

AGRIBUSINESS DEVELOPMENT CORPORATION

Minutes of the Board of Directors Meeting held Virtually on December 5, 2024

Via Zoom Teleconference and In-Person at 235 S. Beretania Street, Suite 204, 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 204, 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)

Ciara Kahahane, designee for DLNR ex-officio member Dawn Chang (Member Kahahane)

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

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

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

Nathan Trump, Hawaii County member (Member Trump) (joined at 9:25 a.m.)

Jayson Watts, Maui County member (Member Watts) (joined at 9:07 a.m.)

Mary Alice Evans, designee for DBEDT ex officio member James Tokioka (Member Evans)

Members Excused:

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

Counsel Present, virtually:

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

Delanie Prescott-Tate, Deputy Attorney General

Tina Tsuchiyama, Deputy Attorney General

Bryan Yee, Deputy Attorney General

Staff Present, virtually:

Wendy Gady, Executive Director (Ms. Gady)

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

Ken Nakamoto, Project Manager

Roger Clemente, Property Manager (Mr. Clemente)

Lyle Roe, Asset Manager (Mr. Roe)

Frankie Empeno, Contract Manager

Ingrid Hisatake, Executive Secretary

Guests Present, virtually:

ADC Guest

Chuck B

David Bissel, KIUC

Dexter Kishida, HDOA

Elise Lowe

Kylie Wager Cruz, EarthJustice (Ms. Cruz)

Malachi Burrows

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Mark Ladao (1)
Mark Ladao (2)
Megan Kane
Michael Jenkins
Mike Faye, KAA (Mr. Faye)
Nick Molinari, AES Hawaii (Mr. Molinari)
Reggie Garcia, Senator Richards Office
Shane Peters, President of Peters Communication LLC (Mr. Peters)
Thora-Jean Cuaresma (Ms. Cuaresma)
WAM Staff

Guests Present, In-Person

Albert Tiberi, DOE (Mr. Tiberi)

A. Call to Order:

Chair called the meeting to order at 9:02 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 Kahahane, Member Okimoto, Member Okuhama, Member Seddon, and Member Evans acknowledged their presence with no one in the room with them. Member Trump joined the meeting at 9:25 a.m. Member Watts joined the meeting at 9:07 a.m.

B. Approval of Minutes

1. Regular Session Minutes, October 24, 2024

Deferred to January 16, 2025 meeting.

2. Special Meeting Minutes, November 1, 2024

Deferred to January 16, 2025 meeting.

3. Regular Session Minutes, November 21, 2024

Deferred to January 16, 2025 meeting.

C. Chairperson's Report

There was none.

D. Committee & Permitted Interaction Group Reports

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1. Presentation of report and findings of the land opportunities project for small and disadvantaged farmers on Kauai

Chair called on Mr. Clemente to give the report.

Mr. Clemente stated that the first land application permitted interaction group established on March 19, 2024 evaluated forty-three land applications and awarded points for experience, marketability of products, finances, business plan, and farming practices. Only seven applicants met or exceeded the minimum established score. A second land opportunities project permitted interaction group was established on November 21, 2024 to evaluate the lower scoring applicants for a potential land opportunity project for small and disadvantaged farmers on Kauai. The second land opportunities permitted interaction group finds that the lot size should be a minimum of ten acres; that land was available in Kekaha and Kalepa but there was no water available in Kalepa so the applicant should be responsible for developing irrigation water infrastructure; and while Kekaha land was ready for farming, Kalepa land was overgrown and it should be made clear that the land was available “as is.” The second land opportunities project group made three recommendations for selecting applicants for the small, disadvantaged farmers program on Kauai. One recommendation was to use the criteria established by the United States Department of Agriculture for use in identifying socially disadvantaged farmers. Second, was to limit the program to truck crop farmers. And third, was to limit the farm size to minimum ten acres and maximum of one hundred acres. Staff recommended the Board consider the findings and recommendations of the second land opportunities permitted interaction group.

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

Chair asked if there was any board discussion.

Member Evans asked if the recommendation included authorizing the executive director to finalize the selection process and proceed to negotiating licenses.

Chair responded that today was just for receiving the recommendations from the second land opportunities project permitted interaction group and discussion and decision making will be held at a later date.

Member Watts joined the meeting at 9:07 a.m.

2. Presentation of report and findings of the executive director goals and objectives permitted interaction group

Chair called on Member Seddon to provide the report and findings and recommendations of the executive directors, goals and objectives permitted interaction group.

Member Seddon stated that the report was the same one provided earlier but with two exceptions. A section was added for demonstrating fiscal responsibility and a recommendation that the executive director’s salary be increased in an amount up to \$156,960 for fiscal year 2025. This was a parity increase retroactive to July 1, 2024.

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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.

3. Presentation of report and findings of the value-add permitted interaction group

Chair asked if Member Watts was prepared to make the presentation.

Ms. Gady interjected that the matter was being deferred to the January meeting.

E. Action Items

1. Request for approval to Terminate Lease Agreement No. LE-K1201 assigned to Hawaii Department of Education; and delegate authority to the executive director to execute a Memorandum of Agreement with the Hawaii Department of Education regarding access to ADC-tenant operations in Kekaha, County of Kauai, State of Hawaii, Tax Map Key No. (4) 1-2-002:001 (por.)

Chair called for a motion to approve.

Motion by Member Evans; Second by Member Okuhama.

Chair called on Mr. Roe for the presentation.

Mr. Roe suggested that Ms. Gady would be better able to speak to recent events.

Ms. Gady stated that the term of the memorandum of agreement (MOA) had changed and the lease termination date and execution of documents were subject to agreement. This was a really good opportunity for ADC to work with the Department of Education (DOE) in creating some workforce development initiatives.

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

Mr. Tiberi from DOE said he was speaking on behalf of Deputy Superintendent Randy Moore who submitted written testimony pointing out that the MOA attached to the submittal was not the current version and was actually a couple of versions behind. The parties were still negotiating and he asked that the matter be deferred until an agreement was reached.

Ms. Waihee-Polk recommended that the matter be deferred until the documents have been finalized. That way the Board will know exactly what action was being approved.

Ms. Gady agreed that the matter should be deferred until the next meeting.

Member Evans withdrew her motion to approve.

Member Okuhama withdrew his second of the motion.

Chair deferred this item until the January meeting.

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2. **Request for approval to issue a new land license agreement to State of Hawaii, Department of Education for 4.8 acres, more or less, of land for the purpose of building a centralized kitchen facility in Whitmore Village, City & County of Honolulu, State of Hawaii, Tax Map Key Nos. (1) 7-1-002:009 (por.); :004 (por.), deferred from November 21, 2024**

Chair stated that this item was being deferred to the next meeting.

3. **Request to accept and approve the findings and recommendations of the land permitted interaction group**

Member Trump joined the meeting at 9:25 a.m.

Chair called for a motion to approve.

Motion by Member Okimoto; Second by Member Cooke.

Chair called on Mr. Clemente for the presentation.

Mr. Clemente stated that the land permitted interaction group was established to investigate and report back to the Board with information to be incorporated into the Hawaii Agribusiness Plan created by section 163D-5, Hawaii Revised Statutes (HRS). The land permitted interaction group was to collect information geared toward objectives and outcomes that include metrics, timeframes, budget expectations, and annual performance goals and measures that will allow ADC to be evaluated annually. The land permitted interaction group created a report and recommendations that were presented to the Board at the November 21, 2024 meeting. The report and recommendations were reproduced on pages 071 to 075 of the submittal. The recommendations included: 1) recognize the need for faster action and implementation by ADC; 2) acknowledge that ADC has commercial property in its asset portfolio; and 3) proactively showing “dynamic and aggressive leadership” in agribusiness. Staff recommended that the Board accept and approve the recommendations of the land permitted interaction group.

Chair asked if there was any 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: 10-0.

4. **Request to accept and approve the findings and recommendations of the land opportunities project for small and disadvantaged farmers on Oahu**

Chair asked for a motion to approve.

Motion by Member Trump; Second by Member Kahahane.

Chair called on Mr. Clemente for the presentation.

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Mr. Clemente stated that ADC solicited applications from interested farmers to fill the remaining vacant lots on Oahu and Kauai. ADC received forty-three applications. Of those applications only seven met or exceeded the minimum score established. On November 1, 2024, ADC considered a land opportunity project for small and disadvantaged farmers on Oahu and Kauai. A new small farmer land opportunity permitted interaction group was formed to determine the eligibility requirements, criteria, and land location for the proposed land opportunity for small and disadvantaged farmers. The small farmer land opportunity permitted interaction group reported its findings and recommendations regarding Oahu to the Board on November 21, 2024. The report and recommendations were reproduced on pages 077 to 079 of the submittal. The small farmer land opportunity permitted interaction group suggested that selected farmers meet the definition of a “socially disadvantaged farmer” used by the United States Department of Agriculture (USDA); that ADC limit the program to truck crop farmers; and, the minimum farm acreage be ten acres and the maximum one hundred acres for field crops. Staff recommended approval of the recommendations for use in selecting applicants for the small, disadvantaged farmer program on Oahu.

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 called for the vote. Hearing no objections or abstentions the motion was unanimously approved: 10-0.

5. Request to accept and approve the findings and recommendations of the distribution permitted interaction group

Chair called for a motion to approve.

Motion by Member Okimoto; Second by Member Okuhama.

Chair called on Mr. Takemoto for the staff presentation.

Mr. Takemoto stated that the distribution management permitted interaction group covering water infrastructure and electric systems was assigned to investigate and report back to the Board with information to be incorporated into the Agribusiness Plan required by HRS section 163D-5. The group was to report on objectives and outcomes that include metrics, timeframes, budget expectations, and annual performance goals and measures that would allow ADC to evaluate accomplishments annually. The distribution management permitted interaction group submitted its report and recommendations to the Board on November 21, 2024. The report and recommendations were reproduced on pages 083 to 087 of the submittal. The distribution management permitted interaction group suggested that the Board recognize the strategic significance and urgency of distribution of water and power as part of the ADC statute “for the economic, environmental and social benefit of the people of Hawaii”; that ADC actively protect the need for water in food production; and proactively show “dynamic and aggressive leadership” in agribusiness around distribution services. Staff recommended approval of the distribution management permitted interaction group’s recommendations.

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

Chair asked if there was any Board discussion.

Member Kahahane remarked that she was really encouraged to see ADC was looking at reuse opportunities and increasing storage capacity, which is extremely important due to drought conditions becoming more common.

Chair called for the vote. Hearing no objections or abstentions the motion was unanimously approved: 10-0.

6. Request to accept and approve the findings and recommendations of the Capital Improvement Project permitted interaction group

Chair called for a motion to approve.

Motion by Member Kahahane; Second by Member Cooke.

Chair called on Mr. Takemoto for the staff presentation.

Mr. Takemoto said that a permitted interaction group was created and assigned to promulgate, review, evaluate, and prioritize capital improvement projects (CIP), in coordination with the executive director, to provide guidance and recommendations to the Board on FY2026 CIP requests. The report and recommendations of the CIP permitted interaction group was submitted to the Board on November 21, 2024. The report and recommendations were reproduced on pages 089 to 091 of the submittal. It was noted that this report and recommendation was too late to make it into ADC's FY2026 budget request. Recommendations include starting the CIP planning process earlier; update the CIP throughout the year; and, continue review of budget to incorporate changes. Staff recommended approval of the CIP permitted interaction group's recommendations.

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 that the list of CIP projects should be supported and to review the executive director's weekly reports for more information.

Chair called for the vote. Hearing no objections or abstentions the motion was unanimously approved: 10-0.

7. Request to establish a permitted interaction group to take public testimony and develop a policy regarding solar energy production on ADC lands; appointment of members thereto

Chair stated that Agenda Item E-7, E-9, and F-1 are related to installation of solar equipment for energy production on agricultural land. Chair called for a motion to approve Agenda Item E-7.

Motion by Member Cooke; Second by Member Okimoto.

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Chair called on Mr. Roe for the presentation.

Mr. Roe said the Board should be aware that over the last few years ADC has received many requests for non-agricultural uses of agricultural land. To date the Board has not established a policy or provided guidance to staff on requests ADC has received for use of ADC land for such things as solar production, shooting ranges, and landfills. This request is to establish a permitted interaction group to research and take public testimony for purposes of developing a policy regarding solar energy production on ag land. There are a number of things to consider, one being the purpose of the land set aside to ADC for agricultural purposes and being ceded lands; how does that play into what is permitted on ADC lands. These are the sort of questions we hope the permitted interaction group can delve into.

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

Ms. Cuaresama testified on a matter that occurred in Wahiawa and not on the creation of a permitted interaction group to develop a policy regarding solar energy production.

Mr. Faye testified on behalf of KAA and asked that KAA be included in the solar energy production discussion to provide a different perspective on solar on some of the marginal ag lands.

Chair asked if there was any Board discussion.

Member Okimoto said that ADC should work with the solar companies and the ag community because we need both things to move forward. Ag activities should be able to remain on the land with the solar panels. This is better for Hawaii.

Member Watts renewed his request for KAA to be involved in ADC Board meetings. The wealth of information KAA has is unparalleled to what ADC Staff has.

Member Hurd asked that the permitted interaction group consider the rules and regulations that are already in place for agriculture related activities at both the state and county levels.

Mr. Roe noted that Staff would be providing all relevant materials for the permitted interaction group to consider.

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

Chair called for the vote. Hearing no objections or abstentions the motion was unanimously approved: 10-0.

Chair appointed Member Kahahane, Member Okimoto, and himself to the solar energy policy permitted interaction group and instructed the group to 1) consider solar needs for ADC tenant activity across ADC-owned and ceded lands; 2) the appropriateness of solar activity on ADC lands relative to ADC's mission; 3) hold public meetings to accept

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testimony from the public and ADC stakeholders regarding ADC's policy for solar activity; and 4) develop a proposed policy for solar energy production on ADC lands. The group is to prepare a report and recommendations and present the report and recommendations to the full Board as soon as possible. An ADC staff member will be appointed to help facilitate the public meetings and include KAA in the Kekaha discussion.

Member Kahahane and Member Okimoto accepted the appointment.

Informational Item F-1 was taken out of order before Action Items E-8 and E-9.

F. Informational Items

- 1. Presentation of Nick Molinari, Director of Project Development for AES Hawaii, and Shane Peters, President of Peters Communication LLC regarding a proposed solar project in Kekaha, County of Kauai, State of Hawaii, Tax Map Key No. (4) 1-2-002:001**

Chair called on Mr. Molinari and Mr. Peters for the presentation.

Mr. Molinari introduced himself as the director of project development for AES Solar Plus Storage Project (AES) and shared a PowerPoint presentation, which was reproduced on submittal pages 099-110. AES requested a right of entry to conduct due diligence activities for a proposed project that would provide energy to Kauai households. The project would be funded through a program with the USDA Rural Utilities Service and would make a meaningful contribution to the State's mandate of 100% renewable energy by 2045.

Mr. Peters spoke about existing regulations under HRS chapter 205, which relates to agricultural districts with B soil classifications and solar projects like this. A State special use permit will also be required. This project may trigger HRS chapter 343 review and possibly federal environmental review based on the use of federal funds. There will be rigorous oversight of this project. To Member Okimoto's point, they would like to see solar harmonize with agriculture. A power purchase agreement between the utility and the developer, Mana Solar LLC is needed. There's a duration to the power purchase agreement because the lifespan of solar equipment is about twenty-five years. After that all the components will be removed and the land returned to its existing condition. It's unlike traditional development that's more permanent in nature. And the Public Utilities Commission will have oversight over the price consumers will pay, which will be lower than energy provided using fossil fuel. Importantly it will help the State reach its 100% renewable energy goals.

Mr. Molinari provided some background on the previous West Kauai Energy Project (WKEP) that was proposed by KIUC [Kauai Island Utility Cooperative]. This project was in development for many years that involved many components, most notably hydroelectric generation pump storage, hydro, as well as a solar and battery storage. A lawsuit filed under HRS chapter 343 and the uncertainty around that litigation resulted in KIUC withdrawing the project. AES is now independently developing a new solar plus storage project without the hydroelectric element. AES is seeking a right of entry for this new scaled down proposed project.

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Mr. Peters reiterated they are requesting a right of entry, and not an obligation on ADC's part to approve the project. There are a lot of regulations and approvals that go into this type of project. This will allow the process to begin. The timeline [submittal page 110] shows the activities anticipated as part of the process. Any lease terms and conditions and easements would not come until later.

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.

Member Okimoto stated that ADC's mission was food production – agriculture. ADC's gonna prioritize agriculture over solar.

Member Evans asked AES if the preliminary due diligence considered any C, D, or E lands in the Mana area as opposed to these A and B lands that have productive soil characteristics and water available.

Mr. Molinari responded that they have looked at several other pieces of land in the area and have had preliminary discussions with others. We need to continue due diligence, and the right of entry will allow us to do that.

Member Hurd urged AES to look for C, D and E lands. B lands are suitable for agricultural production. There should be a balance between food production and energy production.

Mr. Roe stated that if a farmer was interested in the property, they would get priority but at the moment there's enough other lands available that it is not necessarily an either or proposition.

Member Trump asked about the past productivity and current potential for agriculture on the property.

Chair responded in the past it was used to grow sugarcane. This is farmable land. For right now the subject is a right of entry for AES to perform due diligence.

Ms. Gady remarked that staff would like to do some soil testing of lands that are not currently licensed to get an idea of what would be the best crops for individual parcels.

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

Chair noted that we're moving back to Action Items. Action Item E-9 will be taken out of order before Action Item E-8.

E. Action Items, continued

- 9. Request for approval to issue a Right-of-Entry to Mana Solar + Storage, LLC (a subsidiary of AES Corporation) to Fields 218, 219, 220, and 321 to conduct due**

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diligence activities for a proposed solar energy production project in Kekaha, County of Kauai, State of Hawaii, Tax Map Key No. (4) 1-2-002:001 (por.)

Chair advised the Board that he would not be voting on this matter as he had a conflict of interest because a family member was involved.

Chair called for a motion to approve.

Motion by Member Okimoto; Second by Member Trump.

Chair called on Mr. Roe for the staff presentation.

Mr. Roe stated that the submittal was self-explanatory but he wanted to point out that the WKEP previously had a right of entry, which was issued to AES and KIUC, and those fields were part of that project. The right of entry was terminated due to dissolution of the project. This is a new request and although the Board has delegated authority to the executive director to issue non-extraordinary rights of entry, given the fact that the land was set aside to ADC for agriculture and related purposes, and that this project is primarily an energy project that does not have an agricultural component, Staff believes this is an extraordinary request and that's why we're bringing it to the Board.

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

Mr. Faye spoke on behalf of KAA in support of issuing a right of entry for due diligence. Based on discussion with AES KAA believes there will be a net benefit to agriculture on the Kekaha lands. In spite of the land being classified as B, these are marginal lands that flood quite a bit. They're part of the Kawaiee Pond area. This would also help diversify the membership of KAA. And we produce energy too through the two hydroelectric plants and we have a power purchase agreement with KIUC. We are considering solar too, or other energy production. We use a lot of power pumping water to serve the agricultural tenants and aquaculture activities.

Chair asked if there was any Board discussion.

Member Evans asked if KAA has a micro grid and does KAA wheel the hydropower electricity you're currently generating.

Mr. Faye said it's not technically a micro grid because we connect with the KIUC grid under a power purchase agreement. We sell power to them or they sell power to us when we don't have enough.

Member Evans asked how long the fields have been vacant.

Mr. Roe stated that the last time they were used was 2017, if not earlier.

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

Chair called for a roll call vote:

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Chair	Abstained (recused)
Member Cooke	Yes
Member Hurd	Yes
Member Kahahane	Yes
Member Okimoto	Yes
Member Okuhama	Yes
Member Seddon	Yes
Member Trump	Yes
Member Watts	Yes
Member Evans	Yes

The motion approved: 9 yes – 0 no; 1 recused.

Return to Action Item E-8 that will be discussed in Executive Session.

8. Request for approval to hire a Special Deputy Attorney General to represent the State of Hawaii, Agribusiness Development Corporation in matters relating to the National Pollutant Discharge Elimination System (NPDES) Draft Permit for the Mana Plain drainage ditch system on Kauai resulting from Orders issued by United States District Court Judge Derrick K. Watson in Na Kia’i Kai, et al. v. Nakatani, Civil No. 18-00005, and Na Kia’i Kai, et al. v. County of Kauai, et al, Civil No. 22-00304

Chair stated that Action Item 8 would be discussed in executive session pursuant to HRS sections 92-4 and 92-5(a)(4).

Chair called for a motion to approve.

Motion by Member Evans; second by Member Kahahane.

Chair asked if anyone from the public wished to provide testimony on this agenda item.

Ms. Cruz stated that she is an attorney with EarthJustice (EJ), and represented Na Kia’i Kai, Surfrider Foundation, and Pesticide Action Network in the lawsuits listed in the agenda. EJ just wanted to mahalo ADC for settling the remedies phase of the litigation, which resulted in interim water quality monitoring and best management practices until the Hawaii Department of Health (HDOH) got around to issuing a draft permit. HDOH’s issuance of the draft permit was a huge step in our years of work on this issue. There may be some differences of opinion on what the permit should contain, but she did notice a couple of alarming statements made in ADC’s comments on the draft permit. The first was that the discharges should be exempt from the Clean Water Act and the second was that ADC should not be responsible for meeting effluent limitations at the point of discharge from the ditches to the ocean. I just wanted to remind the Board that the Court has already ruled on these issues and I strongly caution the Board if they are going to hire special counsel to not relitigate these issues that have already been decided and not appealed. Continuing to fight over whether or not these sources need to be permitted at these particular locations would be a waste of ADC’s and the State’s limited resources. What we really want here is to focus on how to clean up the pollution on the plain and from the ditches that ADC controls. We really do want to focus on solutions rather than continuing to engage in lawsuits. I also

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wanted to note that reducing water diversions to and from the Waimea River and its tributaries to the plain would also reduce the need to discharge in the first place and reduce the need for restrictions through NPDES permits. ADC could also focus on restoring wetlands and areas that are already being flooded or aren't being used for agriculture, which would help to filter out the pollution before it reaches the ocean and make it easier to comply with any permit terms. Thank you for the opportunity to submit testimony.

There being no further public testimony, Chair asked for a motion to move into executive session.

Motion by Member Evans; second by Member Watts.

Chair asked if there was any public testimony regarding the decision to go into executive session. There was none.

Chair conducted a roll call vote:

Chair	Yes
Member Cooke	Yes
Member Hurd	Yes
Member Kahahane	Yes
Member Okimoto	Yes
Member Okuhama	Yes
Member Seddon	Yes
Member Trump	Yes
Member Watts	Yes
Member Evans	Yes

Motion approved: 10 yes – 0 no.

Chair recessed the public meeting subject to reconvening at the conclusion of the executive session.

Meeting recessed at 10:53 a.m.

Back on the public record

Chair called the meeting back to order at 11:38 a.m.

Chair stated that pursuant to HRS section 92-4(b) (2023), the Board discussed Agenda Action Item E-8 with the Board's attorney. No action was taken in executive session.

Chair continued saying that the motion for request to hire a Special Deputy Attorney General to represent ADC in matters relating to the NPDES draft permit for a Mana Plain drainage ditch system on Kauai resulting from the order issued by United States District Court Judge Derrick K. Watson in Civil No. 18-00005 and County of Kauai, et al., in Civil No. 22-00304 was earlier moved on by Member Evans and seconded by Member Kahahane.

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

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

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Chair called for the vote. Hearing no objections or abstentions the motion was unanimously approved: 10-0.

Returned to Informational Item F-2.

2. Executive Director's Report

Chair referred the Board Members and public to the executive director's reports for October 21, 2024, October 28, 2024, November 4, 2024, and November 11, 2024, which were available on the ADC website or by clicking on the link in the agenda.

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. There was none.

G. Adjourn

Having no further business before the Board, Chair called for a motion to adjourn.

Motion by Member Watts; Second by Member Okimoto.

Chair asked if there was any public testimony or board discussion. There was none.

Chair called for the vote. Hearing no objections or abstentions the motion was unanimously approved: 10-0.

Meeting adjourned at 11:41 a.m.