

**DRAFT Minutes of the Advisory Committee on Plants and Animals
October 2, 2023, Meeting
Hawaii Department of Agriculture (HDOA)**

I. CALL TO ORDER

Chairperson Darcy Oishi called the Advisory Committee on Plants and Animals (Committee) to order on Monday, October 2nd at 1:40 PM via Zoom Meeting.

Members Virtually Present:

Darcy Oishi, Committee Chairperson, HDOA
Dr. Maria Haws, Professor of Aquaculture, Pacific Aquaculture & Coastal Research Center, University of Hawaii at Hilo
Robert Hauff, State Protection Forester, Division of Forestry & Wildlife, Hawaii Department of Land & Natural Resources (DLNR), Ex Officio Member Designated Representative
Joshua Fisher, Invasive Species Biologist, U. S. Fish and Wildlife Service
Dr. Samuel Ohu Gon III, Senior Scientist and Cultural Advisor, The Nature Conservancy – Hawaii
Thomas Eisen, Planner, Office of Planning & Sustainable Development Department of Business, Economic Development and Tourism, Ex Officio Member Designated Representative

Members Absent:

Pamela Mizuno, Director of Panaewa Zoo, County of Hawaii, Retired
Gracelda Simmons, Environmental Management Program Manager, Hawaii Department of Health, Ex Officio Member Designated Representative

Others Present¹:

Kevin Salvador, IT Specialist, HDOA
Noni Putnam, Land Vertebrate Specialist, PQB, HDOA
Arielle Argel, KITV 4

Others Virtually Present:

Jodi Yi, Deputy Attorney General (DAG)
Travis Moon, DAG
Dr. Anne Goody, Three Ring Ranch
Jonathan Ho, Acting Manager, PQB, HDOA
Dexter Kishida, Deputy Director, HDOA

¹ The identification of the public members is based on their sign-in name but are not verified.

Teya Penniman

II. INTRODUCTION AND COMMENTS

Chairperson Oishi introduced himself and asked the Committee members to briefly introduce themselves. For those in attendance virtually, he asked that they indicate if anyone is in the room with them. Dr. Maria Haws, Robert Hauff, Sam Gon, Thomas Eisen and Joshua Fisher introduced themselves. All indicated they were alone.

III. REQUEST TO BE REVIEWED BY COMMITTEE

1. Request for: (1) A Finding that the Unrestricted Inter-Island Movement of Palm Plants in the Genera *Cocos*, *Livistona*, *Phoenix*, *Pritchardia*, *Roystonea*, and *Washingtonia*; Decomposing Plant Material Such as Compost, Wood or Tree Chips, and Mulch, Plant Propagation Media; and Other Items Comprised of Decomposing Organic Plant Material Such as Landscaping Material or Erosion Control Socks, to Prevent the Movement of Coconut Rhinoceros Beetle, *Oryctes rhinoceros*, From the Island of Oahu, Constitutes an Emergency Justifying Issuance of an Interim Rule; and

(2) A Finding that the Issuance of an Interim Rule to Restrict the Inter-Island Movement of Palm Plants in the Genera *Cocos*, *Livistona*, *Phoenix*, *Pritchardia*, *Roystonea*, and *Washingtonia*; Decomposing Plant Material Such as Compost, Wood or Tree Chips, and Mulch, Plant Propagation Media; and Other Items Comprised of Decomposing Organic Plant Material Such as Landscaping Material or Erosion Control Socks, is Required to Prevent the Spread of the Coconut Rhinoceros Beetle, *Oryctes rhinoceros*, From the Island of Oahu to Uninfested Areas Within the State.

Acting PQB Manager Jonathan Ho provided a synopsis of the request.

The majority of the Committee's discussion, led by Committee Member Robert Hauff, involved clarifying the language of the proposed interim rule to ensure there was no confusion regarding restricting inter-island versus intra-island movement should the designated infested area be expanded beyond Oahu to a portion of a neighbor island. He suggested removing the references to "inter-island" and just use "movement" to ensure there was no ambiguity. Mr. Ho said that the use of interisland was to clarify that because the entire island of Oahu was infested, only interisland movement was occurring and shouldn't affect the authority to restrict on island movement but agreed with Mr. Hauff that removing the references to "inter-island" would ensure that the restrictions were not only limited to inter-island movement and could cover intra-island movement.

Committee Member Hauff asked for clarification regarding how the rule designated infested areas from non-infested areas. Mr. Ho noted that PQB works with the Plant Pest Control Branch to designate infested areas. Mr. Hauff said the rule was unclear as to what areas are infested or not and what the specific restrictions would be, particularly if there was an expansion of the infested area. Mr. Ho said he understood what Mr. Hauff wanted and would include a statement in the proposed rule clarifying the restrictions would be from an infested area to a non-infested area, and also include a statement defining the entire Island of Oahu as the current infested area.

There were two (2) submitted written testimonies supportive of the intent of the rule but focused on the delay in the permanent changes to Chapter 4-72, Hawaii Administrative Rules (HAR). Ms. Teya Penniman provided oral testimony in support of the interim rule. A discussion regarding the delay in the permanent changes to Chapter 4-72, HAR, began noting that if were passed, it would have eliminated the need for this interim rule. HDOA Deputy Director Dexter Kishida told the Committee that the affected stakeholders would be consulted prior to moving forward with the rules, with an expected timeline of two and a half to three months to move everything forward.

Mr. Hauff made a motion to recommend approval of a finding that lack of permanent rules restricting CRB host materials creates an emergency and that the proposed interim rule with changes to the interim rule language removing the references to inter-island and including designations of what areas were infested or not. Committee Member Dr. Samuel Gon seconded the motion.

Committee Member Gon suggested that the language in the rule be amended to be similar to that of the permanent 4-72, HAR, using the term “CRB Host Material”. Mr. Ho said that reference could be included.

Vote: 6-0 (Oishi, Hauff, Haws, Eisen, Fisher, Gon) for a finding that there is an emergency justifying an interim rule and that the interim rule as proposed be implemented with the discussed amendments.

2. Request to: (1) Allow the Importation of up to Three (3) Plains Zebras, *Equus burchelli* (*Equus quagga burchellii*), Animals on the List of Restricted Animals (PartB), by Permit, for Non-Commercial Use in an Animal Sanctuary, by Three Ring Ranch, Inc.; and (2) Update Permit Conditions for the Importation of up to Three (3) Plains Zebras, *Equus burchelli* (*Equus quagga burchellii*), Animals on the List of Restricted Animals (Part B), by Permit, for Non-Commercial Use in an Animal Sanctuary, by Three Ring Ranch, Inc.

PQB Land Vertebrate Specialist Noni Putnam provided a synopsis of the request. Ms. Putnam stated that the last post entry inspection was conducted on June 20, 2023, for the recently imported non-human primates. She also stated that the PQB will be

working with the applicant, Dr. Ann Goody, to conduct another post entry inspection in the next couple of weeks for the zebra enclosure.

Ms. Putnam received a total of four Advisory Subcommittee (Subcommittee) recommendations. For both questions three Subcommittee members recommended approval and one Subcommittee member had no recommendation but provided comments for review. Ms. Putnam noted that Subcommittee member Dr. Carolyn McKinnie was unable to respond due to a family emergency and Subcommittee member Dr. Lanie Berry has since left DLNR and she is in contact with DLNR to find a replacement.

Ms. Putnam referred to the proposed import permit conditions and recommend that import permit condition No. 3 be amended from “Only vasectomized or castrated male restricted article(s) may be imported” to “All male restricted article(s) shall be vasectomized, castrated or rendered sterile” and that import permit condition No. 17(a) was changed based off the United States Department of Agriculture Animal Care Inspection Guide and General Inspection Procedures which require a perimeter fence that is not less than six feet high.

Dr. Goody was available to answer any questions from the Advisory Committee.

Committee Chairperson Oishi asked the Advisory Committee if they had any questions for PQB or the applicant.

Committee Member Joshua Fisher asked about import permit condition No. 28, to verify if Equine Encephalitis was part of the health screening requirements. Ms. Putnam stated that the disease and health screening is through Animal Quarantine, and that she would follow up with Subcommittee member Dr. Isaac Maeda regarding the Equine Encephalitis testing requirements.

Committee Member Hauff referred to Section 6 “Alternatives” and asked both the applicant and Ms. Putnam if the applicant considered sending the Zebra in Hawaii to the mainland where it could potentially join a herd of zebras. He further stated that it seemed a far more cost-effective way to deal with the Zebra’s health. Ms. Putnam deferred to Dr. Goody.

Dr. Goody introduced herself as the Director of Three Ring Ranch and thanked the Advisory Committee for allowing her to speak on behalf of this permit application. Dr. Goody addressed Mr. Fisher’s question regarding advance testing and health screening. Dr. Goody stated that the prior zebras imported by Three Ring Ranch were fully tested, as you would test a horse, and quarantined after that test in California prior to the shipment to Hawaii. Dr. Goody mentioned that the animals were quarantined again on site at Three Ring Ranch, and 72 hours after arrival were tested again to verify that the animals were disease free. Dr. Goody stated that she exceeded the existing testing requirements for importation of other equines.

Dr. Goody responded to Mr. Hauff's question regarding sending Patty, the zebra currently residing at Three Ring Ranch, to the mainland. Dr. Goody stated that Patty is now alone due to her companion, a pony named Cushion being recently euthanized. Dr. Goody mentioned that they are dealing with her emotional needs day by day and sending Patty away would decrease her ability to teach. Dr. Goody stated they have Hawaii resident youth programs, Hawaii pre-veterinary students, and Hawaii second year veterinary students. She said this is the only opportunity for young people from Hawaii to get vital hands-on experience needed to get into veterinary school. She mentioned Three Ring Ranch has a 100% success rate of their students being accepted into veterinary school and if the program's ability for students to provide care to exotic animals is removed, there is a loss in the competitive edge of these students being admitted to veterinary school.

Mr. Hauff asked Dr. Goody if administering treatment to a zebra was a requirement for admission to veterinary school. Dr. Goody responded it was not required but veterinary schools require students to have a variety of hands-on skills. She said their resident program offers pre-veterinarian students hands on care, healthcare, behavioral care, and observation of a wide variety of species. She continued that the wider experience that she can provide to the students, the higher likelihood their chance is of being admitted to their choice of school.

Mr. Hauff asked if administering similar care to a horse would be equivalent? Dr. Goody stated that they are completely different creatures in behavior and anatomy, they are not a pony with stripes.

Chair Oishi called on Jonathan Ho, Acting Manager, PQB. Mr. Ho referred to Mr. Fisher's question regarding Equine Encephalitis and informed the Committee that the Division of Animal Industry has regulations regarding that disease and other specific regulations to import Equid (Horses, donkeys, mules) into Hawaii to ensure that disease does not enter the State.

Advisory Committee Member Dr. Maria Haws said it appears efforts were made to find a companion animal for the remaining zebra, but recommended more attempts be made because it didn't appear all the avenues were explored. Dr. Haws asked if the justification is to relieve stress of sole survivor of the zebra herd, won't this imply that every time there is a single zebra, there would be more importations just to satisfy that need to make the animal happy? She stated this is a request to establish a perpetual zebra herd.

Dr. Goody responded that they attempted to provide companionship to Patty with a goat, then a pony, achieving partial success for the past couple of years. She said they had to divide the bedroom area of the corral as Patty is much more aggressive and would bully the pony. It required they be separated for eating and sleeping. Dr. Goody said they tried integrating Patty with an alpaca group. Patty would eat with them but would need to be in a separate area because she would chase them around to herd them. Dr. Goody mentioned they tried to put Patty with a quarter horse, but the horse

did not want to be around her. Dr. Goody stated it's a tough dynamic to introduce and provide social stimulation to Patty. When they first brought Patty in as a companion for a previous lone zebra, there was an 18 month wait because they could not buy animals as a sanctuary. During that time, volunteers would sit for four hours a day to provide social interaction. It is difficult to provide interaction that only another zebra can provide. Dr. Goody said that having zebras in Hawaii provides an increased ability to provide education to Hawaii students. She mentioned importing another zebra close to Patty's age might mean the herd that would go at the same time. She hoped that there would always be zebras at Three Ring Ranch, but that would be at the discretion of the HDOA.

Advisory Committee Member Thomas Eisen asked if there were other zebras in the State of Hawaii? Dr. Goody answered no, not at this time. Ms. Putnam said she thought there was another facility that had zebras, but she would have to double check that.

Chair Oishi asked Dr. Goody how long Patty was the lone zebra at Three Ring Ranch? Dr. Goody stated approximately 2 ½ to 3 years.

Chair Oishi asked Ms. Putnam whether the language in the title of the submittal should be more overt to clarify that this request is to potentially allow importation and possession of up to (3) three Plains Zebra. Ms. Putnam deferred to Chair Oishi's recommendation to update that language.

Chair Oishi commented on the previous 2015 import permit conditions regarding progeny and consequences should there be progeny, stating the language should be consistent with the proposed permit conditions. He recommended that clarity be provided to Dr. Goody on the circumstances should progeny occur. Ms. Putnam deferred to Chair Oishi's recommendations to update the language.

Chair Oishi asked Dr. Goody to provide the status of Patty's reproductive health. Dr. Goody replied that Patty has never been bred, there is no male zebra at the facility, and Patty was previously on an equine birth control which made her considerably more aggressive. Patty has no current options for reproduction.

Chair Oishi asked if there were any members of the public who wish to provide comments. There were no public comments.

Mr. Ho addressed the breeding language from 2015 and enforcing penalties. He said permit condition No. 1 stated the "Release of the restricted article(s) into the environment or breeding is prohibited.". He further mentioned permit condition No. 24 states that "Any violation of the permit conditions may result in citation, permit cancellation, and enforcement of any or all of the penalties set forth in HRS 150A-14. Chair Oishi recommended amending the language of permit condition No. 6 to be similar to the 2015 permit condition language.

Hearing no other discussion, Chair Oishi made a motion to approve the request and to amend permit condition No. 6 that progeny would be prohibited, and the permittee shall immediately notify PQB in the event of a zebra birth. Mr. Fisher seconded the motion.

Chair Oishi asked if there was any further discussion.

Dr. Haws expressed her prior concern that the justification was not strong enough and approval could result in importation of a perpetual herd of zebras.

Chair Oishi asked if there was any more discussion on the motion. Hearing none, he called for a vote.

Vote: RECOMMEND APPROVAL 1/5 (Fisher- vote Aye. Hauff, Eisen, Haws, Gon, Oishi – vote Nay)

Motion was denied, therefore the recommendation by the Committee to the Board is to disapprove this request.

IV. ADJOURNMENT

Chairperson Oishi called for a motion to Adjourn. A motion to adjourn was made by Dr. Gon, seconded by Mr. Eisen.

Vote: Approved 6/0 (Hauff, Eisen, Haws, Gon, Fisher, Oishi)

Chairperson Oishi Adjourned the meeting at 3:01 PM.

Respectfully submitted,

Deborah Safarik
Secretary, PQB