

PUBLIC HEARING

MARCH 23, 2022

A public hearing of the Council of the County of Kaua'i was called to order by Luke A. Evslin, Chair, Finance & Economic Development Committee, on Wednesday, March 23, 2022, at 8:59 a.m., at the Council Chambers, 4396 Rice Street, Suite 201, Historic County Building, Līhu'e, and the presence of the following was noted:

Honorable Bernard P. Carvalho, Jr.
Honorable Mason K. Chock
Honorable Felicia Cowden
Honorable Bill DeCosta
Honorable Luke A. Evslin
Honorable KipuKai Kualī'i
Honorable Arryl Kaneshiro

Council Chair Kaneshiro: Please note that we will run today's meeting pursuant to the Governor David Y. Ige's Emergency Proclamation Related to COVID-19 (Omicron Variant) with the most recent relating to the Sunshine Law dated January 26, 2022.

The Clerk read the notices of the public hearing on the following:

"Bill No. 2845 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 5A-11.26, AND SECTION 5A-9.1(a), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Tree Farm Development Exemption*)," and

"Bill No. 2846 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, BY REPEALING ARTICLE 10, RELATING TO VALUATION OF WASTELAND," and

"Bill No. 2847 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, BY REPEALING SECTION 5A-11.25, RELATING TO ORCHARD DEVELOPMENT EXEMPTION,"

which were passed on first reading and ordered to print by the Council of the County of Kaua'i on February 23, 2022, and published in The Garden Island newspaper on March 3, 2022.

The following communication was received for the record:

1. Trask, Mauna Kea, dated March 22, 2022 (Bills Nos. 2845, 2846, and 2847)

Pursuant to Governor David Y. Ige's Emergency Proclamation Related to COVID-19 (Omicron Variant) dated January 26, 2022, public testimony was taken at the beginning of the day and as follows:

Council Chair Kaneshiro: As far as the public hearings go, we do have Mauna Kea Trask testifying on three (3) bills. We will start with Mauna Kea Trask for Bill No. 2845. I am not sure if you wanted to do everyone separately, or if you can fit it all in on one. The first one up is Bill No. 2845, regarding the Tree Farm Development Exemption.

MAUNA KEA TRASK (*via remote technology*): Good morning, Council Chair and Honorable Councilmembers. First off, before I start, I want to state for the record, that I looked at Chapter 3, Article 6 of the Kaua'i County Code 1987, as amended, regarding Registration and Regulation of Lobbyists. I am not testifying today for a fee or other consideration regarding these matters. I have not been retained by anyone to be a lobbyist. However, in full disclosure and in line with the intent of the Ordinance, I do represent landowners on Kaua'i. They are not for any activities relating to tree farms, orchards, or valuation of wasteland, but these bills may or may not affect them. I just wanted to state that for the record so that everything is clear. I am not going to take up much of your time today. I will consolidate my testimony regarding these bills into one statement. I will rest on my testimony as submitted. Basically, my concern is that I know that the County is facing financial problems, money is always an issue, and resources on how to best serve the community, however, I just hope that the policies that you enact do support and foster a robust and diverse agricultural industry that would include food and non-food products, including timber and lumber, of which I think these would affect. With that, I do not have much more to say, but thank you for this opportunity. My submitted testimony and my comments today are in no way a criticism or reflection upon the Department of Finance, Real Property Tax Division, or yourselves. I think these are good issues to explore and they definitely address important matters. I just have my stated concerns regarding how it could possibly negatively affect a diversified agricultural economy. Thank you.

Council Chair Kaneshiro: Thank you, Mauna Kea. We do have one (1) clarifying question. We did receive your written testimony also. Council Vice Chair Chock.

Councilmember Chock: Good morning, Mauna Kea. I appreciate your testimony. Just for clarity and on the record, you would prefer the current Tree Farm Exemption over Agricultural Dedication Program over this kind of activity.

Mr. Trask: Correct. As far as I understand it, I think they are different programs. A Tree Farm Exemption is an exemption versus an Agricultural Dedication is a more targeted and specific percentage tax relief. To me, with regard to that, the big issue is given how one starts a tree farm and perpetuates it, the exemption is important and the purpose of that is...I have read that there are organizations within the state that have identified a local lumber industry as possibly doing a lot to bring down housing costs and provide economic opportunity. To that extent an exemption is valuable, but I do not know much more beyond that.

Councilmember Chock: Thank you. Thank you for the clarification. I have one (1) question from Councilmember DeCosta.

Councilmember DeCosta: Good morning, Mauna Kea. Thank you for your fruitful written testimony. I read it very intensely and I appreciate your *mana'o*. I have a number of questions that come to my mind. I am going to wait until Committee to address them. One (1) thing I wanted to ask you was, do you know that there is a ten-acre or larger use for the Tree Farm Exemption, so it would only be for anyone that has ten (10) acres or more. Did you know that?

Mr. Trask: The current exemption?

Councilmember DeCosta: Yes, it is for anyone who has ten (10) acres or more.

Mr. Trask: Yes.

Councilmember DeCosta: You know that most locals do not own ten (10) acres?

Mr. Trask: Yes.

Councilmember DeCosta: That is all. Thank you.

Council Chair Kaneshiro: Are there any further clarifying questions from the Members? If not, thank you, Mauna Kea for your testimony.

Mr. Trask: *Mahalo*. Have a great day.


The hearing proceeded as follows:

(Written testimony was received and a registered speaker requested to testify regarding this agenda item.)

Committee Chair Evslin: We received one (1) piece of written testimony and had one (1) speaker this morning. Given that, this public hearing is now adjourned.

There being no further testimony on this matter, the public hearing adjourned at 9:01 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk