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GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
RYAN K.P. KANAKA'OLE  
Acting Chairperson

Before the House Committee on  
AGRICULTURE & FOOD SYSTEMS

Wednesday, March 18, 2026  
9:30 AM  
State Capitol, Conference Room 325

In consideration of  
SENATE BILL 2169, SENATE DRAFT 1  
RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION

Senate Bill 2169, Senate Draft 1 authorizes the Agribusiness Development Corporation (ADC) to acquire by condemnation any real property or interest in real property, under certain conditions, for the purposes of Chapter 163D, Hawaii Revised Statutes (HRS). The measure further prohibits any real property acquired by the Corporation by condemnation from subsequently being transferred or taken for any other public use without the Corporation's consent. **The Department of Land and Natural Resources (Department) acknowledges the intent of this measure and offers the following comments and suggested amendment.**

The Department does not object to empowering ADC to acquire real property by condemnation. However, as written, the proposed measure does not exclude public lands held by the Department or set aside to other agencies for public purposes. The Department objects to ADC being given authority to condemn lands held by the Department or set aside via executive order to other agencies and would request that such lands be excluded from ADC's condemnation powers. Accordingly, the Department requests this measure be amended to exclude public lands, as defined in Section 171-2, HRS, as follows:

Page 5, line 5

“any interest in real property, except public lands as defined in section 171-2, Hawaii Revised Statutes, for the purposes of this chapter;”

The Department notes that the Senate Committee on Judiciary acknowledged this concern but did not have time to secure prior concurrence. Accordingly, it recommended that subsequent Committees examine this issue. Mahalo for the opportunity to comment on this measure.

JOSH GREEN, M.D.  
GOVERNOR

SYLVIA LUKE  
LT. GOVERNOR



WENDY GADY  
EXECUTIVE DIRECTOR

STATE OF HAWAII  
**AGRIBUSINESS DEVELOPMENT CORPORATION**  
HUI HO'OULU AINA MAHIAI

TESTIMONY OF WENDY L. GADY  
EXECUTIVE DIRECTOR  
AGRIBUSINESS DEVELOPMENT CORPORATION

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS  
March 18, 2026  
9:30 a.m.  
Conference Room 325 & Videoconference

SENATE BILL NO. 2169, SD1  
RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION

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

The Agribusiness Development Corporation (ADC) respectfully submits **testimony in support of SB2169, SD1**, which would grant ADC condemnation and eminent domain authority, subject to appropriate oversight and existing legal safeguards.

At the outset, ADC wishes to acknowledge that the concept of eminent domain understandably raises concern for landowners and communities. It is an extraordinary governmental power, and one that should be exercised with humility, transparency, and restraint. ADC views condemnation authority not as a routine tool, but as a measure of last resort, to be considered only after good-faith negotiations and voluntary solutions have been fully pursued.

SB2169, SD1, does not change that principle. Rather, it provides ADC with a limited authority that many other state agencies already possess—allowing the State to address rare but significant situations where critical agricultural lands or infrastructure necessary for food production cannot be secured despite clear public benefit and extensive negotiation efforts.

Importantly, the measure can be strengthened by clarifying that this authority does not extend to the condemnation of lands currently managed by

other state agencies. Such language would ensure that ADC's authority remains narrowly focused on facilitating agricultural development and infrastructure access without creating conflicts with existing public land management responsibilities.

### **Why This Authority Matters for Agriculture**

One of the most persistent challenges facing Hawai'i's agricultural sector is the difficulty of assembling or accessing land and infrastructure necessary for viable food production. Fragmented ownership, long-term vacancy, speculative holding, unresolved access issues, and infrastructure bottlenecks can prevent otherwise viable agricultural projects from moving forward—even when those projects align directly with the State's food security goals.

Granting ADC limited condemnation authority would allow the State to address these rare but consequential barriers when no other solution is available.

This authority could help the State:

- Secure strategically located agricultural lands needed for food production and distribution.
- Protect productive agricultural lands from irreversible conversion when negotiations stall despite public benefit.
- Enable essential infrastructure development—such as irrigation corridors, farm access roads, drainage systems, and processing sites—that serve multiple producers.
- Ensure that public investments in agricultural infrastructure can be fully utilized for public benefit.

### **Partnership with Landowners**

ADC also recognizes that many of Hawai'i's largest agricultural landowners—including family estates, trusts, ranches, and conservation-oriented organizations—have been longstanding partners in supporting local agriculture. These landowners have played a critical role in making land available for farming

through leases, stewardship agreements, and collaborative development of agricultural infrastructure. SB2169, SD1, is not intended to disrupt these partnerships. On the contrary, ADC's strong preference is to continue working collaboratively with landowners to structure voluntary agreements that support productive agriculture, including long-term leases, access easements, and shared infrastructure investments. The authority contemplated in this bill exists only to address rare circumstances where critical agricultural access or infrastructure cannot be secured despite sustained good-faith negotiations and clear public benefit. ADC remains committed to respectful engagement with landowners and to solutions that align private stewardship with the State's agricultural and food production goals.

### **Strengthening Voluntary Solutions First**

ADC strongly believes that voluntary agreements should always be the preferred path forward. To reinforce that principle, the Legislature may wish to consider complementary incentives that encourage landowners to participate in agricultural development voluntarily before any consideration of condemnation authority.

Potential approaches could include tax-related incentives that support agricultural land access and infrastructure development, such as:

- Property tax incentives or classifications that reward landowners who make land available for active agricultural production.
- State tax credits or deductions associated with voluntary land transfers, easements, or long-term leases for agricultural use.
- Tax incentives tied to infrastructure easements that enable irrigation systems, farm roads, or shared agricultural facilities.
- Encouraging use of existing agricultural land conservation or stewardship programs that support landowners who keep land in productive agricultural use.

These types of incentives can reduce the need for government intervention while aligning private landowner interests with the State's agricultural and food production goals.

### **Strong Oversight and Accountability**

SB2169, SD1 does not grant unchecked authority. ADC operates under an independent, gubernatorially appointed board subject to public accountability, fiduciary duties, and the State's open meetings requirements. Any consideration of condemnation authority would require:

- A clear demonstration of public purpose tied to agriculture, food production, or agricultural infrastructure.
- Public deliberation and approval by the ADC Board.
- Compliance with all constitutional protections, statutory requirements, and procedural safeguards afforded to property owners.

ADC's board governance structure provides an important safeguard. Decisions are made collectively, in public, and with representation from agricultural, business, and community perspectives. This ensures that any potential use of eminent domain would be considered thoughtfully and only when clearly justified.

### **Benefits to Food Production and Food Security**

Access to land and infrastructure remains one of the greatest constraints on expanding local food production. Farmers cannot scale operations, secure financing, or enter long-term supply contracts without stable access to land and water infrastructure. SB2169, SD1, strengthens the State's ability to address these structural barriers when they prevent agricultural development that serves a clear public purpose.

This authority can support the State's broader efforts to expand local food production and meet growing institutional purchasing goals for locally produced food.

### **A Tool of Last Resort**

It is important to emphasize that condemnation authority is not intended to replace voluntary negotiation or cooperative agreements. ADC's longstanding approach has been to work collaboratively with landowners, farmers, and community stakeholders to develop mutually beneficial solutions.

In practice, the existence of eminent domain authority is often rarely used but can help facilitate timely negotiations and fair outcomes when complex land access challenges arise. Its presence provides the State with a backstop that helps ensure that critical agricultural projects are not indefinitely stalled despite clear public benefit.

### **Conclusion**

SB2169, SD1, provides ADC with limited authority that can help the State overcome rare but significant barriers to agricultural land access and infrastructure development. When paired with strong oversight, clear safeguards, respect for property rights, and incentives that prioritize voluntary participation, this authority can support Hawai'i's efforts to expand local food production and strengthen long-term agricultural resilience.

ADC respectfully urges your support for SB2169, SD1.

Thank you for the opportunity to provide testimony.



OFFICE OF HAWAIIAN AFFAIRS

‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai

**COMMENTS ON SENATE BILL 2169 SD1**

RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION

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

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

Malaki 18, 2026

9:30AM

Lumi 325

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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 SB2169**, which authorizes the Agribusiness Development Corporation (ADC) to acquire by condemnation any real property or interest in real property, including public trust lands currently held by the Department of Land and Natural Resources (DLNR) pursuant to Hawai‘i Revised Statutes (HRS) chapter 171.

OHA supports policies that strengthen agricultural productivity, Hawai‘i’s food security, and economic self-sufficiency for locally-based farmers including Native Hawaiian owned businesses and subsistence farmers. At the same time, protection of the public trust lands corpus, comprised primarily of former crown and government land of the Hawaiian Kingdom seized during the illegal overthrow, is a core trust duty that OHA owes to its beneficiaries. Thus, OHA has advocated over the years to ensure that HRS chapter 171 includes protective measures that limit alienation of public trust lands without legislative oversight, and advance notice to OHA. *See, e.g.,* HRS §§ 171-50, -64.7. Leasing of public lands includes additional procedural guardrails including public auction and term (duration of years) limitation. *See, e.g.* HRS §§ 171-14, -36, -59.

Accordingly, OHA supports DLNR’s requested amendment to exempt public trust lands from the proposed condemnation powers by amending the language at page 5 line 5 to read: “any interest in real property, except public lands as defined in section 171-2, Hawaii Revised Statutes, for the purposes of this chapter.”

Both OHA and the State of Hawai‘i have a fiduciary duty to ensure that public trust lands and revenues derived from them are protected and used in a manner consistent with trust purposes, one of which being the betterment of the conditions of Native Hawaiians. Any expansion of condemnation authority that includes the public trust lands raises serious concerns about potential impacts to the trust corpus, beneficiary rights, and the State’s trust obligations.

For the reasons stated above, OHA respectfully urges this committee to consider our concerns with **SB2169 SD1** and adopt amendments offered by the DLNR.

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



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March 18, 2026

HEARING BEFORE THE  
HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

**TESTIMONY ON SB 2169, SD1**  
RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION

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 SB 2169, SD1**, which authorizes the Agribusiness Development Corporation (ADC) to acquire real property or interests in real property, including through condemnation, for public agricultural purposes. Ensuring that agricultural lands remain dedicated to farming and are not lost to non-agricultural uses is essential to Hawai'i's long-term food security and agricultural sustainability.

ADC plays a critical role in developing and managing agricultural lands, irrigation systems, and other infrastructure necessary for farming and ranching in Hawai'i. In certain limited circumstances, the inability to assemble land or property interests can delay or prevent the development of essential agricultural infrastructure that serves a clear public purpose. HFB believes it is important to equip ADC with appropriate and limited authority to effectively carry out its statutory role in developing agricultural infrastructure and supporting agricultural production statewide.

We recognize that condemnation authority is a significant power and should be exercised sparingly and with appropriate safeguards. SB 2169, SD1 appropriately limits the use of this authority to public agricultural purposes and preserves existing protections, including requirements for just compensation, due process, and respect for Native Hawaiian customary and traditional practices.

HFB believes that granting ADC this authority, when coupled with the safeguards included in the bill, will help facilitate the development of agricultural infrastructure that benefits farmers, ranchers, and the broader agricultural community. This authority is not intended for routine use, but rather as a tool of last resort when necessary to advance legitimate public agricultural projects.

Thank you for the opportunity to provide testimony.