

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



WENDY GADY
Executive Director

STATE OF HAWAII
**AGRIBUSINESS DEVELOPMENT
CORPORATION**
HUI HO'OULU AINA MAHIAI

Administration Committee Meeting

Hybrid Meeting via Teleconference with In-Person Viewing Location

March 7, 2024
3:00 p.m.

Pursuant to section 92-3.7, *Hawaii Revised Statutes*, this meeting will be held using interactive conference technology (ICT). Board members, staff, persons with business before the Board, and the public may participate remotely online using ICT, or may participate via the in-person meeting site which provides ICT.

Interested persons may submit written testimony in advance of the meeting, which will be distributed to Board members prior to the meeting. If possible, we request that testimony be received by our office not less than seventy-two hours prior to the meeting to ensure that staff has time to disseminate it and that Board members have time to review it. Written testimony may be submitted electronically to dbedt.adc@hawaii.gov or sent via U.S. Postal Service, or delivered to:

Agribusiness Development Corporation
235 S. Beretania Street, Suite 205
Honolulu, Hawaii 96813

When testifying via ICT, via telephone, or in-person, you will be asked to identify yourself and the organization you represent, if any. Each testifier will be limited to two minutes of testimony per agenda item.

The public may participate in the meeting via:

ICT: <https://us06web.zoom.us/j/89204280017>

Telephone: (669) 900-6833, Webinar ID: 892 0428 0017

In-Person: at the meeting location indicated below

ICT ACCESS

To view the meeting and provide live oral testimony, please use the link above. You will be asked to enter your name in order to access the meeting as an attendee. The Board requests that you enter your full name, but you may use a pseudonym or other identifier if you wish to remain anonymous. You will also be asked for an email address. You may fill in this field with any entry in an email format, e.g., ****@****.com.

As an attendee, your microphone will be automatically muted. When the Chairperson asks for public testimony, you may click the Raise Hand button found on your Zoom screen to indicate that you wish to testify about that agenda item. The Chairperson or staff will individually enable each testifier to unmute their microphone. When recognized by the Chairperson, please unmute your microphone before speaking and mute your microphone after you have finished speaking.

For ICT, telephone, and in-person access, when testifying, you will be asked to identify yourself and the organization, if any, that you represent. Each testifier will be limited to two minutes of testimony per agenda item.

TELEPHONE ACCESS

If you do not have ICT access, you may get audio-only access by calling the Telephone Number listed above.

Upon dialing the number, you will be prompted to enter the Meeting ID that is listed next to the Telephone Number above. After entering the Meeting ID, you will be asked to either enter your panelist number or wait to be admitted into the meeting. You will not have a panelist number. Please wait until you are admitted into the meeting.

When the Chairperson asks for public testimony, you may indicate you want to testify by entering “#” and then “9” on your telephone’s keypad. After entering “#” and then “9”, a voice prompt will let you know that the host of the meeting has been

Board Meeting Agenda
March 7, 2024

notified. When recognized by the Chairperson, you may unmute yourself by pressing “#” and then “6” on your telephone. A voice prompt will let you know that you are unmuted. Once you are finished speaking, please enter “#” and then “6” again to mute yourself.

For ICT, telephone, and in-person access, when testifying, you will be asked to identify yourself and the organization, if any, that you represent. Each testifier will be limited to two minutes of testimony per agenda item.

Instructions to attend State of Hawaii virtual board meetings may be found online at <https://cca.hawaii.gov/pvl/files/2020/08/State-of-Hawaii-Virtual-Board-Attendee-Instructions.pdf>.

IN-PERSON ACCESS

There will also be one meeting location, open to the public, which will have an audio-visual connection. That meeting will be held at:

State of Hawaii, Leiopapa A Kamehameha
State Office Tower Building
235 S. Beretania St., Suite 205
Honolulu, HI 96813

For ICT, telephone, and in-person access, when testifying, you will be asked to identify yourself and the organization, if any, that you represent. Each testifier will be limited to two minutes of testimony per agenda item.

LOSS OF CONNECTIVITY

In the event of a loss of ICT connectivity, the meeting will be recessed for a period not to exceed thirty minutes to restore connectivity with all board members and the public in-person access location noted above. In the event that audio connectivity is re-established within thirty minutes without video connectivity, interested participants can access the meeting via the telephone number and Meeting ID number noted above. In the further event that connectivity is unable to be restored within thirty minutes, the meeting will be automatically continued to a date and time to be posted on the ADC website at <https://dbedt.hawaii.gov/adc/> no later than close of business the next business day. New ICT, telephone, and in-person access information will be posted on the website no less than twenty-four hours prior to the continued meeting date. Alternatively, if a decision is made to terminate the meeting, the termination will be posted on the ADC website.

SPECIAL ASSISTANCE

If you require special assistance, accommodations, modifications, auxiliary aids, or services to participate in the public meeting process, including translation or interpretation services, please contact staff at (808) 586-0186 or by email at dbedt.adc@hawaii.gov.

Please allow sufficient time for ADC staff to meet requests for special assistance, accommodations, modifications, auxiliary aids, translation, or interpretation services.

NOTE: MATERIALS FOR THIS AGENDA WILL BE AVAILABLE FOR REVIEW IN THE ADC OFFICE, 235 S. BERETANIA STREET, SUITE 205, HONOLULU, HAWAII 96813 ON AND AFTER MARCH 1, 2024.

Agribusiness Development Corporation Non-Discrimination Statement

The Agribusiness Development Corporation does not discriminate on the basis of race, color, sex, national origin, age, or disability, or any other class as protected under applicable federal or state law, in administration of its programs, or activities, and the Agribusiness Development Corporation does not intimidate or retaliate against any individual or group because they have exercised their rights to participate in actions protected by, or oppose action prohibited by, 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights.

If you have any questions about this notice or any of the Agribusiness Development Corporation's non-discrimination programs, policies, or procedures, you may contact:

Mark Takemoto
Acting Title VI Non-Discrimination Coordinator
235 S. Beretania St., Ste 205 Honolulu, HI 96813
(808) 586-0186
dbedt.adc.titlevi@hawaii.gov

If you believe that you have been discriminated against with respect to an Agribusiness Development Corporation program or activity, you may contact the Acting Non-Discrimination Coordinator identified above.

AGENDA

- A. Call to Order
- B. Approval of Minutes
 - 1. January 16, 2025, Administration Committee Minutes
- C. Action Items
 - 1. Review and approve updated *Request for Land Application* notice and *Land Application Form* and authorize publication thereof
- D. Informational Items
 - 1. None
- E. Adjourn

The Committee may go into executive session on any agenda item pursuant to the exceptions provided under section §92-5, Hawaii Revised Statutes.

AGRIBUSINESS DEVELOPMENT CORPORATION

Minutes of the Administration Committee Meeting held Virtually on January 16, 2024

Via Zoom Teleconference and/or In-Person at 235 S. Beretania St., Rm. 204, Honolulu, HI 96813

Pursuant to section 92-3.7, Hawaii Revised Statutes (HRS), this meeting was held remotely with Committee members, Staff, Applicants, and the Public participating via Zoom meeting venue, and an In-Person meeting location available for public participation at the State of Hawai‘i, Leiopapa A Kamehameha, State Office Tower Building, 235 S. Beretania St., Room 204, Honolulu, HI 96813.

Members Present, virtually:

Warren Watanabe, Member-At-Large (Mr. Watanabe)
Lyle Tabata, Kauai County Member (Mr. Tabata)
Jayson Watts, Maui County Member (Mr. Watts)
Dane Wicker, Designated Representative, DBEDT, (Mr. Wicker)

Members Excused:

None.

Counsel Present, virtually:

Delanie Prescott-Tate, Deputy Attorney General (Ms. Prescott-Tate)

Staff Present, virtually:

Mark Takemoto, Executive Assistant
Ken Nakamoto, Project Manager (Mr. Nakamoto)
Lyle Roe, Asset Manager (Mr. Roe)
Ingrid Hisatake, Secretary

Guests Present, virtually:

None.

Guests Present, physical location:

None.

Roll Call

Mr. Roe conducted a roll call of the Administration Standing Committee (Committee), established on February 16, 2023, pursuant to Article 4, Section 1, subsection 1 c. of the Bylaws of the Agribusiness Development Corporation (ADC). Mr. Watanabe, Mr. Tabata, Mr. Watts, and Mr. Wicker acknowledged their presence.

A. Call to Order

As this was the first meeting of the Committee, Mr. Roe called the meeting to order at 9:20 A.M.

B. Approval of Minutes

1. None

AGRIBUSINESS DEVELOPMENT CORPORATION

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C. Action Items

1. Election of Committee chair and vice-chair

When the Committee was established on February 16, 2023, Former Chair Fred Lau (Former Chair Lau), directed the Committee to elect a Chair and Vice-Chair from the Committee's membership at the first meeting. Mr. Roe asked for nominations from the committee members. Mr. Watanabe nominated Mr. Tabata as Committee chair and Mr. Watts as Committee vice-chair. Mr. Wicker concurred with the nominations. Hearing no further nominations, the nominations were closed. Committee members had no comments or discussion. There were no guests present to comment. Mr. Roe called for the vote: Mr. Tabata as Committee chair and Mr. Watts as Committee vice-chair were unanimously approved: 4-0. Mr. Roe turned the meeting over to Mr. Tabata.

2. Discussion regarding the process, scope, terms, scoring, timeline, and other criteria necessary to publish a request for land application for vacant ADC lands

Mr. Tabata opened the discussion and asked Mr. Roe to summarize the request.

Mr. Roe stated that the membership and specific responsibilities of the Committee were established at the ADC Board meeting on February 16, 2023. Former Chair Lau appointed Mr. Tabata, Mr. Watts, and Mr. Wicker to the Committee. As allowed by Article 4, Section 2 of the ADC By-laws, Former Chair Lau joined the Committee as an ex officio, voting member. Having established the membership to the Committee, Former Chair Lau charged the Committee, pursuant to Article 4, section 1, subsection 1 c. of the ADC By-laws with focusing its efforts on the licensing of vacant ADC lands by seeking applicants, reviewing and evaluating the applicants, and making recommendations to the full board for approval.

Mr. Watts asked if there were any other scoring criteria used by ADC in the past.

Mr. Nakamoto noted that the documents included in today's submittal contained criteria that was developed in the past for the Galbraith land solicitation, which was bare-bones at the time. The 2021 criteria expanded on those criteria in order to prioritize food crops.

Mr. Roe asked Committee members to refer to the bottom of submittal page 19 where the 2021 scoring criteria was listed and asked for thoughts on changing anything. Hearing no response, Mr. Roe recommended that the Committee consider adding criteria and points to benefit farmers with GAP [Good Agricultural Practices] certification. Mr. Watts, Mr. Watanabe, and Mr. Wicker supported the recommendation.

Mr. Watts commented that ADC may want to seek funding to assist farmers in becoming GAP certified.

Mr. Tabata asked about the process for adding additional criteria to the expression of interest or the land application.

Ms. Prescott-Tate noted that the Committee was creating that application process now, but it may be easier to complete development of the application and approve the final product.

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Mr. Tabata asked Committee members to look through the land application and note any items they may wish to include in order to score the applications fairly and accurately. Mr. Tabata asked how often the Committee could meet.

Ms. Prescott-Tate said it was up to the Committee how often they would like to meet.

Mr. Tabata asked if the members could have comments and edits to the staff within a month.

Mr. Roe noted that the Executive Director had suggested that the application request go out as soon as possible due to the large demand for land. Mr. Roe also noted that he could update the Request for Application to present a final version to the Committee at the next meeting. He also noted that the 2021 Land Application included a breakout of each of the parcels that were being released at the time, but that the current release included many more parcels so it may not be feasible to list the individual properties at this time. He recommended including language that would refer applicants to the ADC website where the available properties were listed. Mr. Roe also suggested that the Request for Application note that ADC does not guarantee specifically requested parcels; that decisions on where to place an applicant would be done as part of a conversation that includes consideration of the applicants' business plan, discussions with the Executive Director, the Committee, any co-op that may have responsibilities for a particular property, etc.

Mr. Watts observed that knowing what an applicant was growing and what they could be spraying is necessary to determine a suitable location.

Mr. Tabata noted that erosion control and soil particulate was an important consideration under a NPDES [National Pollutant Discharge Elimination System]. Mr. Tabata reminded members to get their comments in to him and Mr. Roe so that a final document could be approved.

Mr. Roe noted that he would be the one to work on the update to the Request for Application.

Mr. Watts asked about general license provisions and asked if there were situations where ranching was occurring next to diversified agriculture.

Mr. Roe replied yes.

Mr. Watts asked how to separate the two activities as ranching can affect GAP certification.

Mr. Roe noted that it is the responsibility of the rancher to install fencing and that he was only aware of one instance where diversified ag operations occur in close proximity to ranching.

Mr. Nakamoto noted that crop cattle could not work with leafy green crops and also noted that the Request for Application was modeled after a request for procurement proposal and that a minimum score should be considered with regard to any application.

Mr. Tabata noted that the Request for Application should advise applicants of any infrastructure costs, and of any splits.

Mr. Watts asked about Department of Education (DOE) centralized facilities and if it was appropriate to ask on the application if an applicant would be willing to partner with a state entity for food production.

AGRIBUSINESS DEVELOPMENT CORPORATION

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Mr. Wicker noted that discussions about that were premature, but ADC should be prepared to align production with demand when the time comes.

Ms. Prescott-Tate asked if that should be the farmers' decision.

Mr. Wicker said yes.

Mr. Roe noted that in the past, it has been ADC's position not to tell farmers what to grow, but eventually we may be in a position to try and align the state's food needs with ADC tenants.

Mr. Tabata noted multi-agency discussions regarding that food strategy and that the biggest client would be DOE and creating a menu and much more planning needed to occur before such an alignment could occur.

Mr. Watts responded that he was trying to find out whether a farmer with access to a large institutional purchaser would be willing to partner.

Mr. Tabata asked Mr. Watts to put into writing what changes he would like to see in the land application. Mr. Tabata asked if the Committee could schedule a standing meeting for the 3rd Tuesday of the month at 10:00 a.m. Hearing no objection the next meeting was scheduled for the 3rd Tuesday in February with documents ready for final approval.

Mr. Watts asked about the jurisdiction of the Administration Committee and whether or not they could determine their own agenda or only the charge that was referred to it by the ADC Board Chair, and if the Administration Committee was created on a case-by-case basis.

Ms. Prescott-Tate responded that standing committees are created for a one-year term and for this particular committee, the ADC Board Chair gave them a specific task under Article 4, section 1, subsection 1 c. of the ADC By-Laws.

Mr. Watts asked if the Administration Committee was only for the specific purpose referred to it by the Board Chair.

Ms. Prescott-Tate responded that for purposes of today's meeting, the Committee was specifically tasked to deal with the land application matters.

Mr. Watts asked by what mechanism was the ADC Board supposed to consider the ADC budget?

Ms. Prescott-Tate noted that discussion of the budget was not agendized for today's meeting and recommended that Mr. Watts ask to bring the matter up for discussion at a regular Board meeting.

D. Informational Items

1. None

E. Adjourn

Mr. Tabata noted that they were at the end of the meeting and called for a motion to adjourn: Mr. Watts; Seconded: Mr. Watanabe.

AGRIBUSINESS DEVELOPMENT CORPORATION

Minutes of the Administration Committee Meeting held Virtually on January 16, 2024

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Mr. Tabata called for the vote. Hearing no objection the motion was approved: 4-0.

The meeting was adjourned at 10:05 a.m.

Date of Next Meeting: The next Committee meeting will be held on February 20, 2024, at 10 A.M.

DRAFT

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR



WENDY GADY
EXECUTIVE DIRECTOR

STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION
HUI HO'OU LU AINA MAHIAI

MARCH 18, 2024

REQUEST FOR LAND 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 to the ADC website at <https://dbedt.hawaii.gov/adc/land-application/> to obtain an application form, or they can contact the ADC office at (808) 586-0186. Office hours are 8:45 a.m. to 4:30 p.m., Monday through Friday, except holidays.

The ADC has available vacant lands for agricultural production on Kauai and Oahu. Multi-year licenses to farm or for livestock production will be issued based on merit. All complete 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, to the extent possible. Accordingly, we are seeking farmers and ranchers with the following requirements:

- Minimum 5 years farming/cattle ranching experience; or
- Owner-operator of an established farm conducting a substantial farming or cattle ranching operation; and
- For farming operations, 3rd Party Certification in Good Agricultural Practices (GAP) at current agricultural operation, or commitment to become GAP certified within 2 years of license execution.

All applications will be rated 0-100 points based on the questions below by 4 ADC Board members with subject matter expertise (max score 400 points). Applications receiving a score less than 300 will not be considered. Applications submitted after the deadline, or applications with incomplete or missing information will not be considered.

1. Does the applicant have farming experience **and GAP certification**? (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)

AVAILABLE PARCELS

Available parcels may be viewed at ADC's website at
<https://dbedt.hawaii.gov/adc/available-lands>.

Applicants may indicate their preferred location and parcel, however, ADC DOES NOT GUARANTEE THE AVAILABILITY OR THE GRANTING OF A PREFERRED PARCEL. ADC RESERVES THE RIGHT TO LOCATE APPLICANTS AT OR ON PARCELS OF ADC'S CHOOSING, BASED ON ADC'S SITE-SPECIFIC PLANS, OTHER ADJACENT USES, AND ANY AND ALL OTHER RELEVANT FACTORS AS DETERMINED BY ADC.

A site visit of the available **Oahu parcels** will be held on Monday, April 8, 2024 from 9:00 a.m. – 2:00 p.m. This will be the only site visit. Interested applicants wishing to attend the site visit should RSVP at least 24 hours prior to the site visit. For more information about the site visit, please contact ADC at the number below.

A site visit of the available **Kalepa, Kauai parcels** will be held on Tuesday, April 9, 2024 from 9:00 a.m. – 12:00 p.m. This will be the only site visit. Interested applicants wishing to attend the site visit should RSVP at least 24 hours prior to the site visit. For more information about the site visit, please contact ADC at the number below.

A site visit of the available **Kekaha, Kauai parcels** will be held on Wednesday, April 10, 2024 from 9:00 a.m. – 2:00 p.m. This will be the only site visit. Interested applicants wishing to attend the site visit should RSVP at least 24 hours prior to the site visit. For more information about the site visit, please contact ADC at the number below.

Applications shall be received by the ADC Office before 2:00 p.m., Thursday, March 28, 2024. Late applications will not be considered. Applicants are required to answer all applicable questions and complete all attachments as prescribed in the application. Any application with incomplete or missing information will be automatically disqualified. All completed applications shall be mailed or delivered to 235 S. Beretania St., Suite 205, Honolulu, HI 96813. For more information about the parcels or the application process, please contact the ADC Office at (808) 586-0187.

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.)

**STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION (ADC)
LAND APPLICATION FORM—FOR NEW APPLICANTS**

Please complete all questions and submit two copies of the completed application form, including all required attachments, to the Agribusiness Development Corporation, 235 S. Beretania St. Room #205, Honolulu, HI 96813.

PART I

1. TYPE OF REQUEST

- Revocable Permit (month-to-month, renewable, must be reissued annually)
- License
- Lease (requires survey and county subdivision approval)

2. IMPORTANT INFORMATION

Applicant must be a citizen of the United States and have resided in the State of Hawaii for at least three (3) years; or, if you are not a citizen of the United States, you must be a permanent status alien who has resided in the State of Hawaii for at least five (5) years. Citizen of the U.S.: Yes___ No___

If not a citizen, what is your status?: _____

Resident in the State of Hawaii since: _____
(month/year)

If you are a U.S citizen and have resided in the State of Hawaii for less than three (3) years or a permanent status alien and have resided in the State of Hawaii for less than five (5) years, you do not meet the eligibility requirement to hold a State of Hawaii agricultural license. STOP HERE, DO NOT COMPLETE THIS APPLICATION!

The applicant is being, or has been, displaced from other land on which they operate(d) an agribusiness. Yes___ No___

3. APPLICANT

A) Should a land disposition result from your application, the following information will be used in the preparation of the legal documents. Therefore, please include all applicable, full legal names and addresses, one for each person/entity (attach additional sheets as necessary).

Applicant name(s): _____

Mailing address: _____
No. and Street

City State Zip Code

Contact person: _____

Phone numbers: _____
Home Cellular Fax

E-mail

Signature: _____ **Date:** _____

B) Applicant intends to hold title to the lease/license as:

- | | |
|---|--|
| <u>Type of /Ownership (check one):</u> | <u>Tenancy (check one, if applicable)</u> |
| <input type="checkbox"/> Individual/Sole Proprietorship | <input type="checkbox"/> Tenant in Severalty |
| <input type="checkbox"/> Husband and Wife | <input type="checkbox"/> Joint Tenants |
| <input type="checkbox"/> Partnership* | <input type="checkbox"/> Tenants in Common |
| <input type="checkbox"/> Joint Venture | <input type="checkbox"/> Tenants by Entirety |
| <input type="checkbox"/> Association | |
| <input type="checkbox"/> Corporation* | |
| <input type="checkbox"/> Limited Liability Corporation* | |
| <input type="checkbox"/> Limited Liability Partnership* | |
| <input type="checkbox"/> Trust | |
| <input type="checkbox"/> Non-Profit Corporation* | |
| <input type="checkbox"/> Other (specify): _____ | |

*For partnership, corporation, or other entity, the State under whose laws the entity was formed: _____

Persons representing a trust, association, partnership, corporation, or any other entity must provide evidence that they are so authorized to act on behalf of said entity.

C. AGENT

If you have an attorney, consultant or other person processing this request for you, please include the following information:

Agent name: _____

Agent address: _____

No. and Street

City/State

Zip Code

Phone numbers:

Work

Home

Cellular

Pager

Fax

E-mail address

D. If Applicant is a partnership or joint venture, answer the following:

1. Name, address, & percentage share owned by each partner or joint venture member:

<u>Name</u>	<u>Address</u>	<u>Share</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. Date of Organization: _____

3. General or Limited Partnership (if applicable): _____
4. Recorded: Date: _____ County: _____ State: _____
5. Currently registered in Hawaii: Yes, as of: _____ No__

E. If Applicant is a corporation, answer the following:

1. Date incorporated: _____
2. State or country of incorporation: _____
3. Authorized to do business in Hawaii: Yes, as of: _____ No__
4. Provide the name, address, and shares of stock for each officer or director of the corporation (use additional sheets if necessary).

President: Name: _____
Address: _____
Number of stock shares: _____ Percentage of shares: _____

Vice Pres: Name: _____
Address: _____
Number of stock shares: _____ Percentage of shares: _____

Secretary: Name: _____
Address: _____
Number of stock shares: _____ Percentage of shares: _____

Treasurer: Name: _____
Address: _____
Number of stock shares: _____ Percentage of shares: _____

Other: Name: _____
Address: _____
Number of stock shares: _____ Percentage of shares: _____

5. Provide the name, address, and shares of stock for each member of the Corporation's Board of Directors (use additional sheets if necessary).

Name: _____
Address: _____
Number of stock shares: _____ Percentage of shares: _____

Name: _____

Address: _____

Number of stock shares: _____ Percentage of shares: _____

Name: _____

Address: _____

Number of stock shares: _____ Percentage of shares: _____

6. Provide the name, address, and shares of stock for each principal stockholder who is not named above ("Principal stockholder" means an individual holding 10% or more of the outstanding stock of the corporation.)

Name: _____

Address: _____

Number of stock shares: _____ Percentage of shares: _____

Name: _____

Address: _____

Number of stock shares: _____ Percentage of shares: _____

Name: _____

Address: _____

Number of stock shares: _____ Percentage of shares: _____

E. **If Applicant is a Limited Liability Company (LLC), answer the following:**

1. State or country of formation: _____

2. Date of formation: _____

3. Registered to do business in Hawaii: Yes, as of: _____ No _____

4. Member-managed or manager-managed? _____

Manager Name: _____

Address: _____

Percentage of ownership interest: _____

If the manager is an entity, describe the type of entity, where/when it was formed, and the entity's ownership and management (i.e. principal owners and their respective ownership interests, directors, officers, etc.)

- G. Applicant must submit evidence (e.g., certified corporate resolutions) acceptable to the Executive Director, Agribusiness Development Corporation that Applicant is duly authorized to apply for the requested disposition of public land and, if the

successful awardee, to enter into the lease. Applicant shall also identify the person(s) that will be authorized to submit an offer/bid on behalf of the Applicant at any public disposition.

- H. If applying as an association, partnership, agricultural cooperative, corporation, or other entity, submit evidence that the organization is registered with the State Department of Commerce and Consumer Affairs and is authorized to do business in the State of Hawaii.

If a corporation or limited liability company, submit your Articles of Incorporation reflecting the date of filing, purpose of the organization, and the names of the stockholders, officers, and directors.

If an association, partnership, agricultural cooperative, or other entity, submit a copy of your Bylaws, Partnership Agreement, or other similar documents, as the case may be, and the names of the officers, directors and/or members.

- I. List all State of Hawaii leases, permits, licenses, easements, sales, etc. to which Applicant has been a party to, including as a director, officer or shareholder.

<u>Doc. No.</u>	<u>Type of Agreement</u>	<u>Term of Agreement</u>
_____	_____	_____
_____	_____	_____

- J. Attach tax clearances from both the State of Hawaii and the county in which the proposed land is situated. **(See APPENDIX C for more information.)**

- K. Is the Applicant registered with the U.S. Securities and Exchange Commission (SEC) and been a publicly traded corporation for at least the last three years?
Yes ___ No ___

If Yes, proceed directly to Part III of this Application and Qualification Questionnaire form. If No, complete all remaining questions.

4. **LOCATION AND AREA**

Island: _____

Project Name or Location: _____

Approximate acreage requested: _____

If your request pertains to a specific parcel, please specify below:

5. **USE**

Identify the specific uses intended.

PART II

1. **GENERAL INFORMATION**

- A. Are you 18 years of age or older? Yes No
- B. Have you, within the past five (5) years, had a previous sale, lease, license, permit or easement covering public lands cancelled for failure to satisfy the terms and conditions thereof? Yes No
- C. Do you owe any delinquent taxes or other obligations to the State or any of its counties? Yes No

2. **FARM STATUS**

Farming experience: No. of years: _____ Location: _____
Describe type of farming or crop(s): _____

More than five (5) years farming experience highly preferred.

Do you currently rent land for agricultural use from the State of Hawaii? Yes No

If Yes, what type of agreement? Revocable Permit License Lease

Location: _____ Department: _____

Acreage: _____ Use: _____

Effective Date: _____ Expiration Date: _____

3. EDUCATION AND TRAINING

List educational, vocational or other training you have received which relates to your qualifications and experience to successfully operate your farm. Attach evidence of graduation from college, if applicable.

Name & Location of School (and Name of Person, if applicable)	Field of Study	Degree Type	Date Recv'd

4. AGRICULTURAL EXPERIENCE AND QUALIFICATIONS

- A. In chronological order starting with your most current experience, briefly describe your farming/ranching experience and business experience (management, financial and marketing) as it relates to the land intended to be bid on. For partnerships, joint ventures, corporations, or other entities, include both experience of business entity itself as well as experience of principals or managers. **If preferred, you may submit a resume. Copy and attach additional sheets as needed.**

Attach at least two (2) reference letters from people who are not related to you, verifying agricultural background.

Business Name: Address/Phone:	From: Month Year
Name & Title of Supervisor: Your Position:	To: Month Year
Commodity Produced:	Full-time ()
Size of Operations (no. of employees, acres):	Part-time ()
Duties & Responsibilities:	Average hours worked per week:

Business Name: Address/Phone: Name & Title of Supervisor: Your Position: Commodity Produced: Size of Operations (no. of employees, acres): Duties & Responsibilities:	From: Month Year To: Month Year Full-time () Part-time () Average hours worked per week:
Business Name: Address/Phone: Name & Title of Supervisor: Your Position: Commodity Produced: Size of Operations (no. of employees, acres): Duties & Responsibilities:	From: Month Year To: Month Year Full-time () Part-time () Average hours worked per week:

B. Has the Applicant, for a substantial period of the individual's adult life, resided on a farm and depended on farm income for a livelihood? Yes___ No___ If Yes, explain. (Include the number of years, location, income, etc.)

C. Has the Applicant received a commitment for a loan under the Bankhead-Jones Farm Tenant Act for the acquisition of a farm? Yes___ No___ If Yes, attach a copy of executed loan document or notification letter.

D. Does the Applicant possess other qualifications such as, Food Safety, Good Agricultural Practices, and/or Worker Safety Protection certification? Yes___ No___ If Yes, briefly describe any other information which you may consider pertinent to assessing your qualifications and experience.

PART III

1. PRELIMINARY PLAN OF UTILIZATION AND DEVELOPMENT

Submit a land development/utilization plan showing the exterior boundaries of the land being applied for, including but not limited to type of crop, cultivatable acres, waste areas and contributory lands, field roads, field ditches, drip irrigation systems, etc. The plan must include diagrams and/or discussion regarding timeframes within which the applicant will develop and/or use all of the arable acreage being requested. **The projection must show a minimum of the first five years of the requested term.**

2. BUSINESS PLAN

Submit a business plan to show how you will run your agribusiness. The plan should include the following elements: executive summary, company description, industry or market analysis (to include target market and competition), sales/marketing plan, operations plan, organization and management, development plan, financial plan, (must include cash flow projections for 5 years or one crop rotation, whichever is greater) and relevant attachments. You may use the Cash Flow Projection worksheet in APPENDIX B.

PART IV

1. FINANCIAL CAPACITY

All applicants must attach the following:

- A. **Federal income tax returns** for the most recent 3 years.
- B. At least one (1) **credit reference letter** from a bank or other financial institution with which you do business regularly.
- C. If applying as a corporation, attach **financial statements** (current balance sheet and income/expense statement) for the most recent 3 years. If your corporation is less than 3 years old, please attach personal financial statement from each principal stockholder so that a minimum of three consecutive years of statements are submitted.
- D. Submit **tax clearances** from the State of Hawaii, Department of Taxation.
- E. Submit a copy of your **General Excise Tax License**, if any.
- F. Attach a Cash Flow Projection. You must show **all** income and expenses applicable to your business for a five-year period or one crop rotation, whichever is greater. **APPENDIX B** provides a form that you may use.
- G. For questions 1-7 below: 1) If applying as an individual, husband and wife, sole proprietorship or partnership, "you" refers to all individuals involved, including all partners, and 2) if applying as a corporation or joint venture, "you" refers to the entity itself and any director, officer or major stockholder or limited liability company member or manager.

1) Are there any outstanding judgments against you? Yes___ No___

If Yes, explain: _____

2) Have you filed bankruptcy within the past seven years? Yes___ No___

3) Have you had property foreclosed upon or given title or deed in lieu thereof in the last seven years? Yes___ No___

4) Are you currently a party in any legal action? Yes___ No___

If Yes, explain: _____

5) Have you directly or indirectly been obligated on any loan which resulted in foreclosure, transfer of title in lieu of foreclosure, or judgment?

Yes___ No___ If Yes, explain: _____

6) Are you presently delinquent or in default on any Federal, State or County rent, debt or any other load, mortgage, financial obligation, bond, or loan guarantee?

Yes___ No___ If Yes, explain: _____

2. CRIMINAL CONVICTIONS

Have you ever been convicted of the crime of cruelty to animals and/or have you been convicted of a violation of law? Yes___ No___

If Yes, explain: _____

PART V

CERTIFICATION

I/We hereby certify that the statements and information contained in this application, including all attachments, are true and accurate to the best of my/our knowledge and understand that if any statements are shown to be false or misrepresented, this application may be rejected or my/our permit, lease, or license agreement may be cancelled.

I/We will comply with all applicable federal, state, and county zoning, environmental and permitting laws and regulations (e.g., State Land Use classification, Special Management Area, County General Plan, Office of Environmental Quality Control, etc.)

I/We are responsible for paying processing fees. If granted a disposition, I/we will be required to obtain insurance, among other requirements.

Print Name

Signature

Print Name

Signature

STATE OF HAWAII)
) SS.
 COUNTY OF)

On this _____ day of _____, 20____, before me personally appeared _____, to me known to be the person described in and who executed the foregoing instruction and acknowledged that he executed the same as his free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public, State of Hawaii

My commission expires: _____

<p><u>For ADC use only</u></p> <p>Date Received:</p>
--

NOTARY CERTIFICATE STATE OF HAWAII
 Doc. Description/ID: _____

Notary Name: _____ Circuit

Notary Signature _____ Cert. Date _____

**APPENDIX B
 STATE OF HAWAII
 AGRIBUSINESS DEVELOPMENT CORPORATION**

CASH FLOW PROJECTION FORM
 Agricultural/Pasture Licenses

Name of Applicant:	Item No.:				
	Year 1	Year 2	Year 3	Year 4	Year 5
Income:					
Initial capitalization					
Sales					
Loans					
Line of Credit					
Cash					
Other					
Total Income					
Expenses:					
Labor					
Salaries					
Employee benefit programs					
Pension & profit-sharing plans					
Custom hire (labor, machinery)					
Materials					
Livestock					
Farm supplies (fertilizer, pesticides, etc.)					
Irrigation supplies					
Machinery & Equipment					
Car and truck expenses					
Gasoline; fuel expenses					
Rent payments					
Repairs and maintenance					
Overhead					
Lease rent (land)					
Utilities					
Insurance					
Marketing					
Storage and warehousing					
Taxes (property, income, GTE)					
Interest expense					
Land Clearing/Preparation					
Soil Conservation Plan					
Total Expenses					
Net Cash Flow					

APPENDIX C TAX CLEARANCE INFORMATION

Applicants must submit State and County tax clearance certificates within the timeframe specified in the Public Auction Bid Packet.

Original or certified copies of tax clearance certificates issued by (i) the Hawaii State Department of Taxation; and (ii) the County in which the subject property is located (pertaining to property taxes, special assessments or other County obligations) must be submitted with this application for the Applicant and all affiliated entities. "Affiliated entities" is defined as any entity having more than fifty percent (50%) interest in the bidding entity; any company more than fifty percent (50%) owned by a company having more than fifty percent (50%) interest in the bidding entity; or any entity in which the bidding entity has more than fifty percent (50%) interest. The bidder shall be responsible for obtaining the verifications for all affiliated companies.

The tax clearances must be valid on any date between the advertisement date and any date thereafter up to the date the lease is executed.

For information on obtaining State tax clearances, go to the State Department of Taxation website: <http://www.state.hi.us/tax/current/a6.pdf> or contact them at:

- Oahu District Tax Office
830 Punchbowl Street, Post Office Box 259, Honolulu, Hawaii 96809-0259
Telephone: (808)-587-4242; Toll-Free 1 (800) 222-3229

- Hawaii District Tax Office
75 Aupuni Street, Post Office Box 833, Hilo, Hawaii 96721-0833
Telephone: (88) 974-6321

- Maui District Tax Office
54 South High Street, Post Office Box 1169, Wailuku, Hawaii 96793-1169
Telephone: (808) 984-8511

- Kauai District Tax Office
3060 Eiwa Street, #105, Lihue, Hawaii 96766-1889
Telephone: (808) 274-3403

For information on obtaining County tax clearances, contact:

- City & County of Honolulu
City Hall, Treasury Office, Room 115
530 South King Street, Honolulu, Hawaii 96813
Telephone: (808) 523-4856 (forms can be mailed or emailed to you)

- County of Hawaii
Real Property Tax Office/Collections Division
Aupuni Center, 101 Pauahi Street, Suite 4, Hilo, Hawaii 96720
Telephone: (808) 961-8282; Facsimile (808) 961-8415

- County of Maui
Real Property Tax Division
70 E Kaahumanu Avenue, Suite A-16, Kahului, Hawaii 96732
Telephone (808) 270-7697

- County of Kauai
Real Property Tax Collection
4444 Rice Street, Suite 463, Lihue, Hawaii 96766
Telephone: (808) 241-6555