

Aloha Council members,

Bill 42

March 7, 2024

My name is Eve Hogan, I own The Sacred Garden in Makawao and am a member of the Ag Working Group. I am testifying on my own behalf.

I am testifying in HUGE support of returning the word "Usable" to the requirement for Ag in the farm definition. I am also in favor of allowing laborer's families live in farm labor dwellings.

In 2013, we had a huge flood in Maliko Gulch. It washed away one of our nurseries, our walking labyrinth and our neighbor's cottage. Shortly thereafter, the planning department told us we had to have agriculture on 51% of our entire parcel, regardless of the fact that it is situated in Maliko Gulch and is comprised in large part of steep cliffs, a rocky stream bed and it's accompanying inundation zone, and is environmentally sensitive due to the proximity of the stream.

We ended up having to go to Mayor Arakawa with the situation and he and Corporation Counsel declared that forcing people to do agriculture in unsafe steep areas or in inundation zones where the agriculture could be washed away would be a liability to the county. The Administration and the Planning Department all came to an understanding and the policy was that you had to farm on 51% of the **USABLE PROPERTY**. Until now, when we have to fight this issue all over again

Mind you, the situation is not that we don't WANT to have agriculture. We do have agriculture there now, but we do so at our own risk. The issue is being forced TO DO AGRICULTURE where and when it is not reasonable to do so and when we can lose all of our resources, and even lives, trying to meet that expectation.

In listening to the Commission discussion and other testifiers...the question of "How do you deem what is usable and non-usable." It seems to me that there are several ways.

One is you look at pictures and topographical maps combined with testimony from the farmer to deem what is REASONABLY usable.

Another is to have a QUALIFIED Agricultural Inspector look at the situation, rather than Planning Department personnel who are not necessarily farmers.

When you consider that, to my knowledge, all the land between Haiku and Kaupo, as well as much of West Maui, is considered Ag land and it is virtually steep cliffs, and dense forest, the problem isn't the land owner, the problem is the County's expectation of the land owner.

We are constantly dealing with challenges due to laws made specifically to catch the violators or the exception, rather than making laws that are reasonable for the reasonable citizen.

PLEASE restore the word **USABLE** to the definition of a farm.

Thank you. Eve and Steve Hogan

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