

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



JAMES J. NAKATANI
Executive Director

STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION
235 S. Beretania Street, Room 205
Honolulu, HI 96813
Phone: (808) 586-0186 Fax: (808) 586-0189

December 17, 2021



VIA Email: dbedt.luc.web@hawaii.gov
Mr. Jonathan Scheur, Chair
and Members of the State of Hawai'i Land Use Commission
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, Hawai'i 96804-2359

Chair Scheuer and Land Use Commissioners:

Re: Petition of Kekaha Agriculture Association for Declaratory Order
to Designate Approximately 12,123 acres at Kekaha, Kauai;
TMK 4-1-002:001 (por) IAL
Docket Number: DR21-76
Filed: December 2, 2021
Hearing Date: December 23, 2021

In further support of the Petition of Kekaha Agriculture Association for Declaratory Order to Designate Approximately 12,123 acres at Kekaha, Kauai as important agricultural lands, the Agribusiness Development Corporation ("ADC") submits Executive Order No. 4007, executed by James R. Aiona, Jr., Acting Governor of the State of Hawai'i on September 16, 2003, and the minutes of the Board of Directors meeting for January 31, 2018, approved on February 28, 2018, and accompanying presentation to the Board.

In 2003, the Governor of the State ordered the set aside of over 12,000 acres of former sugar cane lands from the Department of Land and Natural Resources to be under the control and management of ADC for agricultural and related purposes. Since then, ADC and the Petitioner have worked cooperatively to ensure the continuation of agricultural production and development in the Kekaha and Waimea area of Kauai. See attached Executive Order No. 4007.

In 2018, the ADC Board of Directors considered the request of Petitioner to file the instant Petition. The Board unanimously approved the request. See attached minutes at Item G and presentation.

Mr. Jonathan Scheur, Chair
and Members of the State of Hawai'i Land Use Commission
December 17, 2021
Page 2 of 2

It is our understanding that this is the first petition requesting a declaratory order designating lands owned by the State of Hawai'i as important agricultural lands. If the purpose of the Important Agricultural Lands ("IAL") statute is to conserve and protect agricultural lands, ensure the availability of sufficient suitable lands for agricultural production, increase agricultural sustainability, and promote the development and expansion of diversified agriculture production through incentives, ADC suggests that the statute should be broadly construed to facilitate these purposes. If there is a "compelling state interest" in achieving these purposes, ADC suggests that State lands should be openly embraced as IAL once the requisite standards and criteria are met.

Again, ADC urges this Commission to GRANT this Petition and declare the Kekaha lands as Important Agricultural Lands in accordance with HRS Chapter 205, Part III.

Sincerely,



James J. Nakatani
Executive Director

c: KAA
ADC board members