



OFFICE OF PLANNING STATE OF HAWAII

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <http://planning.hawaii.gov/>

DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
DIRECTOR
OFFICE OF PLANNING

DTS201812191334MA

December 26, 2018

To: Daniel Orodener, Executive Officer
State Land Use Commission

From: Leo R. Asuncion, Director

Subject: DR18-64 Petition for Declaratory Order to
Designate Important Agricultural Lands
Petitioner: Robinson Kunia Land LLC
Location: Kunia, Oahu, Hawaii
Petition Area: Approximately 1,239.20 acres

2018 DEC 26 P 3:38
STATE OF HAWAII
OFFICE OF PLANNING

The Office of Planning (OP) appreciates Robinson Kunia Land LLC's (Petitioner) voluntary participation in the process for the designation of important agricultural lands (IAL). The designation of the most productive agricultural lands in Hawaii will help to realize the goals of sustainability and food security for the State of Hawaii.

Having reviewed the Petition and evaluated all available information pursuant to applicable IAL law, OP recommends that the Land Use Commission (Commission) approve the designation of all 1,239.20 acres in the Petition Area as IAL. The following is provided in support of this recommendation.

Applicable Law. The State law for IAL is found at Hawaii Revised Statutes (HRS) §§ 205-41 through 205-44. Lands being considered for IAL designation must meet the definition of IAL pursuant to HRS § 205-42(a), which provides that IAL lands:

- (1) Are capable of producing sustained high agricultural yields when treated and managed according to accepted farming methods and technology;
- (2) Contribute to the State's economic base and produce agricultural commodities for export or local consumption; or
- (3) Are needed to promote the expansion of agricultural activities and income for the future, even if currently not in production.

HRS § 205-44(c) lists eight standards and criteria for the identification of IAL which were assessed as part of OP's review. OP recognizes that lands identified as IAL need not meet every standard and criteria listed, but that "the designation of important agricultural lands shall be made by weighing the standards and criteria with each other to meet the constitutionally mandated purposes in article XI, section 3, of the Hawaii Constitution and the objectives, policies, standards, and criteria for important agricultural lands in sections 205-42 and 205-43." HRS § 205-44(a).

Summary of key elements of the Petition. The Petitioner is requesting that the LUC issue a declaratory order designating 1,239.20 acres of land at Kunia, Oahu (Petition Area) as IAL. *See* OP Exhibit 1. The Petitioner represents that if the Petition is approved, it is waiving all rights to any credits that may be earned under HRS § 205-45(h). Also, if this Petition is approved by the Commission, the Petition Area would constitute a voluntary designation of a majority of all of Petitioner's land holdings within the State Agricultural District, such that further involuntary IAL designation of Petitioner's land holdings would be precluded, as provided for in HRS § 205-49(a)(3)¹. Table 1 below describes the Petitioner's approximate land holdings on Oahu, and the majority percentage sought for IAL designation.

TABLE 1			
	Petitioner's Land Holdings	Proposed for IAL	% IAL
Oahu	2,440.35 acres	1,239.20 acres	50.8%

Basis of review and comments. OP's review is based on the Petition, Petition exhibits, and public data available on the proposed lands. We note that the site visit for the Commission is scheduled for January 9, 2018. OP reserves the right to supplement or revise our review based on this site visit.

Assessment of Petition lands. The following assesses the proposed IAL areas relative to the eight standards and criteria for the identification of IAL established in HRS § 205-44(c).

1. HRS §205-44(c)(1) - Land currently used for agricultural production. The Petition Area meets this criterion. According to the Petitioner, all of the Petition Area is currently in active agricultural production or contains accessory uses or is supportive of agriculture. Table 2 below summarizes the current uses as provided by the Petition.

TABLE 2		
Agricultural Use	Acres	Percent
Crop Production	686.11	55.4%
Cattle Ranching	209.84	16.9%
Other (agricultural infrastructure, portions of Waiahole Ditch, water reservoir, processing, equipment storage, soil conservation, and gulch)	343.25	27.7%
Total:	1,239.20	100%

Crop production is on a year-round basis with bananas, corn, tomatoes, bell peppers, won bok, and watermelon. The remainder of the Petition Area is used for pasture. There are about 50 head of cattle on the Petition Area.

¹ HRS § 205-49(a)(3) states in part, "...if the majority of landowners' landholdings is already designated as important agricultural lands, excluding lands held in the conservation district, pursuant to section 205-45 or any other provision of this part, the commission shall not designate any additional lands of that landowner as important agricultural lands except by a petition pursuant to section 205-45."

The balance of the Petition Area consists of water infrastructure, roads, soil conservation measures, and gulch land. The Waiahole Ditch runs through the central part of the Petition Area.

The Petition Area has been in agricultural production since the late nineteenth century, including sugarcane from 1887 to 1995. Prior to 1967 the area north of the Waiahole Ditch has been cultivated in pineapple. Since 2007, the Petition Area has been used as described above.

2. HRS §205-44(c)(2) - Land with soil qualities and growing conditions that support agricultural production of food, fiber, or fuel- and energy-producing crops. The Petition Area meets this criterion. Based on the Land Study Bureau (LSB) ratings, the soil productivity ratings of the Petition Area are generally favorable for agricultural production with about 56.2% rated "very good" or "good". Approximately 39.9% is rated "fair", "poor", but mostly "very poor". Table 3 below summarizes the productivity ratings of the Petition Area.

TABLE 3		
Productivity Rating	Total IAL	
	Acres	% of IAL
A (Very good)	619.12	50.0%
B (Good)	76.85	6.2%
C (Fair)	35.99	2.9%
D (Poor)	83.69	6.7%
E (Very Poor)	418.72	33.8%
Unclassified	4.83	0.4%
Total:	1,239.20	100%

Petitioner's Exhibit D, Agricultural Land Assessment, Page 8 illustrates the LSB ratings across the Petition Area. The lower quality rated lands are generally consistent with steeper land slope ratings. OP's Exhibit 1 illustrates the land slope associated with the Petition Area. Of the 1,239.20-acre Petition Area, 306 acres, or 25%, is at a slope gradient equal to or greater than 20%. Steep slope gradients typically hinder machinery and labor operations due to geographic features such as ravines, gulches and steep terrain as well as soil quality. However, most of the very steep gradients -- 40, 60 and 80% slopes -- are within the south end of the Petition Area within gulches.

3. HRS §205-44(c)(3), Land identified under agricultural productivity rating 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. The Petition Area meets this criterion. The table below summarizes the ALISH system classifications for the Petition Area. The majority of the property of 61.7%, is rated Prime, and 1.6% is rated as "Unique" and "Other" Important Agricultural Lands. The remaining 36.7% lands "Not in ALISH" includes essential elements for active agricultural operations, such as streams and drainage ways, water system infrastructure, roadways, and areas for soil conservation, as well as portions that are in active cultivation.

TABLE 4		
ALISH Rating	Acres	% of IAL
Prime	764.06	61.7%
Unique	4.09	0.3%
Other	15.86	1.3%
Not in ALISH	455.19	36.7%
Total:	1,239.20	100%

4. HRS §205-44(c)(4), 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 Area does not meet this criterion. Although the Petition Area has been in active crop production both under Petitioner's ownership and prior ownership since 1887, the Petition lands are not considered unique agricultural lands under this criterion. The Petition Area has not been associated with traditional native Hawaiian agricultural uses or unique agricultural crops and uses.
5. HRS §205-44(c)(5), Land with sufficient quantities of water to support viable agricultural production. The Petition Area meets this criterion. The majority of the Petition Area is irrigated by a plantation-era onsite irrigation system, the Waiahole Ditch. Petitioner has a water use permit (WUP No. 804), issued in 2007 by the State Commission on Water Resource Management, that allows withdrawal of 2.39 million gallons per day (mgd) of water on a twelve month moving average basis. Petitioner also has a reservoir and water well (Well No. 2602-03), and permit dated June 21, 2007, allows the withdrawal of 100,000 gallons per day.

The Petition Area is also naturally irrigated by rainfall. The Petition Area receives a mean annual rainfall of approximately 30-35 inches of rain according to the Rainfall Atlas of Hawaii.

6. HRS §205-44(c)(6), Land whose designation as important agricultural lands is consistent with general, development, and community plans of the county. The Petition Area meets this criterion. The Petition Area is appropriately and entirely within the State Land Use Agricultural District, and is consistent with the City and County of Honolulu's (City) General Plan. The Petition Area is located in the Ewa Development Plan (2013), and the Central Oahu Sustainable Communities Plan (2012). All of the Petition Area is located outside of the Community Growth Boundaries of both Plans. The Petition Area is designated as Agricultural and Preservation areas. The Petition Area is zoned AG-1 under the City's Land Use Ordinance.

According to the City's IAL Study determination process, the entire Petition Area was included within the IAL area

7. HRS §205-44(c)(7), Land that contributes to maintaining a critical land mass important to agricultural operating productivity. The Petition Area appears to meet this criterion. The Petition Area is generally contiguous over 1,239.20 acres as a seemingly self-sufficient operation. Petitioner indicated that approximately 55.4% of the land is currently in crop production, 16.9% for intermittent

cattle grazing, and 27.7% for "Other" that includes agricultural infrastructure, soil conservation, and gulches.

8. HRS §205-44(c)(8), Land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power. The Petition Area meets this criterion with respect to the ongoing availability of water for irrigation and applicable utilities. Kunia Road is the major adjacent accessway with proximity to roads, major markets and harbors.

Summary and Recommendation

Based on the above analysis that includes review of all available information and Petitioner's representations, and weighing the IAL standards and criteria, OP recommends that the Commission approve Petitioner's proposed IAL in its entirety. OP further recommends that a condition of approval be imposed waiving any and all rights to credits under HRS § 205-45(h), as represented by the Petitioner.

Particular areas of the Petition Area are considered less productive agricultural lands due to steep land slopes over 20% consisting of ravines and gulches (OP Exhibit 1) and areas of poor soil qualities as indicated by ALISH and LSB (Tables 2 and 3). However, based on the presence of active crop production and cattle ranching, as well as the Petitioner's representations that sufficient water supplies are available, OP believes the Property sufficiently meets most of the IAL criteria. Also, consistent with the meaning of "IAL" under HRS § 205-42(a)(2), the Petitioner's current active crop production produces agricultural commodities for export and therefore contributes to the State's economic base.

The Petition Area constitutes approximately 50.8% of the all the land owned by the Petitioner that lies within the State Agricultural Land Use District. Thus, under HRS § 205-49(a)(3), should the petition be approved the Commission would be barred from designating any additional land owned by the Petitioner that may be identified by the City for designation as IAL under HRS§ 205-49. See Table 1 above for a summary of the Petitioner's land holdings.

Thank you for the opportunity to comment on the Petition. If you have any questions, please contact Lorene Maki of our Land Use Division at 587-2888.

Sincerely,



Leo R. Asuncion
Director

Exhibits


cc: Department of Agriculture
Department of Planning and Permitting, City and County of Honolulu


**LUC Docket DR18-64
Robinson Kunia Land LLC
Petition Area**


 Petition Area


 100 ft Elevation Contours


Slope Pct. (approx. acreage)

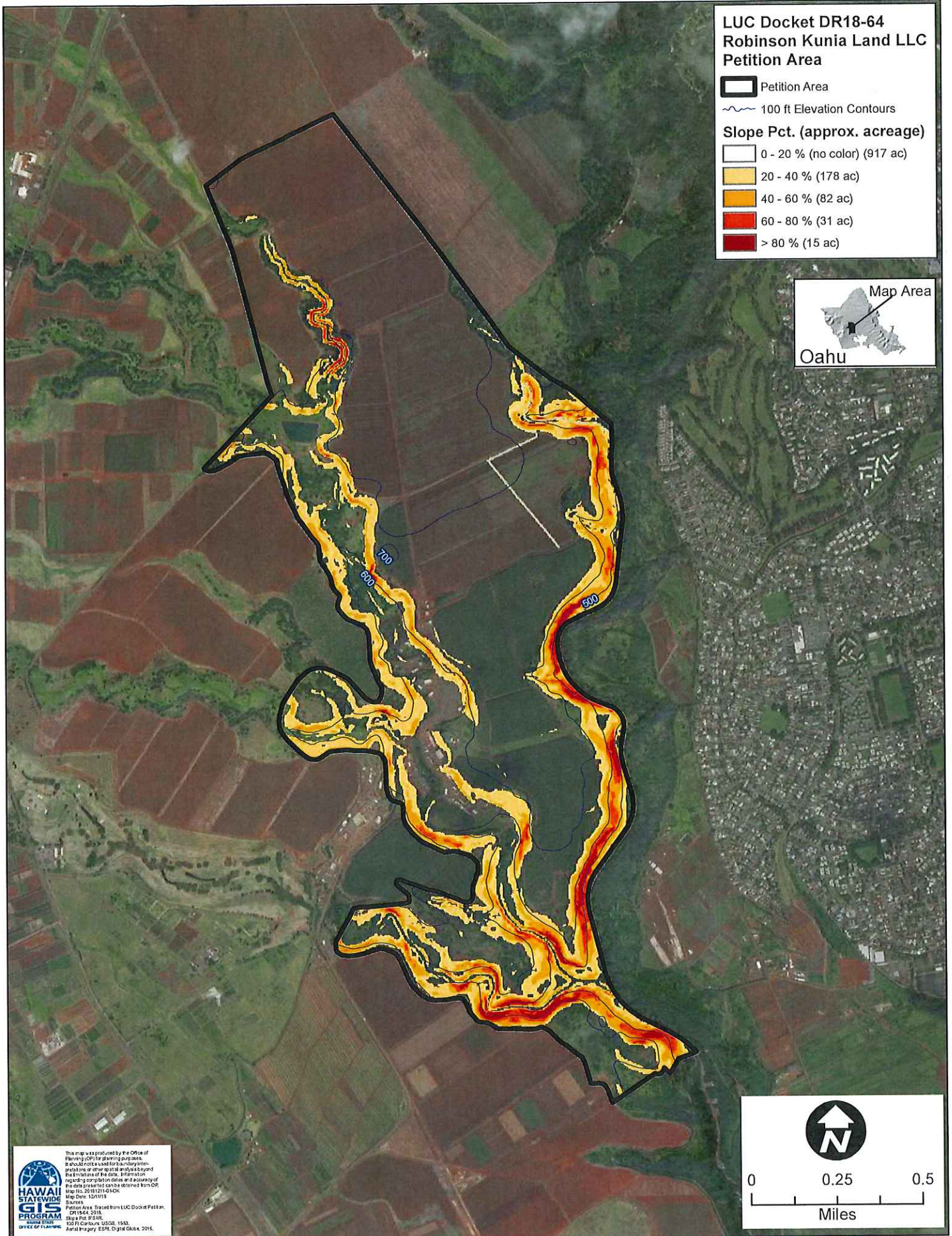
 0 - 20 % (no color) (917 ac)

 20 - 40 % (178 ac)

 40 - 60 % (82 ac)

 60 - 80 % (31 ac)

 > 80 % (15 ac)



This map was produced by the Office of Planning and Research for planning purposes. It should not be used for boundary information or other legal analysis beyond the limitations of the data. Information regarding the accuracy of the data presented can be obtained from OPR. Map No. 2018-121-03-02K. Map Date: 12/19/18. Sources: Petition Area: Traced from LUC Docket Petition, DR18-64, 2018. Slope and Elevation: 100 ft Contours: USGS, 1980. Digital Elevation: ESRI, Digital Globe, 2016.

