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Vote: Approved, 7/0.

III.

Minutes of the Board of Agriculture

CALL TO ORDER - The meeting of the Board of Agriculture was called to order on March 25, 2014 at 9:05 a.m. by Chairperson Scott Enright, at the Department of Agriculture Plant Quarantine Conference Room, 1849 Auiki Street, Honolulu, HI 96819.

Scott Enright, Chairperson

Richard Ha, Hawaii Member

Glenn Hong, Member-At-Large

Clark Hashimoto, Member-At-Large

Jerry Ornellas, Kauai Member

Michelle Galimba, Member-At-Large

Dr. Maria Gallo, Dean of the College of Tropical Agriculture & Human Resources University of Hawaii (CTAHR-UH), Ex Officio Member

Members Absent:

Members Present:

Mary Alice Evans, Designated Representative of Director of Department of Business, Economic Development, and Tourism (DBEDT) Lynn DeCoite, Maui Member

Others Present:

James Nakatani, Executive Director, Agribusiness Development Corporation (ADC)

Haunani Burns, Deputy Attorney General

Dean Matsukawa, Hawaii Department of Agriculture (HDOA)/Agriculture Loan Division

Linda Murai, HDOA/Agricultural Resource Management (ARM)

Randall Chang, HDOA/ARM

Robert Ikeno, HDOA/SALD

Randy Teruya, HDOA/ARM

Janelle Saneishi, HDOA, Chairperson's Office (ADM)

Darcy Oishi, HDOA/Plant Pest Control Branch

II. APPROVAL OF MINUTES FROM 2/25/14 MEETING:

Chairperson Enright requested a motion to approve the February 25, 2014 meeting minutes.

Motion for approval: Hashimoto/Galimba

Board Member Ornellas requested that his vote on page 8, line 10 of the February 25, 2014 meeting minutes be corrected to a vote to disapprove.

COMMENTS FROM THE GENERAL PUBLIC ON AGENDA ITEMS (ORAL OR WRITTEN)

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There were no comments from the general public on agenda items.

IV. INTRODUCTION AND COMMENTS

There were no introductions or comments.

COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION ٧.

A. AGRICULTURAL LOAN DIVISION

1. Request for Approval of One (1) Direct Farm Ownership/Improvement Loan and One (1) Direct Farm Operating Loan to Big Island Produce, LLC.

Presentation by Mr. Robert Ikeno, Business Loan Officer, Agriculture Loan Division, as submitted. Staff recommends approval.

Motion for approval: Ornellas/Ha

Vote: Approved, 7/0.

A. AGRICUTURAL LOAN DIVISION

2. Request that One (1) Loan to Talei T. and Danette M. Vakauta be referred to the Attorney General for Disposition and/or Collection.

Presentation by Mr. Dean Matsukawa, Agricultural Loan Administrator, Agricultural Loan Division, as submitted. Staff recommends approval.

Motion for approval: Hashimoto/Hong

Board Member Galimba asked if, for future submissions similar to the one presented, it would be possible to get a copy of the original loan packet.

Mr. Matsukawa said he can provide the original loan packet for future submissions.

Vote: Approved, 7/0.

B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

1. Request for Permission to Submit a Request to the Board of Land and Natural Resources to Withdraw Parcels 1 and 3 from Governor's Executive Order No. 4403, TMK (1)9-4-012:001 and 003, Upper Pouhala, Waikele, Ewa, Island of Oahu, Hawaii

Presentation by Mr. Randolph Teruya, Agricultural Asset Manager, Agricultural Resource Division, as submitted. Staff recommends approval.

Motion for approval: Ha/Hong

1 Board Member Hong asked if parcel 002 was not part of this request to withdraw. 23456

Mr. Teruva said parcel 002 will remain in the non-agricultural park program.

Board Member Hong asked if parcels 001 and 003 are currently fallow, and if so, whether ADC had any plans to cultivate.

Mr. Teruya said parcels 001 and 003 are currently fallow, and there are no short term plans for disposition or use of the lands. Parcels 001 and 003 together total approximately 91.6 acres.

Board Member Galimba asked for more information on the proposed biodigester mentioned in the Board's submittal.

Chairperson Enright asked Mr. Jimmy Nakatani, Executive Director of ADC, to come forward. Chairperson Enright said there was a request to use the land by the National Security Agency (NSA) and a separate request to do a biodigester to produce alternative energy. The HDOA, however, can't accommodate either request under its Non-Agricultural Park Lands Program and cannot do an executive order to separate land from the HDOA. The HDOA would need to send a request to the Department of Land and Natural Resources, who would need to get the request approved at its next board meeting. The land would then be transferred by executive order to ADC, which could accommodate NSA to trade for another piece of land in Kunia or, alternatively, develop the proposed biodigester on the land.

Mr. Nakatani said there is one biodigester, HRR, that they are looking to develop. The HDOA is considering a similar facility to convert garbage to feed. However, the HDOA would need to first acquire the land, and is looking at options to partner with an entity. If successful, the HDOA would have a biodigester that produces gas and fertilizer and would get rid of agricultural and food waste. It would be a good project to produce feed and generate some returns on agricultural waste.

Board Member Galimba asked whether the proposed biodigester would be similar to Biotork's biodigester.

Mr. Nakatani said no, the Biotork digester uses an algae. ADC's project will use enzymes to break down garbage. ADC's biodigester sterilizes garbage and breaks it down with enzymes to make protein. Users of the digester can then add amino acids and other ingredients to make a "whole" feed. ADC is doing that project on the Big Island and is working with Mr. Mike DuPont to revitalize the hog industry. What is holding Mr. DuPont back is the cost of feed, and this project will help address the feed issue by producing feed that is around 50% cheaper.

Board Member Ornellas asked whether the proposed biodigester would be run by a private entity.

Mr. Nakatani said the biodigester would be run by a private entity. The idea would be to partner with a private company to provide land for the facility and some funding, but ADC would not actually run the facility.

Board Member Hong asked what the source of the biowaste would be.

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Mr. Nakatani said he was not sure what the final plans are for HRR, but a good source would just be garbage and produce waste such as produce, cardboard, agricultural waste, and grasses. For example, instead of leaving the agricultural waste on the field post-harvest, farmers can now throw the waste into the digester to produce feed. The biodigester is supposed to be a simple system that is friendly to the environment and does not produce much odor.

Board Member Hong asked whether the biodigester could process restaurant waste.

Mr. Nakatani said the biodigester may be able to process restaurant waste. Restaurant waste may not be able to be dumped in city landfills, and if so, it would be another reason why the biodigester project would be appealing, as you are able to take a problem and turn it into an asset. However, the first step is to buy the land. The Legislature has given ADC \$600,000, which is just a start.

Chairperson Enright said local developers put a lot of work and money into this concept and drummed up a lot of support at the Legislature. Either the NSA is going to want this land or ADC will consider doing the biodigester project. If and when this project is fully fleshed out, ADC would go back to the Board of Agriculture (the Board) for approval for the next step.

Vote: Approved, 7/0.

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B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

2. Request for Authorization to Terminate General Lease No. S-4425 Talei and Danette Vakauta, Issue Cancellation Document, and Dispose of Lot Through Negotiation, Pahoa Agricultural Park, Phase II, Lot 11 Pahoa, Island of Hawaii

Presentation by Mr. Teruya, Agricultural Asset Manager, Agricultural Resource Division, as submitted.

Staff recommends the Board approves termination of the lease.

Motion for approval: Galimba/Gallo

Board Member Ha asked if the lessees were already struggling to make their payments before May 2013.

Mr. Teruya said yes, the lessees were struggling to make payments before May 2013 for a couple of years. The economic downturn negatively impacted their operations, and he is not sure if the financial woes were the cause of divorce, but the couple split up and SALD was unable to locate either Mr. or Ms. Vakauta afterwards.

Board Member Ha asked what the procedure is for locating a delinquent lessee.

Mr. Teruya said ARM usually works with SALD to turn the account to the Attorney General's office. Otherwise ARM can use collection agents to try and locate delinquent parties.

Vote: Approved 7/0.

C. AGRIBUSINESS DEVELOPMENT CORPORATION

 Request for Approval of the Whitmore Project (Development of a Central Hub for Agricultural Operations in Central Oahu).

Presentation by Mr. Nakatani, Executive Director, Agribusiness Development Corporation, as submitted. Mr. Nakatani recommends approval.

Motion for approval: Ha/Hashimoto

Board Member Galimba asked what area of lands would be covered by the project facility.

Mr. Nakatani said that, for now, the lands we own would be covered. The project entails a lot of land all over the place. The center itself, which is a part of the project, is also planned to serve any place on Oahu. The North Shore, Kunia, and Galbraith lands are all areas that are expected to use the facility. ADC envisioned building a facility to address a primary issue of food safety and, second, envisioned the facility as an agricultural hub. If you look at cost of distribution, you will see the cost of distribution is rising. Farmers are starting to realize it is hard to do everything themselves. To remain competitive, farmers must consolidate. ADC also purchased property on California Avenue in Wahiawa. ADC has short term plans to set up an area there to provide classes to train farmers on pesticide laws, field sanitation, labor laws, and other issues.

Board Member Galimba asked if the area to be served would be the Galbraith and Whitmore areas.

Mr. Nakatani said that, currently, the accessed area would be the Galbraith and Whitmore area. However, the intention is to expand beyond that area. It is an ongoing process and it is hoped that this project will be a template ADC can use in other parts of the State.

Board Member Ornellas asked whether any existing buildings or property infrastructure can be utilized.

Mr. Nakatani said the 24 acre parcel on Whitmore lands has a couple of buildings. For now, however, ADC wants to save those buildings in the short term for the people on Galbraith lands. ADC is conducting an office survey on the 24 acre parcel to help determine existing infrastructure. After the office survey is finished, ADC will start to plan for immediate needs. The priority is to try to accommodate as many small farmers, those farming 20 – 30 acres, as possible.

Board Member Ornellas said that he supports the food hub concept, but was wondering whether the food commercial facilities would object to the food hub.

Mr. Nakatani said that since the concept was first introduced, commercial facilities supported it. The center would be beneficial to all agricultural sectors.

Board Member Ornellas asked if distribution of produce after it is cleaned and packed would be done through traditional wholesalers.

Mr. Nakatani said that is not certain yet. The idea would have the facility be a hub, where customers could pick up produce, such as watermelon or lettuce.

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Board Member Hong said that some of the list of legislative initiatives in the project have been completed and others are planned to be acquired. Board Member Hong said he toured the Galbraith lands last year and visited the packing and processing facilities. Board Member Hong asked whether the Galbraith and the packing and processing facilities have been acquired and whether the larger farmers would take advantage of the central packing facility.

Mr. Nakatani said "yes," the packing and processing facilities have been acquired. For the larger farmers, Mr. Larry Jefts would probably not use the central packing facility, as Mr. Jefts is investing in and making his own arrangements in Kunia Village. The focus of the central hub facility will be for the smaller farmers and how to address the immediate needs of those farmers.

Board Member Hong said ADC needs to plan and size the facility to make sure the facility will be used often.

Mr. Nakatani said he agrees, and as soon as land is acquired and planning is started, interest increases greatly. ADC's office survey will determine how much land is available to lease. ADC plans to hire a professional planner to come up with a concept, and ADC will be happy to share the plan with the Board.

Chairperson Enright said the Food Safety Modernization Act (FSMA) will drive these post-harvest facilities. The people who will use these facilities will be agriculturalists from the North Shore to Kahuku and Kunia. In discussions with them, they are interested in going up there for their post-harvest work. If the project does become a food hub as envisioned, wholesalers such as D. Otani and Armstrong would come and pick up the food there as well, to save on transportation costs. Board Member Hong is right, the hub needs to be sized properly, and we will be surveying who needs the facility. The dynamic might change again if the State picks up the Dole Lands. If that happens, we may need another post-harvest facility in Waialua.

Board Member Hashimoto asked what type of lessee applications ADC has received, and whether they were mostly from new farmers or experienced farmers.

Mr. Nakatani said ADC is currently looking for people with experience in farming. While good quality land, the Galbraith lands were former pineapple land, the weather is challenging, and water is also expensive. Currently, available water on Galbraith lands is only potable well water. However, ADC is looking at other irrigation options, such as water from Lake Wilson and treated R-1 water from wastewater treatment plants.

Board Member Hashimoto asked if the lessees will be able to build their own packing sheds.

Mr. Nakatani said "no." It would be expensive for the lessee to build their own packing sheds, and it would be hard for ADC to monitor and control sanitation. It would be very difficult to have 20-30 people building sheds next to each other.

Board Member Ha asked whether ADC has given any thought to setting aside areas for organic farming. Looking at all of the land and at the boundaries in the area, there may be some isolated areas and it may be a good idea to start talking with organic farmers.

Mr. Nakatani said it is a current consideration, but organic farming plots would need to be isolated, and he is not sure organic farming would be a good place to mix with conventional

farming. If ADC acquires more land, it may consider organic farming in a more isolated area. Right now, ADC has put out a general notice for lessee applications, and if ADC receives applications for an organic farming operation, ADC would consider it.

Board Member Ha said an important goal is to educate the public about a central processing hub, about agriculture and the benefits of farming.

Mr. Nakatani said he will work with Chairperson Enright on HDOA's farmer outreach program.

Chairperson Enright said that he reviewed all lease applications for Galbraith, and there wasn't any for organic farming. On Kauai, the HDOA is trying to find interest in Kalepa, as the land there has been fallow long enough to be certified as organic. Additionally, if the State picks up the Dole Lands, the HDOA/ADC will probably need to carve out pieces for organic farming if there is interest.

Board Member Galimba said she wanted clarity on what the Board is voting to approve: the Whitmore part, or the Dole Lands.

Chairperson Enright said the Dole Lands are not part of the Whitmore project. The request to the Board is for the whole concept that Senator Dela Cruz presented at the last Board meeting. The Board is being asked to vote on the Whitmore project concept to allow ADC to start moving on the various component parts of the concept. The key reason for Board approval is the ability to create a special fund so the Legislature can move appropriated funds into the special fund. The bill that was going to create the special fund was gutted and replaced this session. In ADC's rules, however, if the Board approves a project, ADC can set up a special fund themselves. There is no guarantee the Legislature will provide the funds.

Board Member Hong asked where the authority for the \$175 million special purpose revenue bonds comes from.

Mr. Nakatani said that chapter 163D, Hawaii Revised Statutes, allows ADC to sell bonds. The bond is like a loan, to access the funds requires going through bond counsel, and it is heavily scrutinized. Board approval would be the beginning of possibilities. There would still be a lot of due diligence to be done, but to keep this project moving and to have the opportunity to buy Dole Lands, ADC needs to have this option open. Board approval of this project does not mean ADC would automatically get \$175 million.

Board Member Hong asked if ADC needs to have a legislative appropriation for \$5.6 million to acquire the 257 acre Dole parcel.

Mr. Nakatani said "yes." The \$175 million was appropriated last year by the Legislature for the identified tax map keys. There is a debate between certain Legislators in the Finance Committee that ADC doesn't need legislative authorization, with the other side claiming that ADC needs legislative authorization. If you look at ADC's statutes, it says ADC can float bonds. The procedure to float bonds is to first create a project, and if the Board approves the project, ADC can start the process to float bonds.

Board Member Hong asked how ADC will pay back the bonds.

Mr. Nakatani said the plan to pay back any issued bonds would be part of the due diligence.

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Board Member Hashimoto asked if ADC will be doing anything similar for the neighbor islands.

Mr. Nakatani said ADC is active on Kauai, and is involved with water resources on the Big Island. ADC is not involved with any projects on Maui yet.

 and if it is successful here, the intention is to move the concept around the State.

Chairperson Enright said that, as mentioned in the last Board meeting, the food hub is a model,

Mr. Nakatani said another reason why there is little development in the neighbor islands is because the Legislature is not providing a lot of money for development. The Legislature has been giving ADC money for the planning stages, and expects ADC to work with the private sector to fund the rest of the project.

Board Member Galimba asked if ADC has leasing parameters or rules that say ADC can only lease land for food cultivation.

Mr. Nakatani said the priority is food production for the Galbraith lands. Livestock would be a consideration, but having livestock and food production together creates food safety issues. ADC also took out applications for nurseries. Currently, ADC is looking for import replacement projects.

Chairperson Enright said there are no set rules for leasing ADC land. The demand for the type of lessees is dynamic. For example, in Kalepa, Kauai there are pieces of land set aside to do agro-forestry. ADC is also leasing land to a bioenergy company. It is a case by case basis and nothing is codified.

Vote: Approved 7/0.

VI. NEW BUSINESS

 1. Discussion for Board Members to Form Committees to Work on Policy Issues

Chairperson Enright said he would like to ask the Board to work on energy and agriculture issues. In working with Big Island Dairy, their concept was to have a biodigester to take care of their waste stream. The energy production that the digester would create would be more than the needs of Big Island Dairy could use, but current rules would prevent them from selling the excess energy back into the grid. The intention of the rule was to prevent farmers from becoming energy producers, but a balance was missed by not allowing agricultural enterprises to gain an additional revenue stream. Additionally, there is no rate schedule for the Public Utilities Commission to accept energy from a biodigester. The Board needs to take a look at this issue so the nexus between agriculture and energy would allow additional revenue streams for agriculture enterprises and to offset energy costs.

Board Member Ha said oil prices will be rising, and farmers have already been squeezed for the last 10 years.

Board Member Galimba said there had been vigorous discussions about this issue 4 years ago to get a balance.

1 2 3 Board Member Gallo said she thinks it is necessary to address this issue.

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Board Member Ornellas said he thinks it is a paradox. The Legislature says that energy is a permitted use, but the actuality is that farmers cannot benefit from producing it.

Chairperson Enright asked Board Member Ha if he would chair this energy committee.

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Board Member Ha said "yes."

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Chairperson Enright said that the energy committee can initially be an investigative committee.

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Board Member Galimba asked whether the Sunshine Law or rules apply when discussing things in this committee.

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Deputy Attorney General Burns said that if what you are trying to do is educate the public, that would probably be an ad hoc committee, which would be under Sunshine Law requirements. However, if the Board authorizes an investigative committee, it is not subject to the Sunshine Law, but has its own restrictions. For example, no other Board members than the investigative committee members could be present during investigative committee meetings. The investigative committee would present its findings at a Board meeting, but the Board could not vote on those findings until a subsequent meeting. An investigative committee has more flexibility, as it can do ground work without having to schedule noticed meetings and other requirements under the Sunshine Law. Whether or not to have an ad hoc or investigative committee depends on the nature of the work the Board is trying to do with the committee.

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Chairperson Enright said to do the initial work, an investigative committee is a good type of committee to come up with reports and the Board can review and take it up afterwards. The energy committee would be active for a number of months, and the Board may need to turn it into a standing committee in the future. Chairperson Enright said he would be willing to work with this committee.

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Board Member Hashimoto said he would be interested to be a part of the energy committee.

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Chairperson Enright said he would start the energy committee with Board Member Ha, Board Member Hashimoto, and himself. Chairperson Enright asked if there are other subjects the Board would like to entertain.

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Board Member Galimba said something that has come up today is the fact that the HDOA has a Whitmore project, but does not have anything in Maui or other counties.

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Chairperson Enright said ADC has extremely limited staff, and he is looking to find ways to get more staff for ADC. He is also trying to fold their land lease operations into the HDOA to free them up to work only on development projects. The plan is to first come up with a success story on Oahu, and then when we have a working model we can take that model to other parts in the State.

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Board Member Galimba said she is also interested in a milk law committee. The laws should match the reality, and right now the laws do not match the current milk situation, and the Board should consider looking at that issue in detail.

Chairperson Enright said we can schedule that issue to be discussed for the next Board meeting. Ms. Jeri Kahana and Mr. Grant Tomita can come in to discuss milk law issues. The Board can start there, and then set up a committee if needed. Input from this Board would be welcome for this issue.

Board Member Hashimoto asked whether the HDOA has a set of policies on current issues, for example, the HDOA's stance on GMO and pesticides.

Chairperson Enright said there is no official HDOA policy that is codified that states what its position is on biotechnology. Chairperson Enright said he came up with own policy: Consistent with all 50 states, the HDOA relies on its federal partners to tell us what farming methods are safe, and the HDOA supports all types of agriculture deemed safe.

Chairperson Enright said he is considering holding the next Board meeting on Kauai. Ulupono has a dairy that is about to start operations, and he would like to have a presentation by them. If you can't sell Ulupono's dairy model to the public, it would be hard to sell any other model. Ulupono's dairy model is probably the most user friendly and environmentally sound model a person could find.

Board Member Ornellas asked how we can improve public education and outreach. The HDOA doesn't have anyone specifically assigned to deal with county councils or other government agencies. We send experts in their field to communicate, but they are not necessarily public relations people, and they are not trained in dealing with a hostile public forum.

Deputy Attorney General Burns asked whether this discussion is moving towards suggesting a committee.

Board Member Ornellas said "yes," he is interested in a committee for public education and outreach.

Chairperson Enright said there was a request in the supplemental budget for 3 planner positions for the Office of the Chairperson, and he was thinking of changing the position description for one of the planners to be a public communication officer for that type of work. Also, the Office of the Chair is taking additional work with the soil and water conservation districts. HDOA will be housing the soil and water conservation district workers. In the current Legislative session, the House Finance committee zeroed out everything we had, and we got little to next to nothing. However, the additional positions are envisioned for the long term, and the HDOA will be back at the Legislature next session to ask again. If the HDOA has the support of the Board and all of the constituencies that it represents, it would be a stronger request next session.

Board Member Gallo said the first week of April she will be interviewing for a temporary policy and education position, and that person would be able to interact with the HDOA and the Board with education and outreach issues.

Chairperson Enright said that he would support to make that a permanent position. Chairperson Enright asked whether April 22nd on Kauai is OK to have the next Board meeting.

All Board Members replied affirmatively.

Chairperson Enright said that regarding Board Member Galimba's interest to learn more about the HDOA's agricultural loan process, he may have SALD do a presentation at a future meeting to go over their overall portfolio. HDOA has a request at the legislature for \$2 million for SALD. If we intend to grow agriculture, we need to have money available for riskier loans. Chairperson Enright said if the State were to line up with the Dole Lands, he would ask the State for as much as \$10 million. If we get the land and don't have the capital to assist farmers, we cannot grow agriculture.

Deputy Attorney General Burns asked whether this discussion is moving towards suggesting a committee.

Chairperson Enright said that they have moved on to new business. Chairperson Enright said we have an energy committee, and will consider a milk committee and communication/public outreach committee next meeting. That will be put on the agenda.

VII. ADJOURNMENT OF REGULAR MEETING

Meeting adjourned at 10:27 AM

Respectfully submitted,

 Noa K. Ching Board Secretary