



**DEPARTMENT OF BUSINESS,  
ECONOMIC DEVELOPMENT & TOURISM**  
KA 'OIHANA HO'OMOHALA PĀ'OIHANA, 'IMI WAIWAI  
A HO'OMĀKA'IKĀ'I

**JOSH GREEN, M.D.**  
GOVERNOR

**CHRIS J. SADAYASU**  
DIRECTOR

**DANE K. WICKER**  
DEPUTY DIRECTOR

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Statement of  
**CHRIS J. SADAYASU**  
Director  
Department of Business, Economic Development, and Tourism  
before the  
**HOUSE COMMITTEE ON WATER & LAND**

Tuesday, February 7, 2023  
9:30 AM

State Capitol, Conference Room 430 & Videoconference

In consideration of  
**HB995**  
**RELATING TO IMPORTANT AGRICULTURAL LANDS.**

Chair Ichiyama, Vice Chair Poepoe and members of the Committee. The Department of Business, Economic Development and Tourism (DBEDT) supports Administration Bill, HB995, which amends Hawai'i Revised Statutes (HRS) 205-45.5.

The purpose of this bill would repeal Section 205-45.5 in response to perceptions that it imposed greater restrictions of farmers; and (2) to revise Section 205-49 to conform with existing Land Use Commission rules by clarifying that the adoption of these regional maps is through rulemaking, rather than contested case hearing. These revisions are essential to clarify the process for county Important Agricultural Lands (IAL) petitions and remove obstacles to the implementation of Section 3 of Article XI of the Constitution of the State of Hawaii, to conserve and protect agricultural lands and promote agriculture self-sufficiency and agricultural diversification.

Thank you for the opportunity to testify.

**JOSH GREEN, M.D.**  
Governor

**SYLVIA LUKE**  
Lt. Governor



**SHARON HURD**  
Chairperson, Board of Agriculture

**MORRIS M. ATTA**  
Deputy to the Chairperson

State of Hawai'i  
**DEPARTMENT OF AGRICULTURE**  
KA 'OIHANA MAHI'AI  
1428 South King Street  
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**TESTIMONY OF SHARON HURD  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON WATER AND LAND**

**TUESDAY, FEBRUARY 7, 2023  
ROOM 430  
9:30 A.M.**

**HOUSE BILL NO. 995  
RELATING TO IMPORTANT AGRICULTURAL LANDS**

Chairpersons Ichiyama and Members of the Committee:

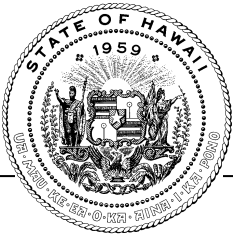
Thank you for the opportunity to testify on House Bill No. 996 that clarifies the decision-making process for the Land Use Commission's (LUC) adoption of maps of Important Agricultural Lands and repeals the farm dwelling and farm employee housing incentive for lands designated as Important Agricultural Lands in Section 205-45.5.

The Department of Agriculture (Department) appreciates the intent to bring clarity to the process to be used by the LUC to consider the county IAL maps and offers comments with respect to the repeal of the farm dwelling and employee housing IAL incentive found on page 5, line 3 to page 6, line 20.

This measure explains on page 2, lines 14 - 18 that the farm dwelling and employee housing IAL incentive "hinders adoption of county important agricultural lands maps". The Department agrees that this incentive's lack of clarity did add to the confusion during the LUC meetings on the City and County of Honolulu's IAL petition. However, we continue to support an alternative incentive relating to dwellings and employee housing. House Bill 996 that was heard by this Committee does provide an alternative housing incentive to that being repealed in measure.

Thank you for the opportunity to provide our testimony on this measure.





**STATE OF HAWAI'I  
OFFICE OF PLANNING  
& SUSTAINABLE DEVELOPMENT**

**JOSH GREEN, M.D.**  
GOVERNOR

**SCOTT J. GLENN**  
DIRECTOR

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Statement of  
**SCOTT GLENN, Director**

before the  
**HOUSE COMMITTEE ON WATER AND LAND**

Tuesday, February 7, 2023, 9:30 AM  
State Capitol, Conference Room 430

in consideration of  
**HB 995**  
**RELATING TO IMPORTANT AGRICULTURAL LANDS.**

Chair Ichiyama, Vice Chair Poepoe, and Members of the House Committee on Water and Land:

The Office of Planning and Sustainable Development (OPSD) **strongly supports** House Bill 995, which amends sections of the Hawai'i Revised Statutes (HRS) pertaining to Important Agricultural Lands (IAL).

This bill repeals Section 205-45.5, HRS, in response to public perceptions that it imposed greater restrictions on farmers. It also revises Section 205-49, HRS, to conform with existing Land Use Commission rules by clarifying that the adoption of regional IAL maps should be accomplished through rulemaking, rather than through the contested case hearing process.

Both revisions are essential to clarifying the process for county IAL petitions. They are intended to remove obstacles to the implementation of Section 3 of Article XI of the Constitution of the State of Hawai'i and, thus, will help conserve and protect agricultural lands and promote agriculture self-sufficiency and agricultural diversification.

Thank you for the opportunity to testify on this measure.

**HB-995**

Submitted on: 2/6/2023 1:33:33 PM

Testimony for WAL on 2/7/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nani Medeiros	Chief Housing Officer, Office of the Governor, State of Hawaii	Support	Written Testimony Only

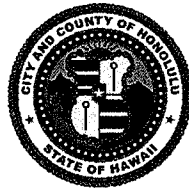
Comments:

Mahalo for the opportunity to submit testimony in support of this administration measure.

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

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RICK BLANGIARDI  
MAYOR



DAWN TAKEUCHI APUNA  
DIRECTOR DESIGNATE

JIRO A. SUMADA  
DEPUTY DIRECTOR

February 7, 2023

The Honorable Linda Ichiyama, Chair  
and Members of the Committee on Water & Land  
Hawaii House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

**Subject: House Bill No. 995  
Relating to Important Agricultural Lands**

Dear Chair Ichiyama and Committee Members:

The Department of Planning and Permitting (DPP) **strongly supports** House Bill No. 995, which amends Section 205-49, Hawaii Revised Statutes (HRS), to clarify that the adoption of Important Agricultural Lands (IAL) maps through county recommendation is to be conducted with rulemaking procedures. The Bill also repeals Section 205-45.5, HRS, related to farm dwellings on lands designated as Important Agricultural Lands.

The proposed provisions address the challenges that surfaced during the City and County of Honolulu's petition for recommended IAL designation. Designating lands as IAL was meant to be policy making, comparable to Oahu's long-range plan land use maps. It is a resource overlay, a planning tool, to inform decision-makers of the land's agricultural importance and to potentially direct limited resources towards those designations to assist and preserve agricultural resources. Oahu's long-range plan land use maps are similarly used to inform decision-makers of potentially appropriate land uses for general areas depicted on the map. Accordingly, in making policy, not regulation or project approval, the agreement of landowners is not a requirement.

Furthermore, Section 205-45.5, HRS, which was intended to be an incentive for IAL landowners, in reality created uncertainty around whether IAL designation imposes a removal of development rights or enacts a regulatory change. We believe the proposed amendments to the IAL statute clarifies the procedures to be conducted by the LUC, pursuant to Section 91-3, HRS, removes confusing language regarding farm dwellings on IAL lands, and provides a clear path forward for counties seeking IAL designation.

The Honorable Linda Ichiyama, Chair  
and Members of the Committee on Water & Land  
Hawaii House of Representatives  
House Bill No. 995  
February 7, 2023  
Page 2

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a horizontal line that loops back and ends with a small flourish.

Dawn Takeuchi Apuna  
Director



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February 7, 2023

HEARING BEFORE THE  
HOUSE COMMITTEE ON WATER & LAND

**TESTIMONY ON HB 995**  
RELATING TO IMPORTANT AGRICULTURAL LANDS

Conference Room 430 & Videoconference  
9:30 AM

Aloha Chair Ichiyama, Vice-Chair Poepoe, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

**The Hawai'i Farm Bureau provides comments for HB 995**, which clarifies the decision-making process for the Land Use Commission adoption of maps of Important Agricultural Lands and repeals the farm dwelling and farm employee housing incentive for lands designated as Important Agricultural Lands in chapter 205, Hawaii Revised Statutes.

The identification and designation of Important Agricultural Lands (IAL) was first proposed at the 1978 Constitutional Convention and subsequently approved by voters in the same year. Enacted as Article XI, Section 3, of the Constitution of the State of Hawai'i, the State is required to conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency, and assure the availability of agriculturally suitable lands.

Several attempts to establish IAL in statute were attempted over the years, but it was only in 2005 that Act 183 was enacted. In 2008, Act 233 was enacted to establish incentives, such as tax credits, loan guarantees, and expedited regulatory processing to encourage landowners to designate their lands as IAL.

Another incentive allows landowners to develop farm dwellings and employee housing for their immediate family members and their employees. It limits the farm dwelling to 5% of the total IAL or 50 acres, whichever is less. It also requires that plans for farm dwellings and employee housing be supported by agricultural plans approved by HDOA.

Many small landowners are unaware of how IAL designation will impact their land use and rights. Agricultural landowners are justifiably concerned about the occupancy limits on farm dwellings, especially those who plan to retire on their farm, as they believe IAL

law restricts occupation to those who are actively farming. They worry that they may be forced to leave their homes once they are no longer physically able to do the work required to farm. Additionally, some of the long-time small farmers had intended to pass on their property to each of their adult children through subdividing. Because of the limitations and uncertainty associated with approvals of that process under an IAL designation, they are understandably uneasy about their future and their succession planning. Unfortunately, they have not been able to get clarification about this and other issues associated with IAL designation.

HB 995 seeks to the bill facilitate the designation of IAL by clarifying the process for county IAL petitions by allowing IAL designations through rulemaking. We are concerned that the farm dwellings and employee housing incentive is being removed without providing landowners an alternative means to develop housing for farmers and farm employees who actively and currently farm important agricultural lands as in HB 996.

Thank you for the opportunity to testify on this measure.



**HB-995**

Submitted on: 2/2/2023 10:47:47 PM

Testimony for WAL on 2/7/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mosiah Igatia	Individual	Support	Written Testimony Only

Comments:

I strongly support HB995, as I believe that traditional practices of midwifery need to be protected and preserved. Traditional Midwifery should be available for ALL Hawai'ian families. Again, I STRONGLY AGREE and support, HB 995.

**HB-995**

Submitted on: 2/3/2023 10:16:33 AM

Testimony for WAL on 2/7/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello,

My name is Nanea Lo. I'm born and raised in the Hawaiian Kingdom a Kanaka Maoli.

I'm writing in STRONG SUPPORT of HB995.

As womxn we should have the right to choose in supporting our traditional midwives.

me ke aloha 'āina,

Nanea Lo, Mō'ili'ili