



OFFICE OF HAWAIIAN AFFAIRS

‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai
COMMENTS ON SENATE BILL 2153 SD2
RELATING TO AGRICULTURE

Ke Kōmike Hale o ka ‘Oihana Mahi‘ai a me ka ‘Ōnaehana Mea‘ai
(House Committee on Agriculture & Food Systems)

Ke Kapitala ‘o Hawai‘i
(Hawai‘i State Capitol)

Malaki 20, 2026

9:30AM

Lumi 325

Aloha e Chair Chun, Vice Chair Kusch, and Members of the House Committee on Agriculture and Food Systems:

The Office of Hawaiian Affairs (OHA) offers **COMMENTS** on **SB2153 SD2**, which requires the Department of Agriculture and Biosecurity (DAB) in collaboration with the Agribusiness Development Corporation (ADC) to develop a multi-tiered matrix for defining “bona fide farmer” and “bona fide agricultural activities.”

OHA appreciates the intent of this measure to ensure that agricultural lands are used for legitimate agricultural activities and that exemptions for agricultural tourism and residential use are not exploited to facilitate patently non-agricultural uses and long term degradation of agriculture lands. At the same time, for Native Hawaiians, agriculture is a fundamental part of cultural practices, perpetuating ‘ike kūpuna, expressing kuleana and pilina with ‘āina, and allowing for ‘ohana and community subsistence. Traditional and customary practices such as lo‘i kalo, loko i‘a, agroforestry, and other ahupua‘a-based systems are vital to community food security and cultural identity, yet don’t always generate monetary income.

It is for this reason that OHA strongly supports the recognition of subsistence, cultural, and community-based agricultural production as legitimate and bona fide agricultural activities. OHA appreciates that these farming methods are contemplated in this measure and included as small-scale and diversified farmers.¹ As DAB and the ADC develop definitions of “bona fide farmer” and “bona fide agricultural activity,”

¹ See page 5, line 10-3, definition of “Tier II. Small-scale and diversified farmers.”

meaningful consultation with Native Hawaiian farmers, cultural practitioners, homestead communities, and subsistence producers will be essential to ensure that any adopted definitions are culturally informed and equitable. However, even with consultation and inclusion of subsistence and traditional farmers, OHA is concerned that the proposed requirements may prove onerous for small scale farmers.

Mahalo nui for the opportunity to testify on this critical issue.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



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SHARON HURD
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LATE

TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE AND FOOD SYSTEMS

FRIDAY, MARCH 20, 2026
9:30 AM
CONFERENCE ROOM 325

SENATE BILL NO. 2153, SENATE DRAFT 2
RELATING TO AGRICULTURE

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

Thank you for the opportunity to testify on Senate Bill No. 2153, Senate Draft 2 that requires the Board of Agriculture and Biosecurity to develop and adopt a multi-tiered, matrix-based assessment framework to develop definitions for the terms "bona fide farmer" and "bona fide agricultural activity". The Board is to collaborate with the Agribusiness Development Corporation and other stakeholders to draft the terms "bona fide farmer" and "bona fide agricultural activity". A report to the 2027 Legislature is to contain the draft definitions and any proposed legislation. There is no appropriation. The Department of Agriculture and Biosecurity (Department) offers comments with concerns.

The stated need for the proposed development of definitions for the terms "bona fide farmer" and bona fide agricultural activity" is somewhat described in Section 1 of the bill. The lack of a "uniform standard" of "bona fide farmer...can lead to discrepancies in the way agricultural zoning is applied" and may result in agricultural landowners who are "not truly engaged in farming may take advantage of agricultural zoning designations, potentially reducing available agricultural land."

Section 1 further states that "a uniform, enforceable standard that prevents abuse of agricultural tax classifications and land entitlements" and "providing comprehensive language that successfully incorporates county level zoning and property tax ordinances regarding land and water usage." (emphasis added) The Department notes that the agricultural dedication programs to reduce property taxes and the subsidized water rate programs for qualified commercial farms are administered by the counties as incentives for continuing agricultural production.

It is not clear how the categorization of Hawaii's commercial and non-commercial agricultural operators into four tiers will result in the reduction or prevention of agricultural landowners who may not be "farmers" but who "may take advantage of agricultural zoning designations, potentially reducing available agricultural land."

These definitions incorporate attributes that will require the creation of new programs or functions within State and county governments. Terms that are used in the bill that are not defined or are unclear including the following - certified "farm plan" (page 4, line 1; page 5, line 16), "agricultural investment" (page 4, lines 7-8), "bona fide intent to farm" (page 4, line 10), "sector-specific economic realities" (page 6, lines 2-3), "agricultural income, calibrated by sector" (page 6, lines 11-12), "ensure agricultural activity is appropriate to the land in use" (page 9, lines 2-3). Definitional clarity is essential to determine whether an agricultural landowner or the agricultural activity of a farmer merits participation in either the agricultural dedication programs or subsidized water rate programs.

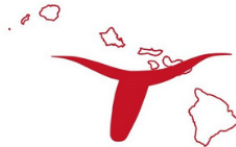
The bill provides a list of criteria or attributes that a definition of "bona fide farmer" should "outline" (page 9, lines 7-12):

1. Commercial focus
2. Farm size or scale
3. Minimum income threshold
4. Primary occupation"

The Department believes bringing quantification to these attributes would appear to be a reasonable starting point to define "bona fide farmer" or "bona fide agricultural activity."

The Department continues to focus attention on Hawaii's commercial farmers as the primary agents to achieve the State's numeric goals for food self-sufficiency, while acknowledging the role of informal and subsistence farmers in producing food for the families and communities so engaged.

Thank you for the opportunity to present our testimony.



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

Rep. Cory M. Chun, Chair
Rep. Matthias Kusch, Vice Chair

SB2153 SD1
RELATING TO AGRICULTURE

March 20, 2026, 9:30 AM
Conference Room 325 & Videoconference

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

The Hawaii Cattlemen's Council **supports SB2153 SD1** which requires the Board of Agriculture and Biosecurity to develop and adopt a multi-tiered, matrix-based assessment framework to develop definitions for the terms "bona fide farmer" and "bona fide agricultural activity."

Clearly defining a bonafide farmer allows those who are truly producing food for the community to gain access to the support needed from state programs. In a time where we are losing agricultural land to other uses, it also ensures that state agricultural lands are indeed used for agricultural activities.

Defining a bonafide farmer is a difficult task, as many agricultural producers vary. However, this multi-tiered approach and the directive to work with stakeholders to determine these definitions is a path forward to recognizing that bonafide farmers can operate differently, but must be defined in order to receive benefits without losing out on land and resources to gentleman farmers.

We appreciate the opportunity to testify on this measure. The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county-level Cattlemen's Associations. Ranchers produce a high-quality protein and are the stewards of almost 750 thousand acres of land in Hawaii, or nearly 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director





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March 20, 2026

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

TESTIMONY ON SB 2153, SD2
RELATING TO AGRICULTURE

Conference Room 325 & Videoconference
9:30 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 supports the intent of SB 2153, SD2, which requires the Board of Agriculture and Biosecurity to work collaboratively with stakeholders to develop definitions for the terms "bona fide farmer" and "bona fide agricultural activity," and to report those definitions to the Legislature.

The issue of defining "bona fide agriculture" has come before the Legislature and the Counties multiple times over the years. Historically, while the term was not explicitly defined in statute, there was a general understanding of who farmers and ranchers were and what constituted agricultural activity. Over time, agricultural practices have diversified, land use pressures have increased, and that shared understanding has become less clear.

There are numerous policies, programs, and land use designations that are intended specifically to support agriculture. These tools are meant for bona fide agricultural producers, and the lack of clarity around definitions can create challenges for policymakers, agencies, and counties tasked with implementing those programs fairly and consistently. At the same time, agriculture in Hawai'i encompasses a wide range of operations, scales, and production models that cannot be easily captured by a single rigid definition.

HFB appreciates that SB 2153, SD2 does not attempt to immediately codify a one-size-fits-all definition. Instead, it directs the Board of Agriculture and Biosecurity to engage stakeholders and develop a multi-tiered, matrix-based framework that recognizes the diversity of agricultural operations while discouraging misuse of agricultural designations.

Other jurisdictions, including Guam, have explored tiered approaches to recognizing agricultural activity, which may provide useful reference points as Hawai'i works through a stakeholder-driven process to develop definitions that reflect local conditions.

HFB looks forward to participating in the stakeholder process to develop definitions for bona fide farmers and bona fide agricultural activity. Any framework should recognize differences in scale, production type, geography, and market realities, while remaining practical to administer and enforce.

Thank you for the opportunity to provide testimony on this important and complex issue.

SB-2153-SD-2

Submitted on: 3/18/2026 9:19:49 AM

Testimony for AGR on 3/20/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
William Caron	Individual	Support	Written Testimony Only

Comments:

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

I am writing in **support** of SB2153, which requires the Board of Agriculture and Biosecurity to develop a multi-tiered, matrix-based assessment framework to define the terms "bona fide farmer" and "bona fide agricultural activity."

This bill is a necessary first step toward addressing a problem that has plagued Hawai‘i for decades: the abuse of agricultural land by those seeking tax breaks rather than growing food. But as this legislation moves forward, we must ensure that the cure does not become worse than the disease—and that small-scale, Native Hawaiian, and subsistence farmers are not the ones left holding the bag.

The Problem Is Real and Longstanding

For years, illegitimate and unproductive agricultural operations have undermined the integrity of Hawai‘i's farming landscape. Mansions masquerading as orchards, a handful of goats deemed a ranch, expansive lawns classified as "turf farms"—these are not hypotheticals. They are real examples of landowners exploiting agricultural zoning and tax benefits while contributing nothing to our food system. As former Land Use Commission chair Jonathan Likeke Scheuer put it, these properties are "nothing approaching what any reasonable person would say is an agricultural use."

This abuse has real consequences. It drives up land prices, making it harder for legitimate farmers to access affordable land. It erodes public trust in agricultural policies. And it deprives the state and counties of tax revenue that could support essential services.

The Concerns Are Valid and Must Be Addressed

But as Hunter Heavilin, advocacy director at the Hawaii Farmers Union, has rightly cautioned, we must proceed with care. Small farms still comprise a majority of Hawai‘i's farms—about a third of all operations. These are not the wealthy landowners building mansions; they are families raising grass-fed beef for their community, taro farmers practicing traditional lo‘i cultivation, and subsistence growers whose operations may not generate significant cash income but are nonetheless bona fide agriculture.

Heavilin's concern is that, without careful design, this bill could "increase the hurdles and headaches for smallholders, without meaningfully addressing the consolidation of land ownership." His two years of research on Hawai'i land management practices revealed decades of misapplied regulations that often benefited larger operations at the expense of smaller ones. The risk is real: a definition crafted with only industrial agriculture in mind could inadvertently burden the very farmers we should be supporting.

The Matrix Must Be Multi-Dimensional

The bill's proposed matrix-based approach offers an opportunity to get this right—if it is designed thoughtfully. Senator Tim Richards, himself a cattle rancher, has emphasized the need to recognize diverse forms of agriculture, including subsistence farming. As he noted, an "old, retired guy that raises a couple of grass feds for the family, and he kills an animal every eight months then shares that with his family" is absolutely engaged in bona fide agriculture. The matrix must account for production, investment, value to community and culture, environmental stewardship, and operational scale—not simply cash income.

This is especially critical for Native Hawaiian cultivation methods, which may not fit neatly into conventional agricultural metrics but are nonetheless vital to our cultural heritage and food sovereignty. The bill's requirement to collaborate with stakeholders, including the Agribusiness Development Corp., must be interpreted broadly to include Native Hawaiian organizations, subsistence farmers, and small-scale operators.

Learning from Others

Both the Hawaii Farm Bureau and Farmers Union have suggested looking to Guam for inspiration, where farmers must register with the agriculture department before accessing local markets, tax exemptions, and support programs. This approach provides clarity while ensuring that those who benefit from agricultural incentives are genuinely engaged in farming. Vermont and other states have explored similar initiatives.

A registration or certification system, paired with the matrix developed under SB2153, could give the state a clear view of the agricultural landscape while providing a pathway for smallholders to prove their legitimacy without excessive burden. As Brian Miyamoto of the Farm Bureau noted, it might create more work for farmers and agencies, but it would also provide clarity and accountability.

The Road Ahead

SB2153 is only a first step. It requires the Department of Agriculture to develop the matrix this year and bring it back for legislative approval next year. That timeline provides an opportunity for robust stakeholder engagement and careful refinement. As Scheuer observed, the bill seems to be "setting up some larger policy discussions" that could become "very contentious." Better to have those discussions now, with all voices at the table, than to rush a flawed definition into law.

Conclusion

The problem of fake farmers is real and demands a solution. But that solution must not become another barrier for the small-scale, subsistence, and Native Hawaiian farmers who are the backbone of our local food system. SB2153, if implemented thoughtfully and inclusively, can help us distinguish between the mansions with fruit trees and the families feeding their communities—and ensure that agricultural benefits go to those who truly deserve them.

I urge this committee to pass SB2153 and to commit to a stakeholder process that elevates the voices of smallholders, cultural practitioners, and those who have been historically marginalized in our agricultural policies.

Mahalo for the opportunity to testify.

SB-2153-SD-2

Submitted on: 3/18/2026 1:49:35 PM

Testimony for AGR on 3/20/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Keoni Shizuma	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am testifying in support of SB2153.

This bill recognizes the different levels of engagement of farming, as well as the transitional period required for someone to become a farmer. Identifying and classifying the different types/scales of farming is key and better fits into the world we live in today. With the high cost of living and of doing business in Hawai‘i, there are many who are farming but need to have other sources of income to survive. It is simply not feasible for most farmers to be financially successful and sustainable in Hawai‘i. If we continue to only acknowledge full-time farmers as bonafied farmers, we will be restricting and preventing many who are interested in farming on a smaller scale from producing their own crops.

If we hope to one day grow most of the food that we consume, we have to create a space and pathway for small scale, part-time farmers to get involved and farm. We cannot acknowledge (and depend) only on the large scale, industrial farmers to grow the food we need for Hawai‘i to be sustainable, we need small scale and subsistence farming to be acknowledged as well, which I believe this bill does.

Mahalo for your consideration,
Keoni Shizuma