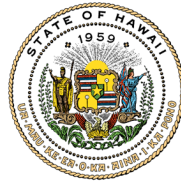


JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



State of Hawai'i
DEPARTMENT OF AGRICULTURE & BIOSECURITY
KA 'OIHANA MAHI'AI A KIA'I MEAOLA
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SHARON HURD
Chairperson
Board of Agriculture & Biosecurity

DEAN M. MATSUKAWA
Deputy to the Chairperson

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

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE AND FOOD SYSTEMS

**WEDNESDAY, FEBRUARY 4, 2026
9:00 AM
CONFERENCE ROOM 325**

**HOUSE BILL NO. 2425
RELATING TO AGRICULTURE**

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

Thank you for the opportunity to testify on House Bill No. 2425 that exempts any agricultural enterprise practicing diversified agriculture on lands formerly used for commercial sugarcane production within the Conservation District from any permitting and site plan approval requirements established for lands in a Conservation District. The Department of Agriculture and Biosecurity (Department) offers comments.

The Department has very strong concerns about how this measure significantly amends the purpose and intent of Chapter 165 (Hawaii Right-to-Farm law) from limiting the circumstances under which agricultural activities may be declared a nuisance to promoting certain diversified agricultural activities located on former sugarcane lands within the Conservation District and exempting the same from permitting and site plan approval requirements found in Chapter 183C. The Department recommends that another vehicle be sought to achieve what is intended in this measure.

Thank you for the opportunity to provide our testimony.



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Waimānalo, O'ahu

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Honolulu, O'ahu

Natalie Urminka
Kaua'i

Aloha Chair Chun, Vice Chair Kusch, and Members of the House Agriculture & Food Systems Committee,

The Hawai'i Farmers Union is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFU supports with amendments HB2425.**

HB2425 incorrectly amends HRS Chapter 165, which governs nuisance "Right to Farm" protections.

HB2425 attempts to streamline agricultural production on former sugarcane lands within the conservation district. However, as drafted, the measure amends HRS Chapter 165 (Hawaii's Right to Farm Act), which primarily protects farmers from nuisance lawsuits. To effectively exempt these lands from conservation district permitting requirements, the amendments must instead target HRS Chapter 183C (Conservation District), and may also need to modify HRS Chapter 205 (Land Use Commission), as these chapters govern land use and zoning permissions.

To protect sensitive watersheds while promoting food sovereignty, this exemption should be limited to the General (G) and Resource (R) subzones and require a Soil and Water Conservation District (SWCD) approved conservation plan. This approach eliminates "pay to play" regulatory barriers while ensuring environmental stewardship.

Recommended Amendments

SECTION __. Section 183C-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The department shall regulate land use in the conservation district, which shall include the establishment and enforcement of standards; the issuance of permits; and the imposition of fines or terms and conditions for violations of this chapter; provided that agricultural enterprises practicing diversified agriculture on former sugarcane lands located within the general subzone or resource subzone of the conservation district shall be exempt from the permit and site plan requirements of this section; provided further that the enterprise shall:

(1) Obtain and implement a conservation plan approved by the soil and water conservation district in the respective jurisdiction pursuant to chapter 180;

(2) Limit structures to non-permanent, small-scale infrastructure necessary for food production;

(3) Utilize conservation agricultural practices that prioritize soil health and water infiltration; and

(4) Provide a copy of the approved conservation plan to the department prior to the

commencement of agricultural activities."

SECTION __. Section 183C-2, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

""Conservation agricultural practices" means a system of farming principles and practices that increases biodiversity, enriches soils, improves watersheds, and enhances ecosystem services."

Mahalo for the opportunity to testify.

Hunter Heavilin
Advocacy Director
Hawai'i Farmers Union



February 3, 2026

To: Chair Cory M. Chun, Vice Chair Matthias Kusch, and the House Committee on Agriculture & Food Systems

Subject: **HB2425**, Relating to Agriculture

Aloha,

I am writing in **opposition of HB2425**. This measure seeks to promote diversified agriculture on former sugarcane lands wherein “the legislature finds that the commercial production of sugarcane on former sugarcane lands has caused significant harm to endemic flora and fauna. Former sugarcane lands thus represent an opportunity for revegetation, recovery, and enhancement of wildfire resiliency, all of which would be advanced by the development of diversified agriculture. Therefore, the legislature finds that the promotion of diversified agriculture on former sugarcane lands is in the best interest of the State.” This is an agreement we support and agree with.

Former sugarcane lands do represent a viable opportunity for agricultural revitalization, ecological recovery, and increased wildfire resilience. Encouraging diversified agriculture on these lands can help return degraded landscapes to productive use, support local farmers, and advance Hawai'i's goals of local food production and local food security and agricultural sustainability.

However, I respectfully urge the committee to consider rejecting the exemption from the permitting process for land uses in the conservation district. It is important to retain a form of approval or review to ensure that agricultural activities AND the permitting and site plans conducted under this exemption remain consistent with the Conservation District conservation goals. It is also important to ensure that that which is proposed in the Conservation District does protect natural, cultural, and watershed resources.¹ Supervision plays an important role in ensuring land uses align with those purposes. Maintaining an approval process allows practice to continue and ensures due diligence is conducted.

For these reasons, **I urge this committee to defer HB2425** in its current conception and/or provide amendments that require permitting and site plan review to ensure we mitigate the potentially damaging impact of future decisions.

Mahalo,
Brandon Kinard & the Food+ Policy Team
#fixourfoodsystem

¹ *Conservation District*. Office of Conservation and Coastal Lands, Department of Land and Natural Resources, State of Hawai'i, <https://dlnr.hawaii.gov/occl/conservation-district/>

Feb. 4, 2026, 9:00 a.m.
Hawaii State Capitol
Conference Room 325 and Videoconference

To: House Committee on Agriculture & Food Systems

Rep. Cory Chun, Chair

Rep. Matthias Kusch, Vice Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

Re: TESTIMONY IN SUPPORT OF HB2425 — RELATING TO AGRICULTURE

Aloha chair, vice chair and other members of the Committee,

The Grassroot Institute of Hawaii **supports** [HB2425](#), which would exempt diversified agricultural uses on lands formerly used to grow sugarcane from state conservation district permitting rules. The bill would also define the terms “diversified agriculture” and “former sugarcane lands” under the Hawaii Right to Farm Act.

This measure would help Hawaii farmers and ranchers more easily reuse former plantation lands.

Currently, a farmer or rancher wanting to use land in the state conservation district for diversified ag would have to obtain either a departmental or board permit from the Department of Land and Natural Resources or the Board of Land and Natural Resources, depending on how many acres of the land they wanted to use.¹

Both permits require a detailed, 10-page application that can take 180 days to be approved. This can delay the beneficial reuse and maintenance of former plantation land, which in turn can increase the wildfire risks associated with vacant lands across the state.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

¹ [Haw. Code R. § 13-5-23 - Identified land uses in the limited subzone](#), Legal Information Institute, accessed. Jan. 28, 2026.



SIERRA CLUB
OF HAWAII

LATE

HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

February 4, 2026

9:00 AM

Conference Room 325

In OPPOSITION to HB2425: RELATING TO AGRICULTURE

Aloha Chair Chun, Vice Chair Kusch, and Members of the Agriculture & Food Systems Committee,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i respectfully **OPPOSES HB2425**, which risks potentially significant unintended consequences for our watersheds, native species, cultural sites and practices, and coastal areas by exempting any and all "diversified agriculture" activities on former sugarcane lands from conservation district permits or approvals.

While the Sierra Club strongly supports increasing our islands' food self-sufficiency, the conservation district permitting and planning exemptions in this measure may risk significant unintended impacts to a range of important public interests, including but not limited to water security and climate resilience. Our conservation district lands have been identified as lands that "contain important natural resources essential to the preservation of the State's fragile natural ecosystems and the sustainability of the State's water supply." HRS §183C-1. **The inclusion of former sugarcane lands within the conservation district, in spite of their historical agricultural use, may indicate their particularly unique character with respect to ecologically sensitive areas, critical natural infrastructure, or importance to our water cycle and overall water security.** For example, such lands may have been included in the conservation district due to their hosting or potential hosting of native and endangered species habitat, proximity to streams and groundwater sources, or other reasons. Conservation district permit and site plan approvals accordingly ensure that uses of these lands do not unnecessarily jeopardize our islands' ecological integrity or the public trust in water.

There are a range of potential harms that could arise from the proposed conservation district permitting and site plan exemptions for "diversified agriculture." "Diversified agriculture" as defined in this measure may encompass a broad range of activities that could inadvertently impact the unique and sensitive features of conservation district lands. This includes pesticide storage and use that could threaten drinking and agricultural water sources; native habitat clearing; grazing, tilling, and other ground-breaking activities that could lead to erosion and runoff issues; processing facilities and associated waste production; and myriad other activities that should be carefully examined and planned to mitigate any anticipated harms to conservation district lands. Notably, such harms may also impact agricultural uses on adjacent or makai parcels of lands, including lo'i kalo cultivation. Without conservation district permit and

site plan approvals, there may be little opportunity to identify, much less avoid, these potential harms.

To the extent that former sugarcane lands in the conservation district may not hold particular conservation district values, the Sierra Club notes that there is a district boundary amendment process that could redistrict these lands into the agricultural district. In addition to providing a thorough examination of whether and how such a district change would be appropriate, redistricting these lands would have the added benefit of the increased flexibility of the agricultural district's permissible land uses, for the land being redistricted.

The Sierra Club of Hawai'i therefore urges the Committee to **HOLD** HB2425. Mahalo nui for the opportunity to testify.



LATE

P.O. Box 253, Kunia, Hawai'i 96759
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e-mail info@hfbf.org; www.hfbf.org

February 4, 2026

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE AND FOOD SYSTEMS

TESTIMONY ON HB 2425
RELATING TO AGRICULTURE

Conference Room 325 & Videoconference
9:00 AM

Aloha Chair Chun, 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 respectfully offers the following comments on HB 2425, which exempts any agricultural enterprise practicing diversified agriculture on lands formerly used for commercial sugarcane production within the conservation district from any permitting and site plan approval requirements established for lands in a conservation district.

HFB offers the following comments and suggestions:

The intent of the bill is to advance the development of diversified agriculture on certain former sugarcane lands, thereby increasing local food production while reducing our reliance on imports. The bill seeks to provide relief from the lengthy delays inherent in the permitting process for land uses in the conservation district so that these lands can be brought back into production. We agree with that intent. However, we believe that the appropriate vehicle for this goal is an amendment to Section 183, HRS, which can be accomplished as follows:

SECTION 1. The legislature finds that under the Hawaii State Planning Act, it is a declared policy of this State to "foster attitudes and activities conducive to maintaining agriculture as a major sector of Hawaii's economy." The legislature further finds that article XI, section 3, of the Hawaii State Constitution requires the legislature to "provide standards and criteria" to conserve and protect agricultural lands and promote diversified agriculture.

The legislature finds that the commercial production of sugarcane on former sugarcane lands has altered the landscape in a manner that can best be addressed through ongoing agricultural stewardship. Former sugarcane lands represent an opportunity for revegetation, invasive weed reduction, and enhanced wildfire resilience, all of which would be advanced by the development of diversified agriculture.

Therefore, the legislature finds that the promotion of diversified agriculture on former sugarcane lands is in the best interest of the State. The legislature also finds that the permitting process for land uses in the conservation district may disproportionately burden agricultural enterprises that regularly operate on thin margins. The permitting process may cause long delays in bringing land into production, further straining the operating budgets of agricultural enterprises. Accordingly, it is the purpose of this measure to

- (1) Reduce the loss to the State of its agricultural resources; and
- (2) Promote the development of diversified agriculture on former sugarcane lands by exempting any agricultural enterprise practicing diversified agriculture on former sugarcane lands in a conservation district from permitting and site approval requirements.

SECTION 2. Section 183C—2 Definitions, Hawaii Revised Statutes, is amended by adding the definition of diversified agriculture and amending the definition of nonconforming, to be appropriately inserted and to read as follows:

“Diversified agriculture” means the production of flowers and nursery products, fruits, vegetables, milk, forage, grains, forest products, coffee, taro, cattle, poultry, swine, or other livestock. “Diversified agriculture” does not include the production of sugarcane or pineapple or high intensity animal husbandry operations with feed lots or dairy barns with stocking rates that exceed three animal units per acre.

“Nonconforming” use means the lawful use of any building, premises or land for any trade, industry, residence or other purposes which is the same as and no greater than that established prior to October 1, 1964, or prior to the inclusion of the building, premises, or land within the conservation district, provided that where the nonconforming use historically involved the cultivation of sugarcane, the use of the land for diversified agriculture shall be considered a continuation of that nonconforming use.

Thank you for your continued support of agriculture, increased local food production, and the resource stewardship opportunities farming and ranching provide.

HB-2425

Submitted on: 2/2/2026 9:21:13 PM

Testimony for AGR on 2/4/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Audrey Smith	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members of the Committee,

I am submitting this testimony in support of HB2425, which proposes to exempt agricultural enterprises practicing diversified agriculture on former sugarcane lands within the conservation district from permitting and site plan approval requirements under current conservation district law.

This bill allows farmers to work around intensive regulatory barriers if they are supporting ecological restoration and diversified agriculture in Hawai‘i. Local farmers often struggle to compete with imported mainland food, and many residents face food insecurity or are unable to afford local, organic produce due to rising costs. By expanding diversified fruit and vegetable production across Hawai‘i, we can reduce our reliance on imported food and build a more resilient and self-sufficient local food system.

Historically, Hawai‘i sustained large populations through sophisticated agricultural systems. Over 500 years ago, ancient Hawaiians were able to feed tens of thousands of people using systems such as the Kohala Field System. Many of these practices were lost as Western agricultural models replaced Indigenous systems. HB2425 presents an opportunity to reclaim land for productive use in ways that align with sustainable, place-based agricultural practices.

By exempting diversified agricultural enterprises from permitting and site plan approval requirements, this bill also reduces the administrative burden on conservation agencies that are already stretched thin, allowing them to focus resources where they are most needed. Sugarcane production in Hawai‘i has been discontinued for nearly a decade. It is time for this land to be put to good use and to refocus Hawai‘i’s agricultural sector around diversified, sustainable systems that strengthen local economies and communities.

For these reasons, I respectfully urge your support of HB2425.

Mahalo for the opportunity to testify.

HB-2425

Submitted on: 2/3/2026 11:14:05 AM

Testimony for AGR on 2/4/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ron Terry	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Chun, Vice Chair Kusch and committee members.

I am Big Island resident, environmental scientist and proponent of sustainable agriculture. I humbly submit this testimony.

There are substantial plots of sugar cane lands that were placed into the State Land Use Conservation District in the 1960s. These lands have since either been converted to other types of agriculture or have become heavily infested weed patches adjacent to working farms and ranches. In over half a century since that time, the administrative rules regulating the Conservation District have expanded to now require a difficult, expensive and time-consuming process to legalize the farming that occurs or could occur on these properties. The process is run not by the Department of Agriculture but by regulators at the Office of Conservation and Coastal Lands (OCCL) who may lack practical experience regulating agriculture. Many farmers and ranchers on the dozens of properties affected by this often assume that they are engaging in a fully legal non-conforming use. They may be completely unaware that their operations are not legal and if detected by OCCL investigators are subject to heavy fines and burdensome regulatory processes. It is our State's policy to require permits and even environmental assessments for switching crops; e.g., sugar to ranching, or ranching to sweet potatoes and taro. Recent incidents on the Big Island indicate that some ranchers are so adversely affected by the process that they simply give up on grazing such areas, further reducing the capacity of productive land to feed our people. It is simply not practical or fair to require a family farmer or rancher to undergo the level of permitting normally associated with a large urban development.

HB 2425 offers a solution to allow continued or renewed agriculture on old sugar cane land. Such areas generally lack native species, archaeological remains, cultural practices, sensitive water bodies or other resources that the Conservation District is supposed to protect. Agriculture often improves the land in such areas by removing (or preventing) infestations of ironwood and other invasive species, promoting open space and allowing productive land use. As a safeguard, the bill allows only those forms of agriculture that are classified as diversified agriculture. It excludes the production of sugarcane or pineapple, high intensity animal husbandry operations with feed lots, or dairy barns with stocking rates exceeding three animal units per acre. With this safeguard, the land in question will undergo appropriate use and agriculture can continue to thrive.

Thank you for your consideration.

Aloha

Thank you for opportunity to testify in support of H.B. 2425

My wife and I own 30 Acres on the Hamakua Coast near Honokaa. The frontage facing the ocean is a steep pali – ranging from about 80 to over 200 feet of sheer rock cliff. For the last 6 years we have been seeking permission to develop a small farm on this land practicing diversified agriculture.

This is our site's history. From 1842-1992, 150 years, this land was part of a cane plantation. According to tax records, over 12 acres of this site were used for waste disposal for the cane operation. As is typical in cane production, the site was repeatedly bulldozed and burned. Today there are essentially no native species left. (The sole exceptions being some plants clinging to the face of the pali.) Since 1992 the site has been primarily use for pasturage – mostly cattle, some goat.

Cattle in this area range freely. Our site does not have a perimeter fence, so the cattle have pastured here as they pleased. To be clear we've always been comfortable with the neighbors' cattle pasturing here, but we have wished to introduce some cattle of our own, and to build fencing necessary to control them, to exclude the feral pigs that would harm our plantings, and to preclude overgrazing by cattle belonging to others.

As to care or maintenance on the property, over the 30+ years since cane operations ceased the site was neglected. In time, it was taken over by turkey berry, Christmas berry and ironwood. The turkey berry and Christmas berry created a pretty much impassable thicket of thorns. The

ironwood contributed to erosion along the pali, and suppressed anything from growing in their mat of dead needles.

After we acquired the site, we went to work clearing the invasives. That work is done on $\frac{3}{4}$ of the site. But the last quarter, the 8.5 acres along the pali, is in the Conservation District, and we were told we'd need a permit from OCCL before working there. That brings us to the permit history, which began almost 6 years ago.

We first went to OCCL to request a permit to remove the invasives, replant with native trees, and build a perimeter fence. But we were told that, because part of our land is also in a County Special Management Area, we had to first get County approval. In other words, we couldn't pursue both permits simultaneously; we must pursue them in sequence. This was disappointing, because it meant that the whole process would be strung out longer. But we complied.

We applied to the County for an SMA major permit. This was costly and time consuming, but in April, 2024 that permit was granted, subject to OCCL's approval.

We then went back to OCCL and applied for their permit. We sought approval to remove the invasives, replant with native trees, install temporary irrigation to help the saplings get established and install a perimeter fence.

We did not apply for a permit for agricultural use. Our thinking was that, for something in excess of 200 years the land had been used for

agriculture, so surely this must be a prior non-conforming use, exempt from a permit requirement.

To our surprise, our application was rejected. This was not because of any issue with removing invasives, replanting or fencing in conformity with the SMA approval. Rather, our application was rejected because we hadn't applied for a permit for agricultural use.

Let me emphasize: our application to clean up this area, replant with native species and fence the perimeter was rejected because we hadn't applied for a different permit – one to pursue a use that had been made of this property for decades.

The upshot was that – while we couldn't pasture our land, we also couldn't install a fence that would keep others from pasturing it. To this day, the free-range cattle that populate this area are pasturing on our site and the wild pigs tear up anything we put in the ground.

And OCCL didn't just tell us that we must reapply for ag use, we must also support that application with detailed information addressing several requirements of an ag use application among them:

“More information regarding the animal husbandry use of the property, how much cattle, the kinds of animals, the purpose and intent of the animals, the management of the pasture, plan for waste management, what grasses will be used for grazing”

Please note: a plan for waste management of a small cattle pasturing operation.

We were also told that this would require a Board level permit, not the departmental permit we'd applied for, \$2,750 in fees, and a future public hearing. Unspoken but implicit was that this would mean more delay and, during this delay, feral pigs would continue rutting up the site and others' cattle would continue to pasture on our land while we'd be prohibited from doing that ourselves.

We have tried to pursue diversified ag use of this land in a responsible way. We prepared a farm plan and we met with staff from the Natural Resources Conservation Service and from the University of Hawaii agricultural extension service, seeking their advice and input. Both expressed enthusiasm for our plan, even calling it one of the best they'd seen. Neighboring people familiar with the site have told us that, because of the work we've done outside the Conservation District, the site looks better than it has in 30 years.

Yet the 8.5 acres in the Conservation District remain overrun by dead and dying turkey berry brush, ironwood and Christmas berry. It is a nuisance and a fire hazard – one which, for going on six years, we've been prevented from curing.

HB2425 would be a great help.

Mahalo

Stephen and Cheryl Winter