

AGENDA
BOARD OF AGRICULTURE MEETING

Date: January 26, 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 11/24/15 MEETING
- III. COMMENTS FROM THE GENERAL PUBLIC ON AGENDA ITEMS (ORAL OR WRITTEN)
- IV. INTRODUCTION AND COMMENTS
- V. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

A. AGRICULTURAL LOAN DIVISION

- 1. Request for Approval of One (1) Farm Ownership and Improvement Loan to Sage Farms, LLC.
- 2. Request for Approval of One (1) Farm Ownership Loan to Zahir Tamimi.
- 3. Request for Approval of One (1) Farm Operating Loan to Hali'imaile Pineapple Company, Limited.

B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

- 1. Request for Authorization to Terminate General Lease No. S-6022, Issue Cancellation Document and Dispose of Lot Through Negotiation, TMK: 1st Div/5-6-006-050, Kahuku Agricultural Park, Lot 22, Koolauloa, Kahuku, Island of Oahu
- 2. Request for Consent to Assignment of General Lease No. S-4843; TMK: (3) 7-3-049:026; Lot No. 30; Peggy J. Ratliff To Daniel G. Green; Keahole Agricultural Park, Kalaola, North Kona, Island of Hawaii
- 3. Request for Approval of Boundary Fence; General Lease No. S-4340; Akea Farms, Inc.; TMK (2) 5-2-001:009, Molokai Farm Lots, Hoolehua-Apana, Island of Molokai, Hawaii
- 4. Request for Approval to Construct Two (2) Shade Houses, Hawaiian Sunshine Nursery, Inc.; General Lease No. S-4773; TMK (3) 2-2-056:052; Lot No. 26; Panaewa Agricultural Park, Waiakea, South Hilo, Island of Hawaii

C. PLANT INDUSTRY DIVISION

Plants

- 1. Request for Authorization for the Chairperson to Schedule a Public Hearing and Appoint a Hearing Officer in Connection with the Proposed Amendments to Chapter 4-70, Hawaii Administrative Rules, entitled "Plants and Non-Domestic Animal Quarantine, Plant Import Rules," to Add a New Subchapter to Restrict the Importation of *Myrtaceae* (Myrtle Family) Plants and Plant Parts to Prevent the

Introduction of New Strains of Ohi'a Rust, *Puccinia psidii*, a Plant Pathogen. (Preliminarily approved by the Board of Agriculture at its 12/3/14 and 2/24/15 Board Meetings)

Land Vertebrates

2. Request to: (1) Allow the Importation of Two Bengal Tigers, *Panthera tigris*, an Animal on the List of Restricted Animals (Part A), by Permit, for Exhibition by Pana'ewa Rainforest Zoo and Gardens, a Municipal Zoo; and (2) Update Permit Conditions for the Importation of Two Bengal Tigers, *Panthera tigris*, an Animal on the List of Restricted Animals (Part A), by Permit, for Exhibition by Pana'ewa Rainforest Zoo and Gardens, a Municipal Zoo.

3. Request to: (1) Review and Consider Inclusion of Minor Revisions Proposed by Plant Quarantine Branch to Proposed Amendments to Chapter 4-71, Hawaii Administrative Rules, "Non-Domestic Animal Import Rules" (HAR), That Include Amendment Banning Import of Dangerous, Wild Non-Domestic Animals for Performance or Exhibition in Circuses or Carnivals, as Preliminarily Approved by the Board of Agriculture (Board) at its 11/24/15 Meeting;
 - (2) Consider the Comments of Advisory Committee on Plants and Animals Members Regarding the Proposed Ban on Import of Dangerous, Wild Non-Domestic Animals for Performance or Exhibition in Circuses or Carnivals;
 - (3) Delete the Proposed Placement of the Grey Wolf, *Canis Lupus*, and the Red Wolf, *Canis Rufus*, on the Prohibited List, from the Proposed Amendments to Chapter 4-71, HAR; and
 - (4) Authorize the Chairperson to Schedule a Public Hearing and Appoint a Hearing Officer in Connection with the Proposed Amendments to Chapter 4-71, HAR, described in (1). **(See Attached Summary of Proposed Amendments and Proposed Minor Revisions.)**

VI. OLD BUSINESS

1. Discussion and Possible Action on Tenant's November 24, 2015, Oral Motion to Reconsider Termination of General Lease No. S-1017, Issue Cancellation Document, and Dispose of Lot through Negotiation, Waianae Agricultural Park, Lot 17, Island of Oahu (Lease termination approved by the Board of Agriculture at its 11/24/15 meeting)

2. Plant Quarantine Branch Status Report on Ohia Rapid Death (aka Ohia Wilt) Caused by a Fungus, *Ceratocystis fimbriata*, found on the Island of Hawaii.

VII. NEW BUSINESS

VIII. ADJOURNMENT OF REGULAR MEETING

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*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. 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, 1/21/16.**

Attachment to Board of Agriculture 1/26/16 Meeting Agenda

Summary of Minor Revisions to Proposed Amendments to Chapter 4-71, Hawaii Administrative Rules, Entitled, "Non-Domestic Animal Import Rules," Relating to Import Requirements For Non-Domestic Animals.

Minor revisions to the proposed amendments to chapter 4-71, Hawaii Administrative Rules, preliminarily approved by the Board of Agriculture (Board) on 11/24/15, are identified in bold text, as applicable, and are summarized below:

1. Section 4-71-1, Objectives: Amendment was proposed to include animal and public health and safety among the objectives of the rule chapter. **Proposed revision instead includes "risks to animal and public health and safety" as additional bases for restricting or prohibiting import of non-domestic animals.**
2. Section 4-71-2, Definitions: Amendment would establish a definition for "dangerous wild animals" and identifies specific species as "dangerous wild animals." **Only punctuation-type revision to the amendment is proposed.**
3. Section 4-71-3, Permits:
  - a. Deletes "dangerous wild animals" from the animals allowed for import under short-term permit for performance or exhibition, except that dangerous wild animals may be imported for commercial filming for television or movies, subject to permit conditions adequate to address any associated risks.
  - b. Clarifies that violation of permit conditions may result in citation or in cancellation of permit, or both.
4. Section 4-71-4.1, Maximum time period for permit approvals: clarifies that short-term special permits, as well as short-term permits for certain animals, not just performing animals, must be processed within 120 days.
5. Section 4-71-5, Notice of quarantine: Amendment, as proposed, included animal or public health and safety along with various industries and sectors endangered by uncontrolled introduction of non-domestic animals. **Proposed revision instead includes "and risk to animal or public health and safety" as a separate consequence of uncontrolled introduction of non-domestic animals.**
6. Section 4-71-6.5 Permitted introductions:
  - a. **In the lists of restricted animals that contain the individual "dangerous wild animal species", proposed revision corrects and clarifies description of the short-term import ban on these animals, as well as description of uses**

**for which these animals may continue to be imported, such as zoo exhibition.**

- b. Allows government agencies to import animals on the List of Conditionally Approved Animals.
- c. Expands the purposes for which animals on the List of Restricted Animals (Part B) may be imported, from currently allowed purposes (i.e., private and commercial use, including zoological parks, or aquaculture production) to include for government. **Proposed revision clarifies the foregoing purpose to “government use.”**
- d. Clarifies that, in addition to universities and government agencies, other institutions may import restricted list animals for research, and that universities and government agencies may import restricted list animals for medical and scientific purposes as well as for research, as determined by the Board of Agriculture. **Punctuation and grammar-type revision to the amendment is proposed.**
- e. Clarifies that permits may be approved by the chairperson, as well as by the chief or Board, as specified by rules.
- f. Clarifies that site approval is required prior to issuance of any permit issued for import of animals on the restricted lists and unlisted animals.
- g. Clarifies that the transfer or sale of unlisted animals under permit may be allowed, provided the proposed transferee can satisfy conditions for transfer and obtains a permit for possession. **Minor revision proposed to underline certain new text in the proposed amendment, consistent with Ramseyer rule amendment format.**
- h. Deletes Nile tilapia, *Oreochromis niloticus*, from the List of Restricted Animals (Part A) and adds this fish to the List of Restricted Animals (Part B) to allow import for aquaculture production.
- i. Deletes the house cricket, *Acheta domesticus*, from the List of Restricted Animals (Part A) and adds this insect to the List of Restricted Animals (Part B) to allow import as feed for insectivores, such as amphibians, reptiles, and certain birds.
- j. Proposed placement of the Grey Wolf, *Canis lupus*, and the Red Wolf, *Canis rufus*, on the List of Prohibited Animals. **Proposed revision deletes placement of these species on the prohibited list, to allow for possible future list placement for import purposes allowed for zoos.**
- k. Section 4-71-7, Bond for certain animals: deletes the word, “performing,” to expand the bond requirement to any animal used in a circus, carnival, or for commercial filming, as appropriate, including unlisted animals permitted

entry under short-term special permit. **Revision to restore certain text currently in the rule section, but inadvertently omitted from the proposed amendment as presented.**