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3 **Minutes of the Board of Agriculture**
4



Department
of Agriculture

STATE OF HAWAII

5 I. CALL TO ORDER – The meeting of the Board
6 of Agriculture was called to order on January 27,
7 2015 at 9:02 a.m. by Board of Agriculture Chairperson Scott Enright, at the Plant
8 Quarantine Conference Room, 1849 Auiki Street, Honolulu, Hawaii 96819.
9

10 Members Present:

11
12 Scott Enright, Chairperson, Board of Agriculture
13 Jerry Ornellas, Kauai Member
14 William Tam, Deputy to the Chairperson, Board of Land and Natural Resources
15 Mary Alice Evans, Deputy Director, Department of Business, Economic
16 Development and Tourism
17 Lynn DeCoite, Maui Member
18 Clark Hashimoto, Member-At-Large
19 Dr. Maria Gallo, Dean of the College of Tropical Agriculture & Human Resources
20 University of Hawaii (CTAHR-UH), Ex Officio Member
21 Glenn Hong, Member-At-Large
22

23 Members Absent:

24
25 Michelle Galimba, Member-At-Large
26 Richard Ha, Hawaii Member
27

28 Others Present:

29
30 Randy Teruya, Agricultural Asset Manager, Hawaii Department of Agriculture
31 (HDOA) Agricultural Resource Management Division (ARMD)
32 Randall Chang, HDOA/ARMD
33 Linda Murai, HDOA/ARMD
34 Phyllis Shimabukuro-Geiser, HDOA/Deputy to the Chairperson
35 Dr. Neil Reimer, HDOA/Plant Industry Division Administrator
36 Tyler Ralston, Private Citizen
37 Dr. Baird Fleming, Honolulu Zoo
38 Laura Debra, Honolulu Zoo
39 Mary Steiner, Hawaiian Humane Society
40 Cathy Goeggel, Animal Rights Hawaii
41 Trenton Yasui, HDOA Plant Quarantine Branch (PQB)
42 Keevin Minami, HDOA/PQB
43 Janelle Saneishi, HDOA Chairperson's Office (CHR)
44 Ken Kakesako, HDOA/ CHR
45 Amy Takahashi, HDOA/PQB Acting Manager
46 Inga Gibson, Humane Society of the US (HSUS)
47 Donna Smith, E.K. Fernandez Shows

1 Andrew Goff, Deputy Attorney General
2 Haunani Burns, Deputy Attorney General

3
4 II. APPROVAL OF MINUTES FROM 12/16/14, 12/29/14 AND 12/30/14 MEETINGS

5
6 Chairperson asked for a motion to approve the minutes from the Board's October 28, 2014,
7 November 25, 2014, meetings and the minutes from the three meetings in December, 2014.

8
9 Motion: Ornellas/Hashimoto

10
11 Ken Kakesako noted that on page 2 line 34 of the December 16, 2014 minutes that a change
12 should be made to correct Mr. Teruya's title to "Mr."

13
14 Vote: Approved, 7/0, Board member Tam absent.

15
16 II. COMMENTS FROM THE GENERAL PUBLIC ON AGENDA ITEMS (ORAL OR
17 WRITTEN)

18
19 III. INTRODUCTION AND COMMENTS

20
21 IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

22
23
24 A. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

- 25
26 1. Request for Consent to Assignment of General Lease
27 No. S-6014, Lot 14, For Dana Daody Kiati Ananta,
28 TMK (1) 5-6-006:042, Kahuku Agricultural Park,
29 Kahuku, Island of Oahu

30
31 Presentation by Mr. Randall Chang, Property Manager, Agricultural Resource Management
32 Division, as submitted.

33
34 Motion made to take up staff's recommendation: Hong/Hashimoto
35 Vote: Approved, 7/0, Board member Tam absent.

- 36
37 2. Request to Rescind Prior Board Action Approving Consent
38 to Sublease between 41-672 Corp (Sublessor) and Island
39 Distillers, Inc. (Sublessee), Lot 35, General Lease No. S-3774,
40 TMK (1) 4-1-027:010, Waimanalo, Island of Oahu

41
42 Presentation by Ms. Linda Murai, Property Manager, Agricultural Resource Management
43 Division, as submitted.

44
45 Motion made to take up staff's recommendation: Evans/DeCoite
46 Vote: Approved, 7/0, Board member Tam absent

47

- 1 3. Request for Extension and Amendment of General Lease
2 No. S-5214, Green Thumb, Inc., TMK (1) 4-1-018:040,
3 Lot 67, Koolaupoko, Waimanalo, Oahu, Hawaii
4

5 Presentation by Ms. Linda Murai, Property Manager, Agricultural Resource Management
6 Division, as submitted.
7

8 Motion made to take up staff's recommendation: Evans/Hong
9 Vote: Approved, 8/0.
10

- 11 4. Request for Consent to Sublease Between the Hamakua
12 Agricultural Cooperative and Mike Olival; Lot No. 1,
13 TMK (3) 4-6-001:007 (por), Nienie, Lauka to Papaki,
14 Hamakua, Island of Hawaii
15

16 Presentation by Ms. Linda Murai, Property Manager, Agricultural Resource Management
17 Division, as submitted.
18

19 Motion made to take up staff's recommendation: DeCoite Hashimoto
20 Vote: Approved, 8/0.
21

- 22 5. Request for Consent to Sublease between the Hamakua
23 Agricultural Cooperative and Cynthia Waymegwance, Lot No. 4A
24 TMK (3) 4-32-005:019 (por), Hamakua Agricultural Park,
25 Pohakuhaku, Island of Hawaii
26

27 Presentation by Ms. Linda Murai, Property Manager, Agricultural Resource Management
28 Division, as submitted.
29

30 Motion made to take up staff's recommendation: Hashimoto/DeCoite
31

32 Board member Gallo asked about the difference in base rent between this sublease and the
33 sublease in the previous agenda item.
34

35 Mr. Randy Teruya replied that the leases are on different areas of the Hamakua Coast and the
36 soil content is different between the two areas. Mr. Teruya said that the Hamakua Agricultural
37 Cooperative (Coop) establishes the rent rates. Rents are based on base rents that are charged
38 by the Department to the Coop under the master lease plus an administrative fee charged by
39 the Coop.
40

41 Board member Ornellas asked if a farmer can change crops without having to come before the
42 Board for approval.
43

44 Ms. Murai said that they could as long as what they are growing fell within the category of
45 diversified agriculture.
46

47 Chairperson Enright said that the Hamakua Agricultural Cooperative is the only coop that the
48 Department oversees in the entire State and that the practice of approving leases to the
49 Hamakua Agricultural Cooperative by the Board is something that was not done in the past.
50

1 Vote: Approved, 8/0.

2
3 Chairperson Enright called for a recess at 9:25 AM.
4 Chairperson Enright reconvened at 9:30 AM.

5
6
7 B. PLANT INDUSTRY DIVISION

8
9 Plant and Non-Domestic Animal Quarantine

- 10
11 1. Plant Quarantine Branch Status Report: Follow-Up on Public Health and Safety,
12 Animal Disease, and Environmental Issues Raised in the Humane Society of the
13 U.S. Petition to Prohibit Import of Dangerous Wild Animals for Entertainment
14 Purposes (Reference: October 28, 2014 Board of Agriculture Meeting)

15
16 Presentation by Dr. Neil Reimer, Plant Industry Division Administrator, as submitted. Dr.
17 Reimer explained the procedural background for Plant Quarantine Branch's (PQB's) status
18 report, that PQB's inquiry on the above-listed issues (Attachment 2 to the report) was sent to the
19 six relevant advisory subcommittees, together with copies of current permit conditions for the
20 various identified animals, for review and comment. A copy of the Humane Society of the U.S.
21 (HSUS) Petition was also provided to the advisory subcommittees. Dr. Reimer said that the
22 advisory subcommittee responses are shown in Attachment 1 to the status report. He read
23 aloud the specific questions PQB asked the advisory subcommittees to address and
24 summarized their responses, as shown summary and discussion section at pages 3 – 6 of the
25 status report. Dr. Reimer said that although most of the advisory subcommittee responses
26 indicated agreement with statements in the HSUS's Petition that there are potential risks
27 associated with short-term import of he identified wild, non-domestic animals for entertainment,
28 most advisory subcommittee responses (14/3) said that PQB's current permit conditions are
29 adequate to address those risks. He said that although a slight majority of advisory
30 subcommittee member responses did not support making PQB's current permit conditions more
31 restrictive to address the associated risks, a slight majority agreed that there are certain of the
32 identified animals for which permit conditions may not be sufficient to protect against the
33 associated risks, but that the subcommittee responses did not identify which animals those
34 were. Dr. Reimer said that, although certain responses may seem a little inconsistent, his
35 interpretation is that, although the advisory subcommittee reviewers recognize the potential
36 risks associated with short-term import of these animals, it does not seem that the majority of
37 the reviewers think that the risk is unjustifiable. He said that, perhaps, PQB's questions to the
38 advisory subcommittees could have been clearer and that, PQB could try to get further
39 clarification from the subcommittees if the Board wants. PQB could also seek input from other
40 agencies, such as the U.S. Department of Agriculture, Fish and Wildlife Service or the Honolulu
41 Zoo.

42
43 Copies of written testimony on this agenda item (a letter dated 1/16/15 from EK Fernandez
44 opposing the Petition and an e-mail dated 1/26/15 from Matt Rossell supporting the Petition)
45 were provided to the Board.

46
47 Chairperson Enright asked for public testimony.

48
49 Ms. Inga Gibson, Hawaii Senior State Director for the HSUS, said that some critical information
50 may have been left out of PQB's presentation to the various advisory committees (sic). She

1 said that there is no veterinarian in Hawaii qualified under the United States Department of
2 Agriculture (USDA) Animal Welfare Act to inspect facilities for housing animals brought in for
3 entertainment purposes. While USDA had an inspector who was able to do those inspections in
4 the past, that person has retired and that position was never rehired. Ms. Gibson questioned
5 whether or not this information was made known to the advisory committees (sic). Ms. Gibson
6 also said that she had requested from the PQB, 10 years worth of approved permits and that
7 nearly every one of the exhibitors had previous USDA violations. She said that the Board will
8 need to weigh the benefits and risks of bringing these animals to Hawaii. Ms. Gibson said that if
9 animal welfare is compromised, it increases the risk of animal diseases and also can raise
10 public health issues. Ms. Gibson said that she wanted to share this information with the
11 advisory committees (sic).

12
13 Ms. Mary Steiner, Hawaiian Humane Society, said that she stood on her testimony that she
14 submitted in October, 2014 in support of the HSUS Petition.

15
16 Ms. Cathy Goeggel, of Animal Rights Hawaii, said that she was in support of the HSUS's
17 Petition. She said PQB seems to want to rely on USDA-Animal and Plant Health Inspection
18 Service (APHIS) for enforcement but that she did not think that APHIS had the capability to
19 enforce protection of the public. Ms. Goeggel said there was an instance when an entire herd of
20 elephants needed to be quarantined for tuberculosis and eventually the entire herd had to be
21 sent to animal sanctuaries and this incident happened while APHIS was in charge. She also
22 questioned whether the Honolulu Zoo was capable as well as they do not have the necessary
23 financing and have had 4 directors over the past five years and are in jeopardy of losing their
24 accreditation.

25
26 Dr. Baird Fleming, Acting Director of the Honolulu Zoo, said that he supported the intent of the
27 HSUS Petition, but was concerned that the Honolulu Zoo could be inadvertently affected if these
28 animals were moved from the current lists. The Zoo is accredited by the Association for Zoos
29 and Aquariums (AZA) that requires that the Zoo have very strict acquisition and disposition
30 policies to protect the welfare of animals. Animals the Honolulu Zoo acquires must be obtained
31 from institutions of equal caliber to the Zoo. Under the HSUS Petition, AZA accredited zoos
32 would be exempt from the prohibition against importing these wild animals that the Petition is
33 seeking. Dr. Fleming said that all organizations are currently subject to the Restricted Lists.
34 The Honolulu Zoo is all about animal welfare, they take care of the animals as best as possible,
35 providing an environment as close as can be to the animal's environment in the wild. The
36 Zoo supports HSUS' intent but wanted to make sure any such changes did not alter the current
37 listing of animals on the various PQB lists, as the Zoo wants to be able to continue to import
38 these animals.

39
40 Ms. Donna Smith, EK Fernandez Shows, said that EK Fernandez has been in business for 112
41 years and that the first circus brought animals to Hawaii in 1915. While they have not done a
42 full circus since 1987, which is now too expensive, they do try to bring in circus related animals
43 in other settings to the 50th State Fair. She said that not everybody has the opportunity to see
44 these animals in the wild or can travel to see them and EK Fernandez wants to be able to
45 continue to provide that experience to families in Hawaii. She said that in all the years that EK
46 Fernandez has brought animals to Hawaii, they have never had a single incident of an escape
47 or situation that raised public health or safety issues. EK Fernandez was not at all involved with
48 the incident involving Tyke the elephant. She asked that the Board leave these animals on the
49 Restricted List and then determine on a case-by-case basis whether to allow these animals into
50 Hawaii. She said that she runs the entertainment at the State Fair and has worked with

1 numerous trainers and has attended many shows and believes that these shows can provide
2 family oriented experiences that last a lifetime. Ms. Smith said that while there isn't an inspector
3 in Hawaii to enforce the Animal Welfare Act, inspectors do come in unannounced to do surprise
4 inspections of facilities. Just last year, an inspector came to Hawaii unannounced to inspect the
5 holding facilities for animals in one of their shows. Ms. Smith also said that HSUS is not a
6 federal agency and there are lawsuits that HSUS has been involved with that should be brought
7 to the attention of the Board. She mentioned a suit involving Feld Entertainment, owners of
8 Ringling Brothers Circus, which she said HSUS paid millions of dollars to settle.

9
10 Mr. Tyler Ralston said that he was a practicing psychologist in Kaimuki and he read aloud an
11 excerpt from a Honolulu Advertiser article from 2004. According to his oral reading, the incident
12 with Tyke the elephant was not the first incident of an animal killing its trainer in Hawaii and that
13 there was another incident that involved an elephant named Daisy in 1933. Mr. Ralston said
14 that he is a supporter of EK Fernandez-run carnivals but thought that, should an incident like an
15 escape of an animal occur at one of the carnivals then that would probably put them out of
16 business. Mr. Ralston said that the Honolulu Zoo veterinarian at the time of the Tyke incident
17 said that there was no way to prevent something like this happening in the future and that the
18 only way to stop such an experience from happening would be to prevent those animals from
19 being brought in to Hawaii in the first place.

20
21 Chairperson Enright asked if there was anyone else who wanted to testify, but no one came
22 forward.

23
24 Board member Hong asked if there were any recommendations for additional permit conditions
25 that could be enforced to help mitigate risks.

26
27 Dr. Reimer said that there were comments made but no specific recommendations.

28
29 Chairperson Enright said that it's because he had asked PQB to report back to the Board by
30 January that there wasn't time for PQB to do more. The Chairperson said that he would like
31 PQB to go back and revisit the questions that were sent to the advisory subcommittees and take
32 them to the Advisory Committee on Plants and Animals, and ask staff to review the trends in
33 other states. He asked Dr. Reimer if a 2 month timeline would be sufficient for PQB to report
34 back..

35
36 Dr. Reimer said that, with the legislative session beginning and with the request to speak with
37 other states, 4 months would be preferable.

38
39 Board member Hashimoto asked if the 2500 miles required to transport the animals added more
40 stress on the animals.

41
42 Ms. Donna Smith of EK Fernandez Shows said that the animals that come for the State Fairs
43 are not shipped in containers but in roll-on roll-offs. The animals are moved in USDA approved
44 trailers and living quarters where trainers have access to the animals at all times to provide the
45 proper care.

46
47 Ms. Steiner of the Hawaiian Humane Society said that she had the opportunity to speak with
48 one of the bear trainers at the 50th State Fair who mentioned that some of the bears got seasick
49 over the course of the trip and so she thought that this type of travel would be stressful on
50 animals.

1
2 Board member Gallo asked if the Honolulu Zoo and other entities would be consulted as PQB
3 moves forward on this subject.
4

5 Dr. Reimer said he would be reaching out to other entities, including the USDA and the US Fish
6 and Wildlife Services. He also said that before permits are issued to allow for the importation of
7 an animal, that the person bringing the animal needs to contact USDA. He confirmed his
8 understanding that USDA inspectors do conduct unannounced inspections of these animals that
9 have been imported for entertainment.
10

11 Board member DeCoite thanked staff for their work on this topic and said that everyone's
12 interest is safety.
13

14 Dr. Reimer said that a response would be ready in 4 months and targeted the May 2015 Board
15 meeting for a presentation.
16

17 Ms. Gibson of HSUS said she could answer any questions about lawsuits that HSUS was
18 involved in. She also said that she has tried to reach out to Ms. Smith in the past to see if she
19 would stop bringing animals into the State. Ms. Gibson said that the violation history of
20 importers needs to be shared with staff and that staff need to regularly check the violation
21 histories of importers before approving permits. Ms. Gibson said that proposed legislation that
22 has been submitted for the upcoming legislative session does not address HSUS concerns and
23 she asked that until this matter is resolved, that the Board does not issue any permits for
24 animals for entertainment.
25

26 Chairperson Enright said that he wanted to go back to the approval of the minutes and
27 proposed amending the agenda to include the Board minutes from October 28, 2014 and
28 November 25, 2014. He asked for a motion to amend the agenda to include approval of those
29 minutes.
30

31 Motion: Evans/Tam
32 Vote: Approved, 8/0.
33

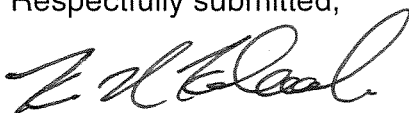
34 VI. NEW BUSINESS
35

36 No new business.
37

38 VII. ADJOURNMENT OF REGULAR MEETING
39
40

41 Meeting adjourned at 10:24 am
42

43 Respectfully submitted,
44

45 
46

47 Ken H. Kakesako
48 Board Secretary