

**AGENDA**  
**BOARD OF AGRICULTURE MEETING**

Date: May 31, 2016  
Time: 9:00 a.m.  
Location: Plant Quarantine Conference Room  
1849 Auiki Street  
Honolulu, Hawaii 96819

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES FROM 4/26/16 MEETING
- III. COMMENTS FROM THE GENERAL PUBLIC ON AGENDA ITEMS (ORAL OR WRITTEN)
- IV. INTRODUCTIONS
- V. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION
  - A. AGRICULTURAL LOAN DIVISION
    1. Request for Approval of One (1) Direct Farm Operating Loan to Glenn S. Miyashita and Glenn's Flowers & Plants, LLC, co-borrowers.
    2. Request for Approval of One (1) Direct Farm Ownership Loan to Bryna R. Storch and Isobel S. Storch, co-borrowers.
    3. Request for Approval of One (1) Direct Aquaculture Operating Loan to Kulahaven Farms, LLC.
  - B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION
    1. Certification of Acreage Assessments for the Honokaa-Paauilo, Kahuku, Molokai, Waimanalo, and Waimea Irrigation Systems, 2017 Fiscal Year
    2. Request for Approval of Extension of Sublease between the Hamakua Agricultural Cooperative and Whitney Velez; General Lease No. S-5549; TMK: 3<sup>rd</sup> Div/4-4-001:001 (por), Lot No. 02, Kaunamano Government Remainder, Kaunamano, Hamakua, Island of Hawaii
    3. Request for Approval for Extension of General Lease No. S-5583, and Reaffirmation of Prior Board Action Approving Consent to Assignment of General Lease No. S-5583 from William J. Sanchez and Alison Sanchez, Assignor, to William J. Sanchez, Assignee, TMK: 4<sup>th</sup> Div/4-3-004:001, 014 & 017, Lot 1, Kapaa Agricultural Lots, Kapaa, Kawaihau (Puna), Island of Kauai, Hawaii
    4. Request for Approval to Construct a Milk Processing Facility; General Lease No. S-5586, Big Island Dairy, LLC, TMK: 3<sup>rd</sup> Div/3-9-002:008; O'Okala, North Hilo, Island of Hawaii

## C. PLANT INDUSTRY DIVISION

### Invertebrate and Aquatic Biota

1. Request to: (1) Allow the Importation of Kumamoto Oyster, *Crassostrea sikamea*, Pacific Oyster; *Crassostrea gigas*, and Manila Clam, *Tapes semidecussata*, Animals on the List of Conditionally Approved Animals, by Permit, for Live Retail Sales, by Kona Coast Shellfish, LLC; and (2) Update Permit Conditions for the Importation of Kumamoto Oyster, *Crassostrea sikamea*, Pacific Oyster, *Crassostrea gigas*, and Manila Clam, *Tapes semidecussata*; Animals on the List of Conditionally Approved Animals, by Permit, for Live Retail Sales, by Kona Coast Shellfish, LLC.

### Microorganisms

2. Request to: (1) Allow the Importation of an Unlisted Microorganism, Zika Virus, Determined to be High-Risk, by Special Permit, for Laboratory Research Including Animal Inoculation Studies, by the University of Hawaii; and (2) Establish Permit Conditions for the Importation of an Unlisted Microorganism, Zika Virus, Determined to be High-Risk, by Special Permit, for Laboratory Research Including Animal Inoculation Studies, by the University of Hawaii.

### Plants

3. Request for: (1) Preliminary Approval of Proposed Amendments to Chapter 4-72, Hawaii Administrative Rules, "Plant Intrastate Rules," to Prohibit the Intrastate Movement of *Metrosideros* (all species in genus) (Ohia), Plants and Plant Parts, Including Flowers, Leaves, Seeds, Stems, Twigs, Cuttings, Wood, Logs, Mulch, Greenwaste, Frass, and Soil, All of Which are Known Hosts or Carriers of the Fungus, *Ceratocystis fimbriata*, Known to Cause Ohia Wilt (Rapid Ohia Death), From the Island of Hawaii, a Rapid Ohia Death Infested Area, to Rapid Ohia Death Restricted (Non-Infested) Islands, Except by Permit Issued by the Hawaii Department of Agriculture. (*Proposed Permanent Rule to Replace Department of Agriculture Plant Quarantine Rule 15-1 Approved 8/15/2015.*); (**See Attached Summary of Proposed Amendments**); and  
  
(2) Authorization for the Chairperson to Schedule a Public Hearing and Appoint a Hearing Officer in Connection with Proposed Amendments to Chapter 4-72, Hawaii Administrative Rules, "Plant Intrastate Rules," to Prohibit Intrastate Movement of *Metrosideros* (all species in genus) (Ohia), Plants and Plant Parts, including Flowers, Seeds, Stems, Twigs, Cuttings, Wood, Logs, Mulch, Greenwaste, Frass, and Soil, All of Which are Known Hosts or Carriers of the Fungus, *Ceratocystis fimbriata*, Known to Cause Ohia Wilt (Rapid Ohia Death), From the Island of Hawaii, a Rapid Ohia Death Infested Area, to Rapid Ohia Death Restricted (Non-Infested) Islands, Except by Permit Issued by the Hawaii Department of Agriculture.

## VI. OLD BUSINESS

None.

VII. NEW BUSINESS

Presentation by Peter Adler on, "Findings and Recommendations of The Joint Fact Study Group on Pesticide Use by Large Agribusinesses on Kaua'i." Questions and discussion to follow.

VIII. ADJOURNMENT OF REGULAR MEETING

~~~~~  
*The Board may go into Executive Session pursuant to exceptions provided under Section 92-5, Hawaii Revised Statutes (HRS), including to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities, pursuant to Section 92-5(4), HRS.*

*Those persons desiring to submit written testimony may do so via postal mail to the BOA Chairperson's Office at 1428 S. King Street, Honolulu, HI 96814-2512; via fax to the BOA Chairperson at (808) 973-9613 or via e-mail to [HDOA.BOARD.TESTIMONY@HAWAII.GOV](mailto:HDOA.BOARD.TESTIMONY@HAWAII.GOV). Please include the word "testimony" and the subject matter following the address line. Those persons desiring to present oral testimony at the BOA meeting are requested to register with staff prior to the convening of the meeting. If possible, submit 14 copies of the written testimony to staff prior to the meeting.*

**NOTE: MATERIALS FOR THIS AGENDA WILL BE AVAILABLE FOR REVIEW IN THE BOA CHAIRPERSON'S OFFICE, 1428 S. KING STREET, HONOLULU, HAWAII, ON THURSDAY, 5/26/16.**

Attachment to Board of Agriculture May 31, 2016  
Meeting Agenda V.C.3

**Summary of Proposed Amendments to Chapter 4-72, Hawaii Administrative Rules (HAR), the Hawaii Department of Agriculture's Plant and Non-Domestic Animal Quarantine, Plant Intrastate Rules, Relating to Regulating Movement of Plants, Generally, and Soil**

Amendment to Chapter 4-72, HAR, is proposed to add a new rule section entitled "Quarantine restrictions on ohia and soil from rapid ohia death infested areas." Rapid Ohia Death is a fungal disease that is killing ohia trees and is spreading on the island of Hawaii. The proposed permanent rule would replace Hawaii Department of Agriculture Plant Quarantine Interim Rule 15-1, approved August 25, 2015.

The proposed rule will designate the island of Hawaii as a Rapid Ohia Death infested area and will establish a quarantine to prohibit the intrastate movement of *Metrosideros* (all species in genus) (ohia) plants and plant parts, including flowers, leaves, seeds stems, twigs, cuttings, wood, logs, mulch, greenwaste, frass, and soil from the island of Hawaii to non-infested islands of the State, except by permit issued by the Department and subject to conditions consistent with preserving the quarantine, including science-based testing and, if appropriate, treatment.

The proposed rule, among other things: (1) describes the conditions under which the regulated material may qualify for intrastate shipment, including testing to determine whether the material or commodity is free of *C. fimbriata*, the causal fungus of the disease; (2) prohibits intrastate shipment of regulated material or commodities that test positive for *C. fimbriata* from a Rapid Ohia Death infested area to a non-infested island unless an effective treatment is available, is approved by the Department's Plant Quarantine Branch (PQB) chief, and the shipment has undergone the approved treatment; (3) exempts from the permit requirement certain finished ohia wood products, such as wood flooring and furniture that have been subjected to a treatment approved by the PQB chief; and (4) authorizes the PQB chief to approve treatments and mitigative measures as they are scientifically validated, and to revise permit conditions accordingly, as necessary to prevent movement of Ohia Wilt disease from the infested area and to preserve the quarantine.