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LAND USE COMMISSION
STATE OF HAWAII

2018 APR 24 A 9:27

April 20, 2018

Mr. Daniel Orodener
Executive Officer
Land Use Commission
235 South Beretania Street, Suite 406
Honolulu, Hawaii 96814

Dear Mr. Orodener:

Subj: Docket No. DR18-61
Petition for Declaratory Order to Designate Important Agricultural
Lands in Kunia, Oahu
Hartung Brothers Hawaii, LLC
Tax Map Keys: 9-2-004: 6 (por.); 9-2-004: 11; 9-2-004: 12 (por.)
Total Area: 463 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. 20). This is the fifth IAL petition involving agricultural lands on the island of Oahu and the fourteenth 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 D of the petition, all of the 463 acres sought for IAL designation are in agricultural use (Agricultural Land Assessment (ALA), p. 4).



The table below shows the breakdown of agricultural uses of the petition area:

Agricultural Use	Acres	Percent
Crop Production		
Seed	299	
Sorghum	<u>3</u>	
Total	302	65%
Other (agricultural infrastructure, soil conservation, gulch)	161	35%
Totals	463	100%

The ALA states that approximately one-half of the 302 acres is actually planted at any given time, with the other half in a rotated, "rested" state. A field is only used for one crop per year, and is rested when out of crop production (ALA, p. 5). The DOA considers seed corn production as "agricultural production" under Section 205-44, HRS and as a "crop" under sections 205-2(d)(1) and 205-4.5(a)(1), HRS.

Most, if not all, of the petitioned property is dedicated to agricultural uses with the City's Real Property Assessment Division. This demonstrates commitment to active agricultural production for the duration of the dedication, which is five years, and is renewable.

The remaining 161 acres of the petition area consists of water infrastructure (detention basins, berms, and filter strips), roads, soil conservation measures, and gulches (ALA, p. 4).

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

The petitioner's "Remainder Lands" of approximately 386 acres (45.4% of petitioner's land owned on the island of Oahu) are split into two areas. Approximately 294 acres of these "Remainder Lands" are located mauka (west) of the petition area. The remaining 92 acres of "Remainder Lands" are located east of the petition area and adjacent to Kunia Road and contain the petitioner's processing facilities and additional fields for seed corn production (Petition, p. 6).

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, 284.67 acres (61.5%) of the petition area is rated "A", 61.91 acres (13.4%) is rated "B", 56.49 acres (12.2%) is rated "C", 24.30 acres (5.2%) is rated "D", and 35.6 acres (7.7%) is rated "E" (Petition, p. 9). 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 "B" and "C" respectively 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 309.31 acres (66.8%) in "Prime", 2.45 acres (.5%) in "Unique", 134.21 acres (29.0 %) in "Other Important", and 17.00 acres (3.7%) not classified according to ALISH (see Petition, p.11). 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 sugar, pineapple, and corn production since the late 19th century (Petition, p.12).

Lands with sufficient quantities of water to support viable agricultural production

Much of the petition area is irrigated by water supplied from Reservoirs #155, #23, and #90. Reservoirs #155 and #90 lie on an adjacent parcel, which petitioner has access to over various easements, and reservoir #23 exists on petitioner's land. The reservoirs draw water from the Waiahole Ditch that is operated by the Agribusiness Development Corporation. The petitioner has a .59 million gallons per day (mgd) water use permit for Waiahole Ditch that was issued by the Commission of Water Resource Management. (Petition, Exhibit F).

The .59 mgd allocation is based on a 12-month moving average basis. Since the petition land was acquired by the petitioner in 2017, the 12-month moving average has ranged from .56 to .427 mgd per day. Approximately 80 percent of this water is used for crops on the petition area (ALA, p. 14). In addition to the Waiahole Ditch allocation, petitioner has a 3.82% water allocation from the Kunia Water Association (KWA) system. What this allocation is equivalent to in gallons per day is not specified in the petition. The petitioner has yet to draw any of its allocation from the KWA water system, and states that this allocation is currently used as a backup water source. The petition area also receives an average of 30 to 40 inches of rain annually (ALA, p. 14).

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, Figure 19). Both plans designate the petition area as "Agricultural Areas", and not within either plan's community growth boundaries.

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

The petition area is 463 contiguous acres of agricultural land in an area that the 2013 Ewa Development Plan considers "prime agricultural land" and "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

Besides the irrigation infrastructure described above, the petition area also contains electrical service, drainage systems, agricultural roads capable of supporting heavy farming equipment/vehicles, and other infrastructure necessary to sustain agricultural activities on the petitioner's land.

CONCLUSION

The Department of Agriculture strongly supports the petitioner's request to have 463 acres of its Kunia lands designated as IAL. We believe the petition satisfactorily

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addresses seven of the eight IAL identification criteria. Furthermore, the petition represents a request for IAL designation in an area containing among the most

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 to the petitioned lands.

Sincerely,



Scott E. Enright, Chairperson
Board of Agriculture

c: Office of Planning
City Department of Planning and Permitting