

**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  
Honolulu, Hawai'i 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

**TESTIMONY OF SHARON HURD  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT**

**WEDNESDAY, FEBRUARY 8, 2023  
ROOM 224  
1:00 P.M.**

**SENATE BILL NO. 804  
RELATING TO AGRICULTURAL LANDS**

Chairperson Gabbard and Member of the Committee:

Thank you for the opportunity to testify on Senate Bill 804. This measure authorizes lands under the jurisdiction of the Department of Agriculture (Department) and the Agribusiness Development Corporation to be leased or used for pet animal sanctuaries, provided that the Department determines that the pet sanctuary provides a public benefit. The Department of Agriculture opposes this bill with comments.

The majority, if not all, of the lands under the jurisdiction of the Department under the Agricultural Parks (Chapter 166), Non-Agricultural Park Lands (Chapter 166E), and Agricultural Enterprise (Chapter 141D) are lands to be used to support and promote agricultural production. Pursuant to Section 26-16, the Department's primary mission is to:

- "(1) Promote the conservation, development, and utilization of agricultural resources in the State;
- (2) Assist the farmers of the State and any others engaged in agriculture by research projects, dissemination of information, crop and livestock reporting service, market news service, and any other means of improving the well-being of those engaged in agriculture and increasing the productivity of the lands;
- (3) Administer the programs of the State relating to animal husbandry, entomology, farm credit, development and promotion of agricultural products and markets,



and the establishment and enforcement of the rules on the grading and labeling of agricultural products; and

(4) Administer the aquaculture program under section 141-52. "

Most of the lands under the Department's Agricultural Resource Management Division's (ARMD) management are prime agricultural lands. The lands managed by ARMD are solely meant for the growth and/or production of food and agricultural products. Lessees who produce food contribute to the State's long-standing goal to increase local food self-sufficiency. A pet animal sanctuary would be an inappropriate, and potentially unsafe use adjacent to food crops or production facilities and farmers may have difficulty meeting food safety certifications. Additionally, security on agricultural lands is a major concern. Restricted access is key to reduce already high levels of theft and vandalism.

We respectfully offer an alternative option by possibly looking into a grant to an animal interest organization to identify and purchase or lease lands more suitable for this purpose.

Thank you for the opportunity to testify on this measure.

# PŌPOKI PLACE O'AHU CAT SANCTUARY



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**Testimony to the Senate Committee on Agriculture and Environment  
Wednesday, February 8, 2023, 1:00 PM  
Conference Room 224 & Videoconference**

**SB 804, Relating to RELATING TO AGRICULTURAL LANDS**  
HDOA; Pet Animals; Sanctuaries; Agricultural Lands; Permitted Use

Dear Chair Gabbard, Vice Chair Richards and members of the Committee on Agriculture and Environment,

We are in **strong support** of SB804, which would allow the lands under the jurisdiction of the Department of Agriculture to be leased or used for pet animal sanctuaries provided that the pet animal sanctuary provides a public benefit.

Popoki Place O'ahu Cat Sanctuary is a new 501c(3) nonprofit organization. We are dedicated to the mission of creating a safe, loving, healthy sanctuary for homeless free-roaming feral cats on the island of Oahu. We envision a world where all cats have a safe place to live their best possible lives while helping to protect our endangered monk seals and ground-nesting birds. Popoki Place is the missing link in the efforts to manage the thousands of cats roaming the streets, beaches, and mountains. In addition to rescue groups, shelters, adoption sites, and Trap-Neuter-Release efforts, Popoki Place O'ahu Cat Sanctuary will serve a critical role in helping solve the crisis of cat overpopulation and protect our wildlife.

We **support** the passage of this bill as it would expand the opportunities for state land that our organization could lease. We are actively looking for land now and there are acres of empty land that we could use but as Ag land, it is not available to us. We can't start until we get appropriate land.

If this bill is passed, it would open lands that have been denied to us and provide the perfect opportunity for us. Agricultural land is the most appropriate place for a cat sanctuary as we will need 5 or more acres would allow us to save as many cats as possible and remove them from areas where they are harming our endangered wildlife.

We strongly urge you to pass this legislation. Thank you for the opportunity to submit this written testimony.

Mahalo for your consideration,  
*Holly Holowach*  
*Founder and President*

Popoki Place O'ahu Cat Sanctuary  
P.O. Box 732 Kailua, HI 96734  
<https://popokiplace.org/>



## Hawaiian Humane Society

People for animals. Animals for people.

2700 Waialae Avenue Honolulu, Hawaii 96826  
808.356.2200 • [HawaiianHumane.org](http://HawaiianHumane.org)

Date: Feb. 6, 2023

To: Chair Sen. Mike Gabbard  
Vice Chair Herbert M. "Tim" Richards, III,  
and Members of the Committee on Agriculture and Environment

Submitted By: Stephanie Kendrick, Director of Community Engagement  
Hawaiian Humane Society, 808-356-2217

RE: Testimony in strong support of SB 804:  
Relating to Relating to Agricultural Lands  
Wednesday, Feb. 8, 2023, 1:00 p.m., Room 224 & Via Videoconference

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Aloha Chair Gabbard, Vice Chair Richards and Committee Members,

On behalf of the Hawaiian Humane Society, thank you for considering our support with amendments for Senate Bill 804, which authorizes lands under the jurisdiction of the Department of Agriculture to be leased or used for pet animal sanctuaries, provided that the pet animal sanctuary provides a public benefit.

Sanctuaries can be a haven for animals with special needs, or those who must be relocated away from sensitive wildlife habitat. Unfortunately, because Hawai'i lacks state regulations for animal-related nonprofits, they also have the potential to be places of great suffering. We would like to see this measure amended to require the department to adopt basic standards of care for any entity operating an animal sanctuary on lands under its jurisdiction, such as those administered by the Colorado State Department of Agriculture under the [Pet Animal Care Facilities Act](#).

We would also like to see provision b) 2) clarified to allow for animal adoptions. Adopting animals into homes is a superior outcome for the health and wellbeing of the animals and frees up space in sanctuaries to assist additional animals in need.

Mahalo for considering our support for SB 804. I would be happy to answer any questions.



P.O. Box 253, Kunia, Hawai'i 96759  
Phone: (808) 848-2074; Fax: (808) 848-1921  
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February 8, 2023

HEARING BEFORE THE  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

**TESTIMONY ON SB 804**  
RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION

Conference Room 224 & Videoconference  
1:00 PM

Aloha Chair Gabbard, Vice-Chair Richards, 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 opposes SB 804**, which authorizes lands under the jurisdiction of the Department of Agriculture to be leased or used for pet animal sanctuaries; provided that the pet animal sanctuary provides a public benefit.

HFB believes that the primary use of agriculturally zoned lands is production agriculture. Our policy states that we support:

"Directing nonagricultural uses and activities from agricultural lands to other areas and ensure that uses on agricultural lands are actual agricultural uses"

We recognize the need for pet sanctuaries. However, it is also an undeniable reality that there is abuse relating to permissible uses on agricultural lands. Counties across the State currently struggle to define "bona fide farmer" in order to qualify to receive reduced property taxes or water rates. These benefits are a privilege for producing agricultural products contributing to the State's level of self-sufficiency.

Hawai'i Farm Bureau has serious concerns about this measure; allowing pet sanctuaries to be interspersed with farming operations often causes problems that can result in the failure of farms. This cannot be allowed. Because of the pandemic, everyone better understands now the importance of agriculture in our isolated and vulnerable state. We must protect agricultural lands from well-known threats and avoid simplistic solutions to some of Hawai'i's problems.

SB 804 defines "Pet animals" as a dog, cat, domesticated rabbit, guinea pig, domesticated pig, or caged bird (Passeriformes, piciformes, and psittaciformes only) so long as not bred for consumption. Allowing pet animals in the agricultural district could hinder our farmer's compliance with the FDA Food Safety and Modernization Act (FSMA) and other food safety requirements. Foodborne illnesses can be serious and we should seek ways to reduce the risk.

HFB strongly recommends a streamlined process to reclassify some lands to Rural upon recommendation by the Counties. The rural designation was created to be the interface between agriculture and urban districts. Pet sanctuaries could be allowed in Rural Districts. Rural has been described as:

"Rural districts include activities or uses characterized by a density of one house per one-half acre in areas absent of "city-like" concentration of people, structures, streets and urban level of services and where there exists an intermixture of small farms with low-density residential lots."

Counties have the freedom to define the size of lots in the rural district. R5, R10, or R25 can define the smallest lot size permissible to maintain the open space feature that may be the vision for the area. These lots would be prohibited from being further subdivided. It is not a gateway to urban development.

Thank you for this opportunity to provide comments on this important subject.

**SB-804**

Submitted on: 2/7/2023 10:46:11 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Marian Hussenbux	Testifying for Animal Interfaith Alliance in Britain	Support	Written Testimony Only

Comments:

We are informed that [SB804](#) Relating To Agricultural Lands will be heard by the Senate Committee on Agriculture and Environment today at 1 p.m.

This measure authorizes lands under the jurisdiction of the Department of Agriculture to be leased or used for companion animal sanctuaries; provided that these provide a public benefit.

This would open up the possibility of creating sanctuaries for Free-Roaming cats on agricultural lands. We understand that there is evidence that this category of cats needs more protection.

We join with the excellent Hawaiian Humane Society in supporting this bill - with the suggested amendment intended to ensure that the animals are receiving proper care and are available to be adopted into appropriate homes, which must be visited to ensure the safety. of the cats.

While sanctuaries do not address the broader issue of Free-Roaming cat overpopulation, well-run sanctuaries can be a haven for hard-to-place animals and they can play a role in removing cats from truly sensitive wildlife habitat., something we know is of concern and which we share.

We beg to support this important and compassionate Bill.

**SB-804**

Submitted on: 2/5/2023 2:28:22 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Caron	Individual	Support	Written Testimony Only

Comments:

I support SB804.



**SB-804**

Submitted on: 2/6/2023 6:21:26 AM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

Support. Thank you.

**SB-804**

Submitted on: 2/6/2023 12:56:21 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Stephanie McLaughlin	Individual	Support	Written Testimony Only

Comments:

Please pass this important bill that can help and protect Hawaii's wild animals.

**SB-804**

Submitted on: 2/6/2023 1:22:29 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Taurie Kinoshita	Individual	Support	Written Testimony Only

Comments:

To the Committee,

I am writing in strong support of SB 804.

This measure is a brilliant solution to a deep and troubling problem.

Thank you for your consideration!

Sincerely,

Taurie Kinoshita

**SB-804**

Submitted on: 2/6/2023 1:29:53 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Natalie Graham-Wood	Individual	Support	Written Testimony Only

Comments:

i support SB804.

**SB-804**

Submitted on: 2/6/2023 2:14:45 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Susan Eubank	Individual	Support	Written Testimony Only

Comments:

I support SB804 to provide or lease land for sanctuaries for free roaming cats.

Thank you.

Susan Eubank

**SB-804**

Submitted on: 2/6/2023 4:28:08 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lisa Kart	Individual	Support	Written Testimony Only

Comments:

We have so many abandoned pets and rescues are so full they are turning away requests, so owners just dump them wherever.

This will be a good first step in tackling this problem

These pets are victims of abandonment and deserves some help.

Share the aloha with these victims with no voices

Thank you

**SB-804**

Submitted on: 2/6/2023 6:20:12 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Luke Nagasako	Individual	Support	Written Testimony Only

Comments:

COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair

Senator Herbert M. "Tim" Richards, III, Vice Chair

RE: SB804 Relating to Agricultural Lands

In support

Dear Senator Gabbard, Senator Richards, and members of the committee,

I am an elementary school student living in Honolulu.

I support this bill because if free roaming cats are inside a sanctuary then that prevents those cats causing damage to the environment.

These sanctuaries would also be a good place for strays to be taken care of while waiting for adoption.

I urge you to support this bill.

Thank you,

Luke Nagasako

**SB-804**

Submitted on: 2/7/2023 8:26:42 AM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jennifer Chiwa	Individual	Support	Written Testimony Only

Comments:

Aloha Chairperson Gabbard and Members of the Committee on Agriculture and Environment.

I'm Jennifer Chiwa, have lived on Oahu my whole life and currently reside in Makiki.

Please support SB 804 which would allow lands under the Department of Agriculture to be leased or used for pet animal sanctuaries as long as there is a public benefit. I think this would be beneficial to the animals and people who want to help these animals.. Furthermore, please support what I understand that the Hawaiian Humane Society will be suggesting as an amendment to ensure both proper care of animals in these sanctuaries and availability for adoption in to homes.

Thank you for this opportunity to testify and for your consideration in supporting SB 804.

Jennifer Chiwa

Makiki



SB804 Relating to Agricultural Lands - Testimony in Support of the Bill  
To be heard on **Wednesday, Feb. 8, at 1:00 pm**  
Senate Committee on Agriculture and Environment

Senator Mike Gabbard, Chair  
Senator "Tim" Richards III, Vice Chair

Testimony/Anne Forshey/annejforshey@gmail.com/Ewa Beach, HI 96706

As a citizen concerned about our environment, the safety of our pets, and the negative impacts of unwanted, orphaned, or displaced pet animals, I support this measure. I'm thankful that the Committee is working on this issue.

I do, however, believe that multiple, systemic changes are required to fully address the broader issue of free-roaming and feral cat overpopulations. This is one set in a series of required actions (e.g., greater access to spay & neuter facilities, more oversight by neighborhoods & communities to help reduce the number of free-roaming cats, education, and simple, low cost adoptions for families willing to adopt these animals).

I understand this bill will authorize pet sanctuaries to be established where animals are rehabilitated or provided living space and care for their lifetime. This will require oversight and the animals could soon explode into an unmanageable number. I believe that language must be included to to:

1. ensure that the animals are receiving proper care (both attention and medical)
2. numbers are capped, based on space and available care providers, and
3. that animals are available to be adopted.

I thank the committee for considering this important piece of legislation. Coupled with other needed measures, it will promote greater protection and care for our animals.

**SB-804**

Submitted on: 2/7/2023 11:31:13 AM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carole R. Richelieu	Individual	Support	Written Testimony Only

Comments:

This measure authorizes lands under the jurisdiction of the Department of Agriculture to be leased or used for pet animal sanctuaries; provided that the pet animal sanctuary provides a public benefit. This would open up the possibility of creating sanctuaries for Free-Roaming cats on agricultural land which sanctuaries are direly needed by caretaker volunteers. The Hawaiian Humane Society supports this bill with some suggested amendment intended to ensure that the animals are receiving proper care and are available to be adopted into homes and I support their suggested amendments. While sanctuaries do not address the broader issue of Free-Roaming cat overpopulation, well-run sanctuaries can be a haven for hard-to-place animals and they can play a role in removing cats from truly sensitive wildlife habitat.

Mahalo.

**Committee:** Senate Committee on Agriculture and Environment  
**Bill Number:** SB 804, Relating to Ag Land for Pet Animal Sanctuaries  
**Hearing Date & Time:** February 8, 2023 at 1:00pm  
**Re:** Testimony of Malia Wisch **in Support of SB 804**

Aloha Chair Gabbard, Vice Chair Richards, III, and Committee Members:

**Aloha, my name is Malia Wisch, and I am actively involved in the multi-pronged effort to reduce the feral cat population on O'ahu.** As part of my volunteer efforts over the years, I have worked with the Hawaiian Humane Society (HHS), Cat Friends Hawaii, Greater Good Charities' Good Fix events, Popoki Place O'ahu Cat Sanctuary, Lucky Paws Animal Foundation, Toe Beans & Dreams Adoption Café, and more.

**I am testifying in favor of SB 804, which would allow ag lands to be leased or used for pet animal sanctuaries** provided that the department of agriculture determines that it provides a public benefit.

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**Oahu has a large network of organizations and individuals working to get stray cats off the streets.** Obviously the ideal solution is that all would be adopted as pets. Unfortunately there are many that are not socialized for this. The best long-term, humane, effective solution is a concerted, widespread and well-funded Trap-Neuter-Return-Manage (TNRM) program. However, where some cats are removed from ground-nesting bird habitat that has been newly protected with predator fencing, cats cannot be returned. Local adoption sites are already filled to capacity just with readily adoptable cats.

**The missing link in the local cat management landscape is a large-scale, organizationally managed sanctuary,** where unsocialized cats have time to acclimatize, freeing up critical space in adoption sites.

There are already small, private sanctuaries on island. They tend to be run by individuals on their own private land and are not long-term sustainable. As the owner ages they need to find a successor.

I am on the board for the Popoki Place Oahu Cat Sanctuary. Our differentiator is that we will follow the proven Lanai Cat Sanctuary model. We are already a 501(c)3 nonprofit with a board of directors, and **succession planning is built in from the start.** Our sanctuary will be open to visitors, which means out-of-state visitors who become donors will partially fund our animal control, **taking that burden off of local taxpayers.** We will also serve as a vibrant education hub, raising awareness of the human behaviors that exacerbate the problem, so we can make faster headway **addressing the root causes of cat overpopulation** and finally begin to see improvement.

We are looking for distressed ag land that may not be ideal for agriculture. *If* we can identify a workable parcel, **we believe that this bill would provide clarifications that would enable this type of effort to proceed.** We believe that our work directly benefits the state, its residents and its native wildlife (not to mention cats). We have already have partnership agreements with HHS and the Windward Community College of Veterinary Medicine. We are eager to get to work to alleviate Oahu's cat overpopulation.

**Mahalo nui loa for hearing this bill.**

Sara Malia Wisch  
629 Hanale Place, Kailua HI 96734  
808-341-4543  
[malia@wisch-design.com](mailto:malia@wisch-design.com)

**SB-804**

Submitted on: 2/7/2023 5:22:44 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

support

**SB-804**

Submitted on: 2/8/2023 5:40:12 AM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kenani Gramberg	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

As a native hawaiian who's trying to protect Agriculture lands for the defenition of agriculture which is the art and science of cultivating the soil, growing crops and raising livestock. It includes the preparation of plant and animal products for people to use and their distribution to markets. It makes no sense to me when the State of Hawaii has an effort put forward to rid most if not all invasive species (plants and animals) but then try and pass a Bill like this one. I strongly oppose!

Mahalo,

Kenani Gramberg