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3 **Minutes of the Board of Agriculture**  
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6 **I. CALL TO ORDER**  
7

8 The meeting of the Board of Agriculture was called to order on September 22, 2015 at  
9 9:05 A.M. by Board of Agriculture Chairperson Scott Enright, at the Plant Quarantine  
10 Conference Room, 1849 Auiki Street, Honolulu, Hawaii 96819.  
11

12 **Members Present:**  
13

14 Scott Enright, Chairperson, Board of Agriculture (Board)  
15 Jerry Ornellas, Kauai Member  
16 Mary Alice Evans, Department of Business, Economic Development and Tourism  
17 (DBEDT), Ex Officio Member Designated Representative  
18 Dr. Maria Gallo, Dean of the College of Tropical Agriculture & Human Resources  
19 University of Hawaii (CTAHR-UH), Ex Officio Member  
20 Glenn Hong, Member-At-Large  
21 Simon Russell, Maui Member  
22 Clark Hashimoto, Member-At-Large  
23 Suzanne Case, Chairperson, Board of Land and Natural Resources  
24

25 **Members Absent:**  
26

27 Richard Ha, Hawaii Member  
28 Michelle Galimba, Member-At-Large  
29

30 **Others Present:**  
31

32 Richard McCormack, DuPont Pioneer  
33 Mark Takemoto, DuPont Pioneer  
34 Brad Duff, Big Island Dairy  
35 Randall Chang, Hawaii Department of Agriculture (HDOA)/Agricultural Loan  
36 Division (AGL)  
37 Linda Murai, HDOA/Agricultural Resource Management Division (ARM)  
38 Roy Hasegawa, HDOA/ARM  
39 Neil Reimer, HDOA/Plant Industry Division Administrator  
40 Amy Takahashi, HDOA/Plant Quarantine Branch (PQB) Acting Manager  
41 Wil Leon Guerrero, HDOA/PQB  
42 Jonathan Ho, HDOA/PQB  
43 Micah Munekata, HDOA/Chairperson's Office (CHR)  
44 Jeri Kahana, HDOA/Quality Assurance Division (QAD) Administrator  
45 Randy Teruya, HDOA/ARM  
46 Chris Kishimoto, HDOA/PQB  
47 Grant Tomita, HDOA/QAD

1 Kevin Yokoyama, HDOA/AGL  
2 Gareth Mendonsa, HDOA/AGL – Hilo  
3 Sladjana Prsic, Ph.D at University of Hawaii (UH) at Manoa  
4 Margaret Ahn, Deputy Attorney General  
5 Haunani Burns, Deputy Attorney General  
6 Andrew Goff, Deputy Attorney General  
7 Delanie Prescott-Tate, Deputy Attorney General  
8

9 **II. APPROVAL OF MINUTES FROM 7/28/2015 AND 8/25/2015 MEETINGS**

10  
11 Chairperson Enright called for a motion to accept the minutes from the 7/28/2015 and  
12 8/25/2015 minutes: Hashimoto/Evans.  
13

14 Micah Munekata, HDOA/CHR: Requested the following amendments to the July 28,  
15 2015 minutes: 1) Page 6 after line 11, the following sentence should be inserted: “The  
16 Board received a written statement from Laura Russell, General Manager of Dolphin  
17 Quest, in support of the request, and also received written testimony in opposition to the  
18 request from Inga Gibson, Humane Society of the United States, and from Tim Dow.” 2)  
19 Page 11 after line 14, the following sentence should be inserted: “The Board received  
20 written testimony in support of the request from Board member Richard Ha and written  
21 testimony in opposition to the request from Alton Miyasaka, Acting Administrator of the  
22 Department of Land and Natural Resources, Division of Aquatic resources, and from  
23 Christy Martin, the Coordinating Group on Alien Pest Species.”  
24

25 Board Member Ornellas: Page 13 line 23 of the August 25, 2015 minutes should read  
26 as follows: “Watershed plants are primarily Ohia and Uluhe Fern.” There was a typo on  
27 the Uluhe Fern spelling.  
28

29 Hearing no further comments, Chairperson Enright called for a vote to adopt the July  
30 28, 2015 and the August 25, 2015 minutes, as amended.  
31

32 Vote: Approved, 8/0.  
33

34 **III. COMMENTS FROM THE GENERAL PUBLIC ON AGENDA ITEMS (ORAL OR**  
35 **WRITTEN)**  
36

37 Chairperson Enright moved on to Communications from Divisions section.  
38

39 **IV. INTRODUCTION AND COMMENTS**  
40

41 Chairperson Enright moved on to Communications from Divisions section.  
42

43 **V. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION**  
44

45 **A. AGRICULTURAL LOAN DIVISION**  
46

1                   **1. Request for Approval of One (1) Direct Farm Ownership and**  
2                   **Improvement Loan to Howard’s Nurseries, Inc.**

3  
4 Presentation made by Kevin Yokoyama, HDOA/AGL, as submitted. Staff recommends  
5 approval.

6  
7 Chairperson Enright called for a motion to entertain this request: Case/Hashimoto

8  
9 Chairperson Enright opened the floor to questioning by the Board.

10  
11 Board Member Evans: I’m delighted to see that the interest of these loans are more in  
12 line with what the market is. I remember not too many years ago when they were 7%  
13 and market loans were quite a bit lower. So, that helps our farmers.

14  
15 Hearing no further comments, Chairperson Enright called for a vote on the question.

16  
17 Vote: Approved, 8/0.

18  
19                   **2. Request for Approval of One (1) Direct Operating Loan to Jose A. and**  
20                   **Evelyn C. Ramelb, husband and wife.**

21  
22 Presentation made by Gareth Mendonsa, HDOA/AGL – Hilo, as submitted. Staff  
23 recommends approval.

24  
25 Chairperson Enright call for a motion to entertain this request: Ornellas/Russell

26  
27 Chairperson Enright opened the floor to questioning by the Board.

28  
29 Chairperson Enright: Will the planting be in Keaau?

30  
31 Mr. Mendonsa: Planting will be in Opihi Kau, located adjacent to his 3 other existing  
32 fields, which will allow him to easily maintain and harvest the fields. His 2 properties that  
33 secure the request are in Orchidland, in Keaau.

34  
35 Board Member Russell: Just out of curiosity, are there any little fire ants in that region?

36  
37 Mr. Mendonsa: None that were noticed in Opihikao.

38  
39 Chairperson Enright invited Dr. Reimer to join the discussion.

40  
41 Dr. Neil Reimer: He is unsure unless he looks at a map, but it is widespread.

42  
43 Board Member Russell: Chair, do we have any sort of policy to guide our requirements  
44 teams toward investments and people who are borrowing money from us? We would  
45 like to prevent fire ants from invading lands that we give loans to.

1  
2 Chairperson Enright: No, we haven't incorporated that. We will give it some thought.

3  
4 Hearing no further comments, Chairperson Enright called for a vote on the question.

5  
6 Vote: Approved, 8/0.

7  
8 **B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION**

9  
10 **1. Request for Consent to Sublease Between the Hamakua**  
11 **Agricultural Cooperative and Marcelino Tagudan; Lot No. 1,**  
12 **TMK 3<sup>rd</sup> Div/4-6-003:001 (por), Honokaia Makai Tract,**  
13 **Hamakua, Island of Hawaii**

14  
15 Presentation made by Linda Murai, HDOA/ARM, as submitted. Ms. Murai said that the  
16 Board should have revised submittals. Staff recommends approval.

17  
18 Chairperson Enright called for a motion to entertain this request: Russell/Evans.

19  
20 Chairperson Enright opened the floor to questioning by the Board.

21  
22 Board Member Gallo: So it just says pasture purposes? Can we be more specific?

23  
24 Ms. Murai: He will be feeding his cows there.

25  
26 Board member Gallo: Do we know how many cows?

27  
28 Ms. Murai: No.

29  
30 Chairperson Enright: Some of the lease lands that the Hamakua Agricultural Coop has  
31 out there are not really suited for vegetable crops, and are better suited for pasture.

32  
33 Chairperson Enright invited Randy Teruya, HDOA/ARM, to join the discussion.

34  
35 Mr. Teruya: In this particular case, the 15 acres would require substantial grubbing,  
36 clearing, and ribbing. There is a lot of rock just under the surface. Soils are good for  
37 top soils but the slopes are 35%. The type of soil that they have there is Paahao (silty  
38 plain). Because of the slopes, initial land use has been for pasture.

39  
40 Board Member Evans: I noticed that the reopening date is June 2018. That seems like  
41 a fairly short period for a reopening.

42  
43 Mr. Teruya: That date is based on a master lease, S5551 that is issued to the Coop.  
44 Any subsequent subleases under the master lease will fall into the same terms and  
45 conditions of the master lease.

1 Board Member Evans: So, any consent to sublease from now to June 2018 will get the  
2 reopening date shorter and shorter. Is that reflected in the base rents, because that  
3 adds risk?  
4

5 Mr. Teruya: The base rents are established from the master lease. When it comes to  
6 the subleases, the Coop has the prerogative of establishing what the rates will be. They  
7 also include the 10% administration fee to pay for manager who maintains the records.  
8

9 Chairperson Enright: In this particular piece, I don't know if the Coop ever leased it out  
10 before.  
11

12 Mr. Teruya: This will be the first time.  
13

14 Chairperson Enright: So they are leasing at a reduced rate and throwing some cattle on  
15 it. Seems it's more for home use.  
16

17 Board Member Ornellas: Is a conservation plan required on all of our leases?  
18

19 Mr. Teruya: Yes. In sublease cases they must. Pasture cases need to show it in their  
20 conservation plans, including fencing and rotating lands as well as location of the water  
21 sources.  
22

23 Board Member Ornellas: That would be a salt and water conservation district plan?  
24

25 Mr. Teruya: Yes.  
26

27 Hearing no further comments, Chairperson Enright called for a vote on the question.  
28

29 Vote: Approved, 8/0.  
30

31 **2. Request for Consent to Sublease Between the Hamakua**  
32 **Agricultural Cooperative and Devin and Romona Herlihy;**  
33 **Lot No. 26, TMK 3<sup>rd</sup> Div/4-6-003:003 (por), Honokaia Makai**  
34 **Tract, Hamakua, Island of Hawaii**  
35

36 Presentation made by Linda Murai, HDOA/ARM, as submitted. Staff recommends  
37 approval.  
38

39 Chairperson Enright called for a motion to entertain this request: Russell/Hashimoto.  
40

41 Chairperson Enright opened the floor to questioning by the Board.  
42

43 Board Member Evans: Can you grow cherries at this elevation?  
44

45 Ms. Murai: They believe they can.

1 Board Member Hashimoto: What is the elevation?

2

3 Mr. Teruya: 2400 feet.

4

5 Board Member Russell: I notice that the initial term is 3 years. Is that a probation  
6 period?

7

8 Ms. Murai: Yes, because they are new farmers. They have a great desire and should  
9 be given the opportunity to farm.

10

11 Chairperson Enright: Historically, you wouldn't be able to consider these applicants  
12 because they do not have enough background in agriculture, but with the Go Farm  
13 program that the HDOA works with, it gives them the ability to lease land.

14

15 Board Member Case: How long does it take cherries to get to production?

16

17 Board Member Hong: Are we talking about cherries or cherry tomatoes?

18

19 Mr. Teruya: Tomatoes.

20

21 Hearing no further comments, Chairperson Enright called for a vote on the question.

22

23 Vote: Approved, 8/0.

24

### 25 C. QUALITY ASSURANCE DIVISION

26

#### 27 1. Request for Approval for a Waiver allowing Big Island Dairy to sell 28 Milk at Less than the Minimum Price in the Honolulu Milk Shed.

29

30 Presentation made by Jeri Kahana, HDOA/QAD Administrator, as submitted. Staff  
31 recommends approval.

32

33 Chairperson Enright called for a motion to entertain this request: Evans/Gallo.

34

35 Chairperson Enright opened the floor to questioning by the Board.

36

37 Chairperson Enright invited Brad Duff, Big Island Dairy, to join the discussion.

38

39 Board Member Ornellas: I am very perplexed. We are operated by standards set forth  
40 in Section 157-32 HRS, which were in place prior to the Board approving waivers. If  
41 those are now applied afterwards, were we wrong in creating standards? Were we  
42 setting our standards too high?

43

44 Ms. Kahana: Mr. Duff could probably answer that question. It has to do with the  
45 contract they entered into with Meadow Gold.

1 Board Member Ornellas: I am talking about cost of production and whatever the margin  
2 for profit is. I understand there is a formula. If the formula was in place to ensure  
3 farmers make a minimum profit, how can we lower that and still make sure they make a  
4 profit?

5  
6 Mr. Duff: You have a very complex question there. Truthfully, it does not come down to  
7 my profit point, it comes down to the processor's profit point. There is only one game in  
8 town. They call the shots and if you want to produce milk you are going to have to  
9 follow their rules. That is the dilemma we are in. Do we need that price? Yeah. Will  
10 our processor pay that price? No. So there is a paradox.

11  
12 Board Member Ornellas: I understand the politics. It is unfortunate that this is  
13 happening. I will support the request, but with reservations.

14  
15 Board Member Hashimoto: Can you still make a profit?

16  
17 Mr. Duff: We'll make a go at it.

18  
19 Board Member Russell: Does modification to the Milk Control Act require legislation?

20  
21 Chairperson Enright: Yes. It is our intention to go in and change that. The old  
22 conditions just do not exist in the current market. We will need to adjust it for the  
23 current market.

24  
25 Board Member Russell: Will this be in the Administration package this upcoming  
26 session?

27  
28 Chairperson Enright: We are working on it but have not gotten the Governor to sign off  
29 on it yet.

30  
31 Hearing no further comments, Chairperson Enright called for a vote on the question.

32  
33 Vote: Approved, 8/0.

34  
35 **D. PLANT INDUSTRY DIVISION**

36  
37 **Microorganism**

- 38  
39 **1. Request to: (1) Allow the Importation of *Mycobacterium tuberculosis***  
40 **strains H37Rv and mc(2)6206, Bacterium on the List of Restricted**  
41 **Microorganisms (Part A), by Permit, for Laboratory Research, by the**  
42 **University of Hawaii; and (2) Establish Permit Conditions for the**  
43 **Importation of *Mycobacterium tuberculosis* strains H37Rv and**  
44 **mc(2)6206, Bacterium on the List of Restricted Microorganisms (Part**  
45 **A), by Permit, for Laboratory Research, by the University of Hawaii**

1 Presentation made by Wil Leon Guerrero, HDOA/PQB, as submitted. Staff  
2 recommends approval.

3  
4 Chairperson Enright called for a motion to entertain this request: Ornellas/Hong.

5  
6 Chairperson Enright invited Applicant Sladjana Prusic, Ph.D from UH Manoa, to address  
7 the Board.

8  
9 Chairperson Enright opened the floor to questioning by the Board.

10  
11 Dr. Prusic: I have been in the microbiology department since last August. I was  
12 specifically recruited to work with Tuberculosis (TB). The ad I responded to said that  
13 they prefer someone who works with TB in Biosafety level 3 laboratory. There is a  
14 Biosafety level 3 laboratory in JABSOM (John A. Burns School of Medicine), and I have  
15 full access there since last spring. I have 2 Grad students I will be training. I just do not  
16 have my strain to start working with. I am hoping that this will be approved quickly so  
17 that I can get preliminary data, publish papers, and get funding for my research.

18  
19 Board Member Gallo: The work will not be done at Snyder, but rather at JABSOM?

20  
21 Dr. Prusic: The virulent strain will only be at JABSOM. The MC-2 strain is less virulent  
22 will be used at Snyder.

23  
24 Hearing no further comments, Chairperson Enright called for a vote on the question.

25  
26 Vote: Approved, 8/0.

27 **Invertebrate and Aquatic Biota**

28 **2. Request to: (1) Allow the Importation of Water Flea, *Daphnia magna*,**  
29 **an Animal on the List of Conditionally Approved Animals, by Permit,**  
30 **for Classroom Studies, by Iolani School; and (2) Establish Permit**  
31 **Conditions for the Importation of Water Flea, *Daphnia magna*, an**  
32 **Animal on the List of Conditionally Approved Animals, by Permit, for**  
33 **Classroom Studies, by Iolani School**

34  
35 Presentation made by Jonathan Ho, HDOA/PQB, as submitted. Staff recommends  
36 approval.

37  
38 Chairperson Enright called for a motion to entertain this request: Gallo/Hashimoto.

39  
40 Chairperson Enright opened the floor to questioning by the Board.

41  
42 Board Member Ornellas: How do you listen to their heartbeat?

43



1 Mr. Ho: You can see their heartbeat because they are translucent.

2

3 Hearing no further comments, Chairperson Enright called for a vote on the question.

4

5 Vote: Approved, 8/0.

6

7 **VI. OLD BUSINESS**

8

9 **1. Re-Submittal – Request for Extension of General Lease**

10 **Nos. S-4741 and S-4913-A, Lot Nos. 42 and 6, Pioneer**  
11 **HI-Bred International, Inc., Kekaha, Waimea, Island of Kauai**  
12 **(deferred from June 30, 2015 and August 25, 2015 Board of**  
13 **Agriculture Meetings)**

14

15 Presentation made by Randy Teruya, HDOA/ARM, as submitted. Staff recommends  
16 approval.

17

18 Chairperson Enright called for a motion to entertain this request: Evans/Ornellas.

19

20 Chairperson Enright invited the applicant's representatives, Richard McCormack,  
21 DuPont Pioneer, and Mark Takemoto, DuPont Pioneer, to address the Board.

22

23 Chairperson Enright opened the floor to questioning by the Board.

24

25 Mr. McCormack: He is the Hawai'i Operations Lead for DuPont Pioneer. He serves as  
26 liaison for the research and production activities and our support managers.

27

28 Mr. Takemoto: He is the facility and real estate manager for Hawai'i, supports Oahu  
29 and Kauai operations.

30

31 Board Member Evans: Are the parcels in question subject to dust migration to  
32 neighboring communities?

33

34 Mr. Teruya: One of them is subject to dust migration because it is a grow out field. The  
35 other is offices. There are no open areas there. That is the 6 acre lot.

36

37 Board Member Russell: How far is Kekaha Beach Park from the grow out field?

38

39 Mr. Teruya: About half a mile.

40

41 Board Member Russell: Isn't it across the street? A hundred feet?

42

43 Mr. Teruya: I don't know how far the beach park extends but the field is across the  
44 street from the Sunkist Shrimp Hatchery.

1 Board Member Case: I noticed the sentence that Pioneer has recently discontinued its  
2 seed operation. What difference does that make in regards to these 2 parcels?

3  
4 Mr. McCormack: Seed production in Hawai'i would be considered parent seed  
5 operations. The Kekaha parent seed operation closed in March, and seed operations  
6 are now concentrated on Oahu. How that relates to these 2 leases, the 5 acre parcel,  
7 which we've occupied since 1981, are buildings which will continue to be utilized by our  
8 Waimea research center. The 30 acre parcel has soil that is very low in nutrition. We  
9 have a working relationship with various world organizations to conduct experiments  
10 and trials, to improve maize production for depleted African soils. The end goal is to  
11 produce crops with better nitrogen utilization primarily for Africa. This is a unique parcel  
12 with global significance.

13  
14 Board Member Russell: You guys were involved in a lawsuit recently. Can you explain  
15 what happened?

16  
17 Mr. McCormack: In 2011, 170 residents from the town of Waimea filed suit against  
18 Pioneer for fugitive dust and the physical damage from fugitive dust. 17 plaintiffs of 170  
19 were selected for a bellwether trial held at the U.S. District Court here in Honolulu. On  
20 May 8<sup>th</sup> the jury came to a conclusion that Pioneer was not following generally accepted  
21 agricultural management practices from 2009 through 2011. From 2012 to the present,  
22 we are following, and now exceeding, generally accepted agricultural management  
23 practices. It is still an ongoing litigation. The bellwether trial will be used as a model for  
24 the litigation involving the remaining plaintiffs. And since it is an ongoing litigation, that  
25 is as far as I can comment.

26  
27 Board Member Russell: Could you tell us how DuPont and the community relate? Is  
28 there resolution? Am I correct in saying that HDOA is the landlord? I have concerns  
29 that the community may look unfavorably upon the Department for leasing to a  
30 corporation that has been sued for not following generally accepted agricultural  
31 practices.

32  
33 Mr. McCormack: When you are in litigation, because the lookback on the trial was from  
34 2 years prior to the filing of the suit back to 2009, we were enjoined from having any  
35 relationship with the Waimea community during the time of the lawsuit. That stopped us  
36 from reaching out to the community. Since then, we have received permission from  
37 plaintiffs' attorney to go out and talk to plaintiffs and others in the community. In the last  
38 8 weeks, groups of employees from the Waimea research center have visited over 200  
39 homes in Waimea. Our intention was to introduce ourselves, put a face to our  
40 organization that had not had direct access to the community for a period of years. We  
41 invited them to visit the research center above Waimea town and visit our farms at the  
42 research center. There has been no negative feedback from any of the visits. We  
43 started our farm tours on Sept 10<sup>th</sup>. Reaction from the community has been positive.  
44 Reaction from our employees has been optimistic and energetic. We are glad to finally  
45 be able to talk to our neighbors.

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Board Member Russell: Are you aware of the severe violator enforcement program that DuPont is currently under by OSHA (Occupational Safety and Health Administration) in Texas?

Mr. McCormack: I wouldn't be an expert on that.

Board Member Russell: There is a quote from the chemistry world research website. "In the latest inspection OSHA found 3 willful, 1 repeat, and 4 serious violations at the Laport Facility, placing DuPont on its severe violator enforcement program, which concentrates resources on inspecting employers seen as demonstrating indifference towards a safe and healthy workplace and mandates follow up inspections." Is the DuPont facility in Waimea safe and healthy?

Mr. McCormack: I can't speak to the Laport incident, other than it was a tragedy that 4 of our colleagues lost their lives. I can speak to the safety record of the Waimea research center and all our Hawaii operations. DuPont in Hawaii and globally makes safety its number one priority. In 1999, at our parent seed facility on Oahu, we started operations. In 2002, we had a lost work accident, meaning a worker was injured and had to miss work the next day. It has now been 14 years without any more lost work accidents at that location. In 2012, all locations in Hawaii received the DuPont order of excellence, not for just having no lost work accidents, but also no reportable accident. A reportable accident is something like getting stung by a bee or needing medical attention. With a headcount of about 360 employees in the State, to go through an entire year without any accidents, whether lost work or reportable, is a great achievement. We value the safety of our employees. It is one of our highest orders of business.

Board Member Russell: I find it hard to believe safety is the number one priority when your parent company is in the severe violator enforcement program. How many employees are from Kauai? Are you hiring locals at the research station?

Mr. McCormack: Probably 98% of our state workforce is local. People that work at any of our facilities have worked with us for decades. We have exceptionally low attrition rates. As an example, at our Waimea research center, I'd say that 95% of employees live within 5-6 mile radius.

Board Member Russell: How many employees do you have at the research center?

Mr. McCormack: Currently around 115 employees.

Board Member Russell: Are you familiar with clustered regulatory interspace short helindromatic repeats or crisper type of research for genetic engineering?

Mr. McCormack: I would not be able to speak to that.

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Board Member Russell: What kind of research will you be doing at this facility?

Mr. McCormack: We've been on the island of Kauai since 1968. That's when we began our breeding operations there. The Waimea research center is a traditional field breeding nursery, hand pollinating selections from plant breeders to create new inbreds for future hybrids. No technology work is done at the research center.

Board Member Hashimoto: You've been in that location for 35 years. During that time have any new houses come up since you began farming?

Mr. McCormack: Are you talking about these particular 2 leases?

Board Member Hashimoto: Yes

Mr. McCormack: There are no houses around these 2 leases. The closest dwelling is ¼ mile away. We farm that field once a year because of the fallow agreement with the Department. We are downwind of any houses. We haven't seen any new dwellings in the Kekaha area.

Board Member Hashimoto: Who filed suit?

Mr. McCormack: The Waimea research center sits on a bluff and overlooks the Waimea River and Waimea town. When we are talking about the lawsuit, we are talking about a location 4-5 miles away.

Chairperson Enright: The fields that have the fugitive dust that brought on the lawsuit are Gay and Robinson land. They have soil that is light and hard to control.

Board Member Hashimoto: These leases are not the same?

Chairperson Enright: No. They are not part of the lawsuit

Board Member Ornellas: I encourage the Board to tour the facility. Their safety record is better than DOA. Small farms would be hard pressed to meet their safety standards. They are well accepted in Kauai. We do not have generally accepted agricultural practices to provide guidance to seed industry and all farmers.

Chairperson Enright: We are working on it. I have used DuPont's safety program to do some training. Their safety program has been the industry standard.

Board Member Hong: Regarding research for African maize, does that constitute all research for Waimea facility?

1 Mr. McCormack: In the 30 acre field, that would be the only trial that we have. Our  
2 research efforts on Kauai are particular to other landlords. Our research is considered  
3 traditional.

4  
5 Board Member Hong: How long with African maize project?

6  
7 Mr. McCormack: It is currently under review. We are looking to receive additional  
8 funding. We are waiting to hear back.

9  
10 Board Member Hong: How long will the research take?

11  
12 Mr. McCormack: Any breeding by hand pollination, seed given to the center by a  
13 breeder, can take 7-9 years to create a commercialized product. This is a selection  
14 trial. Next step would be to select those hybrids that would have the ability to be  
15 planted in these unimproved soils, and to move them to host areas in Africa.

16  
17 Board Member Case: There is a reference in here to general lease S-5470 as you are  
18 asking for an extension for these leases to be coterminous with another lease. I didn't  
19 see another reference to that lease.

20  
21 Mr. Teruya: That is a 3<sup>rd</sup> lease that is currently running and will expire in 2030. This  
22 request is to extend the 2 stated leases to be coterminous with S-5470.

23  
24 Board Member Case: Is Paul Alston your lawyer for the litigation?

25  
26 Mr. McCormack: No.

27  
28 Board Member Russell: I have a concern for the relationship of the tenant with  
29 community. It looks to be right across the street from the beach park. I would hope that  
30 we could hear from the community to ensure that it does not look bad on the  
31 Department.

32  
33 Chairperson Enright: Prior to DuPont Pioneer's outreach, I met with Richard and  
34 Clayton Kubo. Clayton is one of the more outspoken members of the community, and  
35 the community is on board. Pioneer is making inroads and consistent with the  
36 variations of the good neighbor program we are working on around the State. The tide  
37 is changing so to speak and it is moving well. The fields in question that created the  
38 fugitive dust, DuPont Pioneer has a program to address that.

39  
40 Mr. McCormack: I would like to address Mr. Russell's comments. We have been on  
41 that Kauai site since 1982, with our parent research group farming this 30 acre field. In  
42 that time, we have received no complaints from any of those near neighbors. It is a  
43 different geography. We are optimistic about continuing to improve relationships in  
44 Waimea town, but these two leases are miles away from any area where concerns have

1 been expressed and we have never received any concerns from the Kekaha  
2 community.

3  
4 Board Member Russell: Any spray drift going to the beach park?  
5

6 Mr. McCormack: Any crop pesticide use must follow the pesticide label and the label is  
7 the law. We follow the label and the law. I would like to say that any concerns for spray  
8 drift, should not be a concern.  
9

10 Board Member Russell: I do hold Pioneer in high regard. I just have concerns with the  
11 lawsuit and severe violator enforcement program, and that Pioneer does not think that  
12 being fined or sued is the cost of doing business.  
13

14 Mr. McCormack: I appreciate the questions. Please visit our facilities. We would like to  
15 have the opportunity to share and show our safety program.  
16

17 Hearing no further comments, Chairperson Enright called for a vote on the question.  
18

19 Vote: Approved, 7/1. (Russell opposed)  
20

21 Chairperson Enright apologized for the Ohia update not being placed on agenda. The  
22 update will be placed on next month's agenda. Chairperson Enright asked the Board  
23 for any future agenda items they would like to see on next month's Board meeting.  
24

25 Board Member Ornellas mentioned a State Agricultural Plan and an update on the  
26 progress.  
27

28 Board Member Russell mentioned a request from Maui to meet with the Department of  
29 Labor regarding education for producers and good practices regarding laborers or field  
30 workers.  
31

## 32 **VII. ADJOURNMENT OF REGULAR MEETING**

33

34 Having no further business before the Board, Chairperson Enright called for a motion to  
35 adjourn meeting: Hong/Gallo.  
36

37 Meeting adjourned at 10:14 A.M.  
38

39 Respectfully submitted,  
40

41   
42

43 Micah K. Munekata  
44 Board Secretary