1. Page 7 lines 8 – 9, §205-D Standards and criteria for the identification of important agricultural lands: Delete “each” and replace with “any”. Delete “and prime”. *(approved by a 29-0 vote)*

Reads as: “Lands identified as important agricultural lands need not meet every standard and criteria listed below; rather, lands meeting [each]any of the criteria below shall be given initial [and prime] consideration, …”

2. Page 10 line 11, §205-E Incentives for Important Agricultural Lands (c)(7): Add “such as purchase of development rights” *(approved by a 30-1 vote)*

Reads as: “Other programs and mechanisms that promote investment in agricultural businesses or agricultural land protection such as the purchase of development rights;

3. Page 10 line 17, §205-E Incentives for Important Agricultural Lands (c): Correct typographical/formatting error. The subsection should correctly be identified as (d) and not (c). *(typographical fix approved without a vote)*

Reads as: “[(c)](d) State and county agencies shall …”

4. Page 11 line 10, §205-F Identification of important agricultural lands (b): Add after other farmer organizations, “landowners”. *(approved by facilitator without vote as consistent with the intent to have an inclusive consultation process) Other changes proposed for this specific section were not allowed by the facilitator.

Reads as: “Each county shall develop maps of lands to be considered for designation as important agricultural lands to the State in consultation and cooperation with the state department of agriculture, agricultural interest groups, including representatives from the Hawaii Farm Bureau Federation and other farmer organizations, landowners, the United States Department of Agriculture – Natural Resources Conservation Service, and other groups as necessary.”
5. Page 14, line 4, §205-G Adoption of maps of important agricultural lands; land use commission: Insert new (d)(5) to read: “and (5) the availability of important agricultural land incentives enacted by the legislature. (proposed by the facilitator and accepted by the group along with change #6)

Reads as: and (5) the availability of important agricultural land incentives enacted by the legislature.

6. Page 14, line 19, §205-G(e) Adoption of maps of important agricultural lands; land use commission: Insert new sentence to read: “The important agricultural lands maps adopted by the land use commission shall not take effect until incentive programs for important agricultural lands have been enacted by the legislature.” (approved by a vote of 20-0)

7. Page 15 line 8 to Page 18 line 1, §205-H Standards and criteria for the reclassification or rezoning of important agricultural lands: The entire section is deleted and replaced with another version. (Deletion and replacement of the entire section was approved by a vote of 23-10. Several proposed amendments of this section failed to gain the necessary 2/3 vote.)

The new section is attached.

8. Page 18, line 11, §205-I Periodic review and amendment of important agricultural lands maps: Insert new sentence to read: “In these periodic reviews, serious consideration for removal of the important agricultural lands designation shall be given to those lands where a sufficient supply of water is no longer available to profitably farm these lands due to governmental actions, acts of God, or other causes beyond the landowner’s control.” (approved by a vote of 29-0)

9. Page 20, line 19, Part II Section 6(a): Delete “It is also the intent of this act that” (this non-substantive technical amendment was approved by acclaim. Another proposal to further amend this section to clarify the intent was subsequently voluntarily withdrawn.)

Reads as: [It is also the intent of this act that] The adoption of important agricultural lands by the land use commission pursuant to section 4 of this Act shall only take effect upon the enactment of legislation establishing incentives for important agricultural lands.
10. Page 20, lines 24-25, Part II Section 6(b): Delete reference to the agribusiness development corporation as the entity to convene a task force to develop the agricultural incentive program. The legislation was modified to read only that a task force shall be convened. (approved by acclaim by the group. The DOA, LRB and OP were also suggested as alternative convening entities but did not receive any support from the group. The group indicated that any decision with respect to who convenes the task force be left to the legislature.)

Reads as: (b) Pursuant to section 205-E, [the agribusiness development corporation shall convene] a task force shall be convened to develop and recommend a package of proposals for agricultural incentives and other measures that promote sustained agricultural activity on important agricultural lands and ensure the protection and availability of important agricultural lands for agricultural use now and in the future.

11. Separate PDR enabling mechanism and fund: A separate legislative proposal enabling PDR and appropriately establishing a fund with no designated sources of funding as voted on and approved by the AWG will be submitted to the respective House and Senate committee chairs for proposal via existing short form or other appropriate vehicles. (the facilitator clarified for the AWG his understanding of the action/vote already taken by the group on this matter.)

12. AWG Report to the Legislature: A request will be made to the chairs of the respective House and Senate committees that opportunity be given to the AWG to report on the process and work undertaken during the course of the group’s deliberations. Besides the convening authorities (Dean, CTAHR and Chairperson, Board of Agriculture), committee chairs and other volunteers are expected to assist in this presentation and report.

Attachment – IAL Removal Criteria

§205-__ Decision-making criteria for the reclassification or rezoning of important agricultural lands. (a) Any land use district boundary amendment or change in zoning involving important agricultural lands identified pursuant to this chapter shall be subject to this section.

(b) Upon acceptance by the county for processing, any
application for special permit involving important agricultural
lands shall be referred to the department of agriculture and the
office of planning for review and comment.

(c) Any land use commission or county decision pursuant to
this section shall specifically consider the following standards
and criteria:

(1) The relative importance of the land for agriculture
based on stock of similarly suited lands in the area
and the State as a whole;

(2) Proposed district boundary amendment or zone change
will not harm the productivity or viability of
existing agricultural activity in the area, or
adversely affect the viability of other agricultural
activities or operations that share infrastructure,
processing, marketing, or other production-related
costs or facilities with the agricultural activities
on the land in question;

(3) The district boundary amendment or zone change will
not cause the fragmentation of or intrusion of non-
aricultural uses into largely intact areas of lands
identified by the State as important agricultural
lands which create residual parcels of a size that
would preclude viable agricultural use;

(4) The public benefit to be derived from the proposed
action is justified by a need for additional lands for
non-agricultural purposes; and

(5) The impact of the proposed district boundary amendment
or zone change on the necessity and capacity of state and county agencies to provide and support additional agricultural infrastructure or services in the area. Any decision pursuant to this section shall be based upon a determination that on balance the public benefit from the proposed district boundary amendment or zone change outweighs the benefits of retaining the land for agricultural purposes, and that the proposed action will have no significant impact upon the viability of agricultural operations on adjacent agricultural lands.

(d) The standards and criteria of this section shall be in addition to the decision-making criteria of section 205-17 governing decisions of the land use commission under this chapter, and the decision-making criteria adopted by each county governing decisions of county decision-making authorities under this chapter.

(e) Any decision of the land use commission and any decision of any county on a land use district boundary amendment or change in zoning involving important agricultural lands shall be approved by the body responsible for the decision by a two-thirds vote of the membership to which the body is entitled.