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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON JUDICIARY

FRIDAY, FEBRUARY 21, 2025
10:20 AM
CONFERENCE ROOM 016

SENATE BILL NO. 1099
RELATING TO IMPORTANT AGRICULTURAL LANDS

Chair Rhodes, Vice Chair Gabbard and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No.1099 that authorizes the Land Use Commission to designate Important Agricultural Lands and adopt maps for the designated lands in counties that fail to identify and recommend Important Agricultural Lands by December 31, 2027. This measure establishes a deadline for the counties to identify and submit to the Land Use Commission their respective maps of potential Important Agricultural Lands via the process described in Section 205-47. After December 31, 2027, the Land Use Commission may directly designate lands and adopt maps for counties that fail to meet the deadline. 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.

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

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EXECUTIVE OFFICER

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LATE

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

Before the
Senate Committee on Judiciary

Friday February 21, 2024
10:20 AM
State Capitol, Room 016 and Video Conference

In consideration of
SB1099

RELATING TO IMPORTANT AGRICULTURAL LANDS

Chair Rhoads; Vice Chair Gabbard; and members of the Senate Committee on Judiciary:

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 Land Use Commission ("LUC") at its meeting held on February 5-6, 2025, discussed and has taken a position to support the intent of the measure.

Thank you for the opportunity to testify on this matter.



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February 21, 2025

HEARING BEFORE THE
SENATE COMMITTEE ON JUDICIARY

TESTIMONY ON SB 1099
RELATING TO IMPORTANT AGRICULTURAL LANDS

Conference Room 016 & Videoconference
10:20 AM

Aloha Chair Rhoads, Vice-Chair Gabbard, 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, 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 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.

SB1099

He Mele komo a he mele aloha no na kupuna o ke au i hala Aloha mai kakou.

Aloha,

My name is Cindy Freitas and I'm a Native Hawaiian descended of the native inhabitants of Hawai'i prior to 1778 and born and raised in Hawai'i.

I am also a practitioner who still practice the cultural traditional customary practices that was instill in me by my grandparents at a young age from mauka (MOUNTAIN TO SEA) to makai in many areas.

I'm in SUPPORT for SB1099

Important Agricultural Lands (IAL), there are several key aspects of traditional Hawaiian agriculture that have valuable lessons for modern land-use planning and preservation. These practices were designed to sustainably manage land and resources, with an emphasis on balance, respect, and long-term sustainability. Integrating these practices into IAL designation could provide a more holistic and culturally enriched approach to land stewardship.

1. Lo'i Kalo (Taro Patches)

- **Traditional Practice:** One of the most iconic and important agricultural practices in Hawai'i is the cultivation of *kalo* (taro) in *lo 'i* (irrigated terraces). Taro requires an intricate system of water management, with water diverted from streams or ponds to create a series of terraces, allowing the crop to thrive in the flooded conditions. These terraces were designed to harness the natural flow of water while preventing soil erosion.
- **Application to IAL Designation:** The cultivation of *kalo* in *lo 'i* is a prime example of an agricultural practice that works in harmony with the environment, providing food while preserving soil and water resources. When designating IAL, areas with fertile, irrigated land that is suitable for taro cultivation should be prioritized. Additionally, the need for proper water management systems to sustain this type of agriculture should be considered, as these systems enhance both the land's productivity and its ecological health.
- **Environmental Benefits:** Taro farming helps with soil retention, water filtration, and local biodiversity. The flooded fields provide habitats for aquatic species and help regulate water quality in the surrounding environment, preventing runoff and pollution from reaching nearby streams and coastal waters. Protecting lands that can be used for *kalo* cultivation can thus serve multiple ecological functions, in addition to food production.

2. Agroforestry and Polyculture

- **Traditional Practice:** Native Hawaiians traditionally practiced a form of agroforestry and polyculture, where multiple crops were cultivated together to support each other. For example, *kukui* (candlenut), *'uala* (sweet potato), *hau* (Hibiscus tiliaceus), and *kalo* were often grown together in the same area. These mixed-crop systems provided a balanced diet and supported a range of species, promoting a resilient and sustainable food system.

- **Application to IAL Designation:** IAL designation could prioritize lands that have the potential for polyculture or agroforestry, which are often more resilient to pests and diseases, reduce the risk of crop failure, and improve soil health. Identifying land suitable for these practices allows for a diversified agricultural landscape that can offer multiple types of food while also providing ecological benefits.
- **Environmental Benefits:** Polyculture systems mimic natural ecosystems, where multiple plant species share the same space and provide ecosystem services such as pest control, soil fertility, and water retention. This approach helps to prevent the overuse of resources, supports biodiversity, and reduces the need for chemical inputs like pesticides and fertilizers. By incorporating these practices into IAL designation, Hawai'i can promote environmentally friendly and productive agricultural systems.

3. Fishponds (Loko I'a)

- **Traditional Practice:** The practice of cultivating fish in *loko i'a* (fishponds) was widespread in pre-contact Hawai'i, particularly along coastal areas. These ponds were carefully engineered to trap juvenile fish and allow them to grow to maturity in a controlled environment. Fishponds were not just an agricultural practice; they were integral to Hawaiian resource management, as they allowed communities to harvest fish sustainably, without depleting the marine environment.
- **Application to IAL Designation:** When considering IAL, it is important to include coastal lands that are suitable for *loko i'a* restoration or revitalization. These areas are important for the production of local food, and their preservation can help improve local food security while also restoring culturally significant sites. Areas that have historically been used for fishponds should be recognized as part of the IAL strategy, especially as the demand for local fish and sustainable seafood production increases.
- **Environmental Benefits:** Fishponds contribute to the health of marine ecosystems by providing a nursery for fish and helping to preserve fish populations. Additionally, they filter water and trap sediment, improving water quality. Incorporating these traditional practices into IAL designation ensures the preservation of these valuable marine resources and contributes to the overall health of Hawai'i's coastal environments.

4. Kuleana Land Stewardship

- **Traditional Practice:** The concept of *kuleana* (responsibility or stewardship) in traditional Hawaiian culture refers to the reciprocal relationship between people and the land. Native Hawaiians viewed land as a sacred resource, and it was their *kuleana* to care for it and ensure that it was passed on to future generations in a productive and healthy state. This philosophy emphasized sustainable management, where people were required to take care of the land, respect its limits, and use it only in ways that ensured its continued fertility.
- **Application to IAL Designation:** The IAL designation could incorporate *kuleana* principles by ensuring that the agricultural lands designated for preservation are actively managed in ways that respect the land's capacity. This means focusing on sustainable practices and working with local communities and farmers to ensure that lands are not overexploited and that they remain viable for future generations.

- **Environmental Benefits:** The core of the *kuleana* philosophy is sustainability. By applying this cultural principle to modern land management and IAL designation, Hawai'i can promote a land stewardship model that prioritizes ecological balance. This could include using organic farming methods, reducing chemical inputs, restoring degraded lands, and employing methods that build soil fertility and protect water resources.

5. The Ahupua'a System

- **Traditional Practice:** The *ahupua'a* system is an ancient land division that stretches from the mountains (mauka) to the sea (makai) and encompasses all of the resources necessary for a community's survival, including agricultural land, forests, freshwater streams, and coastal zones. This system was designed to ensure the efficient and sustainable use of natural resources, with different areas of the *ahupua'a* used for different purposes (agriculture, fishing, gathering, etc.).
- **Application to IAL Designation:** The *ahupua'a* system could inform modern land-use planning by encouraging land designations that are more holistic and interconnected. When designating IAL, it would be beneficial to consider not just individual parcels of agricultural land but also the broader *ahupua'a* system, where the preservation of agricultural lands is integrated with the management of natural resources like water, forests, and coastal ecosystems.
- **Environmental Benefits:** This holistic approach ensures that the entire ecosystem is maintained in a way that supports agricultural productivity, preserves natural habitats, and protects vital resources like water and biodiversity. By considering the interconnectedness of different land uses within the *ahupua'a*, IAL designation can promote greater environmental sustainability.

Conclusion: Integrating Traditional Hawaiian Agricultural Practices into IAL Designation

The integration of traditional Hawaiian agricultural practices into the IAL designation process can provide numerous environmental benefits. By focusing on sustainable practices like polyculture, fishponds, taro cultivation, and holistic land stewardship, Hawai'i can not only protect its agricultural land but also enhance its natural ecosystems. The cultural principles that underpin these practices—such as *mālama 'āina* (care for the land), *kuleana* (responsibility), and the *ahupua'a* system—can offer valuable guidance in creating a land-use strategy that balances human needs with ecological sustainability.

Mahalo,

_____/s/_____
Cindy Freitas