



AGRICULTURAL DEVELOPMENT TASK FORCE

MEETING MINUTES

MONDAY, MAY 5, 2014
CITY COUNCIL COMMITTEE MEETING ROOM
2nd FLOOR
HONOLULU HALE

MEMBERS PRESENT: Alan Takemoto, Chair
 Fred Humphrey
 Charley Ice
 Dean Okimoto
 Yuki Kitagawa

MEMBERS EXCUSED: Jimmy Nakatani

1. Call to Order: The meeting was called to order by Chair Takemoto at 1:07 p.m. with a quorum present.
2. Approval of Minutes: The minutes of the meeting of October 7, 2013 will be taken up at the next meeting.
3. Guest speaker: Scott Enright, Chairperson, State Department of Agriculture spoke on pesticide issues per Chair Takemoto's request. He noted that the action by Kauai County was necessary because the State was slow in its investigations as they were tied up on UIPA requests. They now have new positions to help with the backlog in Pesticide branch, but overall are still a third short. They also have a brand new software platform working with Data House where all work will be online – registrations of new pesticides, new less toxic pesticides available to agriculturalists, and check on enforcement and education issues. Mr. Enright also addressed the issue of farmers conversant in English. The DOA Education branch is working to address that issue. They have new posters in 7 different languages, including Cambodian, Laotian, and Thai. They are also giving training in those languages and making an effort to work with them to promote agriculture. They feel that with a better job at outreach and education, there will be less need for enforcement.

Discourse on Kauai regarding "large" ag. Not sure what that refers to because there is none. Larger companies do an excellent job of applying pesticides. So discourse on

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AGRICULTURAL DEVELOPMENT TASK FORCE MINUTES
MONDAY, MAY 5, 2014

Kauai was absolutely wrong. We will be getting 6 new positions – administration, education/outreach, and inspectors.

To be clear, EPA regulates pesticides, not the states. Additionally, Kauai discussions are not data driven. EPA regulation is delegated to states. We are working with the Attorney General's office. There are two pieces of legislation that are poorly crafted and will not see much light of day.

If counties try to do their own regulation, it will potentially take resources away from state. It would be inefficient to replicate a pesticides branch in each county. Response to inquiries has been slow due to lack of staff and because existing staff has been busy responding to UIPA requests. This is a long and arduous task which backlogs all investigative work. We are putting an additional caseworker in there, and will also cross train an education/outreach worker. Our position count right now -- 264 filled, 130 open. In the Pesticide branch we are 10 short of when Yuki was chair. The ag community will only move forward if the entire community works together. I am happy to be available whenever requested. With regard to the ARM, agricultural resource management, branch, we are chronically understaffed. We are currently finishing reorg of that division; will have 8 new positions and will have additional space in the renovated King Street facility.

Chair Takemoto thanked Chairperson Enright for making himself available to the Task Force.

Chair Takemoto then announced that the Task Force will take Bills 34-37 out of order since there are many people in the audience waiting to testify on those bills.

Director George Atta, Department of Planning and Permitting, gave testimony at council committee meeting against Bill 34. DPP opposed because of excessive permitting requirements on farmers and no way to distinguish grading activity of farming and other kinds of activity. The Bill is too broad and will have problems with enforcement. Therefore, opposed. Bills 35-37 introduced by CM Pine. DPP is supportive of intent, but 2 of 3 have issues which need to be addressed. Bill 35, definition of kinds of dumping includes words which are not defined and so there are issues of how to classify and would be an illegal dumping case like in Waianae. Need further clarification. Bill 36 increasing fines is no problem, gives DPP greater hammer to use on illegal dumpers. Bill 37, have problems – we want to keep to be used as another tool in tool kit. Can be helpful under certain circumstances. Recently, DPP has once again been working closely with the Soil and Conservation District Office. That relationship had stopped after Mayor Harris' reorganization. Some issues are related to that gap. They have since tried to work more closely together and will be meeting on Thursday. He explained that individual members expressed opinions. General comments related to NRCS and districts attached to DLNR; regulatory authority, enforcement authority but no enforcement personnel, especially with regard to non-ag grading and dumping. Districts felt it was not their kuleana and they don't have tools or regulatory authority to regulate. District's only tool is that they could revoke conservation plan, then city has authority to cite people, but they felt it was a drastic measure. It is DPP's

AGRICULTURAL DEVELOPMENT TASK FORCE MINUTES
MONDAY, MAY 5, 2014

understanding that anything covered by a conservation plan, city doesn't have authority. So when they're covered, city cannot fix illegal dumping or environmental damage, as long as covered by conservation plan.

In response to Task Force questioning, Director Atta noted that Councilmember Pine gave DPP a draft of the bill and DPP staff talked to her staff. Comments were made, but no changes made. CM Pine has indicated that she is willing to talk and make changes. They will probably have a conversation before bills are finalized. Bill 34 was introduced by CM Anderson. There was no preconsultation before it went on the floor. Member Okimoto expressed concern that the figures used in the bill had no rationale -- took something from grading ordinance and transferred to LUO so doesn't fit. Director Atta said he will make similar comments verbally at the council meeting,

Chair Takemoto then asked for testimony from the audience on Bills 34-37.

Larry Jefts, Chairman of West Oahu Soil & WCD which covers from Pearl City Home Depot to Kahuku Point and west, testified that he is a long-time member of the WOSWCD. He suggested that the capacity to deal with problems before the bills become necessary may be due to lack of a strong partnership between land owners, operators, and the District. The District has a set of standards by federal government that is followed. The problem today is that DOH pulled 100% of funding last year and necessary staff was lost. Then the City pulled 60% of their funding. By the end of last year there was no funding for staff. However, with the help of some donations, one person has been brought back on board. He discussed the enforcement business and noted that the District doesn't have carrots and how less than 15% of the ag operations work with the Districts, which stresses education. With regard to the Bills, he felt that they are not well crafted with exception to penalties to understand what will really happen. He felt that there will be severe unintended consequences that will slow improvements in the environment on the island. He felt that the net effect to population on Oahu on an environmental basis will get worse not better.

Rick Towill testified that he wears three hats -- licensed earth-moving contractor, long-time member of windward Oahu soil and water conservation district (chair of directors of that board), and part-time orchard farmer in Waihee, past Kahaluu. He testified that their District is against these bills. They offered to start a dialogue so the language will be right. Their District goes from Kahuku Point to Waimanalo and has potential for soil runoff, so more and more need to work with city. Soil conservation folks crafted the grading ordinance for Oahu way, way back when so they wondered why they were not brought into the conversation ahead of time. Regarding the bills, he agrees with the need to track where material goes. Only place other than Waimanalo Gulch is a private landfill owned by PVT Company that takes all construction debris.

Karen Ah Mai, chair of south Oahu soil and water conservation district summarized comments made last time. She testified that, in general, Bill 34 benefits one person and has the potential to harm many others, especially farmers. The issue of unintended consequences was brought up by many people.

AGRICULTURAL DEVELOPMENT TASK FORCE MINUTES
MONDAY, MAY 5, 2014

At this point, one of the members shared background information on Bill 34. He said there was an ongoing battle between two neighbors in Waimanalo. One neighbor was on state ag lease land and had filled the property with construction debris in excess of 20 feet higher than the neighbor across the river. Large pieces of concrete and rebar were falling into the river. Neighbor below who is an attorney has been fighting this battle for years. CM Anderson introduced the bill at the lawyer's request. So issue of impact not thought out about impact on everyone else. Even if bill passes, it will not solve the problem. The guy with the state ag lease wanted polo field. So he built one by filling in the ravine to make a polo field.

Member Okamoto noted that Bills 36 and 37 concern violations. Bills should consider taking a portion or all of enhanced fines and give to soil and water districts so they can increase outreach and address conservation planning needs. However, bills don't have enforcement powers, so if give them power to fine, then need personnel.

4. Announcements. There were no announcements.
5. Adjournment. The meeting was adjourned at 3:10 p.m.