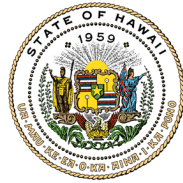


JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



State of Hawai'i
DEPARTMENT OF AGRICULTURE
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SHARON HURD
Chairperson, Board of Agriculture

DEAN M. MATSUKAWA
Deputy to the Chairperson

TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE AND FOOD SYSTEMS

WEDNESDAY, MARCH 19, 2025
9:30 AM
CONFERENCE ROOM 325

SENATE BILL NO. 1099, HOUSE DRAFT 1
RELATING TO IMPORTANT AGRICULTURAL LANDS

Chair Kahaloe, Vice Chair Kusch and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No.1099, House Draft 1 that authorizes the Land Use Commission (LUC) to designate county or State lands as Important Agricultural Lands (IAL) and adopt maps for the designated lands, in counties that fail to identify and recommend Important Agricultural Lands by December 31, 2027. The Department of Agriculture (Department) offers comments.

The Department strongly supports the county process described in Section 205-47 as this would provide decisionmakers with maps of agricultural lands that should receive existing and future incentives to maintain a "strategic agricultural land resource base that can support a diversity of agricultural activities and opportunities that expand agricultural income and job opportunities and increase agricultural self-sufficiency for current and future generations." (Section 205-42 Important Agricultural Lands; definitions and objectives). We would caution against ignoring or undervaluing a county's familiarity with its agricultural lands, existing agricultural operations and their characteristics, historic uses, potential uses, agriculture-related infrastructure capacities, and so forth.

With respect to State lands to be designated by the LUC as IAL, the process to identify certain State lands as potential IAL is found in Section 205-44.5.

Thank you for the opportunity to testify on this measure.





LAND USE COMMISSION

Komikina Ho'ohana 'Āina

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

Ka 'Oihana Ho'omōhala Pā'oihana, 'Imi Wai wai a Ho'omāka'ika'i

JOSH GREEN, MD
GOVERNOR

DANIEL E. ORODENKER
EXECUTIVE OFFICER

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Statement of
Daniel E. Orodanker
Executive Officer
State Land Use Commission

Before the
House Committee on Agriculture and Food Systems

Wednesday March 19, 2025
9:30 AM
State Capitol, Room 325 and Video Conference

In consideration of
SB1099 HD1

RELATING TO IMPORTANT AGRICULTURAL LANDS

Chair Kahaloa; Vice Chair Kusch; and members of the House Committee on Agriculture and Food Systems:

The proposed measure would authorize the Land Use Commission ("LUC") to designate lands and adopt maps as Important Agricultural Lands ("IAL") for any county that fails to identify and recommend IAL by December 31, 2027 using the process as established pursuant to Hawai'i Revised Statutes ("HRS") section 205-49(a).

The LUC has taken a position to support the intent of the measure. We believe that the HD1 of this measure essentially negates its impact as it limits the LUC's ability to designate IAL lands only on state and county lands. Designation of State and county lands is only a very small portion of the agricultural lands in the State, and they are not necessarily in danger of losing their agricultural designation.

We are however, in support of the original version of this bill. The counties have had a significant amount of time to designate IAL within their jurisdiction. This bill would allow the LUC to undertake this important and constitutionally mandated designation of important agricultural lands to preserve them for future generations and ensure food security into the future.

Thank you for the opportunity to testify on this matter.



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March 19, 2025

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

TESTIMONY ON SB 1099, HD1
RELATING TO IMPORTANT AGRICULTURAL LANDS

Conference Room 325 & Videoconference
9:30 AM

Aloha Chair Kahaloa, Vice-Chair Kusch, 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 on SB 1099, HD1, which authorizes the Land Use Commission (LUC) to designate Important Agricultural Lands (IAL) and adopt maps for the designated lands in counties that fail to identify and recommend IAL by December 31, 2027. While we strongly support the intent of IAL to protect and promote agricultural viability in Hawai'i, we have concerns regarding the approach outlined in this measure.

The identification and designation of Important Agricultural Lands 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.

The original intent of the IAL law was to ensure that the State designates its own agricultural lands as IAL before any involuntary designation of private lands. HRS §205-44.5 requires that the Department of Agriculture (DOA) and the Department of Land and Natural Resources (DLNR) identify public lands that should be designated as IAL before subjecting private landowners to such designation. Since the enactment of Act 233 in 2008, the State has failed to fulfill this requirement.

If the goal of SB 1099, HD1 is to increase the amount of designated IAL, the State should first fulfill its existing obligation and designate its own agricultural lands before shifting responsibility onto counties or private landowners. The State has substantial agricultural holdings, which, if designated, would contribute significantly to the preservation of prime agricultural land and set an example for counties and private landowners.

We have additional concerns regarding SB 1099:

- The State should fulfill its kuleana first. Before seeking to override county authority or subject private landowners to involuntary IAL designation, the State must comply with HRS §205-44.5 and designate its own agricultural lands. This would demonstrate a commitment to agricultural preservation without infringing on private property rights.
- The LUC should not usurp the County planning authority. Counties are responsible for land use planning, including general plans, development plans, zoning, and special use permits. Allowing the LUC to bypass counties in designating IAL could undermine local decision-making and create conflicts with county-level agricultural planning efforts.
- The involuntary designation of private lands could be considered a constitutional taking.
- The LUC lacks the necessary staff and funding to conduct proper studies and assessments. Identifying and designating IAL requires comprehensive land use and agricultural viability studies. Without the required expertise and resources, involuntary designation by the LUC could result in poorly informed decisions that do not support actual agricultural productivity.

We urge the Legislature to require the State to first designate its own agricultural lands as IAL, as mandated by existing law, before taking further action on private lands. Ensuring that the State leads by example will strengthen IAL efforts and reinforce trust with private landowners and county governments.

Thank you for the opportunity to testify on this measure.