

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

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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,

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