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**STATE OF HAWAII  
LAND USE COMMISSION**

Meeting held on June 5, 2024

Commencing at 10:00 a.m.

Held at

Leiopapa A Kamehameha  
State Office Tower, Room 405  
235 S. Beretania Street  
Honolulu, HI 96813

I. **CALL TO ORDER**

II. **ADOPTION OF MINUTES**

May 8, 2024

III. **TENTATIVE MEETING SCHEDULE**

IV. **Informal briefing: State of Hawaii Office of Planning (OPSD) Soil Classification Systems and Use in Regulating Agricultural Lands Study conducted pursuant to Act 189 (Session Laws of Hawaii 2022)**

V. **ADJOURNMENT**

**BEFORE :**

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**PARTICIPANTS**

**LUC COMMISSIONERS:**

- Dan Giovanni, Chairman (via Zoom)
- Lee Ohigashi
- George Atta
- Mel Kahele
- Michael Yamane (via Zoom)
- Brian Lee (via Zoom)
- Nancy Carr Smith (via Zoom)

**LUC STAFF:**

- Scott Derrickson, Chief Planner
- Martina Segura, Staff Planner
- Ariana Kwan, Chief Clerk
- Melissa Goldman, Esquire, Deputy Attorney General

**OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT "OPSD":**

- Katia Balassiano, OPSD Planning Program Administrator
- Aaron Setogawa, OPSD Senior Planner

**G70, CONSULTANT TEAM:**

- Hunter Heavilin
- Barbara Natale

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**PARTICIPANTS (CONTINUED)**

Adhann Mako (via Zoom)  
Ryan Ringuette (via Zoom)

1           **CHAIRMAN GIOVANNI:** Aloha mai kakou. Good  
2 morning, everyone. This is the June 5th, 2024 Land  
3 Use Commission meeting. This is a hybrid meeting  
4 which is physically located at the Leiopapa A  
5 Kamehameha, State Office Tower, 235 South Beretania  
6 Street, Suite 406 in Honolulu, 96813.

7           This meeting is open to the public. And  
8 it's also being attended by a few participants by  
9 Zoom, including myself.

10           Court reporting transcripts are being done  
11 from this Zoom recording of this meeting. For all  
12 meeting participants, I'd like to stress the  
13 importance of speaking slowly, clearly, and directly  
14 into your microphones. Before speaking, please  
15 state your name and identify yourself.

16           As I said, this is a hybrid meeting.  
17 Please be aware that all meeting participants are  
18 being recorded on the digital record of this Zoom  
19 meeting, which will be posted to YouTube, and it  
20 will also be used for court reporting purposes.  
21 Your continued participation is your implied consent  
22 to be part of the public record of this event. If  
23 you do not wish to be part of the public record, you  
24 should exit the meeting now.

25           My name is Dan Giovanni, and I have the

1 pleasure to serve as the LUC Chair. We currently  
2 have eight seated Commissioners. Along with me are  
3 Commissioners Lee Ohigashi, Commissioner Mel Kahele,  
4 Commissioner George Atta, Commissioner Brian Lee,  
5 Commissioner Nancy Carr Smith, and Commissioner Mike  
6 Yamane. Commissioner Kuike Kamakea-Ohelo is excused  
7 from today's meeting.

8 Also in attendance are the LUC Chief  
9 Planner Scott Derrickson, LUC Staff Planner Martina  
10 Segura, LUC Chief Clerk Ariana Kwan, LUC Attorney  
11 General Melissa Goldman. The LUC Executive Officer,  
12 Daniel Orodener, is travelling today. He's out of  
13 the country and unavailable for today's meeting.

14 The first order of business is the  
15 adoption of minutes from our meeting of May 8th,  
16 2024. Ms. Kwan, has there been any written  
17 testimony submitted on the May 8th, 2024 minutes?

18 **MS. KWAN:** No, Mr. Chair.

19 **CHAIRMAN GIOVANNI:** Ms. Kwan, are there  
20 any members of the public in attendance who have  
21 signed up to testify on the adoption of the minutes  
22 today?

23 **MS. KWAN:** No, Mr. Chair.

24 **CHAIRMAN GIOVANNI:** Commissioners, are  
25 there any corrections or comments on the minutes?

1 If not, is there a motion to adopt the minutes of  
2 the May 8th, 2024 meeting?

3 **COMMISSIONER KAHELE:** Chair, I just want  
4 to abstain from voting on the minutes. I wasn't  
5 present at the meeting. Thank you.

6 **CHAIRMAN GIOVANNI:** Was that Commissioner  
7 Kahele?

8 **COMMISSIONER KAHELE:** Yes.

9 **CHAIRMAN GIOVANNI:** Thank you,  
10 Commissioner Kahele.

11 **COMMISSIONER OHIGASHI:** This is Lee  
12 Ohigashi. I move to approve the minutes.

13 **CHAIRMAN GIOVANNI:** Thank you,  
14 Commissioner Ohigashi.

15 Do I have a second to approve on the  
16 minutes -- the motion?

17 **COMMISSIONER ATTA:** Yeah. I second the  
18 motion.

19 **CHAIRMAN GIOVANNI:** Thank you,  
20 Commissioner Atta.

21 So all in favor of adoption of the  
22 minutes, please signify by saying, "aye." And since  
23 it's Zoom, why don't you wave your hand as well.

24 **(All said, "aye.")**

25 **CHAIRMAN GIOVANNI:** Thank you.

1 Any opposed? Hearing none, the minutes  
2 are adopted. Please note that Commissioner Kahele  
3 abstained from voting.

4 Next order of business is our tentative  
5 meeting schedule. And I'll call on Mr. Derrickson  
6 to please proceed with a presentation on the  
7 schedule for future meetings of the Commission.

8 **MR. DERRICKSON:** Aloha kakou. On June --  
9 Wednesday, June 19th, we're going to be on Maui for  
10 SP97-390 Central Maui Landfill status report. On  
11 Thursday, June 20, we'll still be on Maui for All-  
12 792 County of Maui Department of Housing and Human  
13 Concern status report.

14 On July 10th, please save the date. July  
15 10th, Wednesday, on Oahu, we're going to have a  
16 state ethics training for just the Commissioners and  
17 the Staff. On July 23-24, on Oahu, we'll have the  
18 LUC Commissioner training by Staff.

19 August, this is another one to take note  
20 of. We have meetings scheduled on a Tuesday and a  
21 Wednesday, which is unusual for us, so August 7th,  
22 Tuesday, and Wednesday, August 8th, on Oahu, for the  
23 Waimanalo Gulch Landfill special permit SP09-403.  
24 Then continuing August 21, also on Oahu, we hope to  
25 have the adoption of the order for the Waimanalo

1 Gulch special permit. Followed by Thursday, August  
2 22nd, we'll start hearings on the special permit  
3 SP73-147 Makakilo Quarry. Then August 29th, which  
4 is a Thursday, we're going to continue the Makakilo  
5 Quarry hearing on Oahu. And tentatively, if we  
6 need, we are scheduled for Friday, August 30, also  
7 on Oahu, to finish up Makakilo Quarry. Those are  
8 just the hearings for the quarry special permit.

9 In September, Wednesday, September 4, we  
10 hope to hold the hearing for adopting the order for  
11 the Makakilo Quarry special permit. And then  
12 Thursday, September 5 right now is open. September  
13 11 through 13 is Hawaii Congress Planning officials  
14 Conference on the Island of Hawaii. That's a  
15 Wednesday, Thursday, and Friday.

16 Right now in September, at the end of the  
17 month on the 25th or 26th, we have tentative  
18 schedule blocked out, but nothing on the schedule at  
19 the moment. We do have several special permits that  
20 are in process on several different counties, and we  
21 may need those dates so just keep them open, please.

22 Do you have any questions? Let me or the  
23 Staff know.

24 **CHAIRMAN GIOVANNI:** Thank you, Mr.  
25 Derrickson.



1 Commissioners, any questions on the  
2 tentative schedule?

3 **COMMISSIONER YAMANE:** Mr. Chair?

4 **CHAIRMAN GIOVANNI:** Yes. Who is this?

5 Mr. Yamane?

6 **COMMISSIONER YAMANE:** Yeah.

7 Scott, you mentioned Tuesday/Wednesday on  
8 August 7 and 8, but that's a Wednesday/Thursday. So  
9 is it on Wednesday/Thursday, not Tuesday/Wednesday  
10 on August 7th and 8th?

11 **MR. DERRICKSON:** I stand corrected.

12 **COMMISSIONER YAMANE:** Okay. It's

13 Wednesday/Thursday, then?

14 **MR. DERRICKSON:** It's Wednesday, August  
15 7th and Thursday, August 8th.

16 **COMMISSIONER YAMANE:** Thank you.

17 No more questions, Mr. Chair.

18 Thanks, Scott.

19 **CHAIRMAN GIOVANNI:** Thank you,

20 Commissioner.

21 And thank you for the correction, Mr.

22 Derrickson.

23 Any further questions or comments on the  
24 tentative schedule? Looks like it's going to get  
25 pretty busy, so everybody please mark your

1 calendars.

2           Okay. Our fourth order of business is the  
3 presentation of the Office of Planning and  
4 Sustainable Development Soil Study. This agenda  
5 item is an informal briefing from the State of  
6 Hawaii Office of Planning and Sustainable  
7 Development on Soil Classification Systems and Use  
8 in Regulating Agricultural Lands. Study is  
9 conducted pursuant to Act 189. That's Sessions Laws  
10 of Hawaii 2022.

11           I will now recognize whether there's any  
12 written public testimony submitted on this matter.  
13 Ms. Kwan, has there been any written public  
14 testimony?

15           **MS. KWAN:** No, Mr. Chair.

16           **CHAIRMAN GIOVANNI:** Thank you.

17           Now I'm calling members of the public to  
18 provide public testimony on this. Has there been  
19 any, Ms. Kwan?

20           **MS. KWAN:** No, Mr. Chair.

21           **CHAIRMAN GIOVANNI:** Thank you.

22           I would like to note that the Commission  
23 will be asking the Office of Planning and  
24 Sustainable Development questions. Only the  
25 Commissioners will be allowed to question OPSD

1 during the presentation. Once the presentation and  
2 the Commissioners' questions are completed, members  
3 of the public will be given a second opportunity to  
4 provide testimony or questions on the presentation.

5 So Ms. Kwan, you're confirming at this  
6 time for the first round of public testimony, nobody  
7 has signed up, is that true?

8 **MS. KWAN:** That is correct.

9 **CHAIRMAN GIOVANNI:** Okay. Thank you.

10 So we're going to proceed with OPSD's  
11 presentation. And I just have a quick question for  
12 Attorney General Goldman. Is there any necessity  
13 for me to swear in any of the participants that will  
14 be making a presentation from OPSD?

15 **MS. GOLDMAN:** No, Chair. No reason to  
16 swear them in.

17 **CHAIRMAN GIOVANNI:** Thank you very much  
18 for that clarification.

19 So we'll proceed. I'll turn it over to  
20 OPSD.

21 **MS. BALASSIANO:** Good morning, Chair,  
22 Vice-Chair, and Commissioners. This is Katia  
23 Balassiano, Land Use Administrator for the Office of  
24 Planning and Sustainable Development. I have with  
25 me here today Aaron Setogawa, Planner of OPSD, who's

1 been a project lead on this. He'll briefly  
2 introduce the project and then turn it over to the  
3 consultants who have been assisting us with this  
4 matter.

5 **CHAIRMAN GIOVANNI:** Thank you. Please  
6 proceed.

7 **MR. SETOGAWA:** Good morning, Chair  
8 Giovanni, Members of the Commission. As Katia said,  
9 my name is Aaron Setogawa with the Office of  
10 Planning and Sustainable Development.

11 I'm going to give a brief introduction to  
12 the project before turning it over to our  
13 consultants to do the presentation. As Chair  
14 Giovanni said or mentioned, the 2022 Legislature  
15 enacted -- I mean, passed Act 178 that directed OPSD  
16 to conduct a study on the suitability of the Land  
17 Study Bureau's soil rating system and other soil  
18 classification systems in regulating the use of  
19 agricultural lands.

20 The study was conducted with the  
21 assistance of the Department of Agriculture,  
22 University of Hawaii College of Tropical Agriculture  
23 and Human Resources, and the Land Use Commission.  
24 And representatives of these organizations are  
25 represented on our study steering committee.

1 OPSD issued an RFP. Supersistence, LLC  
2 was selected to conduct the study. And the briefing  
3 today I'm going to be -- let me introduce to you the  
4 people who are doing it. On my left is Hunter  
5 Heaivilin of Supersistence, LLC. Assisting him in  
6 the corner is Barbara Natale from Group 70. And  
7 attending remotely is Ryan Ringuette from Group 70,  
8 as well as Dr. Adhann Mako.

9 And now, without any further ado, I turn  
10 it over to Hunter.

11 **MR. HEAIVILIN:** Thank you, Aaron.

12 Cutting loose over here.

13 Chair, Vice-Chair, Commissioners, thank  
14 you for being with us today. As Aaron said, my  
15 name's Hunter Heaivilin. I'm an agriculture and  
16 food systems planner. My firm is called  
17 Supersistence, and we've assembled a crack team to  
18 take on this effort over the past, well, it's been a  
19 year now. So we're going to give a bit of a project  
20 update of what we've done thus far. I know some of  
21 you have been able to participate in some of our  
22 previous rounds of outreach, but we wanted to give  
23 kind of a little bit more of a background both on  
24 the project as well as some of the findings, the  
25 research to date, and then we're going to get into

1 some of the draft recommendations that we're -- that  
2 have been so far developed and that we're -- our  
3 next round of outreach will be taking into a little  
4 more to further hone.

5           So as a quick update on kind of the status  
6 of the project. We've produced an interim report  
7 for the Legislature for their 2024 session that  
8 really looked at -- dove deep into evaluating our  
9 existing soil or land evaluation classification  
10 systems. We did a fair amount of stakeholder  
11 outreach and compiled a volume of information that  
12 we heard during these outreach meetings into this  
13 report as well as did some review of applicable kind  
14 of State and County codes and regulations where  
15 these classifications systems come up.

16           So we started in July of last year, had a  
17 preliminary research phase, a preliminary outreach  
18 phase, again, produced an initial report. From that  
19 volume of information, we've drafted some initial  
20 recommendations and are now in the commencement of  
21 our kind of second round of outreach, really focused  
22 on honing in on the final recommendations.

23           So what are these systems that we're  
24 talking about? The primary one that -- go to the  
25 next one, Barb. So the primary system is LSB, or

1 Land Study Bureau, right? So developed in the --  
2 tasked in the late 1950s, developed mostly over the  
3 course of the 1960s, is the primary system applied  
4 for agricultural land classification across the  
5 State.

6 This was developed with soils data that  
7 was collected in the 1930s that was then released in  
8 the 1950s, which currently governs land use now  
9 nearly into the 2030s. And so the system is the one  
10 most utilized, and we'll show some data on that in a  
11 few slides, in our regulatory systems. But there  
12 are others.

13 So ALISH, or Agricultural Lands of  
14 Importance to the State of Hawaii, distinct from the  
15 Land Study Bureau, which provides a classification  
16 of A through E as a gradation of -- declining  
17 quality is you go down the alphabet. The ALISH  
18 system classified lands into three categories  
19 focused on Prime, Unique, or Other Important  
20 Agricultural Lands.

21 While the Land Study Bureau effort to some  
22 degree emerged out of rapid urbanization and concern  
23 about the loss of agricultural land in the Islands,  
24 the ALISH process, to some degree, was influenced by  
25 national movement to understand and attempt to

1 preserve quality agricultural lands across the  
2 country.

3 A later system, again, kind of following  
4 on from some national interest, was the LESA, or  
5 Land Evaluation and Site Assessment. This was  
6 initially developed in the late 80s in, I believe it  
7 was, New York and sort of caught on.

8 The benefit of the LESA system as distinct  
9 from those prior was that it considered factors  
10 beyond just physical soil characteristics in trying  
11 to understand agricultural land utility or land  
12 quality.

13 The system that was developed for Hawaii  
14 took into account a number of different factors;  
15 however, it was never formally adopted after the  
16 analysis was completed. And unsurprisingly, it  
17 shows up nowhere in our formal regulatory processes,  
18 though it is embedded in a couple of administrative  
19 rules.

20 The last system is less a system of  
21 classification but a system of a database managed by  
22 the Natural -- USDA's Natural Resources conservation  
23 Service, or NRCS, which is the soil survey  
24 geographic database. And this is the largest  
25 compendium of physical soil characteristics along



1 with some interpretations.

2           And while the SSURGO database itself is  
3 not, as I said, a classification system, the NRCS  
4 through SSURGO does release a classification system  
5 called the Land Capability Classification, or LCC,  
6 which is applied in many states across the country  
7 for agricultural regulatory governance in the same  
8 way that LSB is applied here. SSURGO is -- in some  
9 ways our NRCS classifications are referenced in a  
10 few places in our regulations as well.

11           So we did a deep dive into all of those.  
12 I'm sure in preparation for this meeting, you all  
13 went and read the entirety of the interim report and  
14 committed to memory our entire budget website, but  
15 in case you didn't or the coffee hasn't kicked in  
16 yet, we'll provide a little bit of a summary.

17           So we took these systems and then tried to  
18 do an assessment of how they might compare against  
19 one another across a few different factors, and  
20 these factors weren't just pulled out of a hat.  
21 They were in part somewhere, I believe, in the RFP.  
22 Others were developed as part of our contract  
23 process, and others were developed in concert with  
24 our project team, the steering committee, and OPSD.

25           And so we then, you know, attempted -- and

1 this is -- turning into graphic form what was a much  
2 longer written piece to try and just convey the  
3 information rapidly. But you'll see that in terms  
4 of accuracy, we found many of the systems to have  
5 some degree of fidelity in being able to speak to  
6 whether or not soil has inherent physical  
7 characteristics that would classify it as, we could  
8 say, quality lands.

9           But we're also interested in whether the  
10 system was adaptable to changing crops and  
11 conditions; whether the process and documentation  
12 were transparent; whether it considered factors  
13 beyond just physical soil characteristics; the  
14 extent of its geographic coverage; whether  
15 productivity and other agricultural values were  
16 integrated; and then some of the ones that came in  
17 from our -- I believe it was in part the steering  
18 committee, whether irrigation infrastructure was  
19 considered and whether cultural and indigenous  
20 considerations or facets were integrated into the  
21 classification system.

22           As you can see by the -- mostly right at  
23 the bottom, it wasn't particularly of import during  
24 the development of these systems.

25           So while each of them have some of the

1 limitations, some are more robust than others, but  
2 overall, the kind of development of next generation  
3 systems we're trying to figure out how to maximize  
4 the strengths and minimize the weaknesses that we  
5 saw in some of those.

6 We also went through all of the state and  
7 county codes and regulations and administrative  
8 rules. I say, "all" with a bit of an asterisk. Not  
9 all of them have been digitized. Not all of them  
10 are readily accessible, and many of them weren't  
11 necessarily applicable so we tried to constrain a  
12 little bit, particularly when looking for  
13 administrative rules in certain departments.

14 We found about 40 different references to  
15 soil or land classification systems in our  
16 regulatory structure of which the vast majority were  
17 at the state level. And this is both in  
18 administrative rules as well as in the Hawaii  
19 Revised Statutes.

20 Hawaii County had half as many as the  
21 state but more than every other county, in part,  
22 because they had applied it in a lot of their  
23 planning processes. Go to the next one.

24 And so the top bar here really is just a  
25 reorganization of the previous distribution, but in

1 terms of the actual which systems are most regularly  
2 referenced, the Land Study Bureau, having been  
3 around the longest and developed in part for some of  
4 these purposes, is the one that shows up most.

5           You will notice, however, that unspecific  
6 references to soil quality is actually the highest  
7 frequency, right? So we have a lot of regulations  
8 that say soil quality should be considered or soil  
9 classification should be considered but does not  
10 actually determine or delineate which system should  
11 be applied. And at the bottom there's also a number  
12 of references that just say the soil type, which is  
13 more of a pedalogical (sic), kind of, soil taxonomy  
14 needs to be included in reporting, so it's less of a  
15 regulatory structure. It's more about just  
16 documentation of a land type. And, as I mentioned  
17 prior, the LESA system, of course, only has a couple  
18 of references and those are only in the  
19 administrative rules.

20           When we consider the focus of these, the  
21 vast majority are -- rather, the largest number are  
22 focused on district and zoning definitions, so  
23 district at the state level and zoning at county  
24 levels. Agricultural dedications, which each county  
25 affords through one means or another, which is

1 essentially a differential tax assessment. If you  
2 dedicate your land to agricultural use, you receive  
3 a lower property tax rate, and these classifications  
4 come into the consideration or the application  
5 process in many of the systems.

6 In terms of the other category, there was  
7 some related to agricultural planning or tree farm  
8 planning or land transfers, economic priorities, or  
9 housing development often at the county levels.  
10 Land use controls and some of the sort of just  
11 general environmental reporting were some of the  
12 other places that these systems would currently  
13 apply.

14 So we -- after -- well, I guess it was  
15 somewhat -- in the process of doing all of the  
16 background research and putting together a project  
17 website that laid out in far more detail and a lot  
18 more slides what I've attempted to summarize here  
19 about these systems. We then led a series of  
20 outreach events, six in total, I believe. And in  
21 these events we shared the background information as  
22 best we understood it about these systems.  
23 Participants were directed to the project website  
24 where they could explore some maps and overlay to  
25 see how the classification systems may differ in

1 different areas across the state.

2           We asked participants to share their  
3 perspectives about these systems, whether they were  
4 effective, whether they're ineffective, the  
5 positives and negatives, and we used a tool called  
6 Polis, which is an online platform that allows  
7 participants to, in their own words, share their  
8 perspective and then pass judgment upon the words  
9 that their peers have shared by saying, I agree, I  
10 disagree, or I don't know what that means. I'm  
11 going to skip it.

12           In total, we had about 115 people voted  
13 through this system, casting over 6,500 votes on  
14 different perspectives that were shared. About a  
15 hundred -- 170 different statements were submitted.  
16 And about -- each person voted about -- on about 50  
17 of them. And the average submittal that people put  
18 in about three comments each. And so it was a  
19 pretty robust outreach in terms of compiling  
20 information about how these systems are used, where  
21 they are found to be useful, where they're found to  
22 be lacking.

23           And some of sort of the high-level takes  
24 would be that there was interest by participants in  
25 updating current classification systems. Our

1 perspective Land Study Bureau system was outdated.  
2 And that we should be considering a wide variety of  
3 factors in the soil classification systems and  
4 agricultural land use regulation, including  
5 potentially things such as water infrastructure,  
6 climate change, additional knowledge.

7           A key piece that came through was a desire  
8 to continue to -- a desire to protect prime  
9 agricultural lands and that updates to these systems  
10 need to be made. Because while each of these  
11 systems has been around for decades, the updates are  
12 often -- well, haven't been happening and -- and  
13 weren't necessarily designed to happen either. So  
14 this is what we learned about how these current  
15 systems work and are being applied here, but we also  
16 wanted to look in other jurisdictions.

17           And so we did some what was termed as best  
18 practice research, really hoping to identify  
19 effective approaches applying land evaluation in the  
20 regulation of agricultural parcels, the agricultural  
21 regions. So this proceeded with a little bit of a  
22 desk research. We made a long list of those places  
23 in yellow and listed at the bottom of some possible  
24 areas. Really -- what this really drove home is  
25 that the land capability classification system that

1 I mentioned earlier, that the USDA NRCS produces is  
2 applied in many, many states in lieu of something  
3 like the LSB here.

4           After an initial review of these -- this  
5 long list and with some feedback from OPSD and our  
6 steering committee, we decided to hone in on three  
7 jurisdictions of California, Maryland, and New  
8 York. Some of the reasons that those were picked,  
9 among others, California, of course, has -- you  
10 know, is essentially the size of a country in its  
11 complexity and regulatory structures, so they had  
12 multiple programs that we could look into. And of  
13 particular interest was that one of the efforts had  
14 integrated and almost a model that was readily  
15 updated every time soil data from the USDA was  
16 updated. And so that digital update mechanism was  
17 of particular interest.

18           In Maryland one of the perspectives that  
19 have been shared, and apart from the steering  
20 committee, was that we wanted to have landscapes  
21 that were similar, agricultural settings that were  
22 similar. So Maryland's former plantation landscape  
23 with a similar distribution in terms of number and  
24 size of farms is part of what the interest there.  
25 And then in New York, while a long history of a lot



1 of economic focus classification systems, they have  
2 been pushing forward with trying to explore how soil  
3 health and carbon assessments can be integrated into  
4 regulatory structures for agricultural land  
5 management.

6           So as a takeaway, we -- so, as I  
7 mentioned, the -- in California, the use of a  
8 digital model to enable regularly updating the  
9 system as soon as new soils data becomes available  
10 was a particularly important takeaway. Another  
11 approach there that I'll touch on a little bit later  
12 was that they had stacked these classification  
13 systems upon one another. And so there may be a  
14 base system that's focused, say, on the inherent  
15 physical soil characteristics, but instead of having  
16 a single system that is applied to every regulatory  
17 approach that involves agricultural land, they then  
18 built tailored systems so you might have a  
19 particular model that is focused on energy  
20 development in agricultural lands, for example, that  
21 it has different parameters than the base system  
22 that help you understand the inherent physical soil  
23 quality.

24           And we found that to be an important piece  
25 because here, as noted earlier, right, the LSB

1 system is currently applied in many different  
2 jurisdictions and for a lot of different reasons.  
3 And key takeaway would be that if -- that not  
4 overapplying or could maybe even frame it as  
5 misapplying something that is focused on physical  
6 soil characteristics for other regulatory purposes  
7 was an important piece that we took away from there.

8           In Maryland, we saw how efforts similar to  
9 our legacy land program here, the Maryland Land  
10 Protection Program, had integrated a couple of  
11 different classification systems, both in the  
12 preliminary application for agricultural land  
13 preservation by a county or by a landowner and then  
14 in the review process that happens. Currently, our  
15 legacy lands efforts do not integrate any of these  
16 -- any classification system into their agricultural  
17 considerations.

18           In New York, we saw the value of  
19 partnering with the university, in their case, with  
20 Cornell, which has been developing economic models  
21 for agricultural land evaluations since the 50s and  
22 continues to do so. And through partnership and  
23 support of the USDA, they had actually been  
24 operating and updating an agricultural assessment  
25 system I believe it was every five years. And so

1 that was at least had a schedule, had a defined  
2 partnership that was integrated into the regulatory  
3 structure. Obviously, many other findings. I won't  
4 get into all of them here, but many of these will  
5 essentially be in our final report.

6 That's the bevy of background research.  
7 From there, we moved into the development of  
8 recommendations, really seeking to provide kind of  
9 actionable guidance that enhances the role of soil  
10 classification systems in agricultural land use  
11 regulation here. So really trying to have a  
12 distillation of all of the information that we  
13 pulled together. And really trying to --

14 **CHAIRMAN GIOVANNI:** Mr. Heavilin, this is  
15 the Chair. Let me just ask the Commissioners if  
16 they have any questions on any of the information  
17 that's been presented so far. Okay.

18 Let's proceed. Thank you.

19 **MR. HEAVILIN:** Yeah, yeah. Please.

20 **COMMISSIONER OHIGASHI:** Can you -- let me  
21 -- let me get my stuff up here. Can you explain to  
22 me in your -- I'm not sure what slide this was,  
23 assisting soil classification system. The last is  
24 cultural and indigenous considerations. Can you  
25 explain to me what that means and --

1           **MR. HEAIVILIN:** Sure. There could have  
2 been --

3           **COMMISSIONER OHIGASHI:** -- the --

4           **MR. HEAIVILIN:** -- traditional --  
5 traditional land use, for example, so agricultural  
6 lands of importance of the State of Hawaii, that  
7 effort specifically incorporated terra lands under  
8 other important agricultural lands in a way that LSB  
9 and LESA did not particularly -- didn't have any  
10 mechanism of preferencing specific land uses with  
11 cultural value or history. And this could otherwise  
12 maybe be the incorporation, say, of traditional  
13 ecological knowledge, in one way or another, into a  
14 classification system. This is -- would be more in  
15 the consideration of, say, multifunctional system as  
16 opposed to just a focus on the physical soil  
17 characteristics.

18           **COMMISSIONER OHIGASHI:** And I know that --  
19 I notice that most of them was all the four systems  
20 were either moderate -- one moderate, I guess, would  
21 -- and all the rest were low. Is part of your  
22 recommendation to be included to increase that  
23 section of --

24           **MR. HEAIVILIN:** For the cultural and  
25 indigenous considerations in particular? Well, I

1 think the -- we're still very much in the process of  
2 developing what the final recommendations will be.  
3 I think modifying each of those individual systems  
4 to incorporate cultural knowledge would be a rather  
5 onerous task. But if seeking to, as I mentioned in  
6 terms of -- in -- is it in California, I think it  
7 was, the stacking of different systems, our  
8 recommendations really are more focused on the what  
9 I kind of frame as the base -- baseline system that  
10 focuses mostly on the physical soil characteristics  
11 and some or the economics of agriculture.

12 **COMMISSIONER OHIGASHI:** So from what I  
13 understand is the particular system that you are  
14 studying has these certain drawbacks, but that  
15 doesn't mean the land or the -- or things like what  
16 the Land Use Commission does and determine important  
17 agricultural lands other statutes or regulations may  
18 fill in where they're --

19 **MR. HEAIVILIN:** I think other statutes and  
20 regulations or other classification systems even.  
21 And so I would say our recommendations, and I touch  
22 on it in a couple of slides ahead, we've produced a  
23 volume of, arguably, too many recommendations across  
24 a lot of different issue areas. And in keeping more  
25 with the scope of this effort, we've been directed

1 to focus more just on the soil physical  
2 characteristics and the classification system that  
3 kind of solely focuses on those.

4 **COMMISSIONER OHIGASHI:** And the reason why  
5 I brough this up is that under our analysis that the  
6 Land Use Commission is required to take is the Ka  
7 Pa'akai analysis, which is essentially identifying  
8 cultural practices under our constitution. And I  
9 was just wondering if that should be incorporated in  
10 some of the systems that we use to determine the  
11 importance of those agricultural lands.

12 **MR. HEAIVILIN:** I'll say from an  
13 individual perspective, I think that there is an  
14 opportunity to have multiple -- multicriteria,  
15 multiple (audio disruption) a classification system,  
16 and that there would be significant utility,  
17 particularly for the type of regulatory structures  
18 that LUC and some of the other bodies pursue.

19 That being said, the recommendations that  
20 we're focused on for this effort, while we have some  
21 of those multifunctional pieces will end up in the  
22 final report, the key body of recommendations that  
23 we're being directed to focus on are more so focused  
24 -- more so emphasizing the physical soil  
25 characteristics and what might be viewed as the

1 inherent or agricultural value more from an  
2 agricultural planning lens as opposed to a broader  
3 land use lens.

4 **COMMISSIONER OHIGASHI:** I don't have any  
5 questions. Thank you.

6 **CHAIRMAN GIOVANNI:** Thank you,  
7 Commissioner. Let's proceed with the regular  
8 presentation.

9 **MR. HEAIVILIN:** So in developing these  
10 recommendations, really seeking to determine, you  
11 know, what system or systems are going to be  
12 effective for use to provide some options in terms  
13 of whether we're revising, replacing to incorporate  
14 the feedback that we'd heard and to identify some of  
15 the requirements that may be associated with some of  
16 the recommendations made, namely are there some, you  
17 know, a rough sense of whether it's a high -- a high  
18 likelihood of actually moving forward or not, what  
19 some of the regulatory changes might be.

20 So we took all that preliminary research,  
21 the stakeholder outreach, those best practices, and  
22 produced an initial list of about 40  
23 recommendations, which is not well suited to  
24 outreach or understanding even. And from that, in  
25 further discussion with OPSD and with the steering

1 committee's review, we're directed, really, to focus  
2 more -- most on the soil -- what we are terming here  
3 as sort of a soil capability system, which, again,  
4 I'm returning to the sort of the refrain of physical  
5 soil characteristics.

6           And this makes sense in part because, as  
7 mentioned earlier about stacking these systems upon  
8 one another, that that would be the base upon which  
9 other systems, other classification systems are  
10 built, right? And so while we have recommendations  
11 that get towards multifunctional land suitability  
12 that considers maybe cultural value or climate  
13 change, the -- those are to some degree built off of  
14 a strong base system that in this instance we're  
15 terming as soil capability.

16           And so all of those other recommendations  
17 -- and again because we did outreach that was broad,  
18 we had energy developers, farmers, regulators, and  
19 got perspectives from across the state and across --  
20 yeah, a diversity in perspectives that led to a  
21 difference to be a recommendations, but again, we're  
22 kind of focusing here and moving forward on these --  
23 this kind of baseline soil capability system.

24           **CHAIRMAN GIOVANNI:** Mr. Heavilin, before  
25 you leave that slide -- can you go back to that



1 slide -- can you provide a general definition of  
2 what those -- what you mean by those five  
3 categories, each of them?

4 **MR. HEAIVILIN:** Sure. So the -- the  
5 general framework set of recommendations -- and  
6 again, this was somewhat of an internal shorthand  
7 with the initial list of about 40 recommendations  
8 that we'd submitted to OPSD for -- and the steering  
9 committee for review. So the general framework got  
10 into -- let's see, some of them were even about  
11 perspectives, right? This could have been adopting  
12 a demand-driven land evaluation system or the co-  
13 development of classifications and regulations  
14 simultaneously and the -- so sort of foundational  
15 aspects of land evaluation and regulation.

16 The soil capability recommendation's  
17 really more focused on developing or refining a  
18 comprehensive capability classification system that  
19 is accurate, adaptable, and reflective of current  
20 historical land use.

21 The multifunctional suitability was  
22 starting to then bring in some of these broader  
23 considerations that had come up through our  
24 outreach, whether this may have been soil health,  
25 crop suitability, or climate change, public values,

1 cultural value, et cetera, where we're starting to  
2 have a much more complex manifold parameters that  
3 could be considered.

4           The smart solar, we're really drawing from  
5 what we've seen in a lot of the best practices  
6 research as well as some of the targeted efforts on  
7 smart solar siding that the American Farmland Trust  
8 has done, and these were really focused on the  
9 intersection of agriculture and renewable energy  
10 development.

11           The ancillary recommendations were more  
12 kind of you could say second or third order  
13 possibilities, things that could be done, nice to  
14 have, but that weren't necessarily as critical.  
15 This could have been more about creating new  
16 programs or partnerships or different tax  
17 assessments or agricultural conservation -- land  
18 conservation programs.

19           **CHAIRMAN GIOVANNI:** So thank you for that.  
20 Let me throw you a curveball, if I can for a minute,  
21 just to help me with the thinking here. But what I  
22 haven't heard is what part of agricultural land  
23 might be most suitable for housing or urban  
24 development, which is a high priority in this state.

25           So if I wanted to look at agricultural

1 land that was unsuitable for agriculture or minor --  
2 you know, having a real challenge, kind of the  
3 opposite of important for agriculture, and it might  
4 be more suitable for urban development. Has this  
5 study taken that possibility in account in any way?

6 **MR. HEAIVILIN:** I would say if seeking to  
7 determine that from the study as it's been  
8 approached, you would look at sort of the negative  
9 space. I wouldn't -- I don't think identifying poor  
10 quality lands for housing development was -- has  
11 come up anywhere along the way.

12 **CHAIRMAN GIOVANNI:** Your statement is it  
13 wasn't considered in the scope of the study?

14 **MR. HEAIVILIN:** It was not.

15 **CHAIRMAN GIOVANNI:** Okay. Thank you.  
16 Please proceed.

17 **MR. HEAIVILIN:** Not that I can recall.  
18 Yeah. I mean, I guess what I -- well, maybe to  
19 clarify what I meant by sort of a negative space,  
20 right, is that in defining which areas we wanted to  
21 -- defining quality across the state from the soil  
22 physical characteristic perspective and conceivably  
23 defining multifunctional value through later systems  
24 that could be developed.

25 In the areas that are then found to have

1 lower multifunctional value or lower land quality,  
2 you could conceivably then make some determinations  
3 around where you might want to develop. As to  
4 Katia's point, you know, the Land Study Bureau's  
5 system is currently applied for a variety of  
6 regulatory purposes, with lower rated lands being  
7 those that have the largest variety of uses.

8           So while housing development of lower  
9 quality agricultural land wasn't an emphasis of  
10 this, it conceivably could be determined in -- from  
11 editorialize, I would say I think if that were a  
12 desired knowledge piece to make decisions based off  
13 of, from looking at best practices and other  
14 jurisdictions, having a specific assessment or a  
15 specific system that is focused on the parameters  
16 for housing development would be better than the  
17 overapplication of, say, a baseline soil capability  
18 system to then say, well, this is for -- you know,  
19 based off -- if it's -- it may not be ideal for one  
20 type of agricultural use, but it could still be  
21 useful for others in that having a more targeted  
22 classification system for that housing development  
23 agricultural lands would -- is something I saw down  
24 in other jurisdictions, not necessarily for housing  
25 but for other types of agricultural land use. I

1 think I got that out clearly now.

2           So, with this initial set of  
3 recommendations, the language in here is still under  
4 development, right? So we had that list of 40.  
5 We've now kind of rejiggered what the -- how they  
6 fit together and are in the process, you know,  
7 beginning our outreach with this sort of draft list  
8 explicitly with the intent of honing and paring the  
9 language down and getting the conceptual clarity, as  
10 well as getting feedback on whether this makes  
11 sense; whether it feels like it could be applied;  
12 which of these may want to be applied; and to some  
13 degree helping to tease out a little bit further as  
14 well what the -- kind of what the relationship is  
15 between these different recommendations.

16           Some of them need to come first. Some of  
17 then could come later. And while I did at some  
18 point produce a very confusing bowl of spaghetti  
19 relating all of these 40 recommendations to one  
20 another, we have yet to do so for these because we  
21 wanted to get some more feedback before we're going  
22 to do so.

23           But to kick us off, updating the existing  
24 soil classification system, really wanted to see the  
25 outdated systems in our regulations get updated,

1 right? So are there places where ALISH is being  
2 applied or where LSB is being applied, that could  
3 benefit from using newer analyses to really enhance  
4 the effectiveness and the relevance, right, so  
5 making sure that if the -- that the right system is  
6 being applied for the right regulatory purpose. And  
7 really, that would be replacing outdated  
8 classification systems.

9           Second recommendation being to make that  
10 baseline system statewide. Currently the Land Study  
11 Bureau, special layer provided by the Office of  
12 Planning, is -- well, I think -- I say is -- is  
13 revised -- was revised maybe ten years ago or so,  
14 based off of land use district boundaries.

15           And so this was a statewide data set when  
16 it was produced in the 50s -- or, rather, 60s and  
17 early 70s; however, the digitization of that data  
18 has never been fully completed, so there's actually  
19 volumes of information held within the Land Study  
20 Bureau analysis that are -- remain, to some degree,  
21 inaccessible. But the current mapping that's  
22 available only covers the agricultural district.

23           And so if you're seeking to use this  
24 baseline, this tool to understand agricultural land  
25 quality, it is limited in its application. What we

1 saw in many other states and, fortunately, the  
2 SSURGO database that the NRCS produces has statewide  
3 coverage here. Not every state is so lucky. So we  
4 recommend that a system that is developed have  
5 statewide coverage and use, again, this most recent  
6 data, that being the data coming from the NRCS.

7 Third, in terms of the updating, is to  
8 ensure that historical and current land use are  
9 factors in this baseline soil capability system.  
10 This is important for a couple of reasons. One, the  
11 -- some recent analysis of agricultural land quality  
12 and soil quality here in the islands has  
13 demonstrated significant differences for parcels  
14 that have intensive plantation land use histories.

15 Currently, we are regulating our  
16 agricultural land use based off of, as I said  
17 earlier, data largely coming from the LSB, data  
18 collected in the 1930s, in some cases not even from  
19 soil sampling but just from asking producers or  
20 ranchers or land managers their perspective about  
21 soil quality.

22 So, the notion that a land manager had in  
23 1930 about a given parcel or area is dictating  
24 whether or not you can build a solar farm on  
25 agricultural land in 2030. However, this system is

1 not -- has not afforded for the intervening, at a  
2 minimum, say, half century of intensive agricultural  
3 land use, and the most recent large update to the  
4 soil survey geographic database for the islands was  
5 done in the 1970s.

6           And so we know that some of our soils  
7 data, our best soils data is still out of date, and  
8 so a way to address that lag or the lack of having  
9 an entire statewide update is to ensure that we  
10 incorporate into the classification the history of  
11 intensive agricultural use and recent agricultural  
12 land use because they have significant effects on  
13 soil quality.

14           All right. Again -- and these do sort of  
15 bleed into one another. It sort of becomes a little  
16 difficult to explain one without accidentally  
17 stumbling my way into another, but we really want to  
18 base the system on the latest available data, and,  
19 again, this would be coming from the NRCS's soil  
20 survey geographic database for SSURGO.

21           NRCS does do an annual soils refresh that  
22 does usually kind of targeted geographic updates to  
23 their soil database. So, for example, if there's a  
24 lava flow, they will then go and update to change  
25 that soil type. And there can be other, sort of,



1 targeted updates that happen. Making sure that that  
2 data gets factored into a baseline system is  
3 important, and ideally, at some point, this was  
4 another sort of one of those down the line  
5 recommendations of -- that is not part of this  
6 presentation but will hopefully be somewhere in our  
7 final report, could be the pursuit of actually  
8 updating the entire SSURGO database for the islands.

9           Number 5 is noting that we need to  
10 strategically select the crops that we incorporate  
11 into the productivity or economic analysis as part  
12 of this baseline system. So the Land Study Bureau,  
13 one of the things that came up often in our outreach  
14 was that there was a perspective that the LSB system  
15 was tailored and sort of preferenced plantation  
16 agriculture. And the economic -- part of the reason  
17 that agricultural planners that have been part of  
18 this process really like the Land Study Bureau  
19 analysis is that it is robust. It considers soil  
20 characteristics, but it also considers economic and  
21 some productivity factors, which many were concerned  
22 that they only really considered plantation  
23 agriculture, mainly sugar and pine.

24           While the system that was developed for  
25 LSB did actually have diversified agricultural

1 output as an economic consideration, so they didn't  
2 just look at sugar and pine, they looked at a  
3 variety of other crops, we want to make sure that  
4 the system that's developed for today carefully  
5 selects the crops because you're essentially  
6 embedding the -- into -- through the economic  
7 analysis, you're embedding into the classification  
8 system a particular type of agricultural activity.  
9 And this is conceivably an opportunity where  
10 important cultural crops could come in or where  
11 maybe import replacement crops or other economic --  
12 economic diversification for agricultural. That's  
13 where we can embed this.

14 In other states what I saw, I believe it  
15 was in New York, their entire economic  
16 classification system is based off of the  
17 productivity of the land for corn and hay, and  
18 that's it. So if you're diversified agricultural  
19 operator not producing silage or grains, your  
20 productivity is maybe totally skewed, but this  
21 system and the system that they're, you know,  
22 evaluating you against -- and to some degree  
23 tethering your tax assessment to maybe not an  
24 alignment, so we need to be very strategic when  
25 we're selecting the crops for an economic analysis.

1 Finally, for this slide, and this is sort  
2 of the real politic of it, is that we should be  
3 retaining the Land Study Bureau title. It is  
4 unlikely, in my appraisal, that all of the  
5 regulations embedded in state and county get revised  
6 should we develop a new classification system. And  
7 so retaining the Land Study Bureau title, while  
8 overhauling the model, and this is where this is  
9 sort of a bit of a legacy from the previous  
10 drafting. It's not necessarily overhauling the  
11 model for multifunctional use. It could be just  
12 overhauling the model for soil capability system,  
13 that new baseline system.

14 We recommend retaining the name while  
15 changing the inner parts. That way, the new model  
16 gets -- is immediately being applied in the existing  
17 regulatory structures as opposed to creating a new  
18 model and then having to fight tooth and nail every  
19 department to modify the regulations.

20 As sort of a broader consideration, we  
21 then recommend establishing this soil capability  
22 system as a baseline for agricultural governance,  
23 right, so -- and, again, part of that previous  
24 recommendation gets towards that. But instead of  
25 having piecemeal of ALISH is used in this

1 consideration and LSB is used here and LESA is maybe  
2 embedded in some administrative rules, really trying  
3 to pursue having a system that can be used as a  
4 baseline for both counties and at the state level.

5 All right. Finally, we've got some kind  
6 of what are maybe secondary recommendations, and  
7 this would be really trying to clarify, as I  
8 mentioned earlier, that unspecified mention in our  
9 regulatory system, so clarifying what do we mean  
10 when we say, you know, soil classification in the  
11 variety of recommendations that are in specific.

12 And this one is -- I think it would be  
13 possibly a fair bit trickier, but identifying a  
14 mechanism to address classification disparities at  
15 the parcel level. One of the things that came up --  
16 and particularly, from energy developers that were  
17 part of our outreach, was that the classification  
18 system seemed to be almost arbitrary, right? So  
19 they're working on a single parcel this -- this  
20 portion of it is, you know, Grade E, and right next  
21 to it was Grade A, and maybe there was a fence there  
22 in a different land use a century -- you know, the  
23 better part of a century ago, but that disparity  
24 didn't have -- there was no mechanism to actually  
25 address concerns.

1 And a few other jurisdictions do have  
2 means by which a -- whether it was for a dedication  
3 process or sort of a zoning overlay, there were  
4 mechanisms by which individual parcel owners or  
5 counties could pursue a reclassification or to  
6 address some of the disparities that they saw.

7 That's the initial list that we're chewing  
8 through. Some of the next steps from here will be  
9 continuing to hone, taking your feedback. And I  
10 think, really, over the course of our -- the rest of  
11 our outreach, mostly over the course of the summer,  
12 will be trying to get this down into a cohesive  
13 package that hopefully can be conveyed in smaller  
14 words and in a bit shorter time.

15 But we'll take that -- all that follow-up  
16 outreach, produce a final set of recommendations,  
17 all of that information along with the, sort of,  
18 other set of ideas will be then included in a final  
19 report that goes to the Legislature in preparation  
20 for the 2025 session. And with that, thank you for  
21 your time. I'm really happy to answer any questions  
22 you might have.

23 **CHAIRMAN GIOVANNI:** Thank you. Let me  
24 take a quick -- check the clock. I think I'd like  
25 to take a five-minute break here. It's 10:58, so

1 let's come back at -- I'll give everybody an  
2 opportunity to catch their breath, and we'll come  
3 back at 11:05. Thank you.

4 **(Recess from 10:58 a.m. to 11:06 a.m.)**

5 **CHAIRMAN GIOVANNI:** Okay. Thank you.  
6 We'll resume.

7 Commissioners, do you have any questions  
8 or comments on the presentation?

9 Commissioner Lee?

10 **COMMISSIONER LEE:** Thank you, Chair.

11 Yeah, I just wanted to kind of comment and  
12 see if maybe Mr. Heavilin had any remarks on this,  
13 but was it kind of intentional that this study seems  
14 like it's very isolated in purpose? Which, I mean  
15 that, you know, you said that this didn't consider  
16 what lands would be better for building because  
17 they're unsuitable for other things. But was that  
18 intentional that this study was done or planning to  
19 be done in isolation?

20 **MR. HEAVILIN:** I don't believe it was  
21 intended to be done in isolation. I would say that  
22 the scope of uses that were considered were  
23 agricultural uses, not for housing development. So  
24 we intentionally have done outreach with regulators,  
25 with energy developers that, you know, it doesn't

1 require a zoning change, for example, or a district  
2 change. So that loss of agricultural land use  
3 wasn't within the scope.

4 **COMMISSIONER LEE:** Okay. Because while I  
5 didn't memorize the OPSD study, I did review it, and  
6 it doesn't seem like there's a lot of research into  
7 how much land we even need in Hawaii for  
8 agriculture, how many people even want to do  
9 agriculture, you know, the demand, the need, you  
10 know, that type of analysis, is that correct?

11 **MR. HEAIVILIN:** That was not the scope,  
12 you are correct. However, I would say from -- and  
13 as an agriculture and food system focus planner, I  
14 think some of the -- there have been studies that  
15 seek to -- I've done studies that try and seek to  
16 understand, you know, what the population -- sort  
17 of, the carrying capacity, if you will, type  
18 analysis. They aren't often the most robust and  
19 have a set of parameters guilt into those models  
20 that are rarely reflective and almost never  
21 reflexive to sort of the real world, in my mind.

22 And so I think, from a regulatory  
23 standpoint, what we do see is there are -- there's a  
24 loss of -- well, there has been a shrinking  
25 agricultural footprint, and they change in the type

1 of use of agriculture -- of -- currently, district  
2 and zoned agricultural lands, namely in the form of  
3 energy, for renewable energy development. And so  
4 those became the focus or at least for a part of the  
5 outreach that was written in, I believe into the  
6 bill.

7 **COMMISSIONER LEE:** Okay. And finally,  
8 just one last question, Mr. Heavilin. What do you  
9 see the Legislature doing with this study beginning  
10 of next session?

11 **MR. HEAVILIN:** Oh, my. What do I see  
12 them doing with it? I think, depending on the  
13 structure of the recommendations, if I recall  
14 correctly, there had been maybe some previous -- a  
15 previous effort some years prior that had aimed to  
16 update one of the systems, update, I think it was  
17 LSB or that was kind of directed at that. I can't  
18 recall if it made it to a bill or if it was just  
19 sort of notional or just sort of in the ether in the  
20 Legislature.

21 My perspective coming into this project,  
22 and it's been an interesting thing to try and  
23 navigate because I do modeling work, is that we were  
24 not tasked to come up with what that model -- the  
25 details of what a better model is, but to make



1 recommendations sort of not just notionally but with  
2 some degree of detail about what the model should  
3 address.

4 And so my perspective, hopefully, is that  
5 we come out of this with a better sense of what  
6 could be written into, say, upcoming legislation  
7 that would then develop that model, develop what in  
8 the parlance for this meeting has sort of been this  
9 baseline soil classification system.

10 **COMMISSIONER LEE:** Thank you, Mr.  
11 Heavilin.

12 Thank you, Chair.

13 **MS. BALASSIANO:** Commissioner Lee, if I  
14 might just add a little bit more information. This  
15 is Katia Balassiano from OPSD. I think that Hunter  
16 summarized it correctly. There are many different  
17 ways to understand land and how to best use land.  
18 And the scope that the Legislature gave us was  
19 fairly narrow to look really just at how soils are  
20 captured in our regulatory system and not all of the  
21 different ways to analyze a parcel of land and come  
22 to a conclusion as to how it would best be used.

23 If Supersistence, Hunter and his team came  
24 to the conclusion that the current LSB system and  
25 how it's woven into our regulations is good and fine

1 and current, and there's no issue, well, that's the  
2 report that we would provide to the legislature.  
3 And then the effort stops there.

4 But if the recommendation is LSB no longer  
5 serves us and it needs to be revised, then that  
6 recommendation would be followed with: And here's  
7 what we would need to do in order to change our  
8 regulatory system to better reflect the  
9 recommendations that came out of the study. We did  
10 not want to presume that LSB is -- is faulty or is  
11 no longer relevant. We -- we needed to do the study  
12 first before we could recommend to the Legislature  
13 what action should be taken.

14 **COMMISSIONER LEE:** Okay. So Ms.  
15 Balassiano, so if I'm not completely confused and  
16 off base here, this is a study or review of the  
17 framework or methodology of studying soils, and  
18 you're not imparting any value judgments on the land  
19 or use itself, is that fair?

20 **MS. BALASSIANO:** Well, we -- the system  
21 that we currently use helps us understand  
22 agricultural lands in particular. So that is the,  
23 let's say, bias that the LSB system brings to the  
24 regulatory framework. So we are trying to  
25 understand that existing system and the degree to

1 which, if any, it can be improved.

2 **COMMISSIONER LEE:** Yeah. I guess that's  
3 what I was getting at because there is going to be  
4 some value that's part of your methodology, so I  
5 don't know how you can avoid that. And not  
6 including housing is part of -- it might part of  
7 that bias. Thank you.

8 **(Audio disruption.)**

9 **CHAIRMAN GIOVANNI:** Pardon me.  
10 Commissioner Carr Smith.

11 **COMMISSIONER CARR SMITH:** Thanks, Dan.  
12 That's what you said. Thank you.

13 I was wondering to what extent this study  
14 considered the fact that each of the four counties  
15 are so different geologically in terms of the soil,  
16 and you mentioned identifying crops that were  
17 appropriate. I mean, how do you do that from island  
18 to island and be accurate?

19 **MR. HEAVILIN:** So we did, I think, less  
20 from a geographic difference, but we did end up for  
21 our initial outreach aiming to have county-focused  
22 discussions so that we could better understand I  
23 think a little bit more from the regulatory side.  
24 Obviously, there is a large diversity both in soil  
25 type and agricultural activity within islands and

1 between islands.

2           However, I think, as the thrust of this  
3 was to have class -- really be focused on the nexus  
4 of classification and regulation. The approaches  
5 don't -- didn't seem to differ all that much. I  
6 mean, a primary -- you know, everybody's using  
7 zoning as a tool to govern land use and everybody's  
8 got a differential tax assessment for agricultural  
9 dedications. And the details in there are tailored  
10 at the county level, but from an assessment of  
11 really -- this is not trying to be prescriptive in  
12 any way of the type of, say, crops that people  
13 should grow, and so we weren't necessarily needing  
14 to wade into that as an issue.

15           **COMMISSIONER CARR SMITH:** Okay. You had  
16 mentioned it in your presentation, so that's why I  
17 asked about the crops. And --

18           **MR. HEAIVILIN:** Yeah. I think -- I mean,  
19 there are -- I've done modeling work for assessing  
20 crop suitability, and one of the pieces that was in  
21 about -- or that came up in some of our outreach and  
22 part of my interest in this effort overall was  
23 thinking about what are the -- what are the parcels  
24 that could grow the largest diversity of crops under  
25 the broadest climate regimes.

1 And so that we could then seek to try and  
2 understand which areas are going to be useful for  
3 the largest amount of producers over the longest  
4 period of time. But that's the kind of assessments  
5 that I think could come subsequent to updating this  
6 baseline, sort of soil capability focused system,  
7 and fortunately we didn't have to delineate all of  
8 that in terms of like the model details as part of  
9 this scope.

10 But it is, to Commissioner Lee's comment  
11 earlier, I think, a direction that could come  
12 subsequently through -- you know, once a baseline  
13 system is revised, that that's the type of kind of  
14 add-on or additional analysis that could be done.

15 **COMMISSIONER CARR SMITH:** Thank you. I'm  
16 good.

17 **CHAIRMAN GIOVANNI:** Commissioners, anybody  
18 else?

19 Commissioner Ohigashi.

20 **COMMISSIONER OHIGASHI:** Yeah. Under the  
21 current LSB you have A, B, C land classifications.

22 **CHAIRMAN GIOVANNI:** Speak closer to the  
23 microphone.

24 **COMMISSIONER OHIGASHI:** Okay. You're not  
25 my boss.

1 No. Under the existing LSB, there is  
2 different classifications, A, B, C, D. I don't  
3 know, it goes up to F, I think. You stated that  
4 most of these classification development occurred in  
5 the 50s and there were direct or was based upon the  
6 agricultural use predominantly at that time, I'm  
7 guessing sugar cane and pineapple at that time.  
8 Would that be -- in other words, the good sugar cane  
9 land and the good pineapple land were under A, B, C,  
10 they'd be, you know --

11 **MR. HEAIVILIN:** I would say that that  
12 system was developed in part to ensure that those  
13 quality plantation lands were protected. However,  
14 in the economic portion of the LSB's weighting  
15 system, they did consider crops -- what we call  
16 diversified crops beyond just sugar and pineapple.

17 **COMMISSIONER OHIGASHI:** And if we modify  
18 the definitions contained in the economic portions,  
19 if we like lower lands class be -- it would classify  
20 as A and B lands? Or would A and B lands drop down  
21 to C lands? Is there a possibility of that  
22 happening?

23 **MR. HEAIVILIN:** I think that is a  
24 possibility in both directions.

25 **COMMISSIONER OHIGASHI:** And in your

1 studies do you see any type of different weights  
2 that you want to put on that particular definitions  
3 in order to -- so that the clarifications remain the  
4 same, the definitions in the rules and regulations  
5 and statutes remain the same, but what constitutes  
6 an A property? What constitutes a B property? What  
7 constitutes a C property? D property? All may be  
8 modified so that a more accurate use, actual use of  
9 that property or potential use of that property or  
10 classification of that property can be gained.

11 **MR. HEAIVILIN:** I think that as an  
12 approach towards the -- one of those -- the  
13 recommendations of, you know, essentially keeping  
14 LSB as the title, that that type of approach could  
15 be valuable by changing -- essentially, changing and  
16 modifying those internal algorithm, if you will.  
17 However, for the scope of this effort, and I say  
18 this as a modeler who wants to ferret out all those  
19 details, we did not get to here's what those  
20 weightings should be, here's what that new algorithm  
21 and new weighting system should entail.

22 **COMMISSIONER OHIGASHI:** And how would we  
23 go about or the state go about redefining or -- what  
24 -- what kind of system or what kind of processes  
25 were used to try and determine that?

1           **MR. HEAIVILIN:** So -- and to the earlier  
2 question, I think that's something that the  
3 Legislature would ideally be supporting and pushing  
4 forward. In the previous effort with the Land Study  
5 Bureau itself created by the Legislature for this  
6 particular effort, in part, coming around with the  
7 development of our land use districts and to having  
8 a body or a contract or a partnership with the  
9 university to figure out those details, I think  
10 there --

11           **COMMISSIONER OHIGASHI:** Would part of your  
12 recommendations be to look at doing such a process  
13 or beginning such a process? Is that going to be  
14 part of your recommendations here?

15           **MR. HEAIVILIN:** Yes. I don't know that we  
16 had anything that explicitly said the Legislature  
17 should do this, but I think in the sort of -- in the  
18 -- between the lines of all these different things  
19 that need to change is -- well, somebody's going to  
20 have to -- somebody's going to have to initiate  
21 that, but I don't think we had one that was just  
22 explicit.

23           **COMMISSIONER OHIGASHI:** Would it be  
24 helpful if you had a specific recommendation that  
25 the Legislature should consider a process to analyze



1 and redefine an existing LSB rating system so that  
2 we can accurate -- get proper classifications of all  
3 our cultural lands?

4 **MR. HEAIVILIN:** Yeah, I think the way that  
5 at least some of the existing recommendations work  
6 to get towards that, and again, this was things that  
7 did not end up in this presented list, was to  
8 partner with the university, right? So essentially  
9 having a state, county, et cetera partner -- partner  
10 with a university or similar institution, I think,  
11 was the language that we came to --

12 **COMMISSIONER OHIGASHI:** I'll give that  
13 suggestion to --

14 **MR. HEAIVILIN:** Originally it said partner  
15 with UH, so -- but thank you.

16 **COMMISSIONER OHIGASHI:** The last question  
17 -- the last is more of a comment. The reason why I  
18 asked all those questions was the practical effect  
19 on the Land Use Commission is that we do independent  
20 or not -- important agricultural land designations.

21 **MR. HEAIVILIN:** Mm-hmm.

22 **COMMISSIONER OHIGASHI:** And it would seem  
23 to me that what we have been doing is utilizing a  
24 rating system that was developed to protect the  
25 plantation rather than a rating system that may

1 accurately reflect if these agricultural lands are  
2 truly A and B. A and B is -- it's funny that those  
3 A and B lands sort of -- because if agricultural  
4 lands are limited to A and B lands, okay, as I ask  
5 can a C land eventually be -- be -- so I think that  
6 it's important in this regard that important  
7 agricultural lands designations be utilized most  
8 recent classifications or the most up to date  
9 classifications. That's all. That's the comment.

10 **MR. HEAIVILIN:** I agree. And to your  
11 comment, I mean, I -- about whether these systems  
12 would change, a key weighting factor, and these were  
13 the extent of the irrigation or rainfall, should  
14 irrigation not have been provided, and the  
15 infrastructure for irrigation has shifted  
16 drastically since these were produced. And so if we  
17 didn't change the model and just updated it or just  
18 renewed it with the current data, I think we would  
19 see a significant loss in agricultural land quality  
20 or agricultural land ratings that ideally, I think,  
21 further reinforces the need to change the model  
22 itself because we don't want to just get rid of all  
23 of our agricultural lands because the rating change,  
24 right?

25 Another piece that was in the, sort of,

1 longer list of recommendations are that there's  
2 currently no mechanism that I've come across at the  
3 state that actually tracks agricultural land loss.  
4 The American Farm (audio disruption) has a national  
5 study, Hawaii's regularly not a participant, of the  
6 loss of agricultural land. And so through zoning  
7 modifications or district boundary modifications,  
8 there is no compendium to understand where our  
9 agricultural lands -- well, what lands are no longer  
10 agricultural.

11           And I think in looking at other  
12 jurisdictions, what had been identified was the  
13 opportunity to have incentives or tax structures or  
14 sticks and carrots to ensure that if you're losing  
15 agricultural land, say, to energy development, that  
16 there are different exactions that can be put upon  
17 or that it -- the bar changes as more land is lost,  
18 and at current, we do not have any mechanisms that  
19 track that.

20           **COMMISSIONER OHIGASHI:** Just one last  
21 comment. It's really important because I'm going to  
22 give you an example. We're going to hear in the  
23 next two weeks a status report about the -- about  
24 the landfill on Maui. And what happened in that  
25 landfill was that in order to increase the size of

1 the landfill, they went into important agricultural  
2 lands that were designated by this Land Use  
3 Commission.

4 And if you think about it, in that area,  
5 because I'm familiar with that area, perhaps in the  
6 past it may be an A and B land, but certainly it  
7 probably doesn't qualify for money now. So the --  
8 so the impact of proper classification is real upon  
9 these things.

10 The other thing is, by the way, important  
11 agricultural land, a developer or large owner of a  
12 property does it, they can -- so long as they  
13 designate 51 percent of their property or 50 plus  
14 whatever acres, the remaining acres can be -- cannot  
15 be designated anymore. In other words, the  
16 remaining acres can be easier -- more easily  
17 developed.

18 So the question is, what are they putting  
19 into the important agricultural land designations?  
20 Are they truly the A and B lands? Or the A and B  
21 lands of 1950s? So those are practical important  
22 types of applications that your classification study  
23 will have. Thank you.

24 **CHAIRMAN GIOVANNI:** Commissioners,  
25 anything further?

1 Commissioner Kahele.

2 **COMMISSIONER KAHELE:** Yes, Chair. I have  
3 one question. Is the Department of Agriculture, you  
4 know, always a part of your recommendations? I  
5 mean, I don't see anybody here from the Department  
6 of Ag.

7 **MS. BALASSIANO:** We have not asked them  
8 that specifically at this point in time. They have  
9 seen the draft recommendations. They're a member of  
10 the steering committee, and they have provided some  
11 comments and have been providing comments on a  
12 variety of the deliverables associated with this  
13 project. But we're still in the place of collecting  
14 information. We're doing the necessary outreach  
15 that we had intended to.

16 So we've not provided them with a -- I  
17 mean, there is no final report yet that we're asking  
18 them to review. Additionally, I would say that the  
19 members of the steering committee are -- are not  
20 approving or opposing the report that's being  
21 prepared. They are providing guidance. They are,  
22 you know, reviewing the materials, but we're not  
23 asking them for their approval or not. That's not  
24 the way the Legislature set up the study.

25 **COMMISSIONER KAHELE:** Thank you.

1 Thank you, Chair.

2 **CHAIRMAN GIOVANNI:** Thank you,  
3 Commissioner Kahele.

4 Anybody else?

5 **MR. HEAIVILIN:** I would just add that our  
6 steering committee member from the Department of  
7 Agriculture has been consistent in the perspective  
8 that this system should be based on the physical  
9 soil characteristics and these recommendations, and  
10 that the honing to focus on that is reflective of  
11 that perspective.

12 **MS. KWAN:** Commissioner Atta has a  
13 question.

14 **CHAIRMAN GIOVANNI:** Who's that?

15 **COMMISSIONER ATTA:** Yeah. This is similar  
16 to infrastructure, but the water irrigation that the  
17 plantation people are and then so some of these it  
18 continues to maintain. Others are gone. And that  
19 affects the land use classification, right? And  
20 most -- and certainly in Lahaina with the lot --  
21 there's been a lot of comment that tourism has taken  
22 over the land. What used to be owned by the  
23 plantation now is going to tourism. And tourism is,  
24 you know, that's the question. But that affects the  
25 soil classification. So how is that being handled,

1 actually?

2           **MR. HEAIVILIN:** Well, I could say at least  
3 in terms of the comment about irrigation, again, we  
4 did not -- have not delineated the details of the  
5 internal model algorithm, if you will, would entail.  
6 The LSB effort had a different weighting if the land  
7 had irrigation versus if it was just reliant upon  
8 rainfall. And the later system, the Land Capability  
9 Classification System that NRCS has produced that  
10 many other states utilize also has a rating that's  
11 if irrigated and a rating if not.

12           And so that's one sort of possibility to  
13 consider because I think if we were to solely focus  
14 on whether the land has irrigation currently and  
15 that was the only measure in our weighting system,  
16 as I mentioned earlier, I think we would have a  
17 significant decline in how we view the quality of  
18 our agricultural lands. But the potential, if  
19 irrigated, is an important consideration as well,  
20 especially with the recent investments and hopefully  
21 consider the future of state acquisition of what  
22 have long been private and now senescing irrigation  
23 infrastructure.

24           **CHAIRMAN GIOVANNI:** Okay. Commissioner  
25 Atta, is that good? I assume so.

1 So I have a couple of questions, Mr.  
2 Heaivilin, in no particular order. One of the terms  
3 that you used that I didn't understand, I wonder if  
4 you could give us a definition, was prime  
5 agricultural land. What do you mean by prime  
6 agricultural land?

7 **MR. HEAIVILIN:** So prime agricultural land  
8 is defined in the agricultural lands of importance  
9 for the State of Hawaii. There was a set of  
10 parameters in part informed by the national effort  
11 that were then tailored by the local partners, UH,  
12 and I'm not recalling exactly who all else, that set  
13 a definition for prime. And so it varies by state,  
14 but Hawaii has a particular class. I apologize, I  
15 have not committed it to memory.

16 **CHAIRMAN GIOVANNI:** You don't know what  
17 the definition of prime agricultural land is in the  
18 Hawaiian context?

19 **MR. HEAIVILIN:** I am confident it's in our  
20 report, and I'm confident I've not committed all of  
21 that report to memory, but I -- it's on the project  
22 website as well. I apologize, I don't have internet  
23 access in here, but --

24 **CHAIRMAN GIOVANNI:** Would it be --

25 **MR. HEAIVILIN:** I probably have it in my



1 notes. Give me one sec.

2 **CHAIRMAN GIOVANNI:** Take a minute.

3 **MR. HEAIVILIN:** So prime agricultural  
4 land: Soils that have a dependable -- and this is  
5 page 12 of our interim report. So prime  
6 agricultural land in the ALISH classification, let's  
7 see, prime land had dependable and adequate moisture  
8 supply and good water storage capacity, mean annual  
9 temperature and growing season suitable for  
10 prevailing crops. A list of ten different facets  
11 there. Water table, either lacking or so deep it  
12 doesn't negatively affect plant growth. Soils are  
13 neither too acid, nor too alkaline, doesn't -- not  
14 flooding. And I would say of maybe particular  
15 intrigue is that the soils are not so stony in the  
16 surface layer as to cause difficulty in cultivating  
17 with large equipment.

18 So these are the types of, kind of,  
19 details, as I mentioned prior about the crop  
20 selection, that this is, you know, preferencing a  
21 certain type of agricultural production in its  
22 consideration.

23 **CHAIRMAN GIOVANNI:** So that's where I  
24 wanted to go next. So would it be -- would prime  
25 agricultural land, as you review it in this context

1 of this study, be land that's best suited for  
2 plantation farming or for current day type of  
3 agricultural activities?

4 **MR. HEAIVILIN:** Well, it doesn't define  
5 what large equipment is, and so the prime -- I think  
6 land that is good for -- you know, flat and airable  
7 and has good surface texture, which may make it  
8 suitable for what could be viewed as a more  
9 industrial agriculture, would probably also work  
10 quite well for a diversified or smaller agricultural  
11 operations.

12 **CHAIRMAN GIOVANNI:** Fair enough. I want  
13 to shift to your forthcoming outreach. So first of  
14 all, I'm pleased to learn that you did some outreach  
15 already with energy developers because, as you  
16 probably know, energy developers do come before this  
17 Commission seeking exemptions to the use of  
18 agricultural land for energy purposes.

19 However, my specific question is in your  
20 forthcoming outreach, is it possible for you to  
21 include outreach to housing developers?

22 **MR. HEAIVILIN:** I think it's distinctly  
23 possible. I mean, as these were -- are relatively  
24 open invites. We did targeted outreach based off of  
25 the populations that were identified in the act from

1 the Legislature. That being said, with the focus of  
2 this largely now coming to zero in on soil --  
3 physical soil characteristics and their -- you know,  
4 some of the capability system.

5 I do wonder how many housing developers  
6 would be particularly interested in that discussion,  
7 but I'll defer to Katia on that.

8 **MS. BALASSIANO:** I also wanted to just  
9 indicate that we have been communicating with the  
10 Land Use Research Foundation and had invited them.  
11 They participated, the director of the foundation.  
12 And all of the major large landowners had been  
13 invited to the previous round of outreach, and I  
14 believe we did have a number of folks who represent  
15 and build housing participate in that outreach, so  
16 they did actually participate previously.

17 And I think going forward, we do want, you  
18 know, the diversity of input, but what we then, of  
19 course, found through the outreach that we conducted  
20 previously is that there are so many diverse  
21 interests that it took us in so many different  
22 directions that had more to do with how should land  
23 be used in Hawaii when in fact the focus of this  
24 study has much more to do with the land  
25 classifications themselves -- I'm sorry, the soil

1 classifications themselves. So we've wrestled with  
2 that diversity.

3           The recommendations that Hunter presented  
4 today have everything to do with the soil  
5 classification system; however, in the final report  
6 there will be all of the -- all of the  
7 recommendations that have come from the outreach  
8 which do speak, as Hunter suggested earlier, to  
9 smart solar, how taxes can encourage the protection  
10 of agriculture, how soil maps should be digitized  
11 for greater transparency, you know, all of the  
12 recommendations that came out will be included in  
13 the final report; however, the emphasis of this next  
14 round of outreach is really just the soil  
15 classifications themselves. We're trying to dig  
16 more deeply into that which the Legislature asked us  
17 to look into.

18           **CHAIRMAN GIOVANNI:** So I understand what  
19 you're saying and why you're saying it, but I think  
20 that in the same way that you did outreach to energy  
21 developers, you're missing the boat by not talking  
22 to housing developers. And I'm not talking about  
23 landowners. I'm talking about entities that are  
24 looking for places to build housing in Hawaii. And  
25 it's kind of the opposite end of the spectrum from

1 the top classification of soils.

2           And I want to build on what Commissioner  
3 Ohigashi said in terms of the subclassifications  
4 because I do support your primary conclusion to stay  
5 with LSB. I think that's correct. It would be too  
6 much turmoil to upset that apple cart. But there's  
7 some real opportunity when you get into a  
8 redefinition of permissible uses for the different  
9 subclassifications, and that's what's really  
10 warranted at this time and place in Hawaii.

11           We don't have plantation farming anymore,  
12 and most of that that was directed in the original  
13 writing of the subclassifications is outdated, so  
14 it's an opportunity to update that. Much of what  
15 this Land Use Commission deals with are exemptions  
16 to permissible uses, as defined by an antiquated  
17 system. So even the energy developers that come  
18 before us, they want an exemption or they want a  
19 reclassification or they want a special use permit  
20 for what is now an impermissible use on a  
21 subclassification of the land based on the soils.

22           So I think you have a real opportunity to  
23 suggest in your recommendations to the Legislature  
24 of how to update these subclassifications. I think  
25 that's where Commissioner Ohigashi was going, and

1 I'm supporting that. Maybe Mr. Ohigashi can confirm  
2 that's where he was going for me. But I think  
3 that's an opportunity.

4           Otherwise, we're always -- this Land Use  
5 Commission and counties are always dealing with how  
6 can we deal with an exemption or a special use  
7 permit. Why can't we get proactively and look at  
8 these soil classifications and subclassifications to  
9 be more tailored to where we're going in the current  
10 century and the current needs of our uses. We don't  
11 need plantation farming now. It's not going to  
12 happen. That's my view. I know it's a comment more  
13 than a question, but that's where I'm coming from.

14           **MS. NATALE:** Chair Giovanni, my name is  
15 Barbara Natale with G70, and we were part of the  
16 project where we did the outreach to it. And I did  
17 want to note that we did reach out to groups such as  
18 Castle and Cook Hawaii, Alexander and Baldwin, the  
19 Hawaii Association of Realtors, and I'm just  
20 wondering are there any other developers -- or yes,  
21 housing developers that you would recommend for us  
22 to reach out to?

23           **CHAIRMAN GIOVANNI:** I'm not going to -- I  
24 would encourage you to research that. I'm not in a  
25 position to name specific companies, you know, from

1 where I sit on this Commission. But I think in the  
2 same way that -- and I'm glad to hear that you did  
3 reach out and that you are getting some feedback  
4 from them.

5 But where I'm going ultimately is that if  
6 there are lands that are currently classified as  
7 agricultural and they have either poor soil quality  
8 for modern day agriculture or they don't have water  
9 availability, which is critical for successful  
10 agriculture, they become candidates for other uses,  
11 and those other permissible uses on that land that  
12 is currently agricultural and not recognized as  
13 permissible use, it would save a lot of time and  
14 energy by the regulatory bodies at the county and  
15 state level to have to continually deal with  
16 exemptions and reclassifications.

17 **MS. NATALE:** Thank you.

18 **CHAIRMAN GIOVANNI:** Thank you.

19 Commissioner Ohigashi, am I speaking to  
20 your interests here?

21 **COMMISSIONER OHIGASHI:** Sure. Even though  
22 I'm a short-timer, so --

23 **CHAIRMAN GIOVANNI:** Okay.

24 **COMMISSIONER OHIGASHI:** I -- I think that  
25 the Chairman is exactly on point, but I think that

1 the Department of Agriculture, as well as Hawaiian  
2 Homelands Commission, would have probably could --  
3 input could be used in this case, especially with  
4 their big push to develop their lands. Okay.

5 **CHAIRMAN GIOVANNI:** And I have one final  
6 question. This is kind of an obtuse question, but  
7 how does the consideration for forestry, managed  
8 forestry enter into this discussion of the use of  
9 agricultural land, or does it at all?

10 **MS. NATALE:** No, I don't think that we  
11 necessarily discussed that. A lot of it is under  
12 the conservation classification, and a lot of what  
13 we're looking at is primarily under the agricultural  
14 land classification. There is agroforestry, which  
15 is something that on agricultural lands would be  
16 affected by this classification system. But we  
17 didn't delve into specific types of crops.

18 **CHAIRMAN GIOVANNI:** Okay.  
19 Commissioners, last chance. Anything  
20 further?

21 Okay. Hearing none, we're going to  
22 proceed to a final round of public testimony if  
23 there's anyone interested.

24 Ms. Kwan, is there anybody -- members of  
25 the public present that wish to testify at this



1 time?

2 **MS. KWAN:** In the room nobody wishes to  
3 present testimony at this time, but I just want to  
4 remind those on the Zoom if anyone would like to  
5 give testimony, please use the Q and A feature now.  
6 I'll give you a minute.

7 I don't think we have any on the Zoom,  
8 Chair.

9 **CHAIRMAN GIOVANNI:** Okay. Thank you very  
10 much.

11 Let me -- on behalf of the Commission, let  
12 me extend our appreciation to OPSD and their  
13 consultants for this briefing. I think that you  
14 heard some feedback, and hopefully you can take that  
15 to heart and you've got an opportunity to factor  
16 that into your final lap or two around the -- before  
17 you bring this to closure.

18 But I think it would be great the more  
19 specific your recommendations on next steps could be  
20 to the Legislature, the better, rather than just  
21 general recommendations. The more specific, the  
22 better, so appreciate that. So thank you, all.

23 Okay.

24 **MS. BALASSIANO:** Thank you for allowing us  
25 to be here today.

1           **CHAIRMAN GIOVANNI:** Thank you, Katia.

2           Our next meeting is June 19 and 20 in Maui  
3 at the University of Hawaii, Maui College. The main  
4 cafeteria is expected to be closed at that time, and  
5 I'd like -- the Commission intends to work through  
6 lunch. I would like to request that the Staff  
7 arrange for lunch to be provided to the  
8 Commissioners to facilitate that meeting.

9           So Mr. Derrickson, will you please take  
10 note of that?

11           **MR. DERRICKSON:** Yes, Chair, we will.

12           **CHAIRMAN GIOVANNI:** Okay. Commissioners,  
13 any other business you'd like -- or comment you'd  
14 like to make today before I ask for a motion for  
15 adjournment?

16           Seeing none, this motion is -- this  
17 concludes our meeting. I declare this meeting  
18 adjourned, so thank you very much and we'll see you  
19 on -- in Maui on June 19th. Thank you.

20           **(The meeting adjourned at 11:48 a.m.)**

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CERTIFICATE

I, Jodi Dean do hereby certify that the proceeding named herein was professionally transcribed on the date set forth in the certificate herein; that I transcribed all testimony adduced and other oral proceedings had in the foregoing matter; and that the foregoing transcript pages constitute a full, true, and correct record of such testimony adduced and oral proceeding had and of the whole thereof.

IN WITNESS HEREOF, I have hereunto set my hand this 20th day of June, 2024.

A handwritten signature in black ink, appearing to be 'Jodi Dean', is written over a horizontal line.

Jodi Dean