

My name is Eve Hogan, My husband and I are the owners of The Sacred Garden and I am a member of the Ag Working Group. I am testifying on behalf of myself -and all people who enjoy going to farms, learning about agriculture and being steeped in nature and beauty.

I am testifying in favor of the Ag Tourism bill 75

As a reminder, we can do EVERYTHING that these codes/laws seek to limit if we do it for FREE. It is only when we make money that the limitations are involved. If the Council truly wants to support agriculture,....we HAVE to have laws/codes that SUPPORT MAKING MONEY ON AG LAND. Other wise it is NOT affordable or feasible.

I do not agree with the amendment to imposed time limits of 8am-6pm. Darkness automatically eliminates and self-regulates 99% of the ag tourism possibilities. For the rare few that want to incorporate sunrise or sunset tours or full moon planting or activities, this is a restriction that is unnecessarily prohibitive. At minimum, allow for the sunset and full moon rise or appearance of stars....

On ag land our nearest neighbor is usually quite a distance away and the minimal sounds generated from watching the sunset, or planting under the full moon seems negligible. People are suffering from nature deficit disorder. Ag Tourism teaches them the importance of being outside...and in some cases that includes being in dark under the magnificence of the night sky.

The Sacred Garden is a 10,000 sq ft nursery and beautiful, inspirational destination on the island, open 8 hours a day, approximately 362 days a year. We serve about 55% tourists, 45% locals.

In 2024, we sold about \$60,000 in agriculture.... Not bad....except the employees cost \$107,000 last year. (I am not on the payroll, I do not get paid.). In plant sales, we compete with the big box stores who use them as loss leaders for their other sales AND THE TOURISTS CANNOT BUY PLANTS. I turned my ag business into a non-profit so I could get donations, and seek grants. Ag tourism -classes, garden walks and tours, and the sale of other items—is essential to providing this service to our community.

THANK YOU FOR YOUR SUPPORT AND CONSIDERATION OF THIS IMPORTANT BILL.

June 5, 2025

RECEIVED AT ADAPT MEETING ON 06/05/2025

Bill 75
Ag Tourism

Aloha and Good morning Chair Johnson and Council,

My name is Sydney Smith. My 'ohana and I have owned our farm below Makawao for over 40 years. We grow coffee, avocados and tropical flowers. I'm also the chair of the Ag Working Group.

I'm testifying today on behalf of myself, my 'ohana and the Ag Working Group on AgTourism Bill #75. We all fully support this bill.

We were assured under the previous two administrations that AgTourism conducted on a working farm was supported by the Planning Department. And we had no reason to doubt them when they readily offered registration forms for the activities. Both Director Will Spence and subsequent Director Michele McLean worked with the Ag Working Group on other bills and were supportive of agriculture. Under this administration many of our true blue farmers and ranchers found out the hard way that policies could change upon a whim without any ordinance or administrative rule change.

This bill will assure our citizen Ag Producers that they can augment their farm income with something supported and encouraged by HRS 205, the Hawaii State Department of Agriculture, Maui County Department of Agriculture, the USDA, the University of Hawaii, Go-Farm Initiative, the Hawaii Land Trust, The Countywide Policy Plan, the Maui Island Plan and you, the County Council.

Every time the Ag Working Group has presented bills to the Council to increase the viability of our farms and ranches it has been supported.

Farming and ranching has never been more challenging than it is today. Climate change, invasive plants, insects and animals, the current loss of Federal support through aid from the USDA and other federal programs make it more important than ever to augment farm income. Implementation of tariffs will make supplies like tools, machinery and inputs even more expensive than they were before.

Passage of this bill alone won't solve those problems, but they are tools that can be utilized by a farm or ranch to ensure survivability in the days and years ahead.

I support all of Councilmember Paltin's amendments except for the prohibition of evening activities. Planting by the light of the moon and by moon phase has been practiced by every civilization for thousands of years. Research bears out that for many crops production is much higher for crops planted by the light of the moon. If the moon can affect our oceans why would we doubt its affect on our plants? We should be encouraging this generational knowledge to be passed down to those succeeding us.

I'd like to thank the volunteers who work on our various Planning

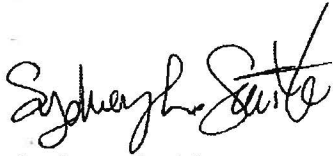
Ag Working Group was formed in 2013 by the Ag Chair of Council who needed input from the Ag community. Members must be Farmers, Ranchers or Government representatives. We are comprised of neutral representatives from: Maui County Farm Bureau, Maui Farmers Union • Maui Coffee Association • Maui Cattlemen's Association, Maui Flower Grower's Association • Hawaii Forest Association • Kula and Makawao Community Associations and include members from Hawaii State Department of Agriculture, Maui County Administration • East Maui Water Authority • Maui County Department of Environmental Management, Maui County Department of Water Supply, East Maui Water Authority, Hawaii Department of Land and Natural Resources and Maui County Council.



AG WORKING GROUP

Commissions, Council Services, Council member Gabe Johnson and his hard working staff, who expedited these bills in efforts to help our farm and ranching families who have been adversely affected by Zoning and Enforcement's unwarranted policies.

Mahalo!

A handwritten signature in black ink, appearing to read 'Sydney Smith', with a stylized flourish at the end.

Sydney Smith

Ag Working Group, chair

Maliko Estate Coffee

808-268-3646 call/text

808-572-0072 farm

⊘ What Happens When Tourism Is Allowed on Ag Land without Safeguards

A Visual Record from Sacred Waialele Farm

Submitted by Lauren Lipcon

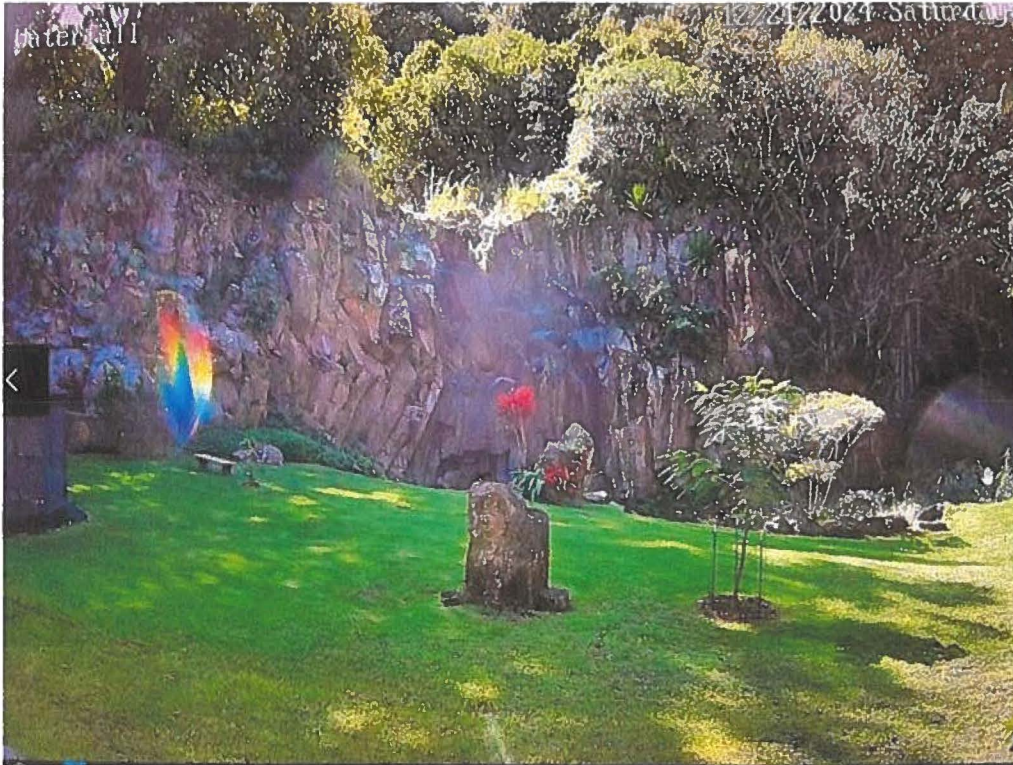
Arial view of the farm - A working farm with private boundaries and cultivated land



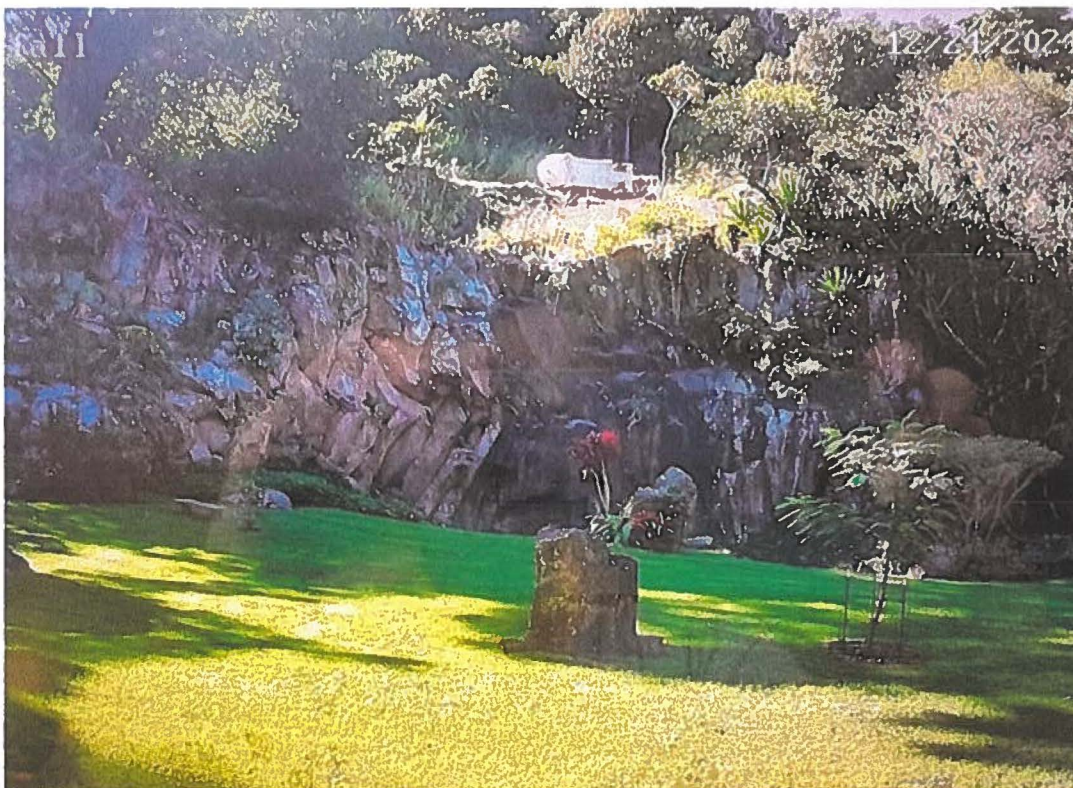
View of the waterfall (located within the farm's boundaries)



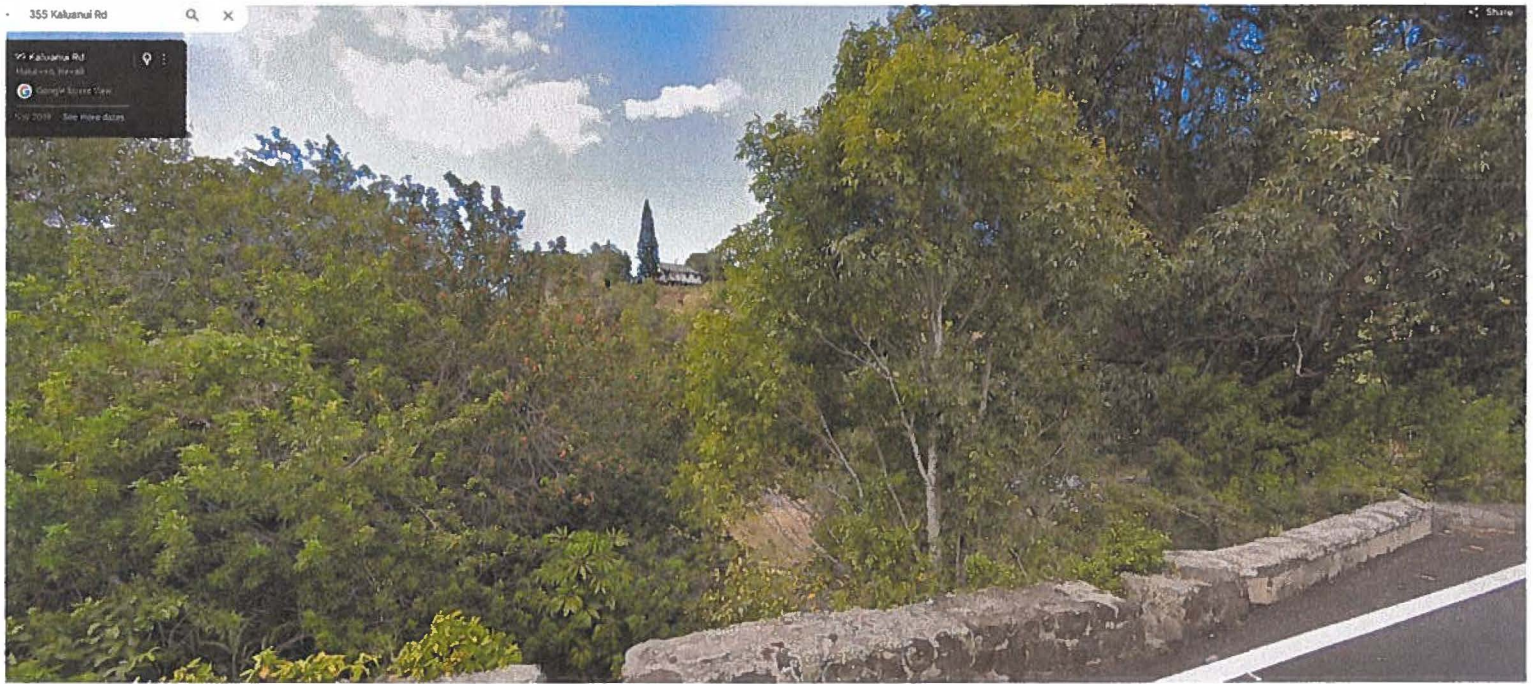
I purchased my farm as a private agricultural sanctuary — with no exposure to road traffic or tourism. It was meant to be a peaceful, healing space for both land and people.



The tour operators illegally cleared all the trees above the waterfall — a retaliatory act after I spoke out about short-term rental (STR) dwellings being illegally rented to tourists. This wasn't just destructive; it destabilized the slope, increased runoff, and harmed the stream. **Is this the kind of operator we want our County issuing "tour" and "food truck" permits to? Someone willing to destroy sacred land to serve a private agenda?**



View from Kaluanui Road — *Before* the Dec. 23, 2024 Destruction



View from Kaluanui Road — *After* the Destruction

The debris was left next to the stream, creating a public safety hazard. With the trees gone, cars can now fly off a 30-foot cliff and land in my front yard. I requested a guardrail and cleaned up the debris myself.



This tourist, from Maliko Coffee Cottages, passed several "No Trespassing" signs. When I asked what he was doing, he said: **"This is Sydney's property"**



When I respectfully asked the tour operator to keep her tourists off my land, she told me:

- That I don't own my property
- That her guests could go wherever they want
- That I was never to speak to her tourists again
- That she would be removing my security gate and over 50 mature palms that have stood for 25+ years and are in my farm plan

That's when I discovered "the map" — and hired an attorney to protect my farm.

The Tour Map Given to Tourists

This map shows not only my private land, but also the land of another neighbor — being advertised without permission. It even includes County-owned land (#22).

The waterfall on my property is listed as #19 and is prominently featured on the homepage of www.malikocoffeefarm.com.

This is what I'm being forced to fight in court.



Next, the tour operator's hired worker — a convicted felon — destroyed my irrigation and **450 feet of 25-year-old privacy hedges**, exposing my entire property, including my outdoor shower, to passing tourists. When I filmed from 30 feet away, I was **physically assaulted multiple times**, all captured on video.

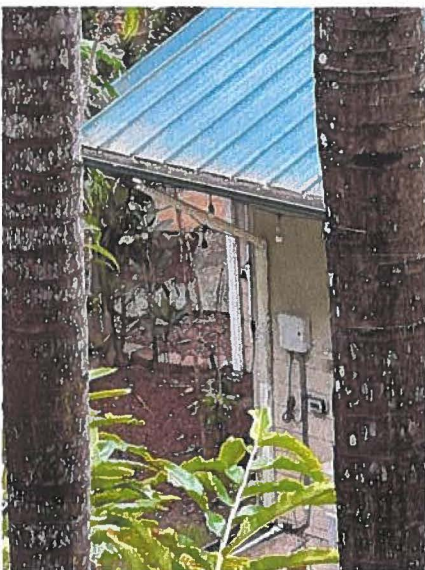
Before



After



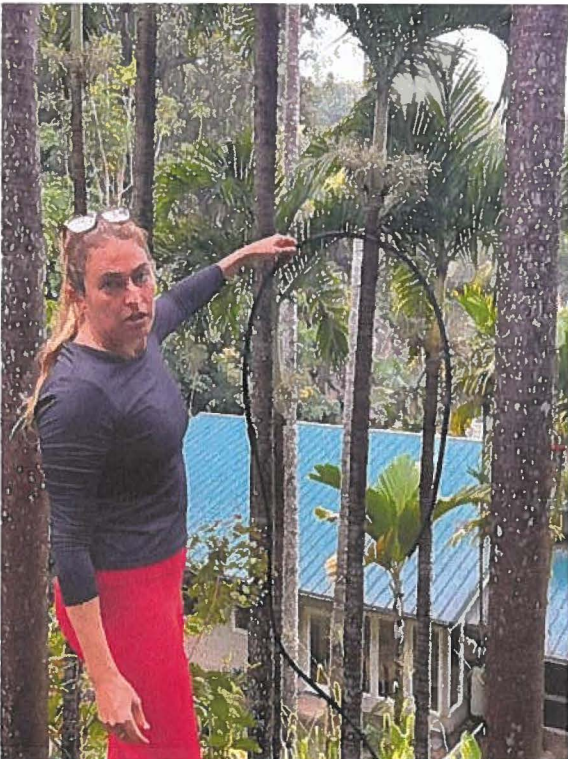
Outdoor shower exposed to tourists now



Tour operator Removing 450 feet of 25+ year established privacy hedges



My newly installed irrigation lines destroyed



One Second Before Assault — The Trimmer Was Then Slammed Into My Abdomen

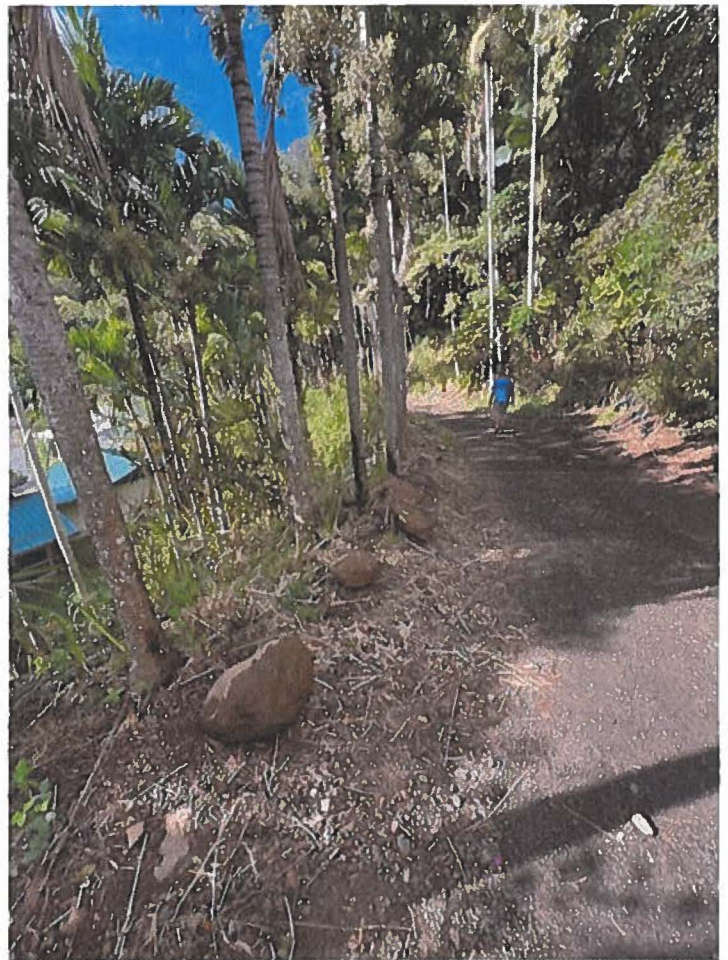


1998 Photo of the Restricted Easement

There was never a problem with the palms or hedges from 1998 until 2023 — until I spoke up about the tourists in my front yard.

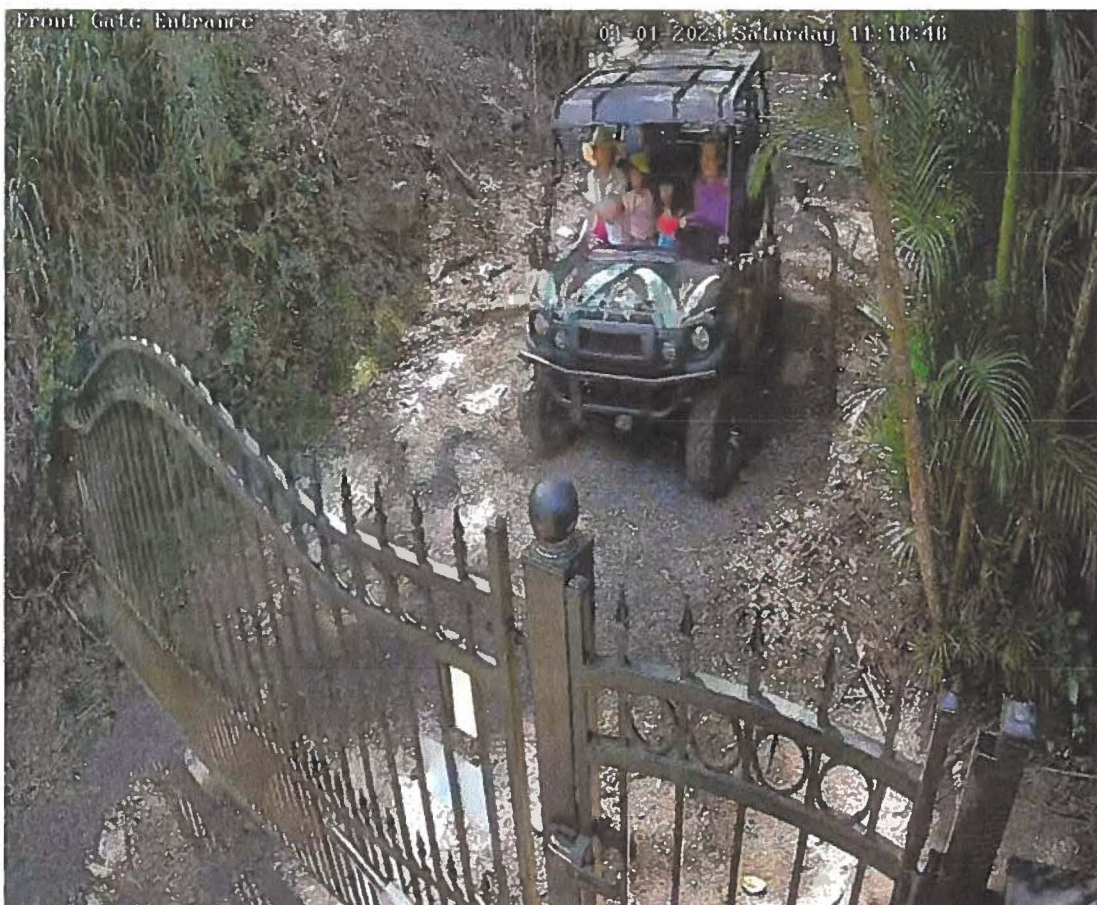
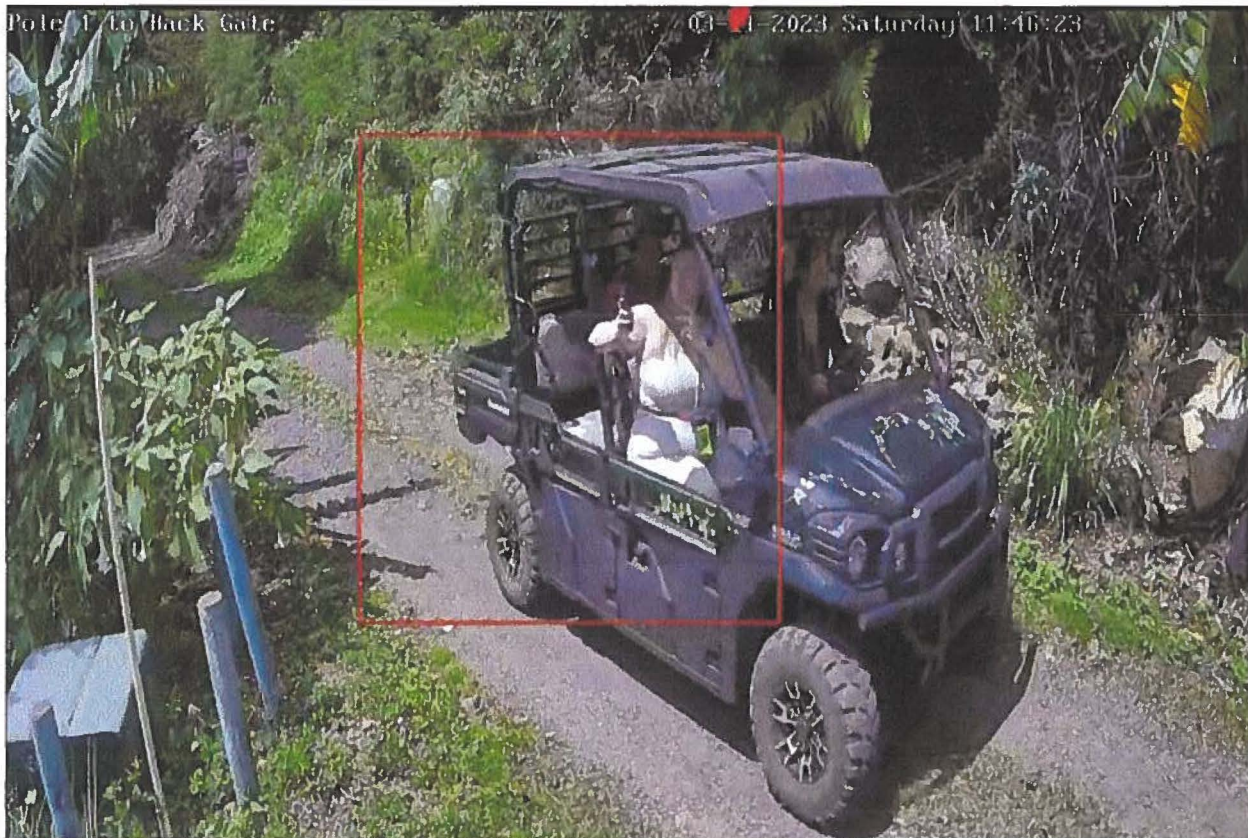


After removal of privacy hedge



A Small Sample of Tourists Flooding My Property

After the hedges were destroyed, dozens of tourists came through unchecked.





Tourists Committing Agricultural Theft

Fruit picked directly off my trees



Tourists Trespassing in the Streambed

Not only on my property — but on a neighboring parcel. I've seen children fall, elderly visitors struggle, and no system for flash flood warnings. **How is this safe? How are we protecting visitors — or ourselves — from tragedy?**





50+ Person "Event" trespassing and destroying the streambed

They didn't enter through my gate, but all exited through it. The security gate was left wide open all night.



A Kitchen Knife Embedded in My Tree - I discovered this minutes after the tour operator stopped in this exact spot. I have the footage. I took this as a death threat.



A Dead Rat in My Mailbox - The next morning, the tour operator's felon worker yelled at me from across the lawn: "You f**king rat." This was retaliation for my reporting tourists that flying a drone that filmed me showering outdoors.



Closing Statement: Evidence of Harm

These images are just a small sampling of what I've endured over the past 2.5 years. These bills (76 & 76) — as written — would effectively legalize tourism and food trucks on agricultural land. What I've shown here is not isolated. If left unchecked, this pattern will spread across Maui's rural communities.

What's happening to me is not farming — it's **commercial tourism masquerading as agriculture**, using County processes to gain legitimacy and avoid regulation, and it **undermines real farmers that need help**.

A Path Forward Exists

We can support *true* farmers while protecting neighbors and sacred land.

A balanced solution is possible — one that helps agriculture thrive without sacrificing rural communities.

Mahalo for your kokua - Lauren Lipcon, Sacred Waialele Farm — lauren@sacredwailelefarm.com