

**Minutes of the Advisory Committee on Plants and Animals**  
**October 29, 2021 Meeting**  
Hawaii Department of Agriculture (HDOA)

I. CALL TO ORDER

The meeting of the Advisory Committee on Plants and Animals (Committee) was called to order by Advisory Committee Chairperson Dr. Helmuth Rogg on Friday, October 29, 2021 at 9:05 a.m. via Zoom meeting.

Members Virtually Present:

Dr. Helmuth Rogg, Committee Chairperson, Hawaii Department of Agriculture (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, Department of Land & Natural Resources (DLNR), Ex Officio Member Designated Representative  
Myra Ching-Lee, Epidemiologist Specialist, Disease Outbreak Control Division, Department of Health, Ex Officio Member Designated Representative  
Thomas Eisen, Planner, Environmental Review Program, Department of Business, Economic Development and Tourism, Ex Officio Member Designated Representative  
Kenneth Matsui, Owner, Petland - Pets Pacifica

Others Virtually Present:<sup>1</sup>

Jodi Yi, Deputy Attorney General  
Becky Azama, Acting Branch Manager, Plant Quarantine Branch (PQB), HDOA  
Noni Putnam, Land Vertebrate Specialist, PQB, HDOA  
Jonathan Ho, Inspection & Compliance Chief, PQB, HDOA  
Karen Hiroshige, Secretary, PQB, HDOA  
Stephen Dalton, IT Specialist, HDOA  
Kevin Salvador, IT Specialist, HDOA  
Dr. Ann Goody, Executive Director, Three Ring Ranch, Inc.

II. INTRODUCTION AND COMMENTS

Chairperson Dr. Helmuth Rogg introduced himself and the Committee members were asked to confirm their presence verbally. All Committee members present verbally confirmed their attendance.

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

III. APPROVAL OF MINUTES FROM THE JUNE 8, 2021 MEETING

Chairperson Rogg asked if the Committee had a chance to review the minutes for the June 8, 2021 meeting before entertaining a motion to approve them.

Committee member Kenneth Matsui stated that he would like to strike the adjective "safely" from the June 8, 2021 minutes regarding a comment he made about his recusal for the vote for the mosquitos.

Chairperson Rogg suggested to approve the June 8, 2021 meeting minutes with the amendment of Mr. Matsui's comment regarding the mosquitos. Committee member Robert Hauff made the motion to approve the minutes with the addition of Mr. Matsui's notes to his comments. The motion was seconded by Committee member Kenneth Matsui.

Chairperson Rogg asked if there were any comments or discussion from the public. No response from the public. Motion was moved to a vote and passed unanimously.

Vote: APPROVED 6/0.

IV. COMMENTS FROM GENERAL PUBLIC ON AGENDA ITEMS (ORAL OR WRITTEN)

Chairperson Rogg said written testimony was received and distributed to the Committee members. Oral testimony will be heard after the request has been presented.

There were no comments or testimony presented. Chairperson Rogg asked the public if they have any comments or oral testimony?

Kevin Salvador noted that there were no comments from the public.

V. REQUESTS TO BE REVIEWED BY THE ADVISORY COMMITTEE

Land Vertebrate

Request to: (1) Allow the Importation of up to Eleven (11) Ring-Tailed Lemurs, *Lemur catta* and One (1) Black Capped Capuchin, *Sapajus apella*, Animals on the List of Restricted Animals (Part B), by Permit, for use in a Primate Sanctuary, by Three Ring Ranch, Inc.; and (2) Update Permit Conditions for the Importation of up to Eleven (11) Ring-Tailed Lemurs, *Lemur catta* and One (1) Black Capped Capuchin, *Sapajus apella*, Animals on the List of Restricted Animals (Part B), for use in a Primate Sanctuary, by Three Ring Ranch, Inc.

PQB Land Vertebrate Specialist Noni Putnam provided a synopsis of the request. Ms. Putnam stated that on October 27, 2021, she received written confirmation from Elizabeth Goldentyre, Deputy Administrator, U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Animal Care which states: "...we will not cancel any license that has not been relicensed by its expiration date if the reason for the delayed relicense is scheduling conflicts on the part of Animal Care. We currently project that inspectors will be available to conduct these inspections in late November 2021. No licenses will be cancelled before those inspections are conducted. Any license that is past the expiration date will remain active and valid until a relicense inspection can be conducted, provided they have submitted relicensing paperwork before the expiration date of their license." Ms. Putnam also confirmed on the USDA APHIS website that Dr. Goody's license is still active.

Ms. Putnam said that a site inspection was conducted on September 25, 2021 of the enclosures at Three Ring Ranch facility. She also received a total of four advisory subcommittee recommendations. For Question No. 1, two of the four recommended approval to allow up to eleven (11) ring-tailed lemurs and one (1) capuchin monkey; animals on the list of restricted animals (Part B), for use in a primate sanctuary by Three Ring Ranch, Inc. For Question No. 2, two of the four subcommittee members recommended approval to update the permit conditions for the importation of up to eleven (11) ring-tailed lemurs and one (1) capuchin monkey; animals on the list of restricted animals (Part B), for use in a primate sanctuary by Three Ring Ranch, Inc.

Ms. Putnam referred to the proposed import permit conditions on page 12-17, and the first PQB notes reiterated that the actual number of animals to be imported will be indicated on the permit once clarified and approved. The second PQB note is for Question No. 3 noting that it is due to the Board action prior to January 8, 1990. On page 14, the PQB notes were inserted for Condition No. 14(c) as a result of comments made by Dr. Maeda.

Ms. Putnam then stated that the applicant, Dr. Ann Goody, is available to answer any questions from the Advisory Committee Members.

Chairperson Rogg asked the Committee members if they had any questions for MS. Putnam.

Committee member Hauff asked for clarification regarding Hawaii Administrative Rules (HAR) chapter 4-71-6.5(b)(2) that allows only specific types of private or commercial use for primates. He asked Ms. Putnam to confirm that the HAR allow import of primates in primate sanctuaries. Ms. Putnam stated that it is her understanding that it is strictly for primate sanctuaries.

Chairperson Rogg called upon Jonathan Ho, Inspection and Compliance Chief, PQB, forward. Mr. Ho introduced himself and stated that Mr. Hauff is correct that HAR 4-71-6.5(b)(2) does allow for the importation of non-human primates on the Restricted B List to be imported for use in a primate sanctuary.

Committee member Matsui stated that the lemurs were originally from Madagascar as a species. He said he had a concern, like the parrots from Madagascar, how will they interact with the Madagascar fire weed, as well as the moth we brought in to try to control the fire weed. He asked if Dr. Goody has any insight as to how the organisms would interact?

Dr. Ann Goody, Three Ring Ranch, Inc., was called forward and introduced herself.

Dr. Goody said that the lemurs are multiple generation U.S. bred at least three generations back as far as she's aware of. Because they were bred for domestic trade, there's some questions as to who bred whom and went where, there's no accurate genealogy. Currently, there are no lemurs in the U.S. pet trade that were imported from Madagascar, therefore, there are no truly wild livestock. The only wild livestock currently being bred are at the Duke Center and other centers with very rare types of lemurs. These animals will not be shedding any type of Madagascar parasite, no seed material within their gut that could be distributed.

Committee member Matsui said that Madagascar fire weed is sometimes eaten by cattle and either kills the cattle or poisons the milk they produce, therefore, killing the calf. To counter that, the Committee approved the import of moths to slow the progress of this weed. His concern is if the lemur eats the moth.

Dr. Goody said that for two years there have been two ring-tailed lemurs here that refuse to eat any insect matter, even though in the wild 5-7% of their diet is insect matter. She noted that they have dramatically hurled insects fed to them out of their enclosure. When asked by Mr. Matsui, "What do they eat?" Dr.

Goody replied that they are fed a wide variety of fruit, vegetable material, two different types of specialized lemur biscuits, and supplements. Mr. Matsui asked if the amino acids are coming primarily from the biscuits? Dr. Goody replied that it's specialized powders and supplements. Dr. Goody commented about Ms. Putnam's statement regarding the lemurs being of the male gender. She said that she doesn't know what percentage of the group will be male or female. She does know that all males will be sterilized, vasectomized or castrated. They currently have permitted females, and have no desire for any reproduction; however, the pending group are mixed gender, therefore, she's asking for the application to be amended to remove the male only clause from that condition.

Chairperson Rogg asked if the capuchin monkey is a 15-year-old female? Dr. Goody said, "correct." She stated that they've previously never had a gender restriction when importing primates. Her conditions go back to the 1990s, and there hasn't been any gender-specific conditions.

Mr. Ho stated Dr. Goody is correct in that the proposed permit language as indicated does prohibit anything except vasectomized or castrated males. He said that the intent was if there were males, they would be vasectomized or castrated and the permit language should state: "Should male restricted articles be imported, they shall be vasectomized, castrated, or unable to reproduce." Mr. Ho said the intent was not to allow only males because it was clear that Dr. Goody was proposing to import both genders.

Chairperson Rogg asked that if we allow females to be imported, are they not spade prior to arrival? What happens if they're pregnant when they arrive? Dr. Goody responded by saying that any pregnant female that produces progeny, and if the progeny is male, it will immediately be vasectomized. They would have to seek approval for that animal to stay at Three Ring-Ranch or sent out at your direction. Dr. Goody mentioned that the terminology Mr. Ho is referring to is "rendered sterile".

Committee member Matsui asked Dr. Goody to address disease transmission, particularly COVID. Dr. Goody said that the plan is to test for COVID prior to departure and upon arrival even though this particular strain has not yet been detected in lemurs. They are extraordinarily vigilant about protecting themselves and others, and never jeopardize any of their animals and residents. They have elderly spider monkeys residing there, and one that is going for the world record.

Chairperson Rogg called forward Committee member Dr. Maria Haws, Professor of Aquaculture, Pacific Aquaculture & Coastal Research Center, University of Hawaii at Hilo.

Committee member Haws said the submittal has some unknown factors: Number of lemurs, ages, sex, how they were confiscated. She wanted to know the reason behind all the unknown facts. Dr. Goody responded by saying that rescue is delicate. It involves politics, prosecuting offices, multiple state and federal agencies, sometimes crossing jurisdictions. Each agency has their own controls and sometimes don't allow inspectors access to identify animals by gender until our own veterinarians can have access for accurate evaluations, and inaccurate records. The last time we had a rescue at the weigh station, they had good records; however, there were gaps, and once the primate vet from the Los Angeles Zoo and our vet Dr. Rebecca Richards was able to get onsite, they were able to fill in all those details.

Committee member Haws asked if failure of a vasectomy is something that could occur in these animals? Dr. Goody said that 30 days is standard for when you would vasectomize an animal and allow it to be with others and females. Dr. Goody stated that they have zero desire for reproduction. Dr. Haws said that knowing that animal sanctuaries are not required to be bonded or accredited, what's the succession plan if something were to happen to the people who manage the sanctuary? Who takes responsibility for the animals? Dr. Goody stated that succession is one of the considerations brought forward every time they are re-accredited. The Global Federation of Animal Sanctuaries (GFAS) insists on a plan that's reviewed every 3 to 5 years and outlines financial and human staff that will continue to run the sanctuary. The entire facility has been put into a trust for the animals. There's no guarantee in this world for everything 100 percent that nothing could ever happen. There's never going to be a question of care.

Committee member Haws asked if alternative placements in the mainland were explored or municipal zoos in Hawaii? Is this the last resort for these animals? Dr. Goody said that they're not considered the last resort. Because of Three Ring Ranch's history within the GFAS network and American Sanctuary Association, they're considered a high choice and noted animals are turned away every single week. She stated that when they heard of this particular rescue, those animals were a more appropriate fit. Dr. Haws said that she wants to make it clear that she doesn't mean to imply that Dr. Goody's facility is substandard in any way. Dr. Goody said that, yes, there are other places they could go but will it be the same home they can offer at Three Ring Ranch? She said that the zoo that Dr. Fern Duvall was referring to, the Hilo Zoo, is not accredited. She said that it never was and it never will be; that it is constantly out of compliance with the USDA; that it is substandard for nonhuman primates; and that hopefully it will continue to improve and become a glorious educational facility. She stated that the Honolulu Zoo is exceptional but has no idea if they considered additional lemurs. Dr. Haws said she was also referring to the comments made by Dr. Duvall and Dr. Conant that there are some good reasons

why to not bring primates into Hawaii. It would seem that if there were suitable alternatives on the mainland, it's preferable to keep them there and were those alternatives considered because our State is small with few resources. Should there be problems, any amount of time and money spent is disproportionate to our State budget, therefore, Dr. Haws believes the preferable choice would always be to look for more local alternatives for these confiscated animals.

Dr. Goody said that the state where they're at, and the people who decide the placement and determination have made multiple calls to multiple places. Dr. Goody is unaware of the criteria they used and how many alternatives were reviewed for these specific animals; that this is only part of many animals at this facility that's being closed. She said bringing in extra lemurs for their two lemurs is an excellent fit, and the older capuchin would make an excellent fit for the solo single female capuchin. Dr. Goody noted they would not have considered a single male capuchin and Three Ring Ranch's response would have been, "I'm sorry. That's inappropriate for us."

Chairperson Rogg asked if there were any other questions regarding the submittal that Ms. Putnam presented.

Committee member Hauff said that he doesn't recall seeing previous imports come before the Committee. Is there a reason why this submittal is before the Committee? Was it to update the permit conditions; and if so, what are the changes? Mr. Ho said that permits are issued administratively, and those conditions were established probably in the '90s, before Ms. Putnam became the Land Vertebrate specialist. He noted the Committee and the Board of Agriculture (Board) have been stressing upon PQB to update the conditions to meet today's standards and mentioned the recent submittals for bison and mute swans as examples. Mr. Ho said this submittal is along those lines to get things in order as opposed to just issuing the permit. Mr. Ho said Dr. Goody did mention that should there be progeny, Condition No. 6 states that she has to notify the PQB immediately and that they are basically considered prohibited. He said if Dr. Goody decides to keep them, she would have to go before the Board as stated in the condition. Should that be denied by the Board, she would be required to send the animals out of state. Mr. Ho said that Condition No. 14(c) specifically requires COVID testing.

Ms. Putnam also reiterated the conditions were created in the 1990s, and moving forward, conditions that need updating will be going through the Board process. Committee member Matsui stated that's one of the concerns he has because Dr. Goody seems very credible and responsible, but when we use this prototype for people who may not be as credible and responsible, it does seem problematic. Ms. Putnam said that there's a condition that states that all subsequent requests by the permittee to import or transfer non-human primates

shall be approved by the Board on a case-by-case basis. Mr. Ho said the intent of the condition is not to target Dr. Goody. Mr. Ho then reiterated what Ms. Putnam said by stating "Any subsequent requests for the restricted articles to import or transfer non-human primates shall be approved by the Board on a case-by-case basis." He said that the intent is for everybody, as the PQB is aware of higher risk imports.

Committee member Hauff stated that he often looks at these applications as what are the costs in terms of risk and what are the benefits? He asked, "Beyond the risks to these animals, are there any benefits, say, to the species? Educational?" Dr. Goody said that the animals at the ranch are used in veterinary student programs, pre-vet and second-year veterinary students on resident programs learning to care for these different creatures studying care and behavior, in addition to graduate vets and fourth-year externs. She said that most of the schools fund them to be there. The more variety they have and complexity of interactions than an animal has within a group accelerates the number of opportunities a student has when studying them. She said their main mission is education. She said that they're the only place besides the Honolulu Zoo that has this type of program and has 100% success rate in getting their pre-vets into veterinary school.

Chairperson Rogg asked where in the application is disease transmission addressed. Dr. Goody said that in the last importation, the requirements were very brief. She said that they made an extensive list of tests they did for the animals following guidelines from the USDA and the Los Angeles Zoo. They provided all of that information to the Hawaii State Veterinary Program, and when they proposed the list, they asked if anyone in Hawaii had anything to add, and they did not. She stated they said that it was an extremely comprehensive list. Dr. Goody states that she is proposing to provide the same detailed list again.

Chairperson Rogg wanted to confirm with Mr. Ho and/or Ms. Putnam that Condition No. 14 would basically address that issue as a comment? Mr. Ho stated that Condition No.14 does address the disease issue, and Dr. Isaac Maeda, State Veterinarian on the Advisory Subcommittee, did review the conditions and proposed No. 14(c) and the list of diseases were appropriate for the importation.

Committee member Haws asked if in the event of a natural disaster, and some or all of the primates escape, how would recapture be implemented? Dr. Goody said that they work on that every single day with recall training, which entails training the animal to move from point-to-point call with food. Also, their disaster drills have been reviewed by GFAS and USDA. There has never been a problem, but she states that they are ready. She states that the responsibility of capture solely rests on the Three Ring Ranch, and they are well-prepared.



Dr. Haws stated that in the future this should be more detailed in the conditions.

Chairperson Rogg asked if Condition No. 19 details the escape plan? Mr. Ho said that Condition No. 19 states that should an escape occur, how would they notify the PQB. Condition No. 18 is a catch-all to address what Dr. Haws was stating that the PQB works with the applicant outside the permitting process to address issues like natural disasters. Dr. Rogg stated that in Condition No. 18, the permittee should have a biosecurity manual available for review and approval by the PQB.

Ms. Putnam refers to Condition No. 9(e) regarding what's to be done if the animal expires, "then the permittee shall submit a written report to the PQB Chief that details the circumstance surrounding the death of the restricted article(s), and any other information deemed necessary by the PQB Chief. The permittee shall also submit a necropsy report from a USDA accredited veterinarian within their (30) days post-mortem." She explains that this is another report that can be submitted to PQB and Animal Industry Division if there's any question.

Chairperson Rogg asked if there were any more questions from the public or the Committee members, to which there were no other questions. Dr. Rogg requested for a motion.

Dr. Goody wanted to thank the Committee for their consideration and time. She then noted that there were a considerable number of letters of support. Chair Dr. Rogg asked Ms. Putnam if the testimonies were a part of the submittal? Ms. Putnam said that she didn't receive any documentation or written testimonies as Dr. Goody had stated. Dr. Goody said that she has approximately 12 copies that were sent directly to Ms. Putnam and cc'd to her over the last two days. Mr. Ho stated that 10 testimonies were sent to a generic email. He quickly reviewed them and said that they all seem to be in support of the request. He said that the testimonies also refer to excellent care, good animal welfare, providing training and opportunities for veterinary students. The testimonies are from individuals in and out of the state. Dr. Rogg requested to have the testimonies sent to the members of the Committee.

Committee member Matsui said that traditionally the Committee members would receive this type of information one week in advance, and it's really too late to read it at that point. He added that it's probably safe to say that Dr. Goody's reputation is very good and request that this type of information be provided one week in advance.

Committee member Haws said that she thinks this is somewhat of a violation of procedure and would prefer to read the testimonies in detail. She

doesn't believe it will change the way she'll vote, but in all fairness the Committee should hold the vote until the next session.

Committee member Haws made a motion to table this until the committee members had a chance to review all the written testimony. Mr. Hauff seconded the motion.

Chairperson Rogg called Dr. Goody forward to address the committee.

Dr. Goody asks the Committee if it's a favorable vote, could they go ahead and take a vote; if it's a split vote, could they take the time and read the letters. She made this request in the interest of time so the Committee would not have to reconvene at a later time.

Chairperson Rogg asked if there were any other comments. Committee member Thomas Eisen asked what is the projected timeline for getting the animals imported to Hawaii, and when would this Committee reconvene if the vote was delayed? Dr. Rogg said that he believes there was a time crunch to organize the meeting on such short notice, and it also wasn't clarified where the emails were sent to. Dr. Rogg called DAG Jodi Yi forward to advise on the procedural process, and asked Mr. Ho if all the testimonies were submitted before the deadline of 10/28/21, 4:30 p.m. Mr. Ho said that 9 out of 10 testimonies were submitted on time. One testimony was submitted on 10/29/21 at 9:10 a.m. Mr. Ho stated that he emailed all the testimonies to the committee members. Mr. Ho stated that there is a motion to vote on for deferral until the public testimonies can be read, and due to public requirements, the earliest date to reconvene would probably be in two weeks. He stated that this request needs to go before the Board to approve, and he's not sure when the next Board meeting would occur. To answer Mr. Eisen's question, Mr. Ho said that the Committee meets as needed.

Dr. Goody said that seizure has been instigated at the facility and currently proceeding through the court system. A delay can lead to a missed opportunity of meeting the goal. She said that the sooner she receives an answer from the Committee, the sooner it can proceed through the next level with the State and further communication with people on the mainland. She said that the letters were forwarded to the email address she was given.

Committee member Hauff asked DAG Jodi Yi if the Committee must consider all the testimony received before making a final recommendation according to the Sunshine Law? This is part of the reason he seconded Dr. Haw's motion. Ms. Yi said that with regard to the notice requirements, it's something that has been Sunshine noticed; the Office of Information Practices says that the failure to provide the six days' notice is not required for a continued

meeting. She said that a meeting could be set on Monday if the Committee members were available. Ms. Yi said that if a motion to affirmatively approve this permit and it failed, can there be another vote on it? The motion fails as opposed to rejecting the permit.

Chairperson Rogg said that a motion to postpone the vote until the testimony is read is still pending, and then asked Ms. Yi if they need to propose another motion to approve a tentative vote? Mr. Ho stated that this is an advisory committee that makes recommendations and comments to the Board who will make the final determination of approval or disapproval of the permit. Mr. Ho stated that a vote can be taken to move it to the Board with no recommendation.

Chairperson Rogg called for a vote on the motion to postpone the vote until the committee members have read all the testimony.

Vote: APPROVED 3, with 3 OPPOSED (Chairperson, Matsui, Eisen)

Motion does not carry.

Chairperson Rogg requested a motion to approve the requested import conditions as stated with the change in Condition No. 3 to read, "If males are imported, they shall be rendered sterile." Mr. Matsui made the motion. Mr. Eisen seconded the motion.

Chairperson Rogg asked if there were any questions. Dr. Haws wanted to be clear on her position and said that she had an additional reason why she voted against this particular condition aside from the procedural issue, which should be taken into account, but when there are primates involved and exotic animals, unless there's strong proof that there's no other placement on the mainland, that they shouldn't be sent to Hawaii. Although the risk might be minimal, and it's hard to assess the risk in all cases, dependent of private parties to safeguard the environment, Hawaii is not always the best choice. She feels there's still risk to the economics of Hawaii, particularly the agricultural economy. She also believes it sends the wrong message to the public in terms of it being okay to have these pets and animals in Hawaii.

Chairperson Rogg asked if there were any further discussions. After no response from the Committee or the public, Dr. Rogg called for a vote.

Vote: APPROVED 3, with 3 OPPOSED (Haws, Hauff, Ching-Lee)

Motion does not carry.

(Discussion was held amongst the Committee Members)

Committee member Hauff made a motion to have the HDOA Board consider the application under the Committee's split decision, the information discussed, as well as the testimony the Committee members did not receive. Dr. Haws seconded the motion.

Chairperson. Rogg asked if there was any discussion on the motion. Having no reply, Dr. Rogg called for a vote.

Vote: APPROVED 6/0

Motion passes.

VI. ADJOURNMENT

Having no further business, Chairperson Rogg called for a motion to adjourn. Mr. Matsui made the motion to adjourn. Dr. Haws seconded the motion. Dr. Rogg called for a vote and the motion was unanimously approved.

Vote: APPROVED 6/0

The meeting was adjourned at 10:40 A.M.

Respectfully Submitted,



Jonathan Ho  
Inspection and Compliance Section Chief