

AGENDA
BOARD OF AGRICULTURE MEETING

Date: September 26, 2017
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 8/22/17 MEETING
- III. INTRODUCTIONS
- IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

A. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

- 1. Request for Approval of Transfer of Stock of Sunrise Capital, Inc.; General Lease Nos. S-5367, TMK: 4th Div/1-2-002:022, S-8001, TMK: 4th Div/1-2-016:1,6,7,9,10,11,14,15,16,18 & 19, S-8002, TMK: 4th Div/1-2-016:002, S-8005, TMK: 4th Div/1-2-016:005, S-8008, TMK: 4th Div/1-2-016:008, S-8012, TMK: 4th Div/1-2-016:012, S-8013, TMK: 4th Div/1-2-016:013, S-8017, TMK: 4th Div/1-2-016:017, and S-8020; TMK: 4TH Div/1-2-002:004; Kekaha, Waimea, Island of Kauai.
- 2. Request for Authorization to Acquire Kealahou Lateral Waterline Easements for the Upcountry Maui Watershed Project; TMK: 2nd div/2-2-010:032, 2-2-018:008, 013 & 035, and 2-3-012:066; Kula, Makawao, Island of Maui.
- 3. Resubmittal Request For Consent To: (1) Assignment Of General Lease Nos. S-3128, TMK: 4th Div/4-4-004:005, S-5583, TMK: 4th Div/4-3-004:001, 014 & 017, S-5659, TMK: 4th Div/4-1-002:012 & 018 And S-5660, TMK: 4th Div/4-4-004:004 & 051; William J. Sanchez, Sr., Assignor, To William J. Sanchez, Trustee, Assignee; And (2) Extension Of General Lease No. S-5659; TMK: 4th Div/4-1-002:012 & 018; Kawaihau (Puna), Island of Kauai, Hawaii.

B. PLANT INDUSTRY DIVISION

Land Vertebrates

- 1. Request to Amend Permit Conditions for Importation of Black-footed Albatross, (*Diomedea nigripes*), a Bird on the List of Restricted Animals (Part B), to Expand the Import Purpose from Exhibition at James Campbell National Wildlife Refuge at Kahuku, Oahu to Include Research and Liberation.

Plant Quarantine Branch

- 2. (1) Request for Extension of Time for Submission of Hearing Officer's Report and Recommendation on Proposed Amendments to Chapter 4-71, Hawaii Administrative Rules (HAR), Entitled "Plant and Non-Domestic Animal Quarantine, Non-Domestic Animal Import Rules", Including Amendment Banning Import of Dangerous, Wild Non-Domestic Animals for Performance or Exhibition in Circuses or Carnivals; (2) Submission of Hearing Officer's Report and Recommendation on Proposed Amendments to Chapter 4-71, HAR; (3) Request for Acceptance of Minutes of Public Hearings; (4)

Request for Adoption of Proposed Amendments to Chapter 4-71,
HAR. (See Attached Summary of Proposed Amendments and
Where They May Be Viewed.)

V. OLD BUSINESS

None.

VI. NEW BUSINESS

None.

VII. 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](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.*

*A copy of the proposed administrative rules will be available for review in person  
during regular business hours in the BOA Chairperson's Office, 1428 S. King  
Street, Honolulu, Hawaii, on and after Thursday, 9/21/17, and on the  
department's website at: [hdoa.hawaii.gov/meetings-reports/](http://hdoa.hawaii.gov/meetings-reports/).*

**NOTE: MATERIALS FOR THIS AGENDA WILL BE AVAILABLE FOR REVIEW  
IN THE BOA CHAIRPERSON'S OFFICE, 1428 S. KING STREET,  
HONOLULU, HAWAII, ON AND AFTER THURSDAY, 9/21/17.**

Attachment to Board of Agriculture 9/26/17 Meeting Agenda

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

In addition to general housekeeping changes, the proposed amendments to chapter 4-71, HAR, will, among other things, do the following:

1. Section 4-71-1, Objectives

Adds "associated risks to animal and public health and safety" as an additional basis for restricting or prohibiting import of specific non-domestic animals.

2. Section 4-71-2, Definitions

Establishes a definition for "dangerous wild animals" and identifies specific species as "dangerous wild animals."

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 in circuses and carnivals, but provides 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 a 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 for performing animals, must be processed within 120 days.

5. Section 4-71-5, Notice of quarantine

Adds "risk to animal or public health and safety" as another consequence of uncontrolled introduction of non-domestic animals, in addition to danger to agricultural and related industries.

6. Section 4-71-6.5 Permitted introductions

a. Restates, in the lists of restricted animals that contain the individual "dangerous wild animals" species, that these species are prohibited for short-term performance or exhibition in circuses, carnivals, or state fairs, but are allowed for short-term performance for commercial filming, for exhibition in government zoos, or for other purposes permitted in the rule section.

b. Allows government agencies to import animals on the List of Conditionally Approved Animals, which includes animals allowed for import for individual possession, businesses, and institutions.

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 government use.

d. Replaces the term "municipal" zoos with the broader term "government" zoos;

- e. 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.
- f. Clarifies that permits may be approved by the chairperson, as well as by the branch chief or Board of Agriculture, as specified by rules.
- g. Clarifies that site approval is required prior to the issuance of any permit issued for import of animals on the restricted lists and unlisted animals.
- h. Clarifies that the transfer or sale of unlisted animals under permit is allowed, provided the proposed transferee can satisfy conditions for transfer and obtain a permit for possession.
- i. 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 its import for aquaculture production.
- j. Deletes house crickets, *Acheta domesticus*, from the List of Restricted Animals (Part A) and adds this insect to the List of Restricted Animals (Part B) to allow its import as feed for certain zoo animals.

7. 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 commercial filming, as appropriate.

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The proposed amendments to Chapter 4-71, HAR, may be viewed online at [www.hdoa.gov](http://www.hdoa.gov) or in person at any of the following Department of Agriculture offices during normal business hours of 7:45 a.m. to 4:30 p.m. through September 26, 2017:

|          |                                                                                                          |                                                                   |
|----------|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| Oahu-    | 1428 South King Street, Honolulu<br>or 1849 Auiki Street, Honolulu                                       | Phone: 808-973-9550<br>Phone: 808-832-0566                        |
| Hawaii-  | 16E Lanikaula Street, Hilo<br>or 95 Akahana Street, Room 9, Hilo<br>or 73-302 Kupipi Street, Kailua-Kona | Phone: 808-974-4141<br>Phone: 808-961-9393<br>Phone: 808-326-1077 |
| Kauai-   | 4398A Pua Loke Street, Lihue                                                                             | Phone: 808-274-3071                                               |
| Maui-    | 635 Mua Street, Kahului                                                                                  | Phone: 808-873-3556                                               |
| Molokai- | 801 Puupeehua Ave., Hoolehua<br>Molokai Irrigation Office.                                               | Phone: 808-567-6891                                               |