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PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

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Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
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LAND USE COMMISSION
STATE OF HAWAII

2019 NOV 14 A 7:51

November 8, 2019

Mr. Daniel Orodener
Executive Officer
Land Use Commission
235 South Beretania Street
Suite 406
Honolulu, Hawaii 96813

Dear Mr. Orodener:

Subject: Amended Petition for Declaratory Order to Designate Important
Agricultural Lands
Docket No. DR19-66
Pomaikai Partners, LLC
TMK: 6-4-01: por. 1, 5, and 12
Area: approximately 723 acres Paalaa Uka, Oahu

The Hawaii Department of Agriculture (the Department) has reviewed the subject Amended Petition for Declaratory Order to Designate Important Agricultural Lands (Amended Petition) and provides comments.

This Amended Petition amends the Petition submitted June 14, 2019 (Original Petition). The Amended Petition reduces the petitioned area by approximately 87 acres from what was proposed in the Original Petition. The entire 87-acre reduction appears to be the area that was identified in the Original Petition adjacent to Kamehameha Highway.

The Department submitted comments (Dated July 18, 2019) on the Original Petition, reviewing the Petitioner's statements as to how the petitioned lands meet the eight criteria used for identifying potential Important Agricultural Lands (Section 205-44, HRS). After reviewing the Amended Petition, the Department stands on its July 18, 2019 comments, where the Department found that seven of the eight criteria have been met and provided recommendations. In reviewing the Original Petition, the Department was not able to confirm whether Criterion 5, "Lands with Sufficient quantities of water to support viable agricultural production," was met for the entire petitioned area. The Amended Petition does not provide additional information that would assist the Department in this determination.



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An adequate and reliable supply of irrigation water and its distribution is critically important for existing and future farmers within the petitioned area to achieve and maintain optimal crop production and to meet food safety standards. With this in mind, the Department continues to recommend the following condition found in its July 18, 2019 comments:

Within 180 days from approval, the Petitioner shall provide to the Department of Agriculture the following information on the improvements to the Wahiawa Irrigation System, its relationship to Pump 17, and the new well-based source and related infrastructure at the upper elevation of the petitioned area that are necessary to provide irrigation water to the entire petitioned area.

1. An estimate when these repairs may be completed,
2. The approximate cost of the improvements; and
3. Identification of the part(ies) who may be responsible for the operations and maintenance of the infrastructure.

Furthermore, the Department supports the Land Use Commission letter submitted August 30, 2019, requesting the Petitioner provide documents from the Commission on Water Resources Management (CWRM) to show that the Petitioner has been granted a 3.5 MGD allocation from CWRM.

Should you have any questions, please contact Earl Yamamoto at 973-9466, or email at earl.j.yamamoto@hawaii.gov.

Sincerely,



Phyllis Shimabukuro-Geiser
Chairperson, Board of Agriculture

c: Ms. Mary Alice Evans, Director, Office of Planning
Ms. Kathy K. Sokugawa, Acting Director,
City Department of Planning and Permitting
Ms. Dawn Apuna, Deputy Attorney General