

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

May 5, 2022

SENT VIA EMAIL: dbedt.luc.web@hawaii.gov

Mr. Daniel E. Orodener, Executive Director
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

Re: Petition by Kekaha Agriculture Association for Declaratory Order to Designate
Important Agricultural Lands for Approximately 12, 123 acres at Kekaha, Kauai under
Docket No. DR 21-76

Dear Executive Director Orodener and Members of the Land Use Commission:

The above referenced Petition is presently scheduled for a continued hearing on May 11, 2022, having previously been heard on December 23, 2021. The Agribusiness Development Corporation (ADC) was extremely disheartened to receive a copy of the Board of Land and Natural Resources' Memorandum Regarding Kekaha Agriculture Association's (KAA) Petition for Declaratory Order to Designate Important Agricultural Lands (BLNR Memorandum), which was filed with the Land Use Commission on May 4, 2022. The BLNR Memorandum raises significant issues. However, some of these issues are factually inaccurate. The late filing of the memorandum, a mere five business days before the scheduled hearing, does not allow sufficient time to prepare a thoughtful response that would aid the Commission in its decision making.

At this point in time, suffice it to say that the Chairperson of the Board of Land and Natural Resources (BLNR), or a designated representative, serves as an ex-officio, voting member of the ADC Board. See section 163D-3(b), Hawaii Revised Statutes (HRS). The representative of the BLNR that sits on the ADC Board has been aware of KAA's pursuit of Important Agricultural Land designation since January 2018. See HDOA/ADC website available at www.hdoa.hawaii.gov/adc/meetings for ADC Board meeting agendas, meeting attendance, and minutes.

ADC would like to further clarify that the Hawaii Legislature did create an exception that allows "lands that are set aside by the governor to the agribusiness development corporation, lands leased to the agribusiness development corporation by any department or agency of the State, or lands to which the agribusiness development corporation in its corporate capacity holds title" to be excluded from the definition of "public lands." See section 171-2(11), HRS.

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ADC would like to take this opportunity to thank the Commission for their time and efforts in bringing the State's goal of increased local agricultural production and food security to fruition. Should you have any questions please do not hesitate to contact me at james.nakatani@hawaii.gov.

Sincerely,



James J. Nakatani
Executive Director

c: KAA
ADC board members