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October 2, 2017

Mr. Daniel Orodener
Executive Officer
Land Use Commission
235 South Beretania Street, Suite 406
Honolulu, Hawaii 96813

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LAND USE COMMISSION
STATE OF HAWAII

Dear Mr. Orodener:

Subject: Docket No. DR17-59
Petition for Declaratory Order to Designate Important Agricultural
Lands in Kunia, Oahu
Tax Map Keys: 9-2-001-001(por.); 9-2-001-005; 9-2-004-009
Total Area: 1,550 acres

Thank you for the opportunity to comment on this important petition. The Department of Agriculture (DOA) expresses its appreciation to the petitioner for their interest in and effort to identify potential Important Agricultural Lands (IAL) (petition area). We note that the petitioner is not seeking a reclassification of land pursuant to Section 205-45(b), Hawaii Revised Statutes (HRS) in conjunction with this petition to designate IAL. The petitioner is also voluntarily waiving all rights to claim any credits due pursuant to Section 205-45(h), HRS (Petition, p. 17). This is the fourth IAL petition involving agricultural lands on the island of Oahu and the twelfth IAL petition statewide.

In the following, we provide responses to the petitioner's statements as to how the petition area meets the eight criteria for identifying IAL (Section 205-44, HRS).

Land Currently Used for Agricultural Production

According to the Agricultural Land Assessment (ALA) found in Exhibit 4 of the petition, the majority of the 1,550 acres sought for IAL designation is currently in agricultural production (ALA, p. 4). The table below shows the breakdown of agricultural uses of the petition area:



Agricultural Use	Acres	Percent
Crop Production		
Seed	1,100 (approximate)	
Soy	<u>58 (approximate)</u>	
Total	1,158	75%
Cattle Ranching		
Rocker G Livestock	134	
Circle C Ranch	<u>140</u>	
Total	276	18%
Other	116	7%
Totals	1,550	100%

Approximately 1,158 acres of the proposed IAL designation is in active seed corn or soy production, with 1,100 acres planted in seed corn and the remaining 58 acres planted in soy (ALA, p. 4). Approximately one-third of the seed and soy fields are actually in crop production at any given time, with the remaining two-thirds of the fields in a “rested” state. A field is only used for one crop per year, and is rested when out of crop production (Petition, p. 5). During rest periods, the fields are planted with cover crops of sunflower, sunn hemp, mustards, buckwheat, flax, clover, guar, and spring lentils (ALA, p. 4).

The petition area also has a Conservation Plan developed in conjunction with the United States Department of Agriculture’s Natural Resources Conservation Service. The Plan includes the use of vegetative terraces, grassed waterways, sediment basins, drip irrigation, cover crops, windbreaks, and other dust mitigation measures (ALA, p. 4).

The DOA considers seed corn production as “agricultural production” under Section 205-44, HRS. This is consistent with our general position of considering seed corn production as a “crop” under 205-2(d)(1) and 205-4.5(a)(1), HRS.

The petition area contains 276 acres in cattle ranching. Petitioner leases 142 acres to Circle C Ranch along the northernmost portion of the petition area, and 134 acres in the southwest of the petition area (see ALA, Figure 2). Circle C Ranch has on average 40 cattle year-round within the petition area. It has a lease with the petitioner until the end of 2018, which the petitioner expects to extend (ALA, p. 6). Rocker G. Livestock ranches in the petition area between 3-6 months a year, and has on average 70 cattle within the petition area (ALA, p. 4). Rocker G. Livestock has a month-to-month tenancy within the petition area, and has been ranching in the area since 2006 (ALA, p. 4).

The remaining balance of the petition area of 116 acres consists of water infrastructure (detention basins, berms, and filter strips), roads, soil conservation measures, and gulches (ALA, p. 6).

Petitioner's "Remainder Lands" of approximately 600 acres (28% of Petitioner's land owned on the island of Oahu) outside of the petition area are adjacent to Kunia Road. The Remainder Lands contain Petitioner's processing facilities and additional fields for seed corn production (Petition, p. 7). A 21.254-acre portion of the Remainder Lands is intended to be subdivided and deeded to the National Park Service for inclusion in the Honouliuli National Monument (Petition, p. 8).

Land with soil qualities and growing conditions that support agricultural production of food, fiber, or fuel- and energy-producing crops

According to the Land Study Bureau's Detailed Land Classification (LSB) for the Island of Oahu, 849 acres (54.7.3%) of the petition area is rated "A", 3281 acres (21.2%) is rated "B", 22 acres (1.4%) is rated "C", 42 acres (2.7%) is rated "D", and 297 acres (19.2%) is rated "E" (ALA, p.8). Additional research by Department staff indicates that the majority of "A" and "B" rated lands in the petition area would fall to a rating of "E" if unirrigated.

Lands identified under agricultural productivity ratings systems, such as the Agricultural Lands of Importance to the State of Hawaii (ALISH) system adopted by the Board of Agriculture on January 28, 1977

According to the Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system, the petition area is comprised of 1,064 acres (68.7%) in "Prime", 2 acres (.1%) in "Unique", 318 acres (20.5%) is in "Other Important", and 166 acres (10.7%) is not classified according to ALISH (see ALA, p.12). The lands in the petition area that are not in ALISH generally overlap the lands designated as "E" by the LSB.

Land types associated with traditional native Hawaiian agricultural uses, such as taro cultivation, or unique agricultural crops and uses, such as coffee, vineyards, aquaculture, and energy production

The petition does not specifically address this criterion other than to note that the petition area has been in crop production since 1897.

Lands with sufficient quantities of water to support viable agricultural production

Much of the petition area is irrigated by water supplied from the Waiahole Ditch that is operated by the Agribusiness Development Corporation. The petitioner has a 2.636 million gallons per day (mgd) water use permit for Reservoir 155 that was issued by the

Commission of Water Resource Management in 2007 (Petition, Exhibit 8). The 2.636 mgd allocation is based on a 12-month moving average basis. Reservoir 155 receives water from the Waiahole Ditch which runs across the northernmost portion of the petition area (ALA, p. 12). Water from the reservoir is drawn from a system of nine water-pumps and filter stations (ALA, p. 12). Past water draws from Reservoir 155 by the petitioner since 2013 have not exceeded its 2.636 mgd allocation (Petition, Exhibit 9). The petition area also receives an average of 25 to 34 inches of rain annually (Petition, p. 12).

Land whose designation as Important Agricultural Lands is consistent with general, development, and community plans of the County

The petition area is entirely within the State Agricultural District, and is zoned as AG-1 (Restricted Agriculture) by the City and County of Honolulu (ALA, p. 17). The petition area is mostly within the Ewa Development Plan region, with a smaller portion in the Central Oahu Sustainable Communities Plan region (ALA, p. 17). Both plans designate the petition area to be within "Agricultural Areas", and the petition area is not within either plan's growth boundaries.

Land that contributes to maintaining a critical land mass important to agricultural operating productivity

The petition area is 1,550 contiguous acres of agricultural land, in an area that the 2013 Ewa Development Plan considers "prime agricultural land" that contains "the most productive lands for diversified agriculture in the State." (p. 2-12).

Land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power

Approximately 600 acres of land owned by the petitioner but not part of the petition (Remainder Lands) abuts Kuna Road for nearly 10,000 feet. The petition area itself has a reservoir (No. 155) connected to the Waiahole Ditch, electrical service, drainage systems, internal roadways, and other infrastructure necessary to sustain the agricultural activities.

CONCLUSION

The Department of Agriculture strongly supports the petitioner's request to have 1,550 acres of its Kunia lands designated as IAL. We believe the petition satisfactorily addresses each of the eight IAL identification criteria. Furthermore, the petition represents the first request for IAL designation in an area containing among the most

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productive agricultural lands on Oahu and serviced by an incomparable irrigation water system. For nearly 40 years, the Department has strenuously encouraged the City and County of Honolulu to continue protecting these lands from urbanization. IAL designation will help to reinforce these protections.

Sincerely,

Phyllis M. Munnabulum - Puro

for Scott E. Enright, Chairperson
Board of Agriculture

c: Office of Planning