

AGENDA
BOARD OF AGRICULTURE MEETING

Date: May 29, 2018
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 1/23/18 AND 2/27/18 MEETING
- III. INTRODUCTIONS
- IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION
 - A. AGRICULTURAL LOAN DIVISION
 1. Request for Approval to Activate and Set Parameters for DOA's Emergency Loan Program to Provide Relief Due to Lava, Heavy Rains and Flooding.
 2. Request for Approval of One (1) Direct Farm Ownership Loan to Robert David Butlar and Lori Ann Butler.
 - B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION
 1. Request for Acceptance of Annual Lease Rents as Determined by Independent Appraisal for Rent Reopenings and Lease Conversions for Various Lots Located in Waimanalo, Oahu; and Maui, Hawaii
 2. Request for Approval to Construct a Farm Dwelling, General Lease No. S-4857; Lessee: Dean Maruyama; TMK: 3rd Div/7-3-049:006; Lot No. 06; Keahole Agricultural Park, Phase I, Kalaoa-Ooma, North Kona, Island of Hawaii
 3. Request for Approval to Sublease Between The Hamakua Agricultural Cooperative and Richard Miller; General Lease No. S-7011, TMK: (3) 4-3-005:018(Por), Lot W11, Pohakuhaku and Kemau 1st, Hamakua, Island of Hawaii
 4. Request for Approval to Sublease Between The Hamakua Agricultural Cooperative and Marcelino Tagudan; General Lease No. S-7008, TMK: 3rd Div/4-3-005:002(Por), Lots W02, W03, W04, W06, W07; General Lease No. S-7009, TMK: 3rd Div/4-3-005:014(Por), Lots W01, 015, 018; General Lease No. S-7011, TMK: 3rd Div/4-3-005:018(Por), Lot W09, Hamakua Pohakuhaku And Kemau 1st, Hamakua, Island of Hawaii
 5. Request for Approval for Issuance of a New Sublease Between Green Point Nurseries, Inc., Lessee/Sublessor, and Vantage Nursery, LLC, Sublessee; General Lease No. S-4445, TMK: (3) 2-4-49:26,27,28 (Por), Lot(s) 12,13,14, Panaewa Farm Lots, Waiakea, South Hilo, Island of Hawaii
 6. Request for Consent to Waive Performance Bond Requirement for General Lease No. S-4770, Lessee: Yoshiyuki Ota and Sandra T. Ota; TMK: 3rd Div/2-2-056:049, Lot No. 23, Panaewa Agricultural Park, Waiakea, South Hilo, Hawaii

7. Request for Approval of Extension of General Lease No. S-7017; AGEE, Inc., TMK: 3rd Div/4-3-005:015, Lot No. 07, Pohakuhai, and Kemau 1st District of Hamakua, Hawaii
8. Request for Consent to Assignment of General Lease No. S-6022; Nora Sisouphanthong, Assignor, to Julius Ludovico, Assignee; TMK: 1st Div/5-6-006:050; Lot 22, Kahuku Agricultural Park, Koolauloa, Kahuku, Island of Oahu, Hawaii

C. QUALITY ASSURANCE DIVISION

1. Request for (1) Repeal of Chapter 4-86, Hawaii Administrative Rules, entitled "Brake Fluids, Coolants, Petroleum Products, and After Market Additives," (2) Preliminary Approval of Newly Proposed Chapter 4-186, Hawaii Administrative Rules, entitled "Petroleum Products Accounting and Inspection," and (3) Authorization for the Chairperson to Schedule Public Hearings and to Appoint a Hearings Officer in connection with (2).

(see attached summary of proposed rule amendments)

D. ANIMAL INDUSTRY DIVISION

1. Request for (1) Approval of Proposed Amendments to Chapter 4-29, Hawaii Administrative Rules, entitled "Dogs, Cats, and Other Carnivores," Concerning Definitions, Arrival Ports, Carrier Responsibility, Transiting Private and Commercial Vessel Responsibility, Pre-shipment Requirements, Other Requirements, Movement of Dogs and Cats Originating in Hawaii, Movement of Dogs and Cats Requiring Urgent Diagnostic, Medical or Surgical Procedures Not Available in Hawaii, Exemption From Quarantine, State Animal Quarantine Station, Animals Abandoned in Quarantine, Satellite Animal Quarantine Stations, Removal From Animal Quarantine Stations, Requirement for Breeding of Animals in Quarantine, Users of Guide or Service Dogs, Movement of Guide and Service Dogs by Special Permit, Fees, Penalty, Criteria and Conditions for Service Dogs and Exempted Guide Dogs, Arrival Requirements for Service Dogs and Exempted Guide Dogs, Designated Address, Thirty-day to Forty-day Post-arrival Requirement, Documentation of Need for a Service Dog and (2) Submission of Hearings Officer's Summary of Public Hearings Testimony on Proposed Amendments to Chapter 4-29, and Hearings Officer's Recommendations

(see attached summary of proposed rule amendments)

E. PLANT INDUSTRY DIVISION

Plant Quarantine Branch

1. Petition from Donald Heacock to the Hawaii Board of Agriculture to Initiate Administrative Rule Making and Rule Amendment in Order to Allow Import of Domestic Dairy Water Buffalo (*Bubalus bubalis*) for Agriculture.

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, 5/24/18, and on the department's website at: [hdoa.hawaii.gov/meetings-reports/](http://hdoa.hawaii.gov/meetings-reports/).*

*If you require special assistance or auxiliary aids or services to participate in the public hearing process please contact staff at (808) 973-9550 at least 48 hours prior to the meeting so arrangements can be made."*

**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, 5/24/18.**

State of Hawaii  
Department of Agriculture  
Quality Assurance Division  
Honolulu, Hawaii

May 29, 2018

The summary of the newly proposed Chapter 4-186, Hawaii Administrative Rules, is as follows:

1. Section 4-186-4, Definitions  
Amended the definition of “gasoline”, which also includes a blend of gasoline and ethanol.  
  
Updated references to the current published American Society for Testing and Materials (ASTM) measurement tables.
2. Sections 4-186-5, Incorporation of federal general codes  
Updated references to the National Institute of Standards and Technology Handbook 44 and Handbook 130, 2017 editions.
3. Sections 4-186-10, 4-186-11, 4-186-12, and 4-186-13  
Updated references for petroleum products, brake fluid, automotive antifreeze coolants and coolants, and lubricants respectively to the current published ASTM specification standards.

State of Hawaii  
Department of Agriculture  
Animal Industry Division  
Honolulu, Hawaii

May 29, 2018

Chapter 4-29, HAR, entitled "Dogs, Cats, and Other Carnivores," is being amended to:

(1) Change definitions by: (a) simplifying the definitions "Animals", Board", Chairperson", "Department", "Groomer" and "Guest"; (b) amending "Airport Animal Quarantine Holding Facility", "Service Dog" and "User"; (c) adding the definitions "Current", "Eligibility Date", "Eligible Date", "Qualification Date", "Safeguard", "Service Animal" and "Veterinary Hospital"; (d) clarifying "designated address";

(2) Clarify "Oahu";

(3) Clarify procedures for carriers;

(4) Clarify "islands" concerning transiting private and commercial vessel responsibility;

(5) Reduce the minimum time required: (a) from the most recently administered rabies vaccine before arrival from 90 days to 30 days; (b) from a successful OIE-RVA test before arrival in Hawaii from 120 to 30 days;

(6) Require only the current rabies vaccination's product name, booster interval, and date of vaccination be listed on the health certificate;

(7) Require owners to register their pet's microchip number with the local county humane society or local animal welfare organization;

(8) Simplify a term from "early release" to "release";

(9) Add a new subsection to establish requirements for the importation of cloned animals derived from a pet donor originating in Hawaii;

(10) Clarify Guam as a "US territory" and replace "Hawaii" with "those of the state";

(11) Clarify, as pertaining to the State animal quarantine station: (a) movement of animals; (b) authority of the Animal Industry Division Administrator; (c) denying entrance into quarantine stations; and (d) the authority of station veterinarians to refer an animal to a veterinary facility for diagnostics and treatment not available at the station with or without owner authorization when in the best interest of the animal;

(12) Reduce the time period when an animal is considered abandoned in quarantine;

(13) Change fees in Section 4-29-17 for five-day or less quarantine, direct airport release; neighbor island inspection permit and re-entry;

(14) Repeal section 4-29-15 relating to use of an "apartment" on the Animal Quarantine Station that is not serviceable as a dwelling;

(15) Change "service dog" to "service animal" to reflect current Federal ADA language in Sections 4-29-15.1, 4-29-20, 4-29-21, 4-29-22, 4-29-23, 4-29-24 and 4-29-26, HAR; and

(16) Other minor changes proposed throughout the Chapter to correct grammar, punctuation and clarification.