultimately, contribute toward the economic viability of the state.

We strongly urge you to pass SB 512, SD 2.

Thank you for the opportunity to testify.



PO Box 209, KUNIA, HAWAII 96759 ♦ 808-622-9026 ♦ [WWW.OAHURCD.ORG](http://WWW.OAHURCD.ORG)

House Committee on Agriculture

Thursday, March 19, 2015 – 8:30am – Room 312

**Support for SB512, Relating to Agriculture**

Dear Chair Tsuji, Vice-Chair Onishi, and Members of the Committee,

The Oahu Resource Conservation and Development Council (Oahu RC&D) is a non-profit organization that works with farmers to improve management of soil and water resources. We strongly support the development and delivery of the “Hawaii One” on-line conservation planning tool that will improve the way farmers, land managers and agricultural professionals access conservation planning services; and request minor amendments be made to the bill that will clarify roles of the Department of Agriculture and potential partners.

**Requested Amendments:**

- Delete language referring to server space being available at the Department of Agriculture, as staff recently confirmed that server space is limited within the Department, and an alternate host server has been identified.
- Include language indicating that the Department of Agriculture can contract the development, operation and server hosting of Hawaii One to a third party.
- Revise the steering committee language to indicate that the committee members may select a chairperson, and remove reference to Oahu RC&D as they could be a potential bidder.

Each county in Hawaii outlines permit requirements for grading, grubbing and stockpiling activities. Language exempting agricultural lands from the permit requirement is included in each County’s charter, provided that activities on the land are in accordance with a conservation program (conservation plan) acceptable to the local soil and water conservation district board.

For many years conservation plans have been developed by the USDA-Natural Resources Conservation Service (NRCS). Recent budget cuts and shifts in priorities have led to a 20% reduction in work force among local offices, leaving NRCS unable to meet the demand for conservation plans that are not tied directly to a Farm Bill Program. FY13 data from NRCS indicate that just 170 new conservation plans were developed by NRCS for farm operations across the state (roughly 2.5% of Hawaii’s 7000 farms).

Hawaii One utilizes NRCS’s science and standards, and provides a user-friendly on-line method for farmers, land managers and agricultural professionals to identify resource concerns using guided questions and a built-in map, and then allows them to select conservation practices from a list of appropriate solutions. A farmer or agricultural professional using Hawaii One to develop a conservation plan will find it focused and efficient, and will have a conservation plan ready for review by the soil and water conservation district in just a few hours, as opposed to waiting weeks, months or even years.

Hawaii One can feasibly double (perhaps even triple) the number of farms under conservation plan within five years, dramatically increasing the number of people with access to conservation information, and increasing the opportunities for small farmers who typically have other employment, and are therefore unable to meet with NRCS during normal business hours. Furthermore, an on-line tool can readily integrate other internet-based resources that assist farmers in reaching their productivity goals.

The total cost for the build-out and implementation of a Hawai'i One program is ~\$125,000. More than \$45,000 in private and public funds have been secured. This bill requests the State of Hawai'i allocate \$70,000 (56% of the buildout cost for the Hawai'i One program). The State's contribution will strengthen this public-private partnership and support Hawaii agriculture through better conservation planning.

Thank you for this opportunity to submit testimony.

Respectfully,



Jean Brokish, Executive Director

onishi3 - Timothy

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From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, March 18, 2015 6:10 AM  
To: AGRtestimony  
Cc: legechair@gmail.com  
Subject: \*Submitted testimony for SB512 on Mar 19, 2015 08:30AM\*

**SB512**

Submitted on: 3/18/2015

Testimony for AGR on Mar 19, 2015 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Simon Russell	Hawaii Farmers Union United	Support	No

Comments:

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March 19, 2015

HEARING BEFORE THE  
HOUSE COMMITTEE ON AGRICULTURE

TESTIMONY ON SB 512 SD 2  
RELATING TO AGRICULTURE

Room 312  
8:30 AM

Aloha Chair Tsuji, Vice Chair Onishi, and Members of the Committee:

I am Christopher Manfredi, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,932 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

**HFB strongly supports SB 512 SD 2.**

The Hawaii Farm Bureau understands the importance of protecting our soil and water for the benefit of Hawaii's agriculture industry and the people of Hawaii. We support efforts to develop the on-line conservation planning tool known as Hawaii One.

The Hawaii One plan will increase the number of agricultural producers who undertake conservation planning for the long-term success of their farms. There is a backlog of requests for planning assistance and there are a limited number of planners. The Hawaii One plan will provide a tool that farmers can use to create a preliminary plan that will significantly reduce the amount of time that it takes to complete a conservation plan.

We believe that one of the greatest benefits of the Hawaii One plan is that it will increase the number of farmers complying with local ordinances governing grading and grubbing activities. We also believe that as more farmers develop and implement conservation plans, they will become more efficient and productive.

Thank you for the opportunity to comment on this measure.

onishi3 - Timothy

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From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, March 18, 2015 10:08 AM  
To: AGRtestimony  
Cc: jeremiahbrown20@yahoo.com  
Subject: Submitted testimony for SB512 on Mar 19, 2015 08:30AM

**SB512**

Submitted on: 3/18/2015

Testimony for AGR on Mar 19, 2015 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Jeremiah Brown	Individual	Support	No

Comments: The availability of the Hawaii One Plan to Hawaii farmers, ranchers, and land operators will result in increased implementation of conservation practices. Increased adoption of conservation practices will improve watershed health and productivity.

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onishi3 - Timothy

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From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, March 18, 2015 7:14 AM  
To: AGRtestimony  
Cc: maggie.kramp@hi.nacdn.net  
Subject: \*Submitted testimony for SB512 on Mar 19, 2015 08:30AM\*

**SB512**

Submitted on: 3/18/2015

Testimony for AGR on Mar 19, 2015 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Maggie Kramp	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, March 17, 2015 7:55 PM  
To: AGRtestimony  
Cc: amybrinker@mac.com  
Subject: \*Submitted testimony for SB512 on Mar 19, 2015 08:30AM\*

**SB512**

Submitted on: 3/17/2015

Testimony for AGR on Mar 19, 2015 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Brinker	Individual	Support	No

Comments:

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