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Land Use Commission

Department of Business, Economic Development & Tourism

State of Hawaii

Conformance of C&C of Honolulu Important Agricultural Lands Recommendation to
Applicable Statutory and Procedural Requirements

Hearing, April 28, 2021, 9:00 AM

WRITTEN TESTIMONY COMMENTS of 174 Power Global

Chair Scheuer and Members of the Commission,

174 Power Global is fortunate enough to be involved in the development of renewable energy projects in Hawaii, including Oahu. I am grateful for the opportunity to help Hawaii achieve 100% renewable energy by 2045. With the risk of climate change becoming a greater reality every day, especially in an island environment, the need for clean renewable energy is greater than ever. We have just recently been informed of the Important Agricultural Lands recommendation to applicable statutory and procedural requirements and respectfully request that the Commission consider granting more time to allow potential impacted parties the ability to determine involvement in the process.

Thank you for your consideration.

April 28th, 2021

Dear Land Use Commission,

This is a response to a letter I received on November 7th, 2017 from the City and County of Honolulu Department of Planning and Permitting regarding the proposed Important Agricultural Lands (IAL) Map. I apologize for the late response to this notice as it read as only a recommendation. I understand that the map is to be finalized by the Land Use Commission in accordance with HRS 205-47 and I would like to make the argument to remove my property from the IAL designation.

My property lies at the sloping base of Mt Kaala and is only 9 acres, most of which is sloping and rocky soils. The TMK is 67002028.

I do not believe my property fits the following criteria, according to HRS 205-44. Please see my reasoning below each criteria in *italics*;

(1) Land currently used for agricultural production;

My property is not currently being used for agricultural production and has never been used for agricultural production other than cattle grazing by the neighbors, which was then only periodic as the land is bone dry during the summer. Cattle grazing has since ceased on my property as they are destructive to anything I do try to plant and have become a liability.

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

My property has the productivity rating of C, D and E grade soil as determined by the Land Study Bureau, A being the best quality for agricultural production and E being the lowest quality for agricultural production. Not only does the soil consist of mainly rock and clay, it also slopes from 12% to 80%, making tilling and grading difficult. The soils and slopes are not practical for growing most crops. I understand that many of the C, D and E grade agricultural properties are being used for wind or solar farms. However, I believe the zoning for these uses must also be AG1 and my property is AG2. Furthermore, the small size of the lot (9 acres) is not enough to create a productive energy farm.

(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;

I am not sure if my property was included in this system but if it was, it was probably "thrown in," as the surrounding parcels are all large 90+ acre lots of agricultural land that was used for sugar or mass cattle grazing in the past.

According to the Natural Resources Conservation Service Field Office Technical Guide Pacific Islands Area,

*"Lands not considered for classification within this system are developed urban lands over ten acres, natural or artificial bodies of water over ten acres, public use lands, forest reserves, **lands with slopes in excess of thirty five percent**, and military installations except undeveloped areas over ten acres."*

My property exceeds a slope of 35% in most areas.

April 28th, 2021

(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;

There is not enough water or any stream for taro cultivation. While coffee or cocoa may be able to be grown with sufficient water, the property itself is only 9 acres, most of that having steep slopes, which is hardly enough land for a considerable production.

(5) Land with sufficient quantities of water to support viable agricultural production;

While my property does have a well and water use permit for domestic, fire and agriculture use, it is unclear if the amount of 29,000 gallons a day will be sufficient. It is also my understanding that The Hawaii Commission on Water Resource Management is not giving any more water use permits for the Mokuleia aquifer.

With regard to agricultural water, many of the parcels surrounding my parcel to the north (Makai) have access to agricultural water from the old Dole Irrigation ditches, however, there is no access to this ditch from my property. While I believe I do have the "right" to this water, it would take lengthy easement negotiations to access that ditch and furthermore, that particular ditch has not been maintained and currently does not flow.

(6) Land whose designation as important agricultural lands is consistent with general, development, and community plans of the county;

While the current AG 2 zoning designation does make my property fit in accordance with the North Shore Sustainable Communities Plan, its best use would be a self-sufficient homestead rather than a large commercial producer. Any future farming products would be to support the families living on the land and potentially the occasional farmer's market booth. I do believe the City and County of Honolulu should consider a designation for homestead properties that are 10 acres or less, as I believe many local people would thrive being able to be self-sufficient. This IAL designation only takes into consideration the idea that all farmable land should be large commercial farms. There is a market for self-sufficiency, which could eventually contribute to small "boutique" farming operations and even agricultural tourism.

(7) Land that contributes to maintaining a critical land mass important to agricultural operating productivity; and

While my property may have been part of a mass grazing operation in the past, the parcels that were part of that operation have since been sold off to various different owners, who now want different things out of their land. That being said, the size of the lot (9 acres) of mostly sloping land is not sufficient for mass agricultural operations.

(8) Land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power. [L 2005, c 183, pt of §2; am L 2008, c 233, §18]

April 28th, 2021

The property is accessible by private easements with multiple coded gates. While those easement roads have been maintained in a manner that is sufficient for landowner access and fire access, they are not high traffic roads for mass commercial activity. The idea of a farm stand would be nice but its location is simply not convenient enough to Farrington Hwy.

Power was recently brought in to the corner of my property to accommodate the farm dwellings above my property but my lot has not yet connected to that power line.

Again, there is a well with a water use permit for domestic, fire and some agricultural use, however, it is unclear if that 29,000 gallons a day will be sufficient for large scale agriculture.

My testimony against the creation of an IAL map is as follows;

I am concerned that if my property is included in the IAL database, that it will further restrict me from maximizing the best use of my land, which is a self-sufficient homestead where myself and/or my workers are able to live. I am worried that the City will impose restrictions on building a home and living on the property if I am not able to prove a profitable agricultural business. Currently zoning allows me to build up to 2 farm dwellings on my lot.

I do not believe that City and State officials and legislators, who are proposing more restrictions on agricultural land, understand how much money it costs to provide agricultural infrastructure and then turn around and make a profit. Adding more layers of bureaucracy only hinders real economic growth in the agricultural industry. The permit lag time in of itself is completely absurd, not to mention the money it costs grade properly, invest in machinery, install irrigation, do R and D on the most viable crops, control pests and then sit around and wait for a product to grow. Meanwhile, the City thinks it should restrict people from living on that land and away from their hard labor only to pay rent somewhere for an astronomical price that is at least a 30 minute drive both ways. Furthermore, there continues to be rampant petty theft, especially on properties that are unable to house workers who can provide surveillance. Farm animals should also have 24/7 care.

Those of us who own small agricultural lots are not giant seed companies or huge corporate organizations. I understand Hawaii is slowly transitioning from a monocrop culture but the idea that the 1000s of acres of fallow agricultural land just sitting should somehow magically turn into swaths of organic food farms on the backs of small private parties is absurd. The State needs to provide incentives if that is their vision, not impose more restrictions. For once, I am hoping the City and State will pass laws that make it easier for people, not more difficult. If the IAL database will indeed make it more difficult to build homes on my property, please count me out. Whatever the intent is, I believe the owners of agricultural land need to know what that intent is before you convert our investments into a regulatory nightmare.

I appreciate your consideration of my request. Either way, I will look forward to your response in a timely matter.

Mahalo,

Ann Bendon
Kalea Properties LLC
808-754-4443
misskalea@hotmail.com

April 28th, 2021

IAL

In applying IAL, it's become clear that the State is using force and intimidation to coerce families into farming despite financial or impractical odds against it. Everyone knows agriculture is largely economically unfeasible for Hawaii because of its inherent costs.

If the Jones Act were removed, local farmers and ranchers would have direct access to supplies, materials, fertilizer, feed, etc. at low Asian prices from ships landing here directly from the Orient. Agriculture and all of Hawaii businesses would boom and diversify.

Yet, instead of creating real incentives for farming, the State applies the law and regulations to direct this industry's growth no different than socialist dictatorships.

The law creating IAL should be repealed for its infringement on an American fundamental principle – the right to private ownership especially when it embodies a family's heritage and roots like a home.

Thank you.

Gene Dumarán
c/o Minoru Kaneshiro Trust
87-1059 Papaya Rd.
Waianae, HI 96792
TMK#8701005

Gerald Gordon & Ambika Ramamurthy
PO Box 885
Waialua, HI 96791

April 28, 2021

Dear Hawaii LUC,

This is our testimony regarding the effectiveness and conformity to the HRS items governing the implementation of IAL program.

To date, we have only received one official letter (from the LUC dated April 12, 2021) regarding this issue. The only other letter that we received was from a neighbor and was a draft of a letter from a law firm researching the issue. We did attend the informational session in Haleiwa in 2016 when we were made aware of it by neighbors.

Frankly, we are shocked to see the huge differences in what was presented in the 2016 informational session compared to what is being presented now. We were assured at the 2016 meeting that there would be no changes in usage of our land and further assured that we would be included in future input of the shaping of the IAL implementation.

Lacking any communication between 2016 and the April 12, 2021 letter and having listened to the testimony presented at the LUC Zoom meeting on Weds, April 28, 2021, we are realizing that we could face severe hardships due to a process that has been mainly out of sight of the public view in contradiction to the governing statutes. The City and County of Honolulu has used a one-size-fits-all approach for designating IAL, this is not in anyone's best interests. Nor has the C & C of Honolulu disclosed to landowners what the criteria are for exemption from IAL designation; for example topography or lack of usable water or poor soil conditions, or parcel size.

We want to state on record, that we wish to opt out of IAL designation on any portion of our property TMK 66-028-024. Additionally, we want to bring to your attention that Appendix H incorrectly indicates our property area to be 1.89 acres, the correct area is 1.721 acres.

Respectfully,
Gerald Gordon & Ambika Ramamurthy
808 221 8362 808 277 6985
gerambi@gmail.com

From: [Gordon](#)
To: [DBEDT LUC](#)
Subject: [EXTERNAL] TMK #86008026
Date: Wednesday, April 28, 2021 3:48:22 PM

Aloha,

This is my written statement that we did not receive any information by mail or any sort of information on the IAL from the City and Country. I also want to go on record that the land that is on the the TMK list has not been used for agricultural for decades. This property has been our family since 1953. The dirt and land is not made for agriculture. Please accept this as a written statement that we did not receive any notification from the City and County accept the recent letter dated April 12, 2021. Mahalo



Land Use Commission
Department of Business, Economic Development & Tourism
State of Hawaii

Conformance of C&C of Honolulu Important Agricultural Lands Recommendation to Applicable
Statutory and Procedural Requirements

WRITTEN TESTIMONY - COMMENTS
Hearing, April 28, 2021, 9:00 AM

Frederick Redell
Executive Director
Hawaii Clean Power Alliance

Chair Scheuer and Members of the Commission,

My name is Frederick Redell, and I am testifying on behalf of Hawaii Clean Power Alliance (“HCPA”) and provide the following comments regarding “Conformance of C&C of Honolulu Important Agricultural Lands Recommendation to Applicable Statutory and Procedural Requirements”. HCPA has concerns regarding the Important Agricultural Lands (“IAL”) process and IAL Recommendation and respectfully requests that the Commission postpone action on this matter for the reasons noted below.

As you know, the State has made the development of renewable energy projects in Hawaii a priority and has mandated that the State achieve a 100% renewable portfolio standard and carbon neutrality goal by 2045. The LUC should note that designating lands as IAL will impose additional regulatory restrictions on landowners and will potentially negatively impact the development of renewable projects in Hawaii. Renewable energy projects are sited on lands that often overlap with lands that are zoned agricultural and are now proposed to be designated as IAL. The County’s proposed designation would classify a significant portion of land on Oahu as IAL and impose additional restrictions upon the land for uses that are not primarily agricultural in nature.

The issue of land use is more critical now than ever given that the AES Coal Plant will be closing in 2022, which the State’s Public Utilities Commission has indicated will potentially cause instability and blackouts to the electric grid, and significantly increase energy prices for customers.



HCPA believes that the State should not be making it more difficult to develop renewable energy projects to fill this void. As stewards of the land, the State must look at all of the sustainable issues holistically in relation to each other, including agriculture, economic development, housing and energy. Hawaii consumers, including farmers, already pay the highest energy bills in the nation and adding additional burdens to siting renewable energy projects will only drive prices even higher.

Hawaii Revised Statutes § 205-47(d) requires the counties, upon identification of potential lands to be recommended as potential IAL, to "take reasonable action to notify each owner of those lands by mail or posted notice on the affected lands to inform them of the potential designation of their lands." Although the County self-reports that the landowners were notified by mail on two separate occasions, (County Report, pp. 34, 54), the County's recommendation is based upon a report that is dated August 2018. The last Technical Advisory Committee meeting convened by the County occurred on June 19, 2013, over 5 years before the County's recommendation was submitted to the LUC, which is now almost 8 years ago. The County's notices to landowners that their lands could be designated as IAL were sent in December of 2016 and November of 2017. The last notices to landowners were mailed 3.5 years ago.

Of note, a total of 74 written comments were received from approximately 1,800 landowners, which constitutes a 4% return rate (County report p. 54). Ninety percent of those comments were from landowners, including farmers, who expressed dissatisfaction with the lack of notification, the lack of process and with the designated inclusion of their lands in the County's IAL recommendation. HCPA respectfully submits that too much time has passed. HCPA questions whether current landowners will have the opportunity to agree, comment or object now. Also, given that there are existing renewable energy facilities and/or PUC approved projects on some of the IAL identified parcels, why were those landowners not included in the Technical Advisory Committee? Given the 4% response rate and negative comments from landowners, will the County be required to further engage with the notification procedure and solicit meaningful feedback? In light of these concerns, HCPA respectfully requests that the LUC postpone action on this matter until further information can be gathered, and further discussion had, regarding the process and whether it conformed to statutory requirements.

Lastly, HCPA notes that the LUC's Meeting Agenda requests written testimony no later than 24 hours before the hearing. However, HCPA understands that the applicable regulations, including HAR §§ 15-15-125 and -109(e), provide HCPA 10 days after the hearing date within which to submit written testimony, as noted by the LUC staff in its February 11, 2021 presentation.

Thank you for the opportunity to provide this testimony regarding the IAL Recommendation.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Redell", written in a cursive style.

Frederick Redell, PE

Executive Director

(949) 701-8249

www.hawaiicleanpoweralliance.org

From: [Kirk Horiuchi](#)
To: [DBEDT LUC](#)
Subject: [EXTERNAL] City and County of Honolulu Designation of Important Agricultural Lands (IAL)
Date: Tuesday, April 27, 2021 4:54:04 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Aloha State of Hawaii Land Use Commission,

I am writing regarding the proposed designation as IAL of some of the lands owned by the Weinberg Foundation through its subsidiary, HRT Realty, LLC. Those properties are located in Maunawili Valley and have the following TMKs:

4-2-006-001
4-2-006-008
4-2-007-001
4-2-008-001
4-2-009-001

We only recently learned that these parcels are being considered for dedication as IAL because the notices were being sent to a staff member that is no longer with the Foundation. Currently, there is no active farming, no plans for farming, and we are not aware of any active water sources on these properties. We therefore respectfully request more time to consider the impact of the IAL designation for our properties.

Sincerely,
Kirk Horiuchi



The Harry and Jeanette Weinberg Foundation

Kirk Horiuchi, Director, Asset Management Hawaii Real Estate

3660 Waiialae Avenue, Suite 400, Honolulu, HI 96816

E: khoriuchi@hjweinberg.org **P:** 808-983-7110

Click [here](#) to subscribe to our e-newsletter!

www.hjweinbergfoundation.org   

From: [Funaki, Leo](#)
To: [DBEDT LUC](#)
Subject: [EXTERNAL] Testimony on IAL Designation
Date: Wednesday, April 28, 2021 10:39:06 AM

Hello Land Use Commission,

What is the reason for the designation of our land to be IAL? Was there a motion filed by a specific group or person?

If so, I believe there may be nefarious reasons in order to acquire federal grants with ease. Please let me know if the motion was filed by a company/specific person as that person may be involved with the owners of our property.

If that is the case you should definitely look into these persons before proceeding with the designation.

Thank you!

Best Regards,

Leo Funaki

Marketing Associate / Greenhouse Manager

IDEC CORPORATION / IDEC Environmental Solutions LLC

1175 Elko Drive

Sunnyvale, CA 94089-2209

Phone: 408-745-5268

Mobile: 408-664-8108



PLC & HMI Training webinar recordings:

https://www.youtube.com/playlist?list=PLdozz_7mqoUxTgj4GYxMe_UV-XmYMoaWm

Product Training webinar recordings:

https://www.youtube.com/playlist?list=PLdozz_7mqoUwirAK8ieCOWRSIvzPDIEAY

Presentation Material for each webinar:

http://lp.idec.com/PLC-Live-Training-Webinars---032020---US_PLC--HMI-Live-Training-Webinar-Materials.html

From: [lynda.pelayo](#)
To: [DBEDT LUC](#)
Subject: [EXTERNAL] Testimony - IAL
Date: Wednesday, April 28, 2021 12:15:23 PM

To the Land Use Commission Members,

I am an Ag 1 landowner in Waialua who has recently received the LUC April 12 letter notifying us about our land being designated as Important Agricultural Land. I recall about a year or more ago receiving a vague letter about this from someone that had very little information in it, just really a notification that our land might be included in this. That letter had no call to action and as I stated, very little information about what that would mean to us. My overall impression was that it might be a favorable thing for us, as the name Important Agricultural Land would imply. I was never contacted again either by email, or written mail, or phone again until the LUC April 12th letter.

As an owner of 100% off-grid ag land that had not been set foot on in the last 100 years by farmers, only by cattle, we have spent the last 5 years clearing rocks, halekoa, cat claw, California grass, old broken fences and other non-indigenous weeds in order to prepare our land for possible agricultural growing use. We have no access to water, electricity, or even workers as our easement road to access our land is impassable for many of the winter months due to mud caused by rain and flooding of the river we must cross twice to access our place. These are already extremely difficult conditions under which to successfully plant and maintain and grow, especially since we are not permitted to build a dwelling. At least 75% of our land is rock-covered hillside with a very steep grade. We have invested time and money to be able to farm the remaining area. There is no way we will ever recoup what we have invested by selling agricultural products. Hawaii's labor laws, compliance, etc are preventing this from ever happening. This latest IAL designation is just another obstacle. The cost of our land, the cost of water, electricity, etc...all infrastructure we must build ourselves and pay for just to get basic water and farming needs met will never be covered. Still, we have wanted to grow and have been willing to make this investment in the Aina.

Now the LUC and the City and County are actively working against us in the name of encouraging agricultural use of this land. It's so demoralizing. We are small, and to go up against the cadre of commissions, government departments, law firms and politicians is overwhelming for us. We don't have the \$80,000-\$100,000 I've been quoted to hire a law firm to make the 51% designation for our IAL so that we can maybe invest hundreds of thousands more to maybe get reimbursement via a tax credit....how does this make fiscal sense for us? We are being screwed. The big land owners have already somehow magically discovered these piles of money and have hired their own lawyers to get it. Typical age old Hawaii politics story of the big land owners getting richer and the little guy getting harmed.

This entire process has been non-existent. I've had to scramble in the last few weeks to try to get educated, as have all of our farming neighbors. Most of our land burdened up this summer in a wild fire, so luckily we know many of our neighbors who came to help us. We are all shocked and surprised by this IAL development and running around trying to find out what it means to us and what course of action is opened to us. We have been blindsided. The City & County have done NOTHING to inform us, or help us. They are not farmers, and obviously have no agenda other than political. They are killing ag, not encouraging ag.

We've been told by real estate appraisers that they are now going to reduce the value of any ag land on Oahu by at least 25% when doing their appraisals. Most buyers of ag land can't even get a mortgage from a bank as it is and this additional burden will eliminate even more prospective buyers. Do you want to buy a beautiful lot? I'm ready to give up. Is this what the government really wants? Is this part of a land grab? I don't know what's happening...other than my dream of having a small farm is dying by the day.

I also want to add that if other people have ag lots where they are allowed to build a house and live there, what is wrong with that? Every single place in America has "gentlemen" farm lots where people can choose to live. Why can't we have that in Hawaii? Why do only a few luna get to live that way?

I have waited 3 hours on zoom call this morning to have a chance to say this at the "public hearing". It's pretty outrageous that this major issue that is affecting people's livelihoods is also not given precedence and a special time. You guys knew how many people were upset and yet in addition we have to spend possibly 2 days out of our work day to try to get our voices heard. People have jobs and can't afford to do this. I know you're trying to help but this entire thing is just a mess. The city and county have caused such a scramble and panic during a pandemic when we all already have loss of livelihood, etc that this is unkind and unprofessional and really hurting people.

Mahalo,

Lynda Pelayo
John Dagny, LLC
Waialua, Oahu

From: [Hakoda, Riley K](#)
To: [Quinones, Natasha A](#)
Subject: FW: C&C of Honolulu - Important Agricultural Lands (IAL) Designation
Date: Wednesday, April 28, 2021 6:18:20 AM

IAL

From: Marisa McKnight <mochi_crunch46@hotmail.com>
Sent: Tuesday, April 27, 2021 6:57 PM
To: DBEDT LUC <dbedt.luc.web@hawaii.gov>; Hakoda, Riley K <riley.k.hakoda@hawaii.gov>
Cc: mimcknig@hawaii.edu; Lily McKnight <lilymcknight@yahoo.com>; Matthew Mcknight <matthew_mcknight@rocketmail.com>
Subject: [EXTERNAL] C&C of Honolulu - Important Agricultural Lands (IAL) Designation

Date: 04/27/2021

To: Executive Officer Daniel E. Orodenker

Subject: C&C of Honolulu - Important Agricultural Lands (IAL) Designation

On April 12, 2021 we received a letter from the Land Use Commission, stating that our property has been proposed for designation as Important Agriculture Land (IAL) by the City & County of Honolulu.

First off, we would like to voice our concerns, due to the lack of knowledge of this proposed designation; we want our parcel taken off this IAL list. Here are the reasons why:

1. We were given short notice of this potential change via the aforementioned letter.
2. We were blindsided by this proposal as we were not aware of this proposed designation.
3. We did not ask to be included on this list IAL. Which we feel is our right as property owners.
4. We were not nor have yet to be given any information pertaining to this proposed designation.
5. We were not given an opportunity to protest or oppose this proposal. We were not given a voice.

Here are our questions:

1. What does this proposal mean?
 1. How does it impact us & our property?
2. Does this proposal apply to our whole property?
3. What if we don't want to be designated as IAL?
 1. Will we get a chance to petition?

4. How does this affect people who decide to no longer farm?

1. What if they want to develop their land another way?

Sincerely,

Matthew I. McKnight I

Lily McKnight

Matthew I. McKnight II

Marisa McKnight

(808)382-1008

85-620 Waianae Valley Road

Waianae, HI 96792

TMK: 85019044

State of Hawai'i Land Use Commission
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, Hawai'i 96804-2359

Land Use Commission Meeting
April 28, 2021 & April 29, 2021

Via e-mail
<dbedt.luc.web@hawaii.gov>

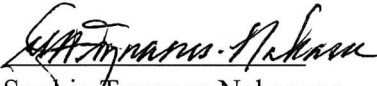
Re: Agenda item 5: Conformance of C&C of Honolulu Important Agricultural Lands (IAL)
Recommendation to Applicable Statutory and Procedural Requirements - **Lack of Due Process**

Aloha Chair Dr. Jonathan Likeke Scheuer and fellow commissioners:

I, Sophia Niaulani Tynanes-Nakasone am the manager and co-owner of the 3-acre property at 41-689 Ahiki Street Waimānalo, HI 96795 with TMK 41024049:0000 which is recommended by the City and County of Honolulu for Important Agricultural Lands (IAL) designation. Our family is unaware of being properly noticed nor invited to participate in the IAL designation process. As such, we request your assistance to ensure that our 'ohana and those like us will be afforded any and all appropriate due process before your commission decides whether or not our property should be a part of Oahu's IAL. We are especially concerned with being designated as an IAL because we provide sale and service of machinery used in agricultural production in addition to our subsistence and crop cover seed farming. Please afford 'ohana like mine and others appropriate due process.

Mahalō for the opportunity to share with you.

Sincerely,



Sophia Tynanes-Nakasone

Property Manager

<tynanesnakasone@gmail.com>

April 26, 2021

Land Use Commission
Department of Business, Economic Development & Tourism
State of Hawaii
235 South Beretania Street, Suite 406
Honolulu, Hawaii 96813

Dear Board Members:

My wife Malia and I purchased our agricultural lands with the goal of creating a diversified agriculture project. We have done considerable erosion control on the steep slopes and native out plantings. We started a 501C3 called Plant a Tree Hawaii to help facilitate reforestation on the North Shore. We have cattle grazing the land and we are managing the land to the best of our ability.

Both Malia and I are born and raised on Oahu and I am part Hawaiian. We understand and support the goal of preserving Agricultural Lands but we do not feel the IAL process and structure supports the local land owner.

We feel IAL should be a voluntary process and allow the Hawaii citizens and landowners to rightfully choose if they desire their land to become IAL. IAL should not be forced on the Landowner.

A petition was created April 17th 2021 and circulated through Change.org. This petition can be viewed by clicking this link. <http://chnng.it/HSDbhSsm9h>. This petition has been signed by over 350 residents who request that IAL be voluntary. The petition states the following deficiencies in the State and City Process below:

1. IAL may prevent future conservation easements, which has been a great vehicle to conserve land on the North Shore.
2. City and County of Honolulu did not contact landowners adequately to conduct an agricultural economic feasibility analysis on each property proposed in the map. This requirement is outlined in the LUC 15-15 admin-Rules 10.19.19. Under 15-15-125 "B" "5" "D" Viability of existing agribusinesses.
3. IAL is trying to limit occupancy in dwellings to "actively farming" tenants only. This could profoundly affect the cost of leases and land and will limit Kupuna and other retired farmers from living on their land.
4. Large landowners like Kamehameha Schools, Castle and Cooke, etc. have designated 51% of their lands to be IAL while preserving the other 49%. Over 1800+ small landowners have not had the proper notification, understanding, or financial resources to navigate this process due to Covid and the complexity of §205-47. These landowners will be forced to contribute 100% of their land into IAL.

5. If our agricultural land becomes IAL, landowners will have to navigate the City and County's arduous petition processes and will be forced to deal with the State's already overburdened Land Use Commission. This will hinder the growth of future agriculture diversification by increasing the cost of maintaining and expanding the use of agricultural land.

6. If properties were purchased within the last three years, the new owners have had no prior notice of IAL.

7. The voluntary process for IAL allows landowners to employ a thorough, on-the-ground review process to identify important agricultural lands for designation. In contrast, for example, the City's proposed IAL lands were determined through mass analysis of GIS data and include lands that are currently paved or otherwise encumbered with improvements, lands that border residential neighborhoods, have steep slopes, poor soil conditions, or are unable to support infrastructure conducive to agricultural productivity (water, power, transportation to markets, etc.).

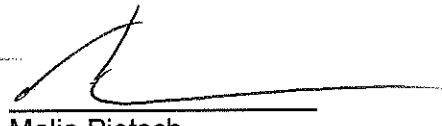
8. Kauai, Maui, and Hawaii counties chose not to submit IAL maps and force this on their citizens.

If there is an opportunity to speak to the LUC privately or at a meeting Malia and I would be happy to speak to the LUC regarding our concerns. We appreciate the help and support of the landowner.

Sincerely,



Michael B. Pietsch



Malia Pietsch

From: [Robert Moran](#)
To: [DBEDT LUC](#)
Subject: [EXTERNAL] Written testimony opposing redesignation of my agricultural land
Date: Tuesday, April 27, 2021 8:15:02 PM

I own eight parcels of agricultural land on Emerson Rd for informational purposes tax map keys are 62004003,29,50-54 and another one recently purchased

I have approximately 30 to 40 people living on the property we are doing farming but if you check the Maps Haleiwa is bracketed on either ocean side by public parks the only growth pattern is Mauka you are essentially Taking all of my property from any future potential some of my parcels are as small as 5000 ft.² how in the world can that be required for essential agriculture purposes 5000 ft.² my new purchase is 14,000 ft.² and next-door is Kamehameha schools property next to that it's zoned residential so why in the world would you think out of all the land that the big landowners have and they made deals early on which I could not because I don't have a lobbyist on my payroll I'm just A little guy

I am two doors from residential zone property and yet I'm essential for agricultural purposes would you please provide me information on a profitable crop that can be grown on 5000 to 7000 ft.²

I applaud what you are trying to do although a bit late since the prime agriculture land became the new city not to mention the growth around Mililani and yet my little parcels down on the river by Hale'iwa are so important

It doesn't seem fair or justified I humbly request you not re-zone my property

Mahalo

Robert Moran

808-258-9746

Sent from my iPhone

From: [RT Distributors](#)
To: [DBEDT LUC](#)
Subject: [EXTERNAL] Re. IAL designation, testimony opposed, due process violated.
Date: Wednesday, April 28, 2021 1:57:26 PM

It appears the City and County did not follow their own criteria for designating our small "Country" zoned parcel of 7.35 acre. Our parcel which is located on one side of a steep valley at the bend of a stream, and which has NO DESIGNATION AS AGRICULTURAL and very little space for agriculture. Our objection to IAL designation was denied. It seems like no one even reviewed our objection. How can we be a IAL with no agriculture lands? This was not fair and appeared rushed though. Please allow more time to fight the designation for our property. Original opt out letter below.

How can we be determined to be into ag lands when we are zoned a "Country"- Residential property, with no portion of Agricultural ?

TMK 41010018

Ron Tubbs
Mary Tubbs
Waimanalo, Hawaii
808-259-9997
808-927-5013
rtlivefish@gmail.com
rtubbs@hawaii.rr.com

HHF PLANNERS
RE: IAL Mapping Project
733 Bishop Street, Suite 2590
Honolulu, Hawai'i 96813

3/21/17

Re: Exception from Important Agricultural Land Designation for
TMK Parcel – 410100180000
Located at 41-950 Kakaina St., Waimanalo, HI 96795
Owners: Ronald J. and Mary S. Tubbs
Email: rtubbs@hawaii.rr.com
Total Acreage affected: .735 acres

Dear Planners,

We are asking for our Country zoned small parcel to be excluded from the list of lands recommended for Important Agricultural Land (IAL) designation for the following reasons:

1. The topography and slope of the land, make the parcel a poor choice for farming. It is on a steep hill which slopes down to a small stream at the border of the property. Accordingly, the property is not now, nor to our knowledge has it ever been used for plant agricultural production.

2. There is very little space for farming. The overall size of our Country zoned parcel is small (.735 acres).

3. The usable acreage for open farming is further reduced by numerous large trees on the property, a large house, a storage quanset hut, a workshop, paved driveways, a rock retaining wall for parking area, and a tent covered boat parking area.

4. The two remaining small grass yard areas are not large enough for any sustainable, profitable farming.

Making our property have an IAL designation would be a poor choice due to its unsuitable topography, slope, and lack of space. We hope you find that our property does not meet the IAL needs. If you require further explanation we hope you give us a chance to provide more information.

Thank you for your consideration in this matter,

Ron and Mary Tubbs

From: zipnbro@twc.com
To: [DBEDT LUC](#)
Subject: [EXTERNAL] IAL Contested Designation Request
Date: Wednesday, April 28, 2021 9:43:14 AM

TRADEWINDS QUARTER HORSES LLC and TRADEWINDS PET SUITES
86-608 Puuhulu Rd.
86-620 Puuhulu Rd.
Waianae HI 96792
TMK: 8-66-008-023; 8-6-008-024

RE: Conformance of C&C of Honolulu Important Agricultural Lands (IAL) Recommendations

TO: The Land Use Commission Members via email (dbedt.luc.web@hawaii.gov)

Tradewinds Quarter Horses LLC at the above referenced TMKs is hereby registering a formal objection to being included in the IAL designation for the following reasons:

1. The C&C of Honolulu did not fully discuss the details and consequences of how an IAL designation could impact properties.
2. The narrow criteria the C&C of Honolulu used for recommending an IAL should not be adopted by the Land Use Commission. A more comprehensive process should be utilized.
3. In accordance with HRS 205-47(d)(5) the C&C of Honolulu did not provide a format for the stables and animal boarding facility to articulate its position on being designated as an IAL.

At this time a Contested IAL Designation is also being requested.

Respectfully,

Sandra Van, President
808-526-1708
zipnbro@twc.com

From: [Sandy Van](#)
To: [DBEDT LUC](#)
Subject: [EXTERNAL] Opposition to Proposed IAL Law/Statute 205
Date: Tuesday, April 27, 2021 5:45:40 PM

Aloha,

Please stop the planned IAL program. It is in effect “eminent domain” without the benefit of the county being required to pay “fair market value” for the property it seizes. The proposed statute:

- Has not been effectively communicated to property owners
- Is sweeping in nature
- Will disproportionately impact elders and small multi-generational farms/properties
- Does not take into consideration the fact that small property owners (an acre or two) cannot possibly generate enough revenues from “active agricultural” pursuits to meet the threshold outlined in the bill.
- Does not account for the fact that different parts of the island have vastly differing expenses due in large part to rainfall (Wai’anae vs. the North Shore, for example). Farming at the proposed level on the Leeward side requires irrigation – expensive to put in initially and even more expensive in month-to-month water bills.
- Does not account for the fact that there is wide variation in soil quality and therefore in crop production levels.
- Forces elders off the land completely or compels them to sell their property at a fraction of its current value. After years of hard work and saving, it is unconscionable to arbitrarily take from seniors their most valuable asset at the time in life when they need it the most.

I am 64 years old and have lived in Wai’anae since 2005 in Lualualei Valley, my adult children live on the property as well. Under this proposed statute, they will no longer be able to live here, representing a potential safety/security risk to me. The plan is for the land to pass to them when I die – assuming I am not forcibly displaced before then.

I would also note that although I have lived on this property since 2005, not once have I been notified by the City and County that anything like this was being considered. I suspect that like me, many of my neighbors who will also be impacted by this, have been so busy working and trying to keep our heads above water (especially this past year), that we did not realize that our homes, land and small businesses were in jeopardy. Notification, education and consultation have not occurred, and the timing of this could not be worse.

Instead of forcing properties into the IAL program, why not approach this from a positive perspective? Offer incentives and support and set goals that are achievable based on the unique situation of each parcel. This could be in the form of tax relief and/or waivers, etc. Allow those who wish to designate their land as IAL to do so and provide them with incentives, but make it voluntary.

Additional deficiencies in the State and City and County process:

1. IAL may prevent future conservation easements, which has been a great vehicle to conserve land on the North Shore.
2. City and County of Honolulu did not contact landowners adequately to conduct an agricultural economic feasibility analysis on each property proposed in the map. This requirement is outlined in the LUC 15-15 admin-Rules10.19.19. Under 15-15-125 “B” “5” “D” Viability of existing agribusinesses.
3. IAL is trying to limit occupancy in dwellings to “actively farming” tenants only. This could profoundly affect the cost of leases and land and will limit Kupuna and other retired

farmers from living on their land.

4. Large landowners like Kamehameha Schools, Castle and Cooke, etc. have designated 51% of their lands to be IAL while preserving the other 49%. Over 1800+ small landowners have not had the proper notification, understanding, or financial resources to navigate this process due to Covid and the complexity of §205-47. These landowners will be forced to contribute 100% of their land into IAL.
5. If our agricultural land becomes IAL, landowners will have to navigate the City and County's arduous petition processes and will be forced to deal with the State's already overburdened Land Use Commission. This will hinder the growth of future agriculture diversification by increasing the cost of maintaining and expanding the use of agricultural land.
6. If properties were purchased within the last three years, the new owners have had no prior notice of IAL.
7. The voluntary process for IAL allows landowners to employ a thorough, on-the-ground review process to identify important agricultural lands for designation. In contrast, for example, the City's proposed IAL lands were determined through mass analysis of GIS data and include lands that are currently paved or otherwise encumbered with improvements, lands that border residential neighborhoods, have steep slopes, poor soil conditions, or are unable to support infrastructure conducive to agricultural productivity (water, power, transportation to markets, etc.).
8. Kauai, Maui, and Hawaii counties chose not to submit IAL maps and force this on their citizens.

Please stop this.

Mahalo,

Sandra Van
86-626 Puuhulu Rd.
Wai'anae HI 9792
808-206-4576

TMK: 8-6-008-024
TMK: 8-6-008-023

April 28, 2021

State Land Use Commission
PO Box 2359
Honolulu, HI 96814-2359

RE: Conformance of C&C of Honolulu Important Agricultural Lands (IAL) Recommendations
Land Use Commission Meetings April 28-29, 2021

Dear Members of the State LUC:

I am one of the owners of some of the lands being considered for the designation of Important Agricultural Lands.

I'm not sure if the Commission is aware of the petition with nearly 500 signatures opposing this designation of lands but I have included the link below.

https://www.change.org/p/hawai-i-state-land-use-commission-stop-hawai-i-state-control-of-private-ag-lands?recruiter=58723797&utm_source=share_petition&utm_medium=email&utm_campaign=psf_combo_share_initial&utm_term=bb7a7518a88d47628b588def7d3243f4&recruited_by_id=f262ee00-e043-0130-173d-00221964dac8&use_react=false

I submit this along with my personal testimony as evidence that the County's recommendation for the designation of Important Agricultural Lands does not comply with section 205-47, specifically Part B which clearly states that this recommendation was to be made in consultation and with the cooperation of the affected landowners. As a landowner, I can attest to the fact that that did not happen.

This section states that this was to be inclusive. It was not. Proper notice was to be given. That didn't happen. The landowners whose lands were subject to this designation would be given a chance to offer written statements and some have. But I have to argue that we were not given the sufficient and/or reasonable notice that would allow us the time and opportunity to research and craft our statements.

The nearly 500 signatures on this petition show there is more than just a few of us who feel this way and these facts alone prove that County did not comply with section 205-47.

My neighbors and I received a letter dated April 12th but that I only received a few days ago, and that letter is informing us of a meeting, that it states, we should attend on March 24th and 25th which is impossible to attend without access to a time machine because that is nearly a month after the fact.

Had this been handled properly and had landowners been included in this meeting or any attempt made to include and notify landowners as the sections require, perhaps the County would be in compliance but they are not.

The landowners were not consulted or included, and there certainly was no attempt of cooperation as section 205-47 stated there needed to be for the County to be in compliance.

Further complicating things is that the language defining this designation's details is vague and ambiguous with a lack of adequate punctuation. Before we move forward it needs to be rewritten and it actually needs to be rethought.

In closing, I'd like to state that a lot of the ideas here I believe are well intended but are held over from a system adopted in the 1970's that fails to understand how agriculture has changed. It's meant for a market and scale that is dramatically different than what we have today. We cannot scale our operations the way we could have then.

These smaller TMKs, like I own, sat vacant when Dole stopped using them. Hawai'i stopped being able to compete internationally but are preserved by us small scale local farmers and owners and are protected under existing laws. However, they will sit vacant again if the farmers and investors can't remain capable of pivoting as markets, technologies, and times change. The approach we are considering will seemingly limit that ability and in the end may kill our industry instead of preserving it.

Sincerely,
Sean Anderson

From: [Sean Ginella](#)
To: [DBEDT LUC](#)
Subject: [EXTERNAL] Opposition to IAG
Date: Wednesday, April 28, 2021 8:56:00 AM

Aloha

I have been notified on April 12th of the intent of the LUC and the C&C of Honolulu, to place a designation of "Important Ag Lands" on our property.

Without any real meeting notices, you should have contacted land owners directly about meetings regarding this.

I am strongly opposed to the placement of said designation on my property or any of the other landowners that this IAG would be a negative impact to them for the following reasons:

Places additional, unnecessary regulations and restrictions on me as a landowner, when the Ag-1 zoning is already highly restrictive.

Imposes illegal limits and restrictions on who can occupy our farm dwelling.

Imposes unjust fines and penalties for not adhering to additional restrictions.

There are no clear rules or definitions as to what constitutes "actively farming".

The C&C of Honolulu has no current ability to administer and enforce additional restrictions and regulations.

The placement of the IAL designation is highly arbitrary and inconsistent, State land in Wahiawa the city and county and state own sit fallow with no farmers on it like the Galbraith estate.

Our soils are poor, and do not meet the test for A or B grade ag soils, needed for the IAL designation.
Additional layer of bureaucracy and governmental oversight and restrictions will serve to devalue our property. *
The IAL designation provides NO incentives or benefits to small famers/land owners, only additional burden. *
It is literally impossible to generate steady revenues from a small farm. Further, there is no probitability in small farms.

Revenue and/or profit tests associated with the IAL designation are impossible to meet.
Additional governmental bureaucracy, overseeing an already highly restrictive creates a burden to landowners and regulated zoning is completely unnecessary, and places unfair burdens and restrictions on property owners.

Mahalo
Sean Ginella

From: [serge.krivatsy](#)
To: [DBEDT.LUC](#)
Subject: [EXTERNAL] April 29, 2021 Agenda Item - Testimony Opposing IAL Designation of My Land
Date: Tuesday, April 27, 2021 10:08:50 PM

Aloha,

I am a local resident born and raised in Hawaii and I own a small piece of agricultural land on the north shore of Oahu. I was unaware of the recent proposal to classify my land as Important Agricultural Land (IAL). I am writing to **oppose** this proposed new classification.

First of all, I do not believe the City followed the appropriate procedures in pursuing this new classification as I do not recall having the opportunity to comment on this proposal. If I did I would say my land is definitely not Important Agricultural Land as the soil is terrible! I am currently growing citrus on the property and have a variety of lemon, lime, orange and tangerine trees with limited success. My land is not fertile and has very clay-like soil with poor drainage.

We have bought and built a house on this property to serve us for generations. Based on proposed restrictions which are contemplated for IAL, we could be challenged to generate enough revenue to justify calling ourselves a farm and are concerned my children or grandchildren would lose the property due to these potential restrictions.

Please reject this proposed new classification so we can continue to keep our property without the worry of trying to meet any current or future new restrictions which may come as a result of the IAL classification.

Mahalo for your consideration.

Serge Krivatsy
(808) 351-0161

State of Hawai'i Land Use Commission
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, Hawai'i 96804-2359

Land Use Commission Meeting
April 28, 2021 & April 29, 2021

Via e-mail
<dbedt.luc.web@hawaii.gov>

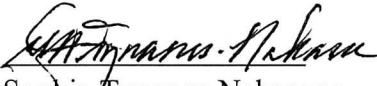
Re: Agenda item 5: Conformance of C&C of Honolulu Important Agricultural Lands (IAL)
Recommendation to Applicable Statutory and Procedural Requirements - **Lack of Due Process**

Aloha Chair Dr. Jonathan Likeke Scheuer and fellow commissioners:

I, Sophia Niaulani Tynanes-Nakasone am the manager and co-owner of the 3-acre property at 41-689 Ahiki Street Waimānalo, HI 96795 with TMK 41024049:0000 which is recommended by the City and County of Honolulu for Important Agricultural Lands (IAL) designation. Our family is unaware of being properly noticed nor invited to participate in the IAL designation process. As such, we request your assistance to ensure that our 'ohana and those like us will be afforded any and all appropriate due process before your commission decides whether or not our property should be a part of Oahu's IAL. We are especially concerned with being designated as an IAL because we provide sale and service of machinery used in agricultural production in addition to our subsistence and crop cover seed farming. Please afford 'ohana like mine and others appropriate due process.

Mahalō for the opportunity to share with you.

Sincerely,


Sophia Tynanes-Nakasone

Property Manager

<tynanesnakasone@gmail.com>

Land Use Commission
Department of Business, Economic Development & Tourism
State of Hawaii

Conformance of C&C of Honolulu Important Agricultural Lands Recommendation to
Applicable Statutory and Procedural Requirements

WRITTEN COMMENTS
Hearing, April 28 and 29, 2021, 9:00 AM

Chair Scheuer and Members of the Commission,

My name is Jodi Yamamoto, and my firm represents Kahuku Wind Power, LLC ("Kahuku Wind"), which recently received notice from the State of Hawaii's Land Use Commission ("LUC") informing Kahuku Wind that the City and County of Honolulu ("County") has proposed for designation as Important Agricultural Lands ("IAL") certain property owned or leased by Kahuku Wind and on which Kahuku Wind's renewable wind energy project is located in Kahuku. Kahuku Wind has concerns regarding the IAL process and proposed designations but has not had adequate time to fully evaluate the process and compliance or non-compliance with that process. Please note that the City and County real property tax records reflect Kahuku Wind's interests as owner or lessee of lands proposed for IAL designation and ownership is recorded in the Land Court of the State of Hawaii.

Accordingly, Kahuku Wind respectfully requests that the LUC postpone action on this agenda item to provide it and other landowners with adequate time to consider the County's process and comments they may have thereto, especially in light of the potential negative impacts on sustainable and renewable energy in Hawaii.

Thank you for the opportunity to provide these comments regarding the IAL Recommendation.

Very truly yours,



Jodi S. Yamamoto

for

YAMAMOTO CALIBOSO
A Limited Liability Law Company