Please let me list a few suggestions on how to protect prime agricultural lands, how to keep these prime ag lands productive, and how to fulfill Art.IX, Sect. 1 of the State Constitution that directs the state to "strive to be (agriculturally, food and fiber) self-sufficient".

First, things first - the state (thru HRS) needs to adopt a bill that "supports, funds, assists and encourages the formation of community-based watershed councils as the first-step in holistic watershed resource planning (including ag planning) and in building sustainable agricultural communities. This should be done first thru establishment of state policy/HRS; subsequently, the counties should adopt Ordinances to support Watershed Councils within their county jurisdictions. The Watershed Councils will function very similar to "Neighborhood Boards", the notable exception is that they will take a broad and integrated approach at managing all the watershed resources (natural, cultural, and archeological) for the benefit of the watershed community (Oregon did this in the early 1980's, they now have over 200 Watershed Councils, and many other states have adopted the Watershed Council idea, an idea that began in Hawaii with the "aha councils" that guided that management of resources within the ahupua'a starting about 550 years ago.)

Second, the Watershed Councils and the State (thru HRS designation) need to adopt criteria, similar to that of Oregon in the early 1970's, that defines "prime ag lands" as those lands that have the following features:

1. Reasonably fertile soil types;
2. Availability of non-potable, gravity-flow water supplies within the watershed;
3. Provide significant "environmental services" and/or contain significant environmental or ecological habitats (e.g. wetlands, streams, riparian habitats that recycle organic wastes, provide for flood-water storage, provide habitat for endangered species, are important groundwater recharge areas, etc.). These aquatic ecosystems fall under the "Public Water Trust", therefore, these ecosystems and establishment of their adjacent lands as "prime ag lands" cannot be considered a "takings" because of these criteria, especially the "environmental services" that these habitats provide, which includes long-term sustainable food production.

Third, the Watershed Councils and the State (thru HRS) should also define the term "farmer", similar to the definition now used by the state to lease out state land for agricultural purposes, basically farmer is defined as a person that:

- Currently farms, has a GIT license number from the IRS, and can produce copies of their last three years of tax returns related to farming; there will be an exception needed for "Corporation Soles (Souls)" which pay no income taxes;
- Has a "Conservation Plan" on file with the local USDA/NRCS office nearest their farm;
- Makes a significant (percentage of total) income from farming, say over 10-20%;
- Or is a traditional Hawaiian farmer, farming within the ahupua'a;
- Is a student that has just received a degree in "agricultural science" and wants to farm.
Fourth, "agricultural subdivisions/parks" should only be allowed if they meet all the criteria listed above for "prime ag lands", particularly the availability of gravity-flow non-potable water. And prime ag lands can only be sold to bonafide "farmers" that fulfill the proposed definition above. Finally, the Ag Working Group should, if not already completed, conduct a literature search, particularly in States like Oregon, that establish good agricultural land productivity protection laws/guidelines long ago, and get copies of their state laws that protect and define prime ag lands. Also, in your search you should contact USDA for their definitions, policies, etc.

If you have any questions or comments on these suggestions please email me or call me on my cell phone at 645-0532. Aloha no, malama pono,