

AGRIBUSINESS DEVELOPMENT CORPORATION

Minutes of the Board of Directors Meeting held Virtually on April 28, 2021
Via Zoom Teleconference

Considering the evolving COVID-19 situation, protecting the health and welfare of the community is of utmost concern. As such, the meeting was held remotely, with Board members, Staff and Applicants participating via Zoom meeting venue.

Members Present, virtually:

Sandra Kato-Klutke, Kauai County Member (Chairperson)
Mary Alice Evans, Designated Representative, DBEDT, Ex-Officio Member
Lloyd Haraguchi, Member-At-Large
Kevin Hopkins, Hawaii County Member
Frederick Lau, City & County of Honolulu Member
Kaleo Manuel, Designated Representative, DLNR, Ex-Officio Member
Douglas Schenk, Maui County Member
Karen Seddon, Member-At-Large (Joined at 10:18 a.m.)
Phyllis Shimabukuro-Geiser, Chairperson, Board of Agriculture, Ex-Officio Member
Warren Watanabe, Member-At-Large

Counsel Present, virtually:

Jodi Yi, Deputy Attorney General

Staff Present, virtually:

James Nakatani, Executive Director
Myra Kaichi, Sr. Executive Assistant
Ken Nakamoto, Project Manager
Lyle Roe, Property Manager
Lori Nakamura, Executive Secretary

Guests Present, virtually:

Mr. Gerald Sanchez
Mr. Morris Atta
Mr. Wallace Johnson
Ms. Rhoda Libre

A. Call to Order

Chairperson Kato-Klutke called the virtual meeting to order at 9:07 a.m.

B. Roll Call

Ms. Kaichi conducted a roll call of the Board; nine members present (Sandra Kato-Klutke, Mary Alice Evans, Lloyd Haraguchi, Kevin Hopkins, Fred Lau, Kaleo Manuel, Douglas Schenk, Phyllis Shimabukuro-Geiser, Warren Watanabe). This also serves as a roll call vote. For each subsequent vote, the Chair will ask if there are any objections. If there are none, motion will be carried on the same basis as this initial roll call.

AGRIBUSINESS DEVELOPMENT CORPORATION

Minutes of the Board of Directors Meeting held Virtually on April 28, 2021

Via Zoom Teleconference

Page 2 of 13

C. Approval of minutes from the February 24, 2021 virtual meeting

Motion to approve: D. Schenk / Second: L. Haraguchi

Chair asked for comments from the public. There were none.

Chair asked for comments from the Board. Hearing no comments, motion carried.

Vote: Approved, 9-0

D. Request for Approval to Refer License No. LI-KA1412 Issued to Gerald M. Sanchez to the Department of the Attorney General for Possible Legal Action

Motion to approve: L. Haraguchi / Second: W. Watanabe

Staff rests on written submittal; Mr. Roe is available for questions.

Chair asked for comments from the public. Mr. Gerald Sanchez joined the meeting via phone. He stated that he has been having trouble with Green Energy and tried to get the Board's attention by not paying his lease rent. He recognized that it was the wrong way to go about it and would like to resolve the issues with some help from ADC. He would like to meet with Green Energy so they can settle the problem. He referenced his agreement from 2011 with Green Energy that they would leave the property in good condition after harvesting the trees, but he said that was not the case.

Chair asked for comments from the Board. Ms. Evans asked Mr. Sanchez if Green Energy was the lessee prior to him. He replied no. She asked how Green Energy got the agreement to harvest the albizia trees on this property. He stated from ADC. She asked if the arrangement was a continual project or if they were supposed to complete the harvest before he assumed the lease. Mr. Sanchez replied that he had the lease from 2008 and Green Energy came onto the property in 2018. At that time, he was recovering from surgery and was not available to check on the harvest. Mr. Sanchez stated that the stumps were left behind, and his fences were removed. Ms. Evans asked if ADC or the Kalepa property manager had an agreement with Green Energy? Mr. Nakatani clarified that ADC had not been involved in this arrangement between Mr. Sanchez and Green Energy. Ms. Evan asked Deputy Attorney General Yi if mediation is possible and she responded yes, her office can assist if the Board so chooses.

Mr. Nakatani explained that the area was cleared but the stumps were left behind. It has been five years since then and the overgrowth has returned. He clarified that the issue is whether Mr. Sanchez is going to do something with the property as there has been no movement. ADC has been asking for a plan but has not received one.

Mr. Sanchez stated that Green Energy took only half of the trees off the property and took his fences. Mr. Schenk asked Mr. Sanchez if he had provided to ADC, copies of the agreements between Green Energy and himself. He answered that he gave copies to Mr. Sam Lee (previous ADC consultant). Mr. Hopkins asked if we have any authority in this situation since ADC was not party to the agreement with Green Energy. Mr. Manuel asked Ms. Yi if Mr. Sanchez' license gives him the authority to sub-license. Ms. Yi stated that most of our licenses state that sub-leasing is not allowed, and Mr. Roe confirmed that. Ms. Kaichi doesn't think the subject agreement is a sub-license but we don't know and that's why we need to see the document. The matter before the Board is whether this should be continued to be handled at the staff level or if it should be sent over to the Attorney

AGRIBUSINESS DEVELOPMENT CORPORATION

Minutes of the Board of Directors Meeting held Virtually on April 28, 2021

Via Zoom Teleconference

Page 3 of 13

General's office for handling. Mr. Hopkins asked if staff has the capability to do this or are these legal matters in which case, we should refer it to the Attorney General's office to review and provide a legal opinion. Mr. Roe reiterated that this is what we are attempting to do as this has been going on for years. He stated that Mr. Sanchez expressed regret in falling behind on his rent payments but if that can be settled and the premises brought up to usable standards, we can move forward.

Mr. Manuel has concerns with some of the language in the submittal such as lack of documents, lack of communication, agreements being issued by lessee. How we manage our licensees is a concern, as noted in the audit regarding land management. Mr. Nakatani said we are trying to address the land management concerns and this is an example of the difficulty with working with some of the tenants. We have tried to remedy the situation but need the support of the Attorney General's office.

Mr. Sanchez stated that he is willing to meet but hasn't able to schedule a meeting.

Mr. Haraguchi agreed with staff's recommendation on this matter.

Ms. Shimabukuro-Geiser asked Mr. Roe about Mr. Sanchez's statement that after Green Energy completed the harvest his fencing was removed – do we have any record of that? When Mr. Roe conducted site visits in January and April, he noted that the fencing has been reinstalled and is complete. ADC has a copy of an unsigned document stating the work that was going to be done but there are no parties names listed. ADC did not consent to this.

Mr. Schenk said there has been plenty of time to resolve this issue; therefore, he is in full support of sending this over to the Attorney General's office with the hopes that it be resolved in Mr. Sanchez's favor. However, should it not, we can move forward and get the land in use.

Mr. Roe clarified that ADC will be working very closely with the Attorney General's office and not simply handing over the matter. ADC wants to resolve this years-long matter as it involves 100 acres of overgrown and unused property.

Chair asked for further comments from the Board. There were none.

Chair asked if there were any objections to the recommendation. There were none.

Vote: Approved, 9-0

- E. Request for Approval of the Withdrawal of Governor's Executive Order 4474 Dated November 24, 2014 Setting Aside 147 Acres, More or Less, of Certain Lands in Waialua, Oahu to the Agribusiness Development Corporation, Tax Map Key (1) 6-9-001-002, -003, -036

Motion to approve: M.A. Evans / Second: P. Shimabukuro-Geiser

Staff rests on written submittal; Mr. Roe is available for questions.

Chair asked for comments from the public. There were none.

Chair asked for comments from the Board. Mr. Hopkins is familiar with the parcel; it is a difficult parcel and is in support of the recommendation.

Mr. Manuel asked for clarification on the language used in the submittal (withdrawal vs. rescission).

Ms. Shimabukuro-Geiser asked Mr. Morris Atta to join the meeting to answer the question. Mr. Atta

AGRIBUSINESS DEVELOPMENT CORPORATION

Minutes of the Board of Directors Meeting held Virtually on April 28, 2021

Via Zoom Teleconference

Page 4 of 13

explained that the land transfer process involves multiple steps, one of which is the mutual consent by the board of ADC and the board of the Department of Agriculture (“BOA”). He stated that either term can be used – withdrawal or rescission. The board of the Department of Land and Natural Resources (“DLNR”) is the one who will be requesting the transfer from the Governor; there will be a simultaneous ADC withdrawal and immediate re-set-aside to DOA. The joint request from ADC and BOA will go to DLNR to facilitate the transfer with DLNR and the Governor’s office.

Chair asked if there were any objections. Hearing none, motion carried.

Vote: Approved, 9-0

- F. Request for Approval to Renew Revocable Permit No. RP-7004 Issued to Gary Smith for 2,780 square feet, More or Less, in Kekaha, Kauai, for One Year, Tax Map Key (4) 1-2-002-001 (por)

Motion to approve: L. Haraguchi / Second: D. Schenk

Staff rests on written submittal; Mr. Roe is available for questions.

Chair asked for comments from the public. There were none.

Chair asked for comments from the Board. Mr. Manuel asked why the licensee cannot be granted a long-term license (based on location and type of use)? Mr. Roe explained that we typically do not issue licenses for non-commercial use. The tenant is a ‘holdover’ from DLNR and ADC continues to honor that. It is for private use and is best held as a revocable permit.

Ms. Evans asked if this is the smallest parcel that ADC manages? Mr. Roe answered yes, it is. Mr. Manuel asked if it might be better to sell the parcel to the permittee given the small size? Mr. Nakatani explained that the land belongs to DLNR and is part of an easement needed for ditch cleaning; however, we have not accessed that side of the ditch because of the homes along that line. Mr. Manuel stated that DLNR does have a process which can dispose of remnant parcels if it’s in the public’s interest. Mr. Nakatani responded that because this parcel is part of an easement for the ditch, we are not ready to release it.

Ms. Evans commended Mr. Smith on having a legal right for maintaining this parcel as there are other instances where private use encroaches on public land and it is a problem getting people to remove their gardens and chicken coops from state land.

Hearing no further comments or objections, motion carried.

Vote: Approved, 9-0

- G. Presentation by Wallace Johnson of Hawaii Labor Solutions, Inc. and Global Ag Solutions Inc. regarding Development Plans in Kekaha, Kauai

Mr. Wallace Johnson, President of Global Ag Services and Hawaii Labor Solutions, presented information on his farming operations which include mangoes, tomatoes, sweet corn, and watermelons. He provided an update on his tunnel houses, or shade houses, and would like to put up more in the future.

Mr. Watanabe left the meeting at 9:55 a.m. and returned a few minutes later.

Ms. Shimabukuro-Geiser left the meeting at 10:00 a.m. and returned a few minutes later.

AGRIBUSINESS DEVELOPMENT CORPORATION

Minutes of the Board of Directors Meeting held Virtually on April 28, 2021

Via Zoom Teleconference

Page 5 of 13

Mr. Schenk left the meeting at 10:09 a.m. and returned a few minutes later.

Chair asked for comments from the public. There were none.

Chair asked for comments from the Board. Ms. Shimabukuro-Geiser asked Mr. Johnson about the tobacco he harvests. Mr. Johnson clarified that the tobacco crop is strictly for use by a research company and is sent directly to the research facility; none of it is for commercial use.

- H. Request for Approval to Amend License No. LI-K1001 Issued to Sunrise Capital, Inc. to Withdraw 9 Acres, More or Less, of Field 314 in Kekaha, Kauai, Tax Map Key (4) 1-2-002-001 (por)

Motion to approve: M.A. Evans / Second: K. Manuel

Staff rests on written submittal; Mr. Roe is available for questions.

Chair asked for comments from the public. There were none.

Chair asked for comments from the Board. Mr. Manuel asked for clarification on the acreage: page 1 indicates a total of 423.85 acres, that will be reduced by 9 acres. Mr. Roe confirmed that is correct.

Hearing no further comments or questions, motion carried.

Vote: Approved, 9-0

- I. Request for Approval to Amend License No. LI-K1901 Issued to Hawaii Labor Solutions Inc. to Include 9 Acres, More or Less, of Field 314 in Kekaha, Kauai, Tax Map Key (4) 1-2-002-001 (por)

Motion to approve, with notation: M.A. Evans / Second: D. Schenk

Mr. Roe noted a correction to page 2 of the submittal. The 3rd paragraph on the page, end of first line – should read field 314 (instead of 319).

Chair asked for comments from the public. There were none.

Chair asked for comments from the Board. Mr. Manuel asked if Ms. Evans would like to enter a motion to amend the recommendation to add the approval of the greenhouses, if staff is supportive of that. Ms. Evans agreed. Mr. Manuel asked staff if they want the amendment or keep the recommendation as drafted. Mr. Roe stated either option is fine but explained that the shade houses are included under the land request, but it can be added to the recommendation if the Board so chooses. He noted that Mr. Johnson has also requested to add shade houses on field 123 which is not listed in this submittal so it would be best to stick with the submittal as written.

Ms. K. Seddon joined the meeting at 10:18 a.m.

Ms. Evans asked if these types of operational decisions were delegated to staff? It is a more efficient way to handle these types of situations. Mr. Manuel recommended the addition of an action item that the Board administratively approve the construction of these shade houses for this specific license. Then staff can go back to the Board with a request for delegation of authority to the executive director to approve these types of requests. The delegation would need to be on the agenda of a future meeting. Ms. Shimabukuro-Geiser asked for input from deputy Attorney General Ms. Yi. She replied that in this case, there doesn't need to be a separate action item for the shade houses. Ms.

AGRIBUSINESS DEVELOPMENT CORPORATION

Minutes of the Board of Directors Meeting held Virtually on April 28, 2021

Via Zoom Teleconference

Page 6 of 13

Shimabukuro-Geiser asked about the delegation of authority for subsequent items. Ms. Yi answered, yes, that would need to be put on a future agenda for approval.

Chair asked if there were any objections. Hearing no objections, motion carried.

Vote: Approved, 10-0 (Ms. Seddon is included in the vote count)

J. Presentation by Rhoda Libre of Kauai Aloha West, LLC Regarding Development Plans in Kekaha, Kauai

Ms. Rhoda Libre, representing Kauai Aloha West, presented her proposal for 47 acres in Kekaha on Field 207. They started working on this proposal with Kekaha Agricultural Association in 2018. They intend to start with their catch crops of sour sop, jack fruit, sweet potatoes, and citrus to support KAA's program of Farm to State. Also in their long-term plan are marungay, edible flowers, and herbs.

Chair asked for comments from the public; there were none.

Chair asked for comments from the Board. Chair asked where Ms. Libre is farming now? Ms. Libre answered she is farming on her family farm in Omao. Chair asked where she is selling her products? Ms. Libre answered juices are sold locally, palms go to some hotels/resorts, the loi helps native Hawaiian programs (students from charter schools come to work in them), and some of those products are sold at the Sunshine Market in Poipu.

The board recessed for a ten-minute break.

K. Update on the Progress of the Investigative Tenant Review and Recommendation Committee, and the Investigative Agricultural Activity Policy Committee

The meeting resumed at 10:44 a.m.

Tenant Review & Recommendation Committee: Mr. Ken Nakamoto recapped that the notification to interested applicants was approved by the Board on February 24, 2021. The notification was issued on March 24, 2021. The application deadline was extended to from April 9 to April 27, 2021. The reasons for the extension were because there was a lot of interest after the solicitation was issued, there were storm events, and the ongoing pandemic. To date there are 32 applications: 28 submitted on-time and 4 late submissions. The selection process is scheduled to begin on May 4, 2021. The Chairperson of the committee is Mr. Watanabe. He thinks the process is good and that 32 is a good number of applicants. Chair asked if they are asking for small parcels or 50 acres or more? Mr. Nakamoto answered that he has not opened the applications as the committee will meet on May 4 and will begin discussions.

Chair asked if there are any questions from the public; there were none.

Chair asked for comments from the Board; there were none.

Agricultural Activity Policy Committee: Mr. Schenk reported that the committee has met three times to work on this complex undertaking. The factors needing to be considered: are the policies in alignment with ADC's mission, with state laws, and are they workable from the farmers' standpoint?

AGRIBUSINESS DEVELOPMENT CORPORATION

Minutes of the Board of Directors Meeting held Virtually on April 28, 2021

Via Zoom Teleconference

Page 7 of 13

The assignment includes four policy areas which are quite broad and extends beyond ADC's capabilities, i.e. market research; and staff will need additional resources. There are high-level policies and operational policies. They are collecting information and working off a matrix which will take some time. The committee is trying to come up with a decision tree that allows transparency but doesn't lose sight of ADC's mission. Mr. Hopkins added that item N below is very broad, but in item M we are very restricted. If we keep the goals as they are, we can move quickly, meaning if we restrict ourselves to our lands, and lands that we are potentially going to buy, we can come up with our answers much more quickly and meet our mandate.

Chair thanked all committee members and staff for their work.

L. Appointment of Committee Members to the Whitmore Development and Recommendation Investigative Committee

Mr. Nakamoto explained that ADC has a property out in the Whitmore Village area and is looking to redevelop it for agricultural purposes. ADC is seeking guidance on developing a fair and reasonable RFP process, with support from the Board, on items such as incentives, types of facilities, etc. Chair announced that she has appointed Ms. Seddon and Ms. Evans to the committee, along with a third member from the community, Mr. Keoni Ahlo. Chair asked Mr. Nakatani to share Mr. Ahlo's bio.

Mr. Ahlo is a small business owner in Wahiawa. His volunteer experience includes the Board of Directors of the Wahiawa Community & Business Association, Rotary Club of Wahiawa-Waialua, and Lions Club. Mr. Nakatani stated that Mr. Ahlo is very qualified and active in Wahiawa and will be an asset to the committee.

Chair asked for comments from the public; there were none.

Chair asked for comments from the Board. Mr. Manuel asked if Mr. Ahlo is aware that serving on this committee makes him ineligible to submit an RFP. Mr. Nakatani confirmed that he spoke with Mr. Ahlo and he is aware of that; Mr. Ahlo's role will be as a liaison to the community.

M. Review and Discussion on the Legislative Auditors' "Audit of the Agribusiness Development Corporation", Report No. 21-01, submitted to the Legislature on January 14, 2021

Ms. Evans supported Mr. Hopkins' earlier comments about the need to define ADC's mission based on current conditions in agriculture rather than the situation back in 1994. We've learned that the way it was written is impossible as a public corporation with limited assets and staff. She supported a more narrow, focused mission for ADC.

If the desire is to change the focus of ADC, Mr. Manuel thinks that we should recommend an amendment to the statute in which ADC was created and formally change that. Our mission, vision, goals and objectives need to be consistent with our statutory mission.

Ms. Shimabukuro-Geiser pointed out that the discussion of the mission statement is the next agenda item. Do we want to take the item out of order? Chair agreed.

Mr. Nakamoto stated that the Board asked staff to prioritize the recommendation list, which they did. If the Board doesn't agree with the prioritization, please provide guidance.

AGRIBUSINESS DEVELOPMENT CORPORATION

Minutes of the Board of Directors Meeting held Virtually on April 28, 2021

Via Zoom Teleconference

Page 8 of 13

Mr. Hopkins thanked staff for their work on the matrix. He referenced the first item under the Executive list which is the mission statement. Many things on the list we do not do as they are outside our scope. He had questions related to operations and resources as there is a disconnect between what the legislature says we can do and the resources that are given to us to do them. He would like to work on the mission first.

Ms. Evans asked about the chart for Item M. The goals and objectives chart in Item N are consistent with ADC's mission. Which item are we discussing? Chair clarified that we are currently on M, but some want to move to N first.

Mr. Haraguchi stated that the Board asked staff to prioritize the recommendations, which they have. He thinks that what staff is looking for is direction from us on the prioritization. The matter of the mission statement can be worked on separately.

Mr. Hopkins' concern is not with the prioritization, as for the most part, he is fine with it. But for us to go forward on some things, we must decide what is in our mission. Is our mission: all of Hawaii agriculture, or agriculture on state lands, or on lands that we would potentially purchase? We have to be able to set a boundary on what we are setting out to do.

Mr. Watanabe concurs with Mr. Hopkins and Mr. Manuel. If we are going to re-do the mission statement and goals, we need to do it legislatively. If we are going to do that, that's where we start.

Mr. Haraguchi doesn't disagree but for this item's discussion, does the Board agree with prioritization? That's what staff is looking for then we can move on to the next item. Unless the goals and objectives will change the prioritization, that is another matter.

Mr. Manuel recommended that a consultant/planning firm be hired to help develop a Hawaii Agribusiness Plan. They can help with a re-evaluation of how we implement this agribusiness development program. This will allow us to review where we are, where we were and where we want to go; can develop a plan and build in many of the audit findings. After that we may find that we need statutory amendments. If we have funding available, this would be a good first step to addressing this.

Ms. Shimabukuro-Geiser asked about page 3 of the submittal – the prioritization chart. What does the shading of some of the items mean? Mr. Nakatani explained the three 'buckets' of priorities. Administrative = can easily do; Executive = higher-level; Other = items that did not fit into the other buckets. Mr. Nakamoto clarified that the item numbers correspond to the matrix and the shaded items mean they are completed or have already been addressed.

Mr. Nakatani stated that the ADC Board needs to address the recommendations made by the auditor when there is a duplication of efforts, for example with financing. There are financing programs in DOA (state), FSA (federal), credit unions (private), etc. There's no reason to duplicate these efforts. He spoke with Mr. Dean Matsukawa about financing and asked if we can we do a MOA or MOU; he answered yes. With respect to marketing, there's no sense in duplicating this effort since it is already being done by DOA. What is it going to cost if we do pursue these?

Mr. Schenk left the meeting at 11:21 a.m. and returned a few minutes later.

AGRIBUSINESS DEVELOPMENT CORPORATION

Minutes of the Board of Directors Meeting held Virtually on April 28, 2021

Via Zoom Teleconference

Page 9 of 13

Ms. Shimabukuro-Geiser explained that ADC is an attached agency of DOA (“the department”). When ADC makes recommendations, it shouldn’t be directing the department on what to do. ADC should be identifying what the department already does, and how the department can work together with ADC to address the audit recommendations.

Chair asked for comments from the public; there were none.

Chair explained that Item M is for discussion only.

Ms. Shimabukuro-Geiser wants the Board to look at the prioritization that staff has prepared. She reiterated that ADC is short-staffed and outsourcing certain items is okay, but filling vacancies is just as important. Outsourcing is a short-term fix. Chair agreed.

Mr. Watanabe asked Ms. Shimabukuro-Geiser for information from the department to help prioritize, such as market development. Ms. Shimabukuro-Geiser stated that for the last 5-7 years, ADC’s focus has been on land acquisition and getting licensees rather than doing marketing. What she thinks would help is better communication – let licensees know what programs are available to them, such as marketing. If the licensee is not part of a farming organization, they can get help from the department with promoting certain commodities and export opportunities. With financing, let them know of the Ag Loan programs that are available to them.

Mr. Haraguchi asked that Ms. Shimabukuro-Geiser share exactly what is available; that would help staff get the information to the tenants. Ms. Shimabukuro-Geiser responded that the information is available on their website and we need to connect the appropriate staff. She asked who at ADC is doing the outreach? Mr. Nakatani answered that if tenants have questions on financing or marketing, we do refer them to the appropriate DOA contact. When Mr. Nakatani started, ADC’s priority was to develop ADC lands, which we have done. What is the strategy for Hawaii – it doesn’t say who has to do it. Do we want to do just ADC or all of Hawaii? Chair stated that when she receives information from DOA, she shares it with the Kauai tenant community. It would be helpful if we all can do that.

There being no further comments or questions, Chair stated this will be reviewed and discussed again at the next meeting. She highly recommends that the Board go through the matrix and the priorities thoroughly so we can better discuss them at the next meeting.

N. Review and Discussion of the Agribusiness Development Corporation’s Mission Statement, Goals, and Objectives.

Mr. Nakamoto stated that staff identified this as our top priority; this mission sets the tone for everything that we do. We would like to keep ADC’s mission as-is. The current mission statement is: To acquire and manage, in partnership with farmers, ranchers and aquaculture groups, selected arable lands, water systems and infrastructure for commercial agricultural use and to direct research into areas that will lead to the development of new crops, markets and lower production costs.

Chair asked for comments from the public; there were none.

Chair asked for comments from the Board. Ms. Evans stated that this seems appropriate, but she noted that there has been a push by the legislature to re-purpose staff and resources to promote non-commercial subsistence farming, or commercial farming on 10-acres or less. It is difficult to do both large and small operations with the same program. Is ADC required by Act 264 HLS 194 to focus on

AGRIBUSINESS DEVELOPMENT CORPORATION

Minutes of the Board of Directors Meeting held Virtually on April 28, 2021

Via Zoom Teleconference

Page 10 of 13

all agriculture, state-wide or whether it is to focus on lands it has acquired or may acquire? If the mission statement is focused on lands that we acquire and manage for commercial agriculture purposes, it sounds very reasonable.

Mr. Schenk left the meeting at 11:42 a.m. and returned a minute later.

Mr. Schenk supports the mission as it stands.

Ms. Evans left the meeting at 11:45 a.m. and returned a minute later.

Mr. Manuel asked by who and when was the mission developed? Mr. Nakatani explained that much of this predates all current staff, so it is unknown. It was possibly developed when ADC was established but there is no record of it.

Mr. Haraguchi said that the statement is appropriate for ADC.

Mr. Manuel asked if we can use the term 'agricultural enterprise' which aligns with what we're doing. It has the same meaning as commercial. Mr. Nakatani asked Ms. Shimabukuro-Geiser to comment on this. He said that we were criticized in the UHERO report for not being more aggressive in this respect, and in order to move agriculture, it has to be 'commercial'. Mr. Manuel explained the definition of enterprise as 'for profit business or company'. He referenced 163D-1 – assist agricultural enterprises – wanting to bridge the legislature's intent and what we do, he suggested adding the word 'enterprise' to our purpose.

Mr. Hopkins left the meeting at 11:49 a.m.

Ms. Shimabukuro-Geiser shared that there was a discussion with CTAHR on the semantics of 'enterprise' vs. 'commercial'. Out of that conversation, they came to an understanding that to promote agricultural enterprises, would mean a lot of time and resources spent. It refers to high-risk taking ability. 'Commercial' is more relevant as it is defined as the entity as being economically viable for families which is more applicable to farming operations in Hawaii.

Ms. Evans supported Ms. Shimabukuro-Geiser's comment. She referenced the definitions in 163D-2, enterprise includes, "provided that the majority of what the corporation produces shall be produced for export". This may have been the focus back in 1994 but there has been a pivot in thinking that we are looking to support commercial agriculture to double local food production for local use. She supported Mr. Manuel's thought that we may need to propose changes to the chapter to bring the chapter more in line with current focus. It doesn't change the mission – we may need to propose changes to the chapter.

Ms. Shimabukuro-Geiser added that when ADC was created, food security was not a big issue. Society has changed and we have to look at what we foresee for the next 5-10 years for the industry. There is a lot of focus on food security. Mr. Manuel asked if we want to add food security and local food production to the mission?

Mr. Haraguchi asked Ms. Shimabukuro-Geiser if food safety has become a push at the department level? Ms. Shimabukuro-Geiser responded that the department's internal plan is to increase food security (includes food safety and GAP certification). He asked if it is necessary to add that to our

AGRIBUSINESS DEVELOPMENT CORPORATION

Minutes of the Board of Directors Meeting held Virtually on April 28, 2021

Via Zoom Teleconference

Page 11 of 13

mission statement or is covered under the department's mission? She replied that adding 'food security' is what she would recommend.

Chair left the meeting at 11:56 a.m. and returned a minute later.

Mr. Nakatani said that food security and food safety should be in ADC's goals. The mission should be kept broad, in his opinion. If you want to add anything, they should be listed in the goals and objectives area.

Mr. Lau asked if ADC should be focused on our lands and not all lands (which is DOA) and be incorporated into the mission statement? Chair asked where could we add that? Mr. Lau answered it could be inserted prior to 'infrastructure'.

Mr. Haraguchi left the meeting at 12:01 p.m. and returned a minute later.

Chair asked Ms. Yi if there is suggested wording. Mr. Manuel asked for clarification on whether this is a discussion or if this can be amended? Chair answered that this is just a discussion, and this will take more than one meeting to decide.

Mr. Hopkins returned at 12:04 p.m.

Regarding food safety/food security, Chair asked if this can be added to the lease agreements? She stated that Mr. Lau's recommendation will be taken into consideration. He would like the Board to at least think about it. He also stated that we are trying to do too much. Chair agreed that there is a misunderstanding that ADC is supposed to help with private lands and not just ADC lands.

There being no further comments or questions, this will be discussed at the next Board meeting.

O. Executive Director's Update

In the interest of time, the submittal was not read. Mr. Nakatani summarized that the first two items related to people wanting access to ADC lands.

1. Kekaha: refer to submittal.
2. Kalepa: refer to submittal.
3. Wahiawa
 - i. Update Board on discussions with Dole for the purchase of the Wahiawa Irrigation System: Ms. Kaichi reported that ADC is interested in buying the ditch only; we don't have the expertise to operate the reservoir. We don't have a price for it. Dole is adamant that the Wahiawa Irrigation System is an entire system (reservoir, spillway and ditch). She asked for the Board's input on the discussions with Dole – continue discussions, or stop discussions as we do not have the funds? Dole has a private bidder that they are considering.
 - ii. University of Hawaii – Tamura Warehouse agreement: Mr. Nakatani reported that the final approval is with UH, their technical committee then the Board of Regents. Our work is done, and it is in hands of UH. Timeline is end of May.

AGRIBUSINESS DEVELOPMENT CORPORATION

Minutes of the Board of Directors Meeting held Virtually on April 28, 2021

Via Zoom Teleconference

Page 12 of 13

4. Galbraith

- i. Update on progress of most recently approved tenants: refer to submittal.

5. Legislative Update

SB 335 introduced by Senator Mike Gabbard was heard in the House but was deferred. The companion to that was HB 827 introduced by Rep. Hashem. HB 1271 introduced by Rep. Amy Perruso, was not heard by the Senate.

ADC did not receive its CIP appropriation. Mr. Nakatani asked Ms. Shimabukuro-Geiser to provide further comment. She stated that we haven't seen the budget worksheets so we do not have the details. She reported that there was a strong effort by the legislature to decrease special funds and DOA had a significant sweep of their special funds. ADC is affected in that the barrel tax appropriation special funds were repealed and replaced with general funds appropriation, but we don't know what the amounts are.

She further reported that some bills were passed that help the industry (coffee and cattle). There are many incentives to 'buy local' that passed; the 'Made in Hawaii' trademark was transferred to DBEDT. DOA will lose some positions but she is uncertain of the details. She noted that the ADC account clerk position was possibly converted to a revolving fund position, as we requested; waiting to see if it made it.

Chair asked about the east Kauai water bill. Ms. Shimabukuro-Geiser replied that the bill died. Back in the 2019 session, the legislature did approve a CIP appropriation for the east Kauai irrigation system. The department had requested an allotment to start a feasibility impact study and are still awaiting approval; it is currently with the Governor. She is scheduled to discuss this with the Governor next week. If approved, it will allow DOA to find out how many users are agricultural users of the system, how many are impacted by DHHL users, and what parts of the system are able to continue to be operated. Chair stated that this is very important as this affects the Kalepa farmers. If no one maintains the system, they will have no water.

6. Administrative

- i. Update on Accounting/Property Management software search: refer to submittal.

P. Update on Ohana Best, LLC vs. State of Hawaii, et al., Civ. No. 19-1-1640-10

"The Board may go into executive session, pursuant to H.R.S. §92-5(a)(4), to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities."

Chair asked for comments from the public; there were none.

Motion to enter Executive Session: M.A. Evans / Second: L. Haraguchi

Vote: Approved 10-0.

The Board entered Executive Session at 12:18 p.m.

The Board emerged from Executive Session at 12:35 p.m.

AGRIBUSINESS DEVELOPMENT CORPORATION

Minutes of the Board of Directors Meeting held Virtually on April 28, 2021

Via Zoom Teleconference

Page 13 of 13

Ms. Yi conducted a roll call. Nine members present (S. Kato-Klutke, M.A. Evans, K. Seddon, P. Shimabukuro-Geiser, F. Lau, D. Schenk, K. Hopkins, W. Watanabe, K. Manuel). Mr. Haraguchi joined a few minutes later.

Q. Adjournment

Motion to adjourn meeting: M.A. Evans / Second: D. Schenk

L. Haraguchi joined the meeting at 12:40 p.m.

Chair reminded the Board that our next meeting is scheduled for June 23, 2021, at 9:00 a.m.

Meeting was adjourned at 12:41 p.m.

Respectfully submitted,

Lori Nakamura
ADC Executive Secretary

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



Item D

JAMES J. NAKATANI
Executive Director

STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION

235 S. Beretania Street, Room 205
Honolulu, HI 96813
Phone: (808) 586-0186 Fax: (808) 586-0189

June 23, 2021

Subject: Request for Approval to Issue Amended Revocable Permit to The Davey Tree Expert Company and Davey Tree Surgery Company for 21,393 Square Feet of Space, More or Less, in Whitmore, Oahu, Tax Map Key (1) 7-1-002-004 (por), -009 (por)

Applicants: The Davey Tree Expert Company and Davey Tree Surgery Company

Authority: Section 163D-4(a)(5), Hawaii Revised Statutes

Area: 20,684 Square Feet

Field No(s): N/A

Tax Map Key: (1) 7-1-002-004 (por), -009 (por)

Land Status: Acquired in Fee by the Agribusiness Development Corporation in 2015

Trust Land Status: N/A

Character of Use: Commercial

Lease/License Term: N/A

Revocable Permit: Yes

Base Rental Rate: \$0.10/sq. ft. for warehouse/parking space
\$0.60/sq. ft. for office space
Monthly: \$1,634.40 Annual: \$19,612.80

BACKGROUND:

ADC and The Davey Tree Expert Company ("Davey Tree Expert") executed Revocable Permit No. RP16-01 ("Permit") on March 1, 2016 for 224 sq. ft. of office space, 5,000 sq. ft. of covered storage space, and 10,000 sq. ft. of parking area. Davey Tree Expert had been gradually expanding its operations and the expansion resulted in a certain amount of encroachment upon the premises of adjacent tenant, Dole Food Company, Inc. ("Dole").

At the meeting on September 23, 2020, this Board approved Davey Tree Expert's request to include 5,460 sq. ft. of Building J (por) for the purpose of equipment storage. Rental amounts for that portion of Building J were calculated at \$0.10/sq. ft. and Davey Tree Expert proposed to pay the additional rents in-kind by providing groundskeeping services for a portion of the Whitmore Ag-Tech Park. Following disagreements surrounding the value of work provided by Davey Tree, ADC decided to terminate the permit and require Davey tree to vacate the premises.

Concurrently, Davey Tree Surgery Company ("Davey Tree Surgery"), an allied company with The Davey Tree Expert Company, approached ADC seeking space at Whitmore Ag-Tech Park. Agreement was reached between Davey Tree Expert and Davey Tree Surgery (jointly "Davey Tree Companies") to seek a joint permit which would include additional office space and terminate the in-kind groundskeeping in lieu of rent arrangement of Building J (por).

LAND REQUEST:

Davey Tree Companies request an amended permit to include the existing 10,000 sq. ft. of unimproved open space for parking; 5,600 sq. ft of Building I for storage; 5,460 sq. ft. of Building J (por) for storage, 218 sq. ft. of Building E (por) for office space, and to convert the services in-kind in lieu of rent arrangement for Building J to direct rent. Additionally, Davey Tree Companies request 115 sq. ft. of Building E (por) for more office space (see "Exhibit A").

Premises	Dimensions	Sq. Ft. (Area) ¹	\$/Sq. Ft.	Rent Assessment
Office A (current)	18'7"x11'9"	218.0	\$0.60	\$130.80
Office B (requested)	9'10"x11'8"	115.0	\$0.60	\$69.00
Building I (current)	160x35'	5,600.0	\$0.10	\$560.00
Building J (por)(current)	91x60'	5,460.0	\$0.10	\$546.00
Parking (current)	To be staked	10,000.0	\$0.10	\$1,000
Total		21,292.0		\$2,305.80

WATER NEEDS AND SOURCE OF WATER:

Board of Water Supply provides water to the Whitmore Ag-Tech Park. Other than minimal needs for washing their vehicle fleet, the Davey Tree Companies do not require water for their operations.

¹ Area calculations are based on verification of dimensions conducted on 6/10/21 and may differ slightly from the original dimensions under the current permit.

CONCLUSION:

In light of the inability to reach consensus with The Davey Tree Expert Company on the value of the in-kind groundskeeping services provided in lieu of rents for Building J (por) under the existing permit, and in consideration of the Davey Tree Companies willingness to convert that arrangement to rent payments, ADC believes an amended permit is appropriate.

This request, if approved, represents an increase in rental income of \$671.40/month (\$8,056.80 annually).

RECOMMENDATION:

Staff recommends the Board approve the land request noted above, subject to the following conditions:

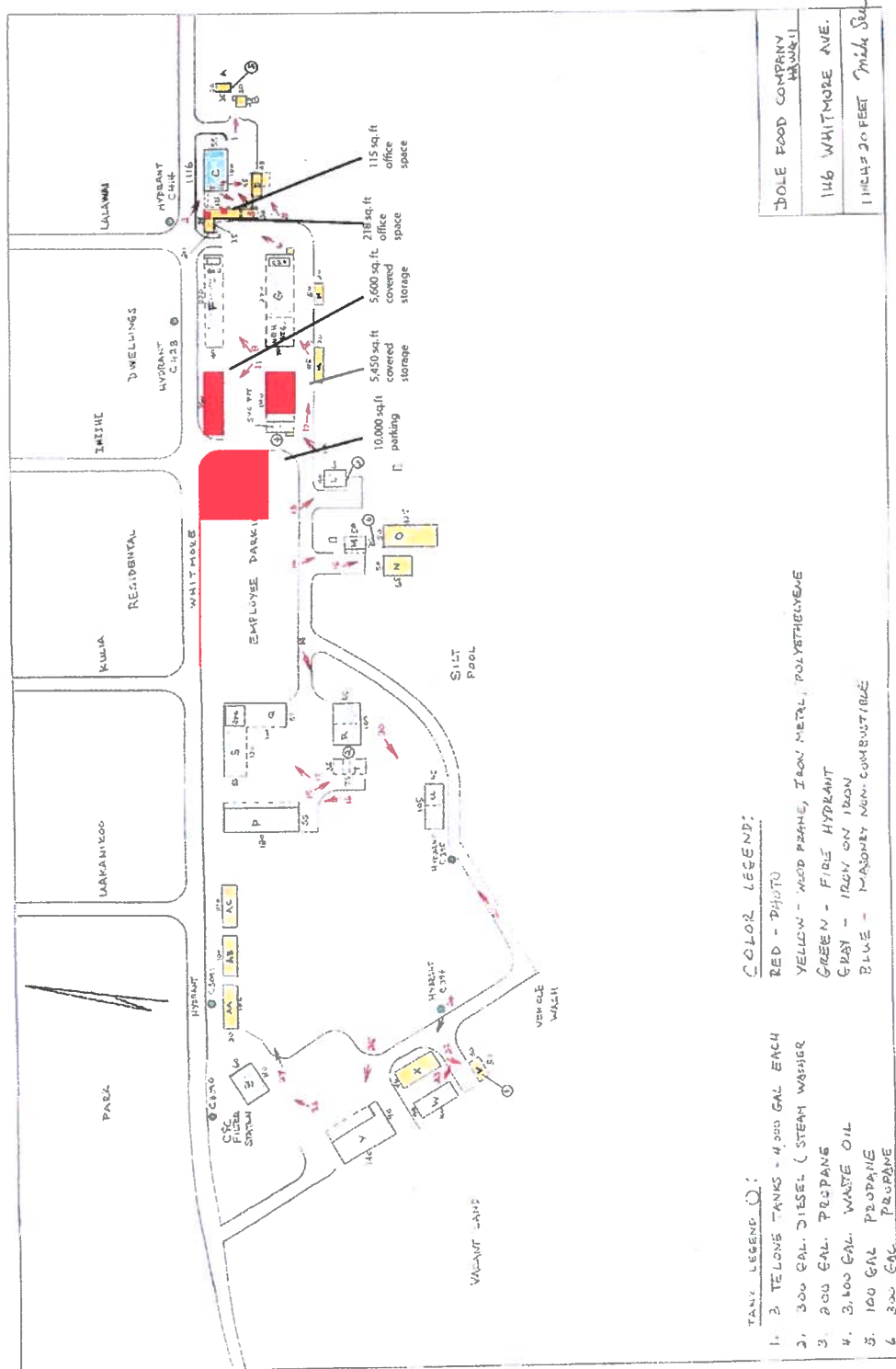
1. Davey Tree Companies shall procure all appropriate policies of insurance pursuant to the terms of the permit prior to the execution of the amended permit.
2. Standard rent for Building J (por) shall be assessed and the groundskeeping services in lieu of rents arrangement shall be terminated.
3. All other terms and conditions of the permit shall remain unchanged.

Respectfully Submitted,



James J. Nakatani
Executive Director

EXHIBIT A



DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



Item E

JAMES J. NAKATANI
Executive Director

STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION

235 S. Beretania Street, Room 205
Honolulu, HI 96813
Phone: (808) 586-0186 Fax: (808) 586-0189

June 23, 2021

Subject: Request for Approval to Renew Revocable Permit No. RP20-20 Issued to Kelena Farms, Inc. for 345.38 Acres, More or Less, in Waialua, Oahu, Tax Map Keys (1) 6-5-002-011, (1) 6-5-002-006, (1) 6-5-002-008, and (1) 6-5-001-046

Permittee: Kelena Farms, Inc.

Authority: Section 163D-4(a)(5), Hawaii Revised Statutes

Area: 345.38 Acres, More or Less

Field No(s).: N/A

Tax Map Key: (1) 6-5-002-011, (1) 6-5-002-006, (1) 6-5-002-008, (1) 6-5-001-046

Land Status: Acquired in Fee by the Agribusiness Development Corporation in 2019

Trust Land Status: N/A

Character of Use: Agricultural

Lease/License Term: N/A

Revocable Permit: Yes

Base Rental Rate: \$100 per acre per year

BACKGROUND:

Since 2012, the Agribusiness Development Corporation (ADC) has acquired over 3,000 acres in Central Oahu as part of its land acquisition campaign to preserve agricultural land and expand its land inventory, so it can provide long-term agreements to farmers. Some of the lands ADC acquired were actively being farmed and encumbered by license agreements at the time of the purchase. While most of these "carry-over" License agreements from previous landowners have been terminated and issued as ADC license, the subject area is the last remaining as a holdover under a revocable permit.

Kelena Farms, a Hawaii Corporation and one of the largest producers of fresh fruits and vegetables, has been farming on five (5) parcels, which includes the subject area since 2008 under a Dole license agreement where they grow watermelons, bell peppers, and cabbage. They are excellent

operators and currently sell produce to large retailers and local distributors based on the customer's needs. The ADC's offered Kelena Farms the right of first refusal to continue farming the land under an ADC license agreement once it had acquired all five (5) parcels and secured water access. To date, ADC has acquired four (4) out of the five (5) parcels from Dole.

LAND REQUEST:

The subject area is 345.38 acres, more or less, and is comprised of four (4) parcels located just northwest of the Galbraith Agricultural Lands on Kaukonahua Road. The land is relatively flat with a gentle slope. The infrastructure, which includes a reservoir, interior farm roads, well connection, and irrigation distribution lines, were furnished and installed by Kelena Farms (no State funds).

WATER NEEDS/SOURCE & OPERATIONAL PLAN:

The subject parcels currently access water through an agreement with Dole Food Company, Inc. (Dole) to transport irrigation water from Dole Well #25 located over a mile away near Dole Plantation. The agreement between Dole and Kelena Farms is primarily for the use of the well. Kelena Farms is responsible for the operation and maintenance, which includes all permitting and reporting. The applicant plans to continue to grow fruits and vegetables to include, but not limited to, cabbage, bell pepper, and watermelon for local consumption.

CONSERVATION PLAN:

The applicant is required to develop a conservation plan and submit for acceptance to the ADC.

CONCLUSION:

Kelena Farms has a remarkable track record as one of the largest producers in the State, and they have been exceptional stewards of the premises. They have made a substantial investment to farm the subject area and are good stewards of the land. For these reasons, the ADC is recommends renewing the Revocable Permit to allow them to continue their operations until a long-term agreement can be finalized.

RECOMMENDATION:

Staff recommends the Board approve the renewal of Revocable Permit No. RP20-20 to Kelena Farms, Inc. for 345.38 acres, more or less, in Waialua, Oahu, subject to the existing terms and conditions:

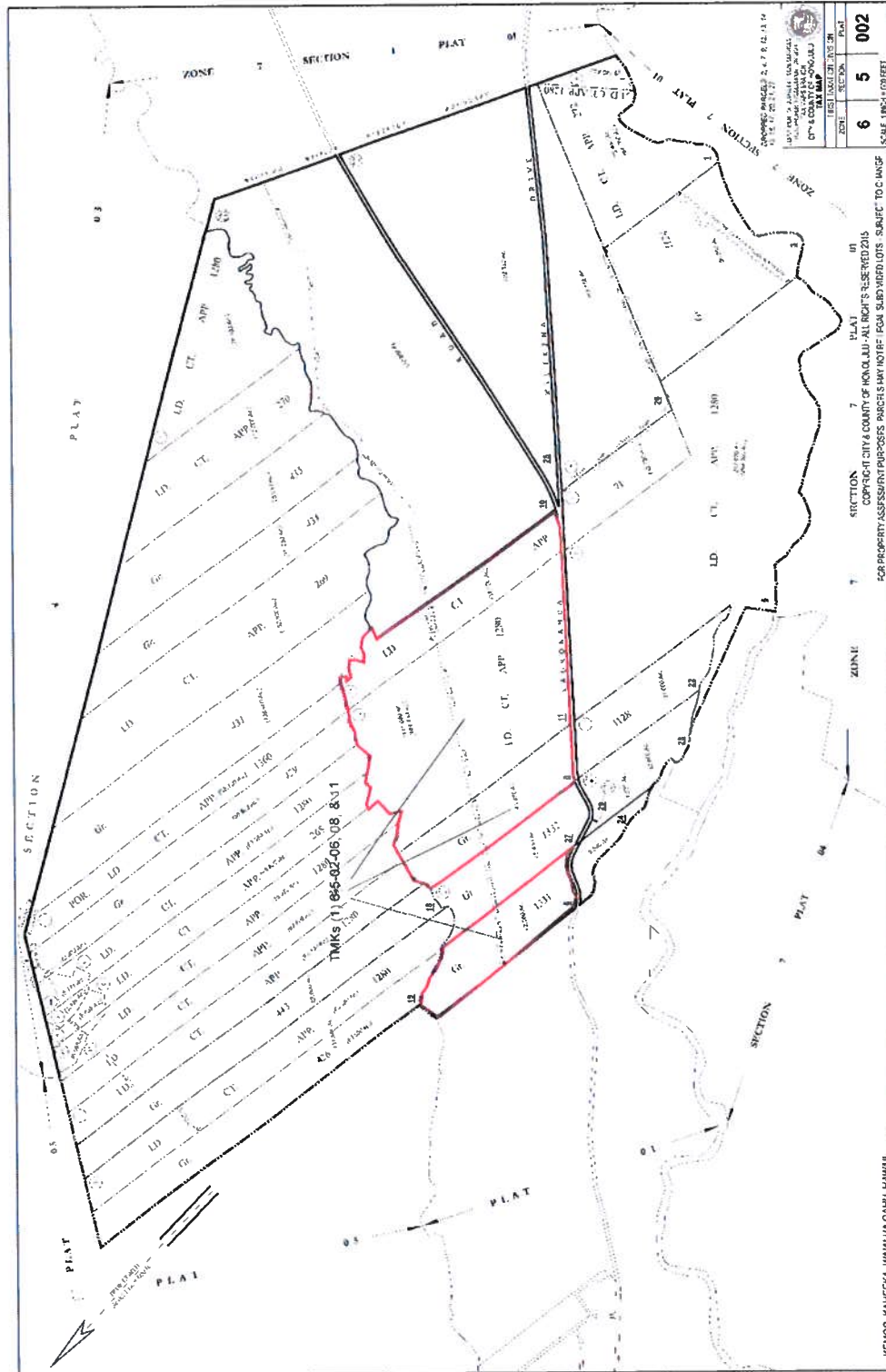
Respectfully Submitted,



James J. Nakatani
Executive Director

Item E

Item E



DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



Item G

JAMES J. NAKATANI
Executive Director

STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION

235 S. Beretania Street, Room 205
Honolulu, HI 96813
Phone: (808) 586-0186 Fax: (808) 586-0189

June 23, 2021

Subject: Request for Approval to Amend the Water User Agreement for
Bott Well Pump Station in Wahiawa, Oahu

Authority: Section 163D-4(a)(5), Hawaii Revised Statutes

BACKGROUND:

The Bott Well Pump Station ("well") is located at the Galbraith Agricultural Lands ("GAL") in Waialua, Oahu near the intersection of Kaukonahua Road and Wilikina Drive in the central-western point of the small farmer lots (see "Exhibit A"). The well has a capacity of 3 MGD and is the lifeline for the farmers on the GAL. The Agribusiness Development Corporation ("ADC") has a ground water use permit ("WUP 976") with an allocation of nearly 2 MGD from the Commission on Water Resource Management.

Since acquiring the GAL in 2013, the ADC has invested over \$5,000,000 in irrigation improvements, which include replacement of the well's diesel engine, rehabilitation of the distribution line and risers, installation of water meters and risers for the small farmer lots, construction of reservoirs and storage ponds, and other expenses. Additionally, the ADC spends roughly \$100,000 annually on a contract for the maintenance of the well, distribution lines, and water meters, as well as to perform limited operations. This contract also includes reporting annual air quality emissions and monthly ground water use.

In April 2020, Kelena Farms proposed that they continue performing a majority of the daily operations on their own, which included purchasing diesel fuel, operating the well pump, and filling reservoirs and storage ponds, and requested that the others users pay a share for diesel fuel, a cost which Kelena Farms had previously borne alone.

In June 2020, ADC executed Water User Agreements ("WUA") with all GAL tenants and began billing at \$0.89 per 1000 gallons effective July 1, 2020. At the time the agreements were executed, diesel fuel was less than \$1.70 per gallon. As of May 29, 2021, the cost of diesel fuel was \$2.44 per gallon – a 44% increase – and will likely continue to rise.

REQUEST & DISCUSSION:

ADC requests approval to raise the water rate from \$0.89 per 1000 gallons to \$1.65 per 1000 gallons to help cover the rising fuel costs at Bott Well Pump Station. At the time this Board approved the WUA in May 2020, it stipulated that water rates would be revisited every two

years. However, given the rapid rise in fuel prices in Hawaii and across the country, ADC cannot afford to continue to subsidize our GAL farmers' fuel costs for another year.

ADC contacted an accredited systems operator for information about the estimated cost to manually operate the Bott Well Pump Station to compare costs. If the ADC were to contract these services out to a third-party contractor and assuming the cost of diesel fuel is \$2.44, the estimated cost per 1,000 gallons of water would be \$1.74 (see "Exhibit B"). This cost factors fuel cost at \$2.44 per gallon, periodic maintenance and mechanical failures, manual operation of Bott Well, manual operations of booster pumps, monthly reporting, and meter reading. Kelena Farms currently performs these tasks including monitoring the entire system to ensure it is operating efficiently.

Lastly, WUA paragraph 1 allows the early termination if the current agreement: "This agreement shall be effective at the date of execution and shall terminate upon the termination of the License, when USER quits the property covered by the License, or upon the earlier termination of this Agreement or the License at ADC's discretion, whichever shall first occur."

CONCLUSION:

Rising fuel costs have made it unsustainable for ADC to continue to subsidize fuel costs for GAL farmers, furthermore, current market volatility suggests that prices may rise even more. Given the reality of current fuel costs, ADC believes that a rate increase is necessary.

RECOMMENDATION:

Staff recommends that the Board authorize the Executive Director to terminate the current Water User Agreement and execute an amended Water User Agreement with all GAL water users, subject to the following conditions:

1. The current agreements shall terminate on June 30, 2021.
2. The amended agreements shall be effective July 1, 2021.
3. The amended water rate shall be no more than \$1.65 per 1000 gallons.
4. No water shall be delivered without an Agreement.
5. All other terms of the Agreement shall remain the same.

Respectfully submitted,



James J. Nakatani
Executive Director

EXHIBIT A

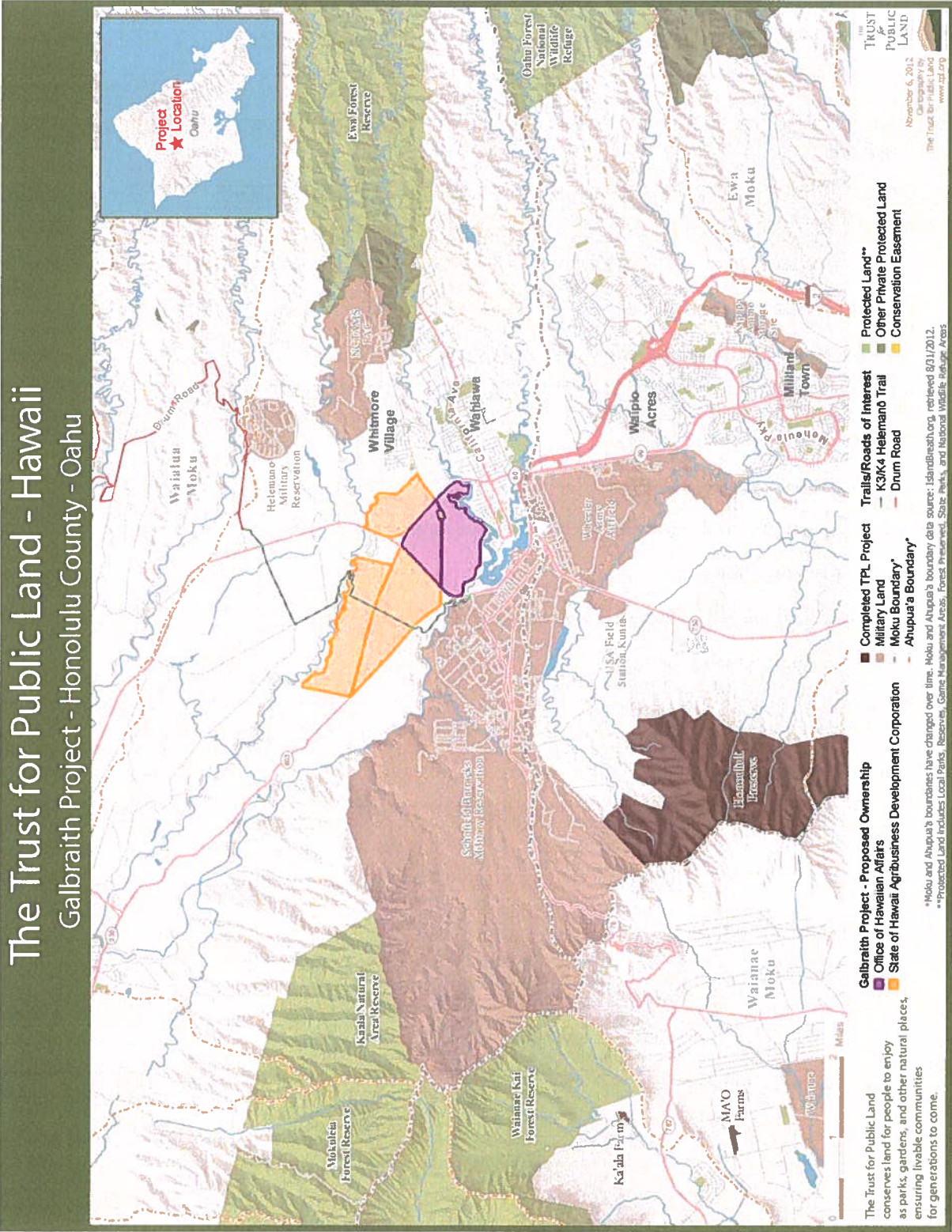


EXHIBIT B

Bott Well Water Cost Worksheet

Item	Description				Extended Component Cost
1	Fuel Costs:				
	Flow Rate	Fuel Consumption	Assumed Fuel Cost	Fuel Cost	
	800 GPM	11.4 GPH	\$ 2.44 /gal.	0.58 /1000 gal.	
	1200 GPM	18 GPH	\$ 2.44 /gal.	0.61 /1000 gal.	
	1600 GPM	28.1 GPH	\$ 2.44 /gal.	0.71 /1000 gal.	
	1800 GPM	35.2 GPH	\$ 2.44 /gal.	0.80 /1000 gal.	\$ 0.80
	2000 GPM	38.3 GPH	\$ 2.44 /gal.	0.78 /1000 gal.	
2	Periodic Maintenance (scheduled engine servicing/overall system checks):				
	Cost per Service:	Service interval:	Assumed Gals. / service	Cost per 1000 gals.	
	\$ 4,262.00 /service	250 hours	24,000,000.00 gallons	0.17758333	\$ 0.18
	Assumes average flow rate is 1,600 gpm				
3	Major Maintenance/ mechanical failures:				
	Assumptions: Cost = \$100,000 per 10,000 hours at an average pumping rate of 1,600 GPM				\$ 0.10
4	Manual operation of Bott Well				
	Assumptions: Daily manning= \$300 operate pump 8 hours @ 1,600 GPM				\$ 0.39
5	Manual operation of Booster Pump				
	Monthly Rental of Pump @ \$2,000/month @24,000,000 per month:			0.08	
	Labor to operate pump: 15 days @ \$100 per day : \$1,500 =			0.06	
	Fuel/maintenance to operate pump: say \$100/day X 15 days per month:			0.06	
				0.21	\$ 0.21
6	Monthly CWRM Reporting:				
	Monthly Cost:	Monthly Consumption:		Cost Per 1000 gallons	
	\$ 835.00	10,000,000	333,333 per day average	0.084	
		24,000,000	250 hours @ 1,600 GPM	0.035	\$ 0.04
		48,000,000	500 hours @ 1,600 GPM	0.017	
7	Monthly Meter Reading / Billing				
	Monthly Cost:	Monthly Consumption:		Cost Per 1000 gallons	
	\$ 375.00	10,000,000	333,333 per day average	0.038	
		24,000,000	250 hours @ 1,600 GPM	0.016	\$ 0.02
		48,000,000	500 hours @ 1,600 GPM	0.008	
	Water Cost Per 1,000 Gallons				\$ 1.74

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



Item J

JAMES J. NAKATANI
Executive Director

STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION

235 S. Beretania Street, Room 205
Honolulu, HI 96813
Phone: (808) 586-0186 Fax: (808) 586-0189

June 23, 2021

Subject: Update on the Progress of the Tenant Review and Recommendation Committee

Authority: Section 163D-4(a)(5), Hawaii Revised Statutes

BACKGROUND

On September 23, 2020, the Tenant Review and Recommendations Committee (Committee) was tasked by the Chair of the Agribusiness Development Corporation (ADC) Board of Directors with assisting ADC in 1) Developing criteria for the qualification and selection of potential tenants of vacant ADC agricultural lands on Oahu, 2) Developing a fair and effective solicitation processes for the submission of applications and 3) Upon completion of the solicitation process, review and evaluate the applications received in accordance with the qualification and selection criteria and select the best applicants.

On March 4, 2021, the ADC solicited applications from interested farmers and ranchers to fill five (5) non-contiguous parcels located in the Whitmore and Mililani area of Central Oahu. These noncontiguous lots range in size from 91 acres to 511 acres and have not been farmed in decades. In addition to the individuals who submitted expression of interest for land, the ADC expanded its solicitation outreach to include the Hawaii Department of Agriculture, USDA, Hawaii Farm Bureau, Hawaii Farmers Union Foundation, Go Farm, Office of Hawaiian Affairs, DHHL, UH-CTAHR, Kamehameha Schools Bishop Estate, Dole Foods, Hawaii Cattleman's Council, Star Advertiser, and various community groups in the area.

The ADC extended its deadline to receive applications citing more interest received after issuing its solicitation, the storm events in February and March 2021, and the COVID-19 pandemic as the reasons for the extension. The Committee completed its rating on May 25, 2021.

FINDINGS

Finding #1

In total, the ADC received 33 land applications. Of the 33 land applications received, three (3) were for cattle ranching, and five (5) was submitted after the April 27, 2021 deadline and would only be considered if the committee was unable to identify a suitable applicant amongst those who turned in their land application on time. The committee chose to accept and review all applications, including those that were incomplete (missing attachments, notary, etc.) because

they did not want to eliminate any proposal on a technicality. If any incomplete applications were selected, the Committee would afford the applicant the opportunity to complete their application.

The 33 applications were placed in five (5) separate groups based on the five (5) different areas they applied for. The areas were listed in ADC's Request for Applications Spring 2021 notification along with pertinent information such as, the condition of the land, water availability, acreage, location, etc. (see attached). It should be noted that several applicants applied for multiple parcels.

1. TMK 6-4-003-016 in Paalaa Uka – 10 Applicants;
2. TMK 6-4-004-006 & 008 in Whitmore – 9 Applicants;
3. TMKs 7-1-002-034 & 006, 7-1-002-041, 7-1-002-047, and 7-1-001-012, Whitmore Agricultural Lands – 14 Applicants;
4. TMK 9-3-005-007 in Mililani Mauka – 11 Applicants; and
5. TMK 7-1-001-005 Galbraith Agricultural Lands – 14 Applicants.

Using their discretion and expertise, the Committee evaluated the applications and awarded points for each of the following categories: a maximum score of 15 points for experience; a maximum score of 20 points for marketability of product; a maximum score of 40 points for finances; a maximum of 15 points for business plan; and a maximum of 10 points for farming practices. The maximum score an applicant could receive is 100 points per committee member for a total of 400 points. The following applicants received the highest scores:

Larry Jeffs – 375 points
Thomas Law – 349 points
Tony and Manyvone Law – 325 points
Cedar Grove Hawaii, Inc. – 316 points
Hawaii Sustainable Agricultural Products, LLC (HSAP) – 294 points
Sila Farms – 273 points

Finding #2

The Committee evaluated the applications on face value and did not conduct farm visits or interviews with the top-rated applicants. The Committee was unable to finalize its recommendations due to uncertainties about the allowable uses on ADC land. The Committee concurred that they should seek clarification and guidance from the ADC Board of Directors with respect to the Board's position on the proposed uses such as renewable energy (photovoltaic), industrial hemp, and sod productions.

The Committee also had concerns that the applicants are not fully aware of the conditions of the land and external factors that cannot be overlooked. For example, the applicant who is awarded the Whitmore Agricultural Lands surrounding Whitmore Village must engage and work closely with the community, including but not limited to outreach, and attending community meetings. The applicant must also have a plan to address the theft, vandalism, trespassing, and illegal dumping that occur in these areas. The ADC awarded these lands to a farmer in 2019, but they declined after learning about the history of the property and the challenges they would encounter while developing the land.

Before making its recommendations, the Committee would like some assurances that the applicants who are selected are aware of their roles and responsibilities so there are no misunderstandings and disputes in the future, which may lead to litigation. The ADC will be issuing these larger tracts of land as is, where is and the operators that the ADC Board selects must acknowledge ADC's terms and conditions.

RECOMMENDATIONS

The committee through its evaluation has identified the top applicants based on their experience, marketability of product, finances, business plan; and farming practices. Before making its recommendation to the ADC Board of Directors, the Committee would like clarification on the allowable uses of ADC lands and assurances that the applicants are fully aware of ADC's terms and conditions. The committee's recommendations are summarized below:

Recommendation #1

ADC Board of Directors discuss and clarify whether renewable energy (photovoltaic), industrial hemp, and sod productions are allowable uses of ADC lands.

Recommendation #2

ADC Board of Director and/or ADC staff should conduct interviews and/or issue acknowledgement forms to the top applicants that explain in detail their roles and responsibilities and ADC's expectations. Should any of the top applicants decline the offer, the Committee recommends offering the parcel(s) to another qualified applicant who will accept ADC's terms and conditions.

CONCLUSION

This presents the summary of the committee's evaluation of the applications to date. The committee made their ratings in confidence based on their expertise and discretion and believes that the application process has identified the most qualified applicants who can help the State increase its local agriculture productions. Upon receiving clarification from the ADC Board of Directors about allowable uses and assurances that the applicants are fully aware of ADC's terms and conditions, the Committee will present its recommendations to the Board for their consideration and approval.

EXHIBIT A

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



JAMES J. NAKATANI
Executive Director

STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION
235 S. Beretania Street, Room 205
Honolulu, HI 96813
Phone: (808) 586-0186 Fax: (808) 586-0189

March 4, 2021

To: Interested applicants

RE: Request for Applications

The State of Hawaii Agribusiness Development Corporation (ADC) is accepting applications from interested farmers and cattle ranchers seeking land for agricultural production and pastoral use. All interested applicants can go the ADC website at <http://hdoa.hawaii.gov/adc/land-application/> to obtain an application form, or they can contact the ADC office at (808) 586-0186. Office hours are 8:00am to 5:00pm, Monday through Friday, except holidays.

The ADC has available vacant lands for agricultural production on Oahu identified as Tax Map Keys: 6-4-003-016, 6-4-004-006 & 008, 7-1-001-005, 7-1-001-012, 7-1-002-034 and 006, 7-1-002-041, 046, & 047, and 9-5-003-007 (see attached general location map). Multi-year Licenses to farm these lands, or occupy for pastoral use, will be issued based on merit. All applications will be rated and only the highest rated applicants will be selected. Cattle ranchers may apply for the available parcels, however, preference will be given to crop farmers. Accordingly, we are seeking farmers and ranchers with the following requirements:

- Minimum 5 years farming experience; or
- Owner-operator of an established farm conducting a substantial farming or cattle ranching operation.

It is not required, but highly preferred that applicants be trained and certified in food safety and Good Agricultural Practices.

All applications will be rated 0-100 points based on the following questions:

1. Does the applicant have farming experience? (Max score: 15)
2. Do the crops selected appeal to consumers and will they generate profit? (Max score: 20)
3. Has the applicant demonstrated adequate financial ability? (Max score: 40)
4. Has the applicant demonstrated adequate goals and strategies in their business plan to achieve them? (Max score: 15)
5. Does the applicant's operation meet basic regulatory requirements and industry standards regarding safety and sanitation? (Max score: 10)

The following are the available parcels:

Page 2 of 6

1. Paalaa Uka, Kamehameha Hwy./Paalaa Uka Pupukea Rd., TMK: 6-4-003-016.

- A. Size: 511 Gross Acres, approximately 385 is usable for diversified farming. Minimum size lot for diversified agriculture operation is 100 acres.
- B. Location: Paalaa Uka, Oahu, gates to the property located on Kamehameha Hwy and Paalaa Uka Rd.
- C. Water source: A pump station owned by Dole is located across Kamehameha Hwy. approx. 500 yards from the property. A possible second water source is an irrigation ditch running on the northern end of the property: Licensee will need to procure an agreement from Dole to use water from the pump station or R2 ditch water. The Licensee is also responsible for the development of the irrigation water infrastructure, including transporting water and constructing its own water storage onsite.
- D. Condition of property: The property has several abandoned vehicles on site, as well as debris and rubbish. The land is overgrown with grass and tall trees. The land will require clearing before any agricultural activities can begin and will be issued "as is." The Licensee is responsible for developing the land in accordance with applicable laws and license provisions. Access from Kamehameha Hwy on the West boundary for several hundred yards makes security a concern for the farmer. If Licensee chooses, Licensee may erect fencing as allowed in the License.

The following are the general license provisions for diversified agriculture:

- Starting at \$100-\$200/acre/year
- Up to 35-year term
- Licensee is responsible for the development of the water infrastructure
- Must submit an approved conservation plan
- No subletting, except as approved by ADC
- No permanent structure or residential dwellings shall be allowed
- Rent credit for improvements to the land may apply, if approved by ADC

The following are the general license provisions for cattle ranching:

- Starting at \$11-\$15/acre/year
- 5 years with an option to renew
- Licensee is required to install cattle fencing at its own cost
- Licensee is responsible for the development of the water infrastructure
- No subletting, except as approved by ADC
- No permanent structure or residential dwellings shall be allowed
- Rent credit for improvements to the land may apply, if approved by ADC

2. Whitmore Lands (North), Kamehameha Hwy., TMK(s) 6-4-004-006 & 008

- A. Size: 234 Gross Acres, approximately 162 acres is usable for diversified farming

Page 3 of 6

- B. Location: Whitmore Village, Oahu, Kamehameha Hwy access to the property is currently blocked by concrete jersey barriers. Access road via Saipan Rd is in poor condition due to muddy and uneven road.
- C. Water Source: Dole's Tanada Reservoir (surface water) located 200 feet more or less from the property line. Licensee will need to procure an agreement from Dole to use water from Tanada Reservoir. The Licensee is also responsible for the development of the irrigation water infrastructure, which includes a pump, filter station, waterlines, and a reservoir/water storage, and other equipment needed to transport water from Dole's reservoir to the site.
- D. Condition of property: Property is fairly clear of debris and rubbish, however, it is overgrown with grass and trees. The land will require clearing before any agricultural activities can begin and will be issued "as is." The Licensee is responsible for developing the land in accordance with applicable laws and license provisions.

The following are the general license provisions for diversified agriculture:

- Starting at \$100-\$200/acre/year
- Up to 35-year term
- Must submit an approved conservation plan
- Licensee is responsible for the development of the water infrastructure
- Licensee is responsible for obtain approvals or permits for ingress/egress
- No subletting, except as approved by ADC
- No permanent structure or residential dwellings shall be allowed
- Rent credit for improvements to the land may apply, if approved by ADC

The following are the general license provisions for cattle ranching:

- Starting at \$11-\$15/acre/year
- 5 years with an option to renew
- Licensee is required to install cattle fencing at its own cost
- Licensee is responsible for the development of the water infrastructure
- Licensee is responsible for obtain approvals or permits for ingress/egress
- No subletting, except as approved by ADC
- No permanent structure or residential dwellings shall be allowed
- Rent credit for improvements to the land may apply, if approved by ADC

3. Whitmore Agricultural Lands, Whitmore Ave./Saipan Rd., TMK(s): 7-1-001-012, 7-1-002-041, 046, & 047, and 7-1-002-034 & 006. (These lands have been designated for green houses and orchards)

- A. Size: TMK: 7-1-001-012 (32 gross acres);
TMK: 7-1-002-041, 046 and 047 (205 gross acres); and
TMK: 7-1-002-034, and 006 (179 gross acres)
416 Gross Acres, 280 Acres, more or less, of relatively flat terrain

Page 4 of 6

- B. Location: Whitmore Village, Oahu, three (3) contiguous parcels with access via Whitmore Avenue and Saipan Road. Although contiguous these three (3) parcels could be considered as individual lots.
- C. Water source: TMK: 7-1-002-034 currently has a $\frac{3}{4}$ " water meter. The other two properties do not have access to a water source. The Licensee is responsible for the development of the lot's irrigation water infrastructure, including transporting water and constructing its own water storage onsite.
- D. Condition of property: Hawaiian Electric power source located on Whitmore Ave. All three of the properties will require clearing and removal of junk and abandoned vehicles before agricultural activities can begin. Lot 034 is relatively flat, but it will require removal of a lot of tree trunks that were left behind after cutting down hundreds of invasive Albizia trees. The property is adjacent to Whitmore Village along the West boundary so it could be susceptible to vandalism and theft. The lots will also require clearing of grass and trees before any agricultural activities can begin and will be issued as is. The Licensee is responsible for developing their individual lots in accordance with applicable laws and license provisions.

TMK: 7-1-001-012	32 gross acres
TMK: 7-1-002-041, 046, and 047	205 gross acres
TMK: 7-1-002-034, and 006	179 gross acres
Total:	416 gross acres, more or less

The following are the general license provisions for diversified agriculture:

- Starting at \$100-200/acre/year
- Up to 35-year term
- Must submit an approved conservation plan
- Licensee is responsible for the development of the water infrastructure
- No subletting, except as approved by ADC
- No permanent structure or residential dwellings shall be allowed, except as approved by ADC
- Rent credit for improvements to the land may apply, if approved by ADC

The following are the general license provisions for cattle ranching:

- Starting at \$11-\$15/acre/year
- 5 years with an option to renew
- Licensee is required to install cattle fencing at its own cost
- Licensee is responsible for the development of the water infrastructure
- No subletting, except as approved by ADC
- No permanent structure or residential dwellings shall be allowed
- Rent credit for improvements to the land may apply, if approved by ADC

4. Mililani Mauka, Keni St., TMK: 9-5-003-007.

Page 5 of 6

- A. Size: 91 Gross Acres, farmable acres TBD.
- B. Location: Mililani Mauka, Oahu, access is through a Board of Water Supply (BWS) gate on Keni St.
- C. Water source: The property is adjacent to BWS Storage Tanks identified as Mililani 1150 Reservoirs 1 & 2. Licensee will need to procure an agreement from BWS to install a water meter. The Licensee is also responsible for the development of the irrigation water infrastructure, including water storage.
- D. Condition of property: The lot has not been farmed in decades and is overgrown with tall grass and trees. Access through two secure gates has deterred illegal dumpers and will stop most thieves. However, large trucks and equipment would have a difficult time accessing the property due to steep and narrow access road to the property. The lot will require clearing before any agricultural activities can begin and will be issued as is. The Licensee is responsible for developing the land in accordance with applicable laws and license provisions.

The following are the general license provisions for diversified agriculture:

- Starting at \$100-\$200/acre/year
- Up to 35-year term
- Must submit an approved conservation plan
- Licensee is required to pay BWS water meter installation cost
- Licensee is responsible for the development of the water infrastructure
- No subletting, except as approved by ADC
- No permanent structure or residential dwellings shall be allowed
- Rent credit for improvements to the land may apply, if approved by ADC

The following are the general license provisions for cattle ranching:

- Starting at \$11-\$15/acre/year
- 5 years with an option to renew
- Licensee is required to install cattle fencing at its own cost
- Licensee is required to pay BWS water meter installation cost
- Licensee is responsible for the development of the water infrastructure
- No subletting, except as approved by ADC
- No permanent structure or residential dwellings shall be allowed
- Rent credit for improvements to the land may apply, if approved by ADC

**5. Galbraith Agricultural Lands (North), Kamehameha Hwy., TMK: 7-1-001-005
(These lands have been designated for truck crops, no cattle ranching)**

- A. Size: 230 Gross acres, farmable acres TBD. Minimum size lot for diversified agriculture operation is 100 acres.
- B. Location: Whitmore Village, Oahu, Access through gate located on Kamehameha Hwy.
- C. Water source: There is a reservoir on the property connected to ADC's Bott Well Pump Station. The water line from Kamehameha Hwy to the reservoir has a saddle

Page 6 of 6

connection that the farmer may use for their operation. The licensee will need to procure an agreement from ADC to use water from the Bott Well Pump Station and install a water meter. The Licensee is responsible for the development of the lot's irrigation water infrastructure, including transporting water from a water meter designated by ADC and constructing its own water storage onsite.

- D. Condition of property: There are numerous abandoned vehicles and trash on a portion of the property that need to be removed. 90 acres, more or less do not have any abandoned vehicles or trash and has recently been cleared. The lot will require clearing of grass and small trees before any agricultural activities can begin and will be issued as is. The Licensee is responsible for developing the land in accordance with applicable laws and license provisions.

The following are the general license provisions for the Galbraith Agricultural Lands:

- Starting at \$100-\$200/acre/year
- Up to 35-year term
- Must submit an approved conservation plan
- Licensee is responsible for the development of the water infrastructure
- No subletting, except as approved by ADC
- No permanent structure or residential dwellings shall be allowed
- Rent credit for improvements to the land may apply, if approved by ADC

A site visit of the available parcels will be held on Tuesday, March 16, 2021 from 9:00am.-2:00pm. This will be the only site visit. However, due to Coronavirus (COVID-19) pandemic, we may schedule multiple site visits to comply with the state's rules and regulations. Interested applicants wishing to attend the site visit should RSVP at least 24 hours prior to the site visit. All interested applicants who wish to attend the site visit shall meet at 1116 Whitmore Ave., Building E, Wahiawa, HI 96786. For more information about the site visit, please contact the ADC.

Applications shall be received by the ADC Office before 2:00pm, Friday, April 9, 2021. The applicants are required to answer all applicable questions and complete all attachments as prescribed in the application. Any incomplete application will automatically be disqualified. All completed applications shall be mailed or delivered to 235 S. Beretania St., Room 205, Honolulu, HI 96813. For more information about the parcels, interested applicants can contact the ADC Office at (808) 586-0087.

/s/ James J. Nakatani
Executive Director

ADC does not discriminate on the basis of race, color, national origin, disability, age, or sex in administration of its programs or activities, and, ADC does not retaliate against any individual because they have exercised their rights to participate in or oppose actions protected by 40 CFR Parts 5 and 7 or for the purpose of interfering with such rights. (As prohibited under Title VI of the Civil Rights Act of 1964, as amended; Rehabilitation Act of 1973 §504; Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; and Federal Water Pollution Control Act Amendments of 1972 §13 (hereinafter referred to collectively as the federal non-discrimination statutes.)

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



Item K

JAMES J. NAKATANI
Executive Director

STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION

235 S. Beretania Street, Room 205

Honolulu, HI 96813

Phone: (808) 586-0186 Fax: (808) 586-0189

ADC Executive Director's Update

June 23, 2021

1. Tamura Warehouse



Plum St. fronting Tamura Warehouse on May 14, 2021

There has been no new trash accumulation and the ADC staff continues to monitor the area and haul away existing trash to the Wahiawa Transfer station. The ADC has contracted Pacific Environmental to remove and properly dispose of the medical waste, which is scheduled to be completed next week. We received no updates at this time from the manufacturer who is conducting an investigation at their distribution warehouse to help us trace the waste back to an individual and/or business. ADC is set to lease the warehouse space to the University of Hawaii Community Colleges (UH) on July 1, 2021. UH plans to renovate the warehouse to house a value-added food processing facility.

2. HONU Project

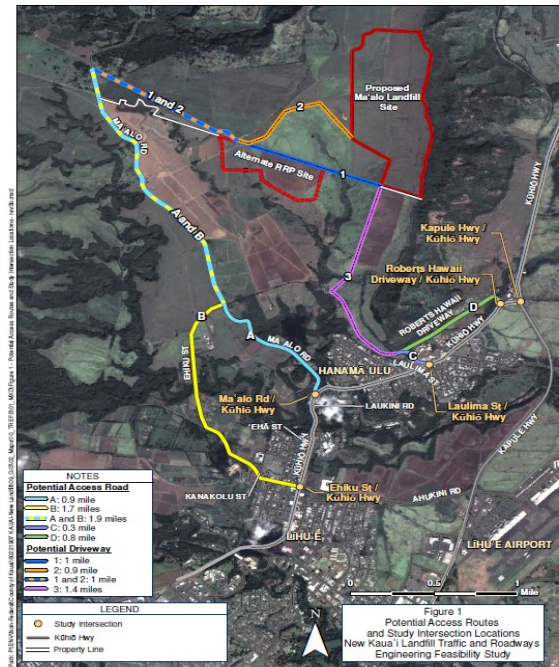
As of June 9, 30 individuals had come thru HONU and 26 has been transitioned out or assisted. According to an update from the Office of Councilmember Heidi Tsuneyoshi, an unsheltered mother and her three young children from Whitmore showed up at HONU. The mother made the crucial decision to take a chance and stay at the HONU to try and get help for her family. The mother and her children were almost immediately placed into a family shelter/living facility. Today, all four of them were doing well in transition housing in Kapolei.

3. Papaya Research



Keaau, HI

To assist the papaya industry with research and market development, the ADC provided \$7,000 to develop hermaphrodite rainbow papaya clones at the Hawaii Agriculture Research Center (HARC). With a lot of work by a good portion of the HARC staff and volunteers, the researchers grew 712 field-ready plants in the lab, growth room, and renovated greenhouse. The 712 papaya seedlings passed HDOA inspection on August 14, 2020 and were packed and shipped overnight to Hilo in a cargo jet. Above is a photo of the papaya trees taken on April 30, 2021. The first harvest was on May 3, 2021.



Refer to attached letters.

LETTER #1

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



JAMES J. NAKATANI
Executive Director

STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION
235 S. Beretania Street, Room 205
Honolulu, HI 96813
Phone: (808) 586-0186 Fax: (808) 586-0189

June 7, 2021

Mr. John Datiles
Engineering Division
Department of Land and Natural Resources
1151 Punchbowl Street, Room 221
Honolulu, Hawaii 96813

Mr. Michael Dahlig
Managing Director
County of Kauai
4444 Rice Street, Suite 235
Lihue, Hawaii 96766

Dear Mr. Datiles and Mr. Dahlig:

Re: Proposed Maalo Landfill Site and Kauai Shooting Range Project

Are you aware that both the landfill and shooting range sites share the same footprint?
Please refer to the attached maps.

Sincerely,

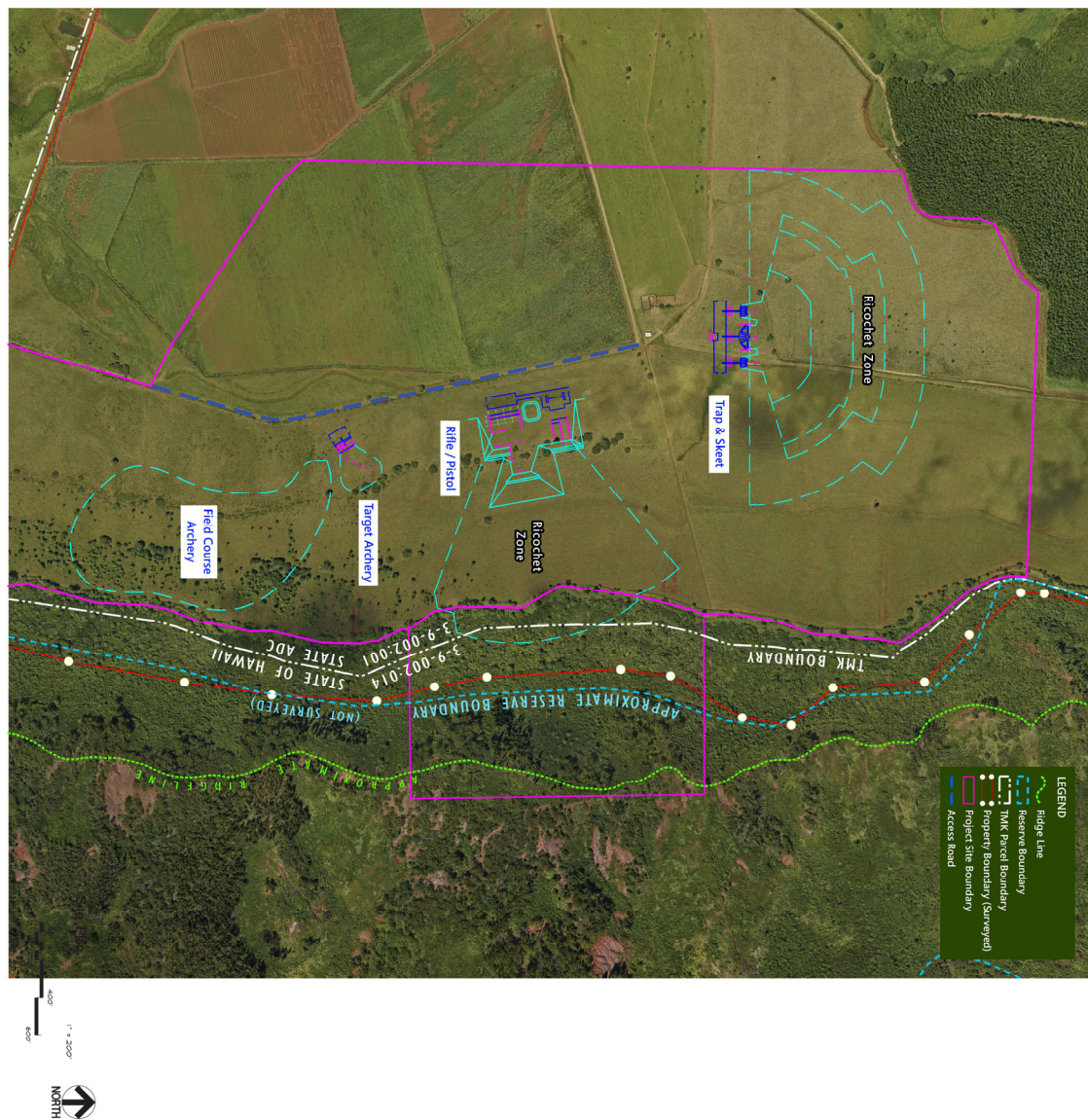
A handwritten signature in black ink, appearing to read "James J. Nakatani".

James J. Nakatani
Executive Director

Attachments

c: Ms. Sandi Kato-Klutke
Mr. Leslie Milnes

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SCHEMATIC - NOT FOR CONSTRUCTION



Kaua'i Public Shooting Range
 Site Selection
 Department of Land and Natural Resources

Conceptual Site Plan

12 Dec 20

**DRAFT
ENVIRONMENTAL IMPACT STATEMENT
NEW KAUA'I LANDFILL
MA'ALO, KAUA'I, HAWAII**



March 2018



County of Kaua'i
Department of Public Works
Solid Waste Division
4444 Rice Street, Room 275
Līhu'e, Kaua'i, Hawai'i

LETTER #2

OFFICE OF THE MAYOR

DEREK S.K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR



June 8, 2021

DEPT OF AGRICULTURE
AGRIBUSINESS DEV CORP

2021 JUN 14 P 1:43

Mr. James Nakatani
Agribusiness Development Corporation
235 S. Beretania Street Suite 205
Honolulu, Hawai'i 96813

RE: Proposed Ma'alo Landfill Site
Letter Dated May 19, 2021

Dear Mr. Nakatani,

Mahalo again for your response letter dated May 19, 2021. This letter responds to inquiries posed in that correspondence.

With respect to access at the proposed Ma'alo landfill site, the County is pursuing Access Route E to 3 (Figure 6-2, New Kauai Landfill EIS, attached). Access Route E runs along the former cane haul road beginning at the driveway on Kuhio Highway proximate to Kaua'i Beach Drive, and then circumscribes the base of the south end of Kalepa Ridge until connecting with the proposed landfill site. While your letter refers to the "western-most" route, we can confirm proposed alignment E to 3 does not run through Agribusiness Development Corporation (ADC) fields.

Concerning consultation with our aviation partners, we are also sending correspondence on this date to Mr. Ford Fuchigami, Airports Manager at the Hawai'i Department of Transportation Airport Division, and Mr. Gordon Wong, Manager of the Federal Aviation Administration Honolulu Airports District Office. We will communicate our progress with these agencies on mitigating issues related to wildlife/birdstrike hazards.

We appreciate your openness to the county support items both with respect to tipping fee surcharge and infrastructure support for farmers in the area. We welcome dialogue with ADC and its tenants on designing the infrastructure system. As requested, we are also copying this correspondence to the registered address of the Kalepa Coalition in Lihu'e.

Sincerely,


MICHAEL A. DAHLIG
Managing Director

Cc: Troy K. Tanigawa, P.E., Acting County Engineer

Attachment

2018

D/EIS, New Kaua'i Landfill

Manmade Environment

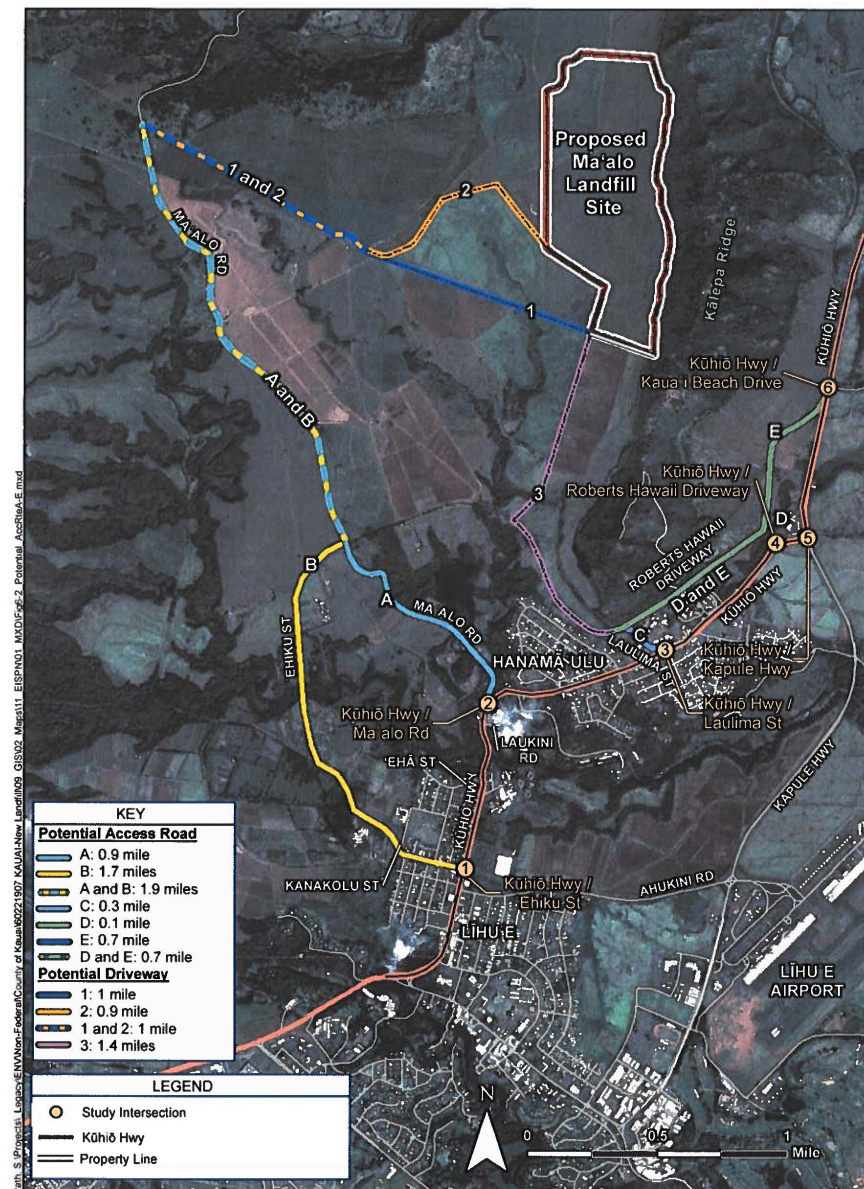


Figure 6-2: Potential Access Routes A – E

LETTER #3



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

ENGINEERING DIVISION
POST OFFICE BOX 373
HONOLULU, HAWAII 96809

Jun 14, 2021

VIA E-MAIL (james.nakatani@hawaii.gov)

Mr. James Nakatani, Executive Director
Agribusiness Development Corporation
State of Hawaii
235 South Beretania Street, Room 205
Honolulu, Hawaii 96813

**RE: JOB NO. A00XK36A, KAUAI SHOOTING RANGE
PROPOSED KAUAI SHOOTING RANGE PROJECT AND
PROPOSED MAALO LANDFILL SITE
KAUAI, HAWAII**

Dear Mr. Nakatani,

In response to your letter dated June 7, 2021, the Department of Land and Natural Resources (DLNR) is aware that the proposed Kauai Shooting Range Project shares the same footprint as the proposed Maalo Landfill Site.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Chang", is written over the typed name.

CARTY S. CHANG
Chief Engineer

Attachment

c: Mr. Michael Dahilig, Managing Director, County of Kauai
Ms. Sandi Kato-Klutke
Mr. Leslie Milnes

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



JAMES J. NAKATANI
Executive Director

STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION
235 S. Beretania Street, Room 205
Honolulu, HI 96813
Phone: (808) 586-0186 Fax: (808) 586-0189

June 7, 2021

Mr. John Datiles
Engineering Division
Department of Land and Natural Resources
1151 Punchbowl Street, Room 221
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Mr. Michael Dahlig
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Dear Mr. Datiles and Mr. Dahlig:

Re: Proposed Maalo Landfill Site and Kauai Shooting Range Project

Are you aware that both the landfill and shooting range sites share the same footprint?
Please refer to the attached maps.

Sincerely,

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James J. Nakatani
Executive Director

Attachments

c: Ms. Sandi Kato-Klutke
Mr. Leslie Milnes

21 JUN 09 PM 10:39 ENGINEERING



**DRAFT
ENVIRONMENTAL IMPACT STATEMENT
NEW KAUA'I LANDFILL
MA'ALO, KAUA'I, HAWAII**



March 2018



County of Kaua'i
Department of Public Works
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4444 Rice Street, Room 275
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