

## **AGRIBUSINESS DEVELOPMENT CORPORATION**

Minutes of the Board of Directors Meeting held Virtually on October 24, 2024

Via Zoom Teleconference and In-Person at 235 S. Beretania Street, Suite 205, Honolulu, HI 96813

*Pursuant to section 92-3.7, Hawaii Revised Statutes (HRS), this meeting was held remotely with Board members, Staff, Applicants, and the Public participating via Zoom meeting venue, and an In-Person meeting location available for public participation at the State Office Tower, 235 S. Beretania Street, Suite 205, Honolulu, HI 96813*

### **Members in Attendance, virtually:**

Lyle Tabata, Kauai County member (Chair)

Jesse Cooke, Honolulu City and County member (Member Cooke)

Sharon Hurd, HDOA ex officio member (Member Hurd) (exited the meeting at 10:11 A.M.)

Ryan Kanaka'ole, designee for DLNR ex-officio member Dawn Chang (Member Kanaka'ole)

Dean Okimoto, member-at-large (Member Okimoto)

Jason Okuhama, member-at-large (Member Okuhama)

Nathan Trump, Hawaii County member (Member Trump)

Jayson Watts, Maui County member (Member Watts)

Dane Wicker, designee for DBEDT ex officio member James Tokioka (Member Wicker)

### **Members Excused:**

Glenn Hong, member-at-large (Member Hong)

Karen Seddon, member-at-large (Member Seddon)

### **Counsel Present, virtually:**

Jennifer Waihee-Polk, Deputy Attorney General (Ms. Waihee-Polk)

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

### **Staff Present, virtually:**

Wendy Gady, Executive Director (Ms. Gady)

Mark Takemoto, Sr. Executive Assistant (Mr. Takemoto)

Ken Nakamoto, Project Manager (Mr. Nakamoto)

Frankie Empeno, Contract Manager

Ingrid Hisatake, Executive Secretary (Ms. Hisatake)

Roger Clemente, Property Manager (Mr. Clemente)

Lyle Roe, Asset Manager

### **Guests Present, virtually:**

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1call-in-listener

ADC Guest

Ali'i Kawai

Amy Perruso, State Representative

Curtis Lum

David Cho

David's iphone

Dexter Kishida, HDOA

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George Grace

Guest Guest

Jari Sugano

Jazz Corpuz (J. Corpuz)

Joshua Uyehara (Mr. Uyehara), Kekaha Agriculture Association (KAA)

KHON 2 News

Kimi Makaiau (Ms. Makaiau)

Koon Hui

Kurt Favella, Senator (Senator Favella)

Mark Ladao

Melanie June

Mike Faye, KAA

pssg

Reggie Garcia, from Senator Tim Richards Office

Ryn Lenchanko-Rodrigues

Scotty Wong (Mr. Wong), Ohana Hui Ventures, Inc. (OHV)

Thomas Heaton, Civil Beat

Tim Richards, Senator

Yvonne Yoro

### **Guests Present, In-Person**

Kaho'opi'i, Sovereign Kingdom of Hawaii

Keli Akina, Kingdom Marshal (K. Akina)

Ken

Koike K.K., Oahu Resident

Matthew Marshlo, Office of the Minister of Interior

Shanwakee Lee, Counselor Minister of Interior

Thomas "ShaShannah", Kingdom Marshal

Thora-Jean Cuaresma, Wahiawa Resident (Ms. Cuaresma)

#### **A. Call to Order:**

Chair called the meeting to order at 9:03 A.M.

Chair conducted a roll call of the Board. Chair called the name of each Board member and asked them to acknowledge their presence and state who if anyone over the age of eighteen was present in the room with them. The roll call served as a roll call vote and for each subsequent vote Chair would ask if there were any objections or abstentions. If there were none, the motion would be approved on the same basis as the initial roll call.

Roll call: Chair, Member Cooke, Member Hurd, Member Kanaka'ole, Member Okimoto, Member Okuhama, Member Trump, Member Watts, and Member Wicker acknowledged their presence with no one in the room with them.

#### **B. Approval of Minutes**

##### **1. Regular Session Minutes, July 18, 2024,**

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Chair called for a motion to approve the July 18, 2024 regular session minutes.

Motion to approve: Member Wicker; Second: Member Trump.

Chair asked if there was any presentation from staff. There was none.

Chair asked if anyone from the public wished to give testimony. There was none.

Chair asked if there was any Board discussion. There was none.

Chair called for the vote. Hearing no objections or abstentions the motion was unanimously approved: 9-0.

### **2. Executive Session Minutes, July 18, 2024**

Chair stated that during the July 18, 2024 Executive Session, the Board discussed agenda item E-3, a request for consent to assign lease agreements from Sunrise Capital, Inc. to Aloun Farms Inc. for property at the Kekaha Agricultural Park. HRS sections 92-4 and 92-5(a)(4) allow a meeting to be closed to the public when necessary to consult with the Board's attorney. In order to maintain confidentiality of matters discussed in Executive Session, the draft minutes were provided directly to Board members for review. Chair asked that the Board members respect the confidentiality of the Executive Session while discussing approval of the minutes.

Motion to approve: Member Trump; Second: Member Wicker.

Chair asked if there was any presentation from staff. There was none.

Chair asked if anyone from the public wished to give testimony. There was none.

Chair asked if there was any Board discussion. There was none.

Chair called for the vote. Hearing no objections or abstentions the motion was unanimously approved: 9-0.

### **3. Regular Session Minutes, September 19, 2024**

Chair called for a motion to approve the September 19, 2024 regular session minutes.

Motion to approve: Member Hurd; Second: Member Okuhama.

Chair asked if there was any presentation from staff. There was none.

Chair asked if anyone from the public wished to give testimony. There was none.

Chair asked if there was any Board discussion. There was none.

Chair called for the vote. Hearing no objections or abstentions the motion was unanimously approved: 9-0.

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### **4. Executive Session Minutes, September 19, 2024,**

Chair stated that during the September 19, 2024 Executive Session the Board discussed agenda item E-5, a request for approval to authorize the Executive Directive (ED) to execute an agreement on behalf of ADC, agreeing to KIUC counteroffer dated September 3, 2024, and E-6, a presentation from the ED evaluation permitted interaction group. HRS sections 92-4 and 92-5(a)(2) and (a)(8), allow a meeting to be closed to the public when necessary to discuss personnel matters, consult with the Board's attorney, and deliberate on items required to be kept confidential. To maintain the confidentiality of matters discussed in the executive session, the draft minutes were provided directly to Board members for review. Chair asked that the Board respect the confidentiality of the Executive Session in discussing approval of these minutes.

Motion to approve: Member Wicker; Second: Member Okuhama.

Chair asked if there was any presentation from staff. There was none.

Chair asked if anyone from the public wished to give testimony. There was none.

Chair asked if there was any Board discussion. There was none.

Chair called for the vote. Hearing no objections or abstentions the motion was unanimously approved: 9-0.

### **C. Chairperson's Report**

There was none.

### **D. Committee Reports**

Chair noted the Administration Committee met on October 11, 2024 and called on Member Okuhama for a report. Member Okuhama asked that the report be deferred until the next meeting.

Chair deferred the Administration Committee's October 11, 2024 report to the next meeting.

### **E. Action Items**

- 1. Request for approval to issue a construction right-of-entry to Kiewit Infrastructure West Co. for the construction of the Whitmore Village-Wahiawa Pedestrian Bridge, Tax Map Key No. (1) 7-1-002:009**

Chair stated that this item was being deferred pending a request from Kiewit.

- 2. Request for approval for OHV to host their Keiki Construction Zone event on ADC property under License Agreement No. LI-W194-23-01 in Whitmore Village, City & County of Honolulu, State of Hawaii, Tax Map Key Nos. (1) 7-1-001:012, (1) 7-1-002:041, :046, :047, (1) 7-1-002:034, :006**

Member Watts stated the agenda had an informational item, Item F-1, for the same organization and asked if the Board could get background on Item F-1 before addressing this request.

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Member Wicker asked if Chair would take Item F-1 out of order.

Chair stated that he would move Action Item E-2 to be heard after Informational Item F-1 at the end of the agenda.

### **3. Request to accept and approve the report and findings of the executive director evaluation permitted interaction group**

Chair called for a motion to approve.

Motion by Member Wicker; Second by Member Okimoto.

Chair stated that Member Seddon could not attend today's meeting but she had prepared a confidential report on behalf of the permitted interaction group and that report was provided directly to the Board Members prior to today's meeting.

Chair asked if there was anyone from the public who wished to give testimony.

Ms. Hisatake, testified as a private citizen and it was noted that she took vacation time to provide testimony. Ms. Hisatake spoke in support of the ED.

Senator Favella spoke against giving the ED a pay raise.

Ms. Cuaresma spoke in support of the ED.

Chair asked if there was any more public testimony. There was none.

Chair asked if there was any Board discussion. There was none.

Chair called for the vote. Hearing no objections or abstentions the motion was unanimously approved: 9-0.

### **4. Request to establish a permitted interaction group to establish goals and objectives for the executive director for FY 2025; appointment of members thereto**

Chair asked for a motion to approve.

Motion by Member Hurd; Second by Member Watts.

Chair asked for presentation by staff. There was none.

Chair asked if anyone from the public wished to provide testimony. There was none.

Chair asked if there was any Board discussion. There was none.

Chair stated that when the ED was hired the Board had just created goals and objectives for the former ED to perform. No specific goals and objectives were created for the new ED by the Board. The ED was thrust into her role out of need with no guidance from the Board. The ED has accomplished multiple things. Just read the weekly reports and you'll see the huge amount of

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work she has accomplished. It was mentioned at a prior Board meeting that specific goals and objectives were needed to measure the ED's performance each year to justify pay increases. This permitted interaction group should work toward identifying SMART goals.

Member Okuhama stated that during the hiring process, the problems ADC faced were made clear and what was expected of the ED who was hired. Maybe it was not explicit, but it was explained that ADC had staffing issues, financial issues, and other problems that needed to be solved. So, although the goals and objectives were not put in writing, it was made clear what important goals and objectives needed to be reached by the ED.

Chair called for the vote. Hearing no objections or abstentions the motion was unanimously approved: 9-0.

Chair appointed himself, Member Seddon, Member Watts, and Member Wicker to the permitted interaction group to develop specific goals and objectives for the ED to accomplish during fiscal year 2024 to 2025 and report these goals and objectives at the next regular Board meeting.

**5. Request for approval to issue a grant of easement to City & County of Honolulu, Board of Water Supply for its existing waterlines in Wahiawa, City & County of Honolulu, State of Hawaii, Tax Map Key (1) 7-1-002:004.**

Chair called for a motion to approve.

Motion by Member Hurd; Second by Member Cooke.

Chair called on Mr. Nakamoto for the staff presentation.

Mr. Nakamoto stated this was a housekeeping measure and stood on the submittal.

Chair asked if anyone from the public wished to give testimony. There was none.

Chair asked if there was any Board discussion. There was none.

Chair called for the vote. Hearing no objections or abstentions the motion was unanimously approved: 9-0.

**6. Request for after-the-fact approval to authorize the executive director to execute and enter into the Stipulation and Agreement Between the Parties to the April 18, 2017 Waimea Watershed Agreement (WWA), the Agreement to Transfer of Duties, Obligations and Responsibilities for the Modification of the Diversions and Placement of Monitoring Stations as Required Under Phase One of the April 18, 2017 WWA from the Kauai Island Utility Cooperative (KIUC) to the State of Hawaii Agribusiness Development Corporation (ADC), and the Agreement Between the State of Hawaii ADC and KAA**

Chair called for a motion to approve.

Motion by Member Wicker; Second by Member Okuhama.

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Chair called on Mr. Takemoto for the staff presentation.

Mr. Takemoto asked the Board to approve an after-the-fact request to authorize the ED to execute an agreement on behalf of ADC to accept KIUC's September 3, 2024 counteroffer that permits KIUC to withdraw from the WWA and requires ADC to accept responsibility for the installation and maintenance of stream monitoring stations on the Waiakoali, Kawaikoi, Kauaikinana, Kokee, Waiahulu, Koaie, and Waimea streams. The parties' agreement to allow KIUC to withdraw from the WWA must still be approved by the Commission on Water Resource Management (CWRM), the Department of Hawaiian Home Lands (DHHL), and EarthJustice (EJ). The acceptance of KIUC's offer was necessary to meet CWRM's timeline. Around 9:00 P.M. last night the parties were in agreement, and the matter is scheduled for CWRM's next meeting.

Chair asked if there was anyone from the public who wished to give testimony.

Mr. Uyehara representing KAA stated they were also a party to the discussion and agreements.

Member Cooke asked Mr. Uyehara if KAA was aware of all that's going on.

Mr. Uyehara stated that KAA was part of all the discussions in partnership with ADC. This agreement is a positive step forward in helping us resolve the major issues caused by KIUC's withdrawal from the energy project, at least as far as irrigation system operations.

Chair asked if there was any Board discussion. There was none.

Chair called for the vote. Hearing no objections or abstentions the motion was unanimously approved: 9-0.

**7. Request for approval to issue a Notice of Intent and enter into a Memorandum of Understanding (MOU) between ADC and the Hawaii Department of Agriculture (HDOA) for ADC to acquire the Wahiawa Irrigation System (WIS) spillway per Act 218 SLH 2022.**

Chair called for a motion to approve.

Motion by Member Cooke; Second by Member Watts.

Chair called on Mr. Takemoto for the staff presentation.

Mr. Takemoto stated that a copy of Act 218 SLH 2023 was part of the submittal. Funding for purchase the spillway was provided to HDOA. ADC was directed to purchase six additional parcels. ADC proceeded to move forward on that purchase at a past Board meeting where the Board authorized preparation of a letter of intent to begin discussions with the landowners of those parcels, Dole and Sustainable Hawaii. Despite Act 218 authorizing HDOA to purchase property, HDOA is unable to purchase property. ADC does have the statutory authority to purchase property. A MOU between HDOA and ADC was created to allow ADC to purchase the property for HDOA. ADC will return the spillway to HDOA to complete necessary improvements. Once the improvements are completed the property returns to ADC.

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Ms. Gady stated that the Governor appointed DLNR Chair Dawn Chang as lead on the WIS acquisition. The WIS touches Wahiawa, Haleiwa, and Waialua. The spillway feeds about 17,000 acres of land. HDOA has requested the funds from Budget and Finance to acquire the spillway. After execution of the MOU, HDOA will journal voucher the money to ADC to pursue the acquisition. HDOA contracted for the appraisal, which has been completed.

Member Hurd confirmed that HDOA does not have the authority to purchase land. Once the spillway was purchased HDOA's role will be to bring the dam spillway up to dam safety standards. Once that's done the land will be turned over to ADC for WIS management and operation. HDOA will have no role in the operation or management of the dam or spillway.

Chair asked if there was anyone from the public who wished to give testimony. There was none.

Chair asked if there was any Board discussion.

Chair stated it was crucial for central Oahu farmers for this plan to be successful. There's potential for purchasing more farmland for ADC to administer to meet food security goals and growth in the location where ADC already has licensed farmers. It's crucial for their survival.

Member Wicker stated that ADC has acquired almost four thousand acres of lands in the last ten years. Those additional jobs and additional farms are going to need access to water. Right now we are straining to get water from Bott Well. Back in 2007, almost \$40 million in farm production was generated from the WIS and almost six hundred jobs. We are challenged right now to bring water to these operations. The sooner the State can acquire the WIS and start to invest in it we can start to see additional jobs as well as agriculture generated from this system.

Ms. Cuaresma, asked for information on the appraisal numbers and the negotiation process. As a tax payer who lived in the area with her family she wanted to know how they would be affected.

Chair reminded Ms. Cuaresma the public was invited to provide testimony on the agenda item.

Ms. Cuaresma stated that her testimony was to ask that any information, including appraisal numbers and the negotiation process be provided to the public as part of the process so she would know how her tax dollars were being used in an area where her family will be affected. How will the farmers and families along Otake Stream be affected by all of this.

Chair asked if there was any further discussion. There was none.

Chair called for the vote. Hearing no objections or abstentions the motion was unanimously approved: 9-0.

### **F. Informational Items**

Chair stated the following items were for informational purposes only. There will be no motion or vote needed.

- 1. Update and discussion regarding recent activities held on ADC property in Whitmore Village, City & County of Honolulu, State of Hawaii, by OHV under License Agreement No. LI-W194-23-01**



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Chair moved agenda item F-1 to the end of the agenda.

### **2. Presentation of report and findings of the land application permitted interaction group**

Chair called on Mr. Clemente for the presentation.

Mr. Clemente stated that the Land Application Permitted Interaction Group met and using their discretion and expertise recommended offering vacant land to the following farmers who met the minimum score to qualify for land:

- 1) Aloun Kauai Farming LLC for Kekaha land;
- 2) Teng Dan Inc. – Yida Zeng for land on Oahu;
- 3) Zhao Xiong for land on Oahu;
- 4) Suriwong Chaiyachet for land on Oahu;
- 5) Kauai Taro for Kekaha land; and
- 6) Thanawat Chak Ano for Kekaha land.

Chair asked if there was anyone from the public who wished to testify.

Mr. Uyehara on behalf of KAA stated that one step was missing in the selection process according to ADC's Land Policies and Procedures Manual, and that was to consult with KAA on potential tenants for the Kekaha property to verify whether infrastructure was available and the farming operations do not conflict with other operations in the area. KAA would like to be included in the future according to the procedures just mentioned.

Chair asked if there was any Board discussion. There was none.

Chair stated that the vote on this matter will be taken at a special meeting of the Board presently scheduled for Friday, November 1, 2024. The permitted interaction group formed August 1, 2024 that was assigned to evaluate the land applications and make recommendations to the Board is now dissolved.

### **3. Update and discussion regarding draft Authorization to Discharge Under the National Pollutant Discharge Elimination System (NPDES), Permit No. HI0021940/HI0021945**

Chair called on Ms. Prescott-Tate for the presentation.

Ms. Prescott-Tate provided background on the NPDES permit. When Kekaha Sugar was in business, the sugar mill maintained an NPDES permit issued by the Hawaii Department of Health (HDOH). The point source for the discharge was the sugar mill. The permit required quarterly testing for water quality. ADC received control and management of the former sugar cane lands in 2003 by way of Executive Order No. 4007, which was modified by Executive Order Nos. 4165 and 4330. ADC maintained the sugar mill NPDES permit after the mill shut down and applied to have the permit renewed. In 2015 HDOH informed ADC that since the point source to be regulated, the sugar mill, was no longer in operation there was no need for ADC to maintain the NPDES permit. ADC withdrew its NPDES renewal application. In 2018, EJ filed a lawsuit

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against ADC for discharging polluted water from the Mana Plains without an NPDES permit. United States District Court Judge Derrick Watson (Judge Watson) found that the ditch system within the Mana Plains was one big point source and ordered ADC to obtain an NPDES permit for its discharges into the ocean. This lawsuit has been referred to as the Nakatani lawsuit. ADC applied for a new NPDES permit on June 5, 2020. While awaiting a decision on its NPDES permit application, ADC has been required by court order to, among other things, conduct water quality testing and report the results on ADC's website. The court's order is attached to the submittal at pages 80 to 118. The testing results are available under the Mana Plains Monitoring Results tab on the ADC website. ADC has been conducting this testing since 2020, awaiting the results of its NPDES permit application. In 2022, EJ filed a lawsuit against the County of Kauai and HDOH for discharging polluted water from Kikiaola Harbor into the ocean without an NPDES permit, and HDOH for operating under the belief that an NPDES permit was not necessary for those discharges. Judge Watson again found in favor of EJ and ordered the County of Kauai to apply for an NPDES permit, and for HDOH to grant the permit along with ADC's NPDES permit application. The court's order is attached to the submittal as pages 120 to 161. The court gave HDOH until the end of January 2025 to issue the draft NPDES permit and to issue the final permit within 180 days after hearings or public comments on the draft permit. *See* pages 137 to 138 of the submittal. The draft permit is scheduled for publication on October 29<sup>th</sup>. That will begin the thirty day public comment period. After thirty days, HDOH must consider all the comments submitted. The draft permit has County of Kauai and ADC responsible as Co-permittees for seven discharge points or outfalls: Dry Ditch, Kikiaola Harbor Drain, Kawaele Outfall, Nohili Outfall, First Ditch, Second Ditch, and Cox Drain. The testing parameters are extremely burdensome. The list of testing parameters are on pages 150 to 160 of the submittal. Since 2020, ADC has spent about a half a million dollars a year to keep up with the testing for the Nakatani case for around twenty testing parameters.

Chair asked if anyone from the public wished to give testimony. There was none.

Chair asked if there was any Board discussion. There was none.

Chair asked if there were any questions for the attorneys that would require an executive session. There was none.

### **4. Executive Director's Report**

Chair called on Ms. Gady to give her report.

Ms. Gady stated that she would like to give a quick synopsis of some of her accomplishments over the last fourteen months. One of the former ED's goals was to address the 2019 audit. On November 16, 2023, the auditor was notified that every item and recommendation with the exception of five items that were removed from the ADC statute had been addressed. A second goal set for the previous ED was to hire staff. This was done during my first year. A third goal set for the previous ED was to address the financials. 100% of our financials have been efficiently and effectively transferred to the DBEDT system. Another accomplishment was getting QuickBooks implemented; getting 100% of the license information into Yardi; and, 95% of the reconciliation completed. Another accomplishment was to be more transparent, which I've tried to do with my weekly reports. Another accomplishment was releasing 100% of the lands and having a record number of applicants. ADC lapsed less than \$100,000 in CIP funds. The previous year the lapsed amount was in the multi-millions. And the final thing is to have a full eleven-member Board.

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Member Wicker asked how many applicants were given licenses and how many acres were awarded during the past year?

Ms. Gady said that the first five land applicants were awarded today.

Hearing no further discussion, Chair returned to Informational Item F-1.

Member Hurd left the meeting at 10:11 A.M.

### **Returned to Informational Item F-1.**

#### **1. Update and discussion regarding recent activities held on ADC property in Whitmore Village, City & County of Honolulu, State of Hawaii, by OHV under License Agreement No. LI-W194-23-01**

Chair called on Mr. Clemente for discussion of the Notice of Violation (NOV) issued to OHV on October 22, 2024.

Mr. Clemente stated that it was brought to his attention two or three days before the event by someone other than OHV. He spoke with Mr. Wong the night before the event and asked him to stop the unapproved event. Mr. Wong agreed but the event went on anyway. On that Saturday a lot of people began to arrive and it was difficult to stop the event because there were so many people. Mr. Wong made sure there were no improper activities. It was a family event. People were there with their children. There was mud car racing. There was a police presence; an ambulance standing by; port-a-potties were in place. There was an accident towards the end of the event. An NOV was issued October 22, 2024, which was e-mailed to Mr. Wong on October 22, 2024, and sent by certified mail on October 23, 2024,

Chair asked if anyone from the public wished to give testimony.

K. Akina testified against holding such activities on agricultural land.

Mr. Wong testified that when he talked to Mr. Clemente everything was already in motion. On the morning of the event he talked with HPD, and a representative from ADC and it was decided for public safety the best thing to do was to let the event go on. Things were going smoothly but the event got blown out of what it was supposed to be. It was planned as an event for our workers who helped us clear twenty-six acres in four weeks; to enjoy the property for a day.

Chair asked if the Board had any questions for Mr. Wong.

Member Okimoto asked why Mr. Wong charged for the event if it was for your workers.

Mr. Wong replied, the workers and their family and friends were invited to come. It costs \$10,000 to \$15,000 to clear an acre. These guys came to help with the mission of clearing the lands. The entry fee was a small way to pay for the diesel, the private fees, water trucks, and whatnot. Someone put out a flyer; wasn't mine. By word of mouth it got around as a way to help get these guys the funding that they put out of their own pocket. He didn't ask for any reimbursement of what he paid out. It was just to raise funds for the stuff they had to pay for to clear those acres.

Member Wicker asked if the following day, there was another activity with motorcycles.

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Mr. Wong stated there were about 25-30 motocross guys that came to volunteer and cleanup after the event and provided security the day we were pulling cars out from the riverbed. Mr. Clemente arrived on Saturday around 9 A.M. and Senator Favella arrived around noon. There was no motorcycle racing that day. He provides a safe place for the motocross guys to park when they race on Dole lands, not on ADC lands. They help me clean up homeless camps, pull out and dump vehicles. That's who was on the property on Sunday.

Member Watts stated he was shocked when he saw it on the news. What was the original intent of the gathering?

Mr. Wong replied, as previously mentioned the original intent was for workers to enjoy the area they cleared. We did dust mitigation with the water trucks. We were tilling the area. Those guys provided me with all the organic material. When we were tilling the soil it got muddy, and the idea came up. He interpreted the license agreement as 20% of the property was for Agri-education. When he was teaching the contractors about how to put microorganisms into the soil they said we could do this with our vehicles, so it came up to do a small event with these guys to turn the soil. What wasn't reported in the news was the Genki balls the kids made, the native plants, the three-hundred ulu trees brought by one of the companies. Two acres were remediated with microorganisms and a donation of 30,000 gallons of water. That acreage has no water or irrigation and we welcomed those 30,000 gallons of free water to get that place remediated. The original thing was to just entertain the workers and their families. It wasn't open to the public.

Member Watts asked about the request for police presence, was that made by you?

Mr. Wong stated that his partners made the request. If there are over one-hundred to two-hundred people they'll have police, first aid, and an ambulance. His people have experience in that.

Member Wicker asked if this was an event for family, friends, and workers, why did neighbor Islanders ship over their vehicles and participate. There was a stage and bleachers on site. It was a well-coordinated event. Why so much for a small family gathering?

Mr. Wong replied that we were expecting four hundred people max. That's what we had registered and had signed waivers and whatnot. Molokai had one hundred people that came in because they're part of one of the companies that helped clean the area. He wasn't sure where they all came. The stage was donated. Yes, it was coordinated, even if it was supposed to be a small event. He wanted to ensure that everything was safe.

Chair asked if he thoroughly read the license and what it allows him to do.

Mr. Wong replied yes.

Chair asked what possessed him to think of doing an activity like this on ag land.

Mr. Wong stated it was poor judgment. It wasn't reported as an ag event. The conservation plan for that area was for brush management, not food production. That was from the NRCS who did the conservation plan two years ago. But once we cleared that area, we're looking at altering our plan. The mud drag to be honest was a wrong decision; so no excuses.

Chair asked if he understands the NRCS plan?

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Minutes of the Board of Directors Meeting held Virtually on October 24, 2024

Via Zoom Teleconference and In-Person at 235 S. Beretania Street, Suite 205, Honolulu, HI 96813

Mr. Wong stated yes, he understands. NCRS still comes to the farm because we have projects with them on soil remediation. They said to take down the trees, the invasives, and brush, then remediate the soil.

Member Wicker asked Mr. Wong when the license was issued.

Mr. Wong replied about a year ago.

Member Wicker asked staff how long does ADC allow people to sit on land before starting production?

Mr. Takemoto replied that there was no specific time. This is something ADC is looking at now. After the event ADC did look at the conservation plan and Mr. Wong is correct that area is for brush management to prevent erosion and was not planned for food production. NRCS may consider a change in use now.

Member Wicker stated the activity needs to tie back to what's outlined in HRS Chapter 163D, which is food production, value add, and food security.

Mr. Wong stated the acreage they have is over 430 acres. Eighty percent of what we do now is taking down the forests, homeless camps, dumping cars, everything. In the first year we've cleared one hundred acres, most of that is already in food production. We've done two harvests. We're having our first food safety inspection. To have twenty-five acres cleared in four weeks by his partners and farmers is a testament to what new farmers like himself are doing. It's a positive note to get this area cleared for ADC.

Chair stated that clearing of land was not for ADC; it's for you as the license holder; the person who should be responsible for clearing the land.

Member Trump asked Mr. Wong what kind of food production has been going on.

Mr. Wong replied they've harvested bok choy, daikon, and other Asian vegetables; also sweet potato, kalo, and other Polynesian vegetables. There's a food orchard that's too small for commercial sale. We're developing more food orchards along the Dole areas of the property.

Member Watts asked if there was income received and if so, what are you doing with the funds.

Mr. Wong replied that all funds went to the contractors that were helping him do the work; the diesel, the private funding, trash bins, replacing stolen batteries because the homeless take whatever they can. Nothing really went to him.

Chair asked Mr. Wong, given the multiple violations do you still want the Board to proceed on this Keiki Construction Day, which has nothing to do with farming?

Mr. Wong replied that his original presentation to the Board when we first got our lease, because we have a nonprofit workforce development that focuses on agriculture and building and trades. All of his farmers have licenses to drive all the equipment, which includes tractors. This is a way to do a community event to show what farmers do to clear the land and expose young farmers to this industry. My presentation that I emailed to Mr. Clemente yesterday contains conversations with Member Wicker and Ms. Gady through Ms. Makaiau where they asked about the success of last year's Keiki Construction Day and how we could help clear the land in support of the State Farm Fair. Agri-Education is in our contract. That's why they should get approval again this year.

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Chair asked if there was any more Board discussion. There was none.

Chair asked if there was anyone from the public wishing to testify.

Ms. Cuaresma spoke against holding such activities on ag land and bringing conflict to the neighborhood.

J. Corpuz spoke against holding such activities on ag land and asked ADC to investigate subletting activities on ADC ag land in Wahiawa.

Mr. Roe stated that J. Corpuz's comments were included in the NOV and will be investigated. If any violations are confirmed they will be brought before the Board. Any request for action by the Board will be publicly noticed through our website and the State calendar.

Mr. Wong acknowledged that he received the NOV last night and he would go over it and prepare a response.

Chair asked if there was any further public testimony. There was none.

Chair asked if the Board wanted to go into executive session. If not he would move onto action item E-2. There was no response.

### **Returned to Action Item E-2:**

- 2. Request for approval for OHV to host their Keiki Construction Zone event on ADC property under License Agreement No. LI-W194-23-01 in Whitmore Village, City & County of Honolulu, State of Hawaii, Tax Map Key Nos. (1) 7-1-001:012, (1) 7-1-002:041, :046, :047, (1) 7-1-002:034, :006**

Chair called for a motion to approve.

Motion by Member Cooke; Second by Member Okuhama.

Chair called on Mr. Clemente for the staff presentation.

Mr. Clemente stated that about a month ago Mr. Wong mentioned that OHV was planning on hosting a Keiki Construction event. Mr. Wong was asked to send ADC a written request with detailed plans so that it could be presented to the Board. A written request was received late yesterday afternoon. Mr. Wong was informed that ADC would not have time to add the information for presentation to the Board at today's meeting. There were plans and many testimonials from the public in support of the event. A similar event was hosted last year, and Mr. Wong stated that the Board had approved prior events.

Chair asked if there was anyone from the public who wished to give testimony.

Mr. Wong provided testimony stating it was the same event OHV hosted last year with the support of the farmers, farmers associations, and vendors who always support OHV in our cleanup of the land. We give a day to the kids to come and see the farm tractors and equipment that's used in farming. It's a true educational event. Last year, probably three thousand people showed up and had positive comments. There were no complaints from the community. There was not much traffic. It was a great family day. A review of the event was provided to ADC

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afterwards. We had all of the permits and everything in place. It fell within our agricultural education activity that we have in our contract with ADC; same type of event in a bigger space. Dole and a lot of different organizations wanted to be included that have seen what we're doing in the area with more community associations that wanted to help out. But we understand ADC's concerns. This was just something that we're doing as a community event and educational opportunity for our farmers and others who want to participate.

Ms. Cuaresma testified against holding such activities that affect the Whitmore and Wahiawa neighborhood without presenting the request to the Neighborhood Board and expressed her belief that such activities violated the ADC license.

Member Cooke asked if Mr. Wong was charging for the event.

Mr. Wong replied this was a free event open to the public. Everything was donated. All the equipment, operators, engineers, were donating their time and equipment. They will have local vendors and farmers from the area who will be selling on the Galbraith side.

Member Cooke asked if Mr. Wong was taking a cut or charging the vendors.

Mr. Wong replied no, he was not.

Member Wicker stated that ADC was working with UHCDC [University of Hawaii Community Design Center] on designating and mapping out field space for events like the Farm Fair. Maybe the Keiki construction event could be supported in that space. But until ADC had a properly designated space to support such community events they should not be held on ag land.

Member Okuhama stated that the Board should not set precedence by ignoring what happening in the past. The Board should not move forward with this until we have a space designated for these types of events.

Chair and Member Okimoto agreed that these events should not take place on lands that should be in active crop production.

Chair asked if there was any more discussion. There was none.

Chair called for a roll call vote:	<u>Yes</u>	<u>No</u>
Chair		x
Member Cooke		x
Member Kanaka'ole		x
Member Okimoto		x
Member Okuhama		x
Member Trump		x
Member Watts		x
Member Wicker		x

The motion failed: 0 yes – 8 no.

**G. Adjourn**

Having no further business before the Board Chair adjourned the meeting at 11:32 A.M.