

**Minutes of the Advisory Committee on Plants and Animals**  
**May 14, 2021 Meeting**  
Hawaii Department of Agriculture (HDOA)

I. CALL TO ORDER

The meeting of the Advisory Committee on Plants and Animals was called to order by Advisory Committee Chairperson Mr. Darcy Oishi on Friday, May 14, 2021 at 1:37 p.m. via Zoom meeting.

Members Virtually Present:

Darcy Oishi, Committee Chairperson, Hawaii Department of Agriculture (HDOA)  
Dr. Maria Haws, Professor of Aquaculture, Pacific Aquaculture & Coastal Research Center, University of Hawaii at Hilo  
Dr. Benton Pang, Invasive Species Team Manager, U.S. Fish and Wildlife Service  
Robert Hauff, Forest Health Coordinator, Division of Forestry & Wildlife, Department of Land & Natural Resources (DLNR)  
Myra Ching-Lee, Epidemiologist Specialist, Disease Outbreak Control Division, Department of Health, Ex Officio Member Designated Representative  
Kenneth Matsui, Pets Pacifica – Aquatic Biota

Members Absent:

Dr. Keith Kawaoka, Acting Director, Office of Environmental Quality Control

Others Virtually Attending:

Jodi Yi, Deputy Attorney General  
Jonathan Ho, Acting Manager, Plant Quarantine Branch (PQB), HDOA  
Karen Hiroshige, Secretary, PQB, HDOA  
Stephen Dalton, IT Specialist, HDOA  
Jeff Pawloski, Sea Life Park Hawaii  
Stuart Wellington, The Hanalei Garden Bison Company  
DP

II. INTRODUCTION AND COMMENTS

Chairperson Darcy Oishi and the Advisory Committee members introduced themselves.

III. APPROVAL OF MINUTES FROM THE MARCH 17, 2021 MEETING

Chairperson Darcy Oishi asked if the Committee had a chance to review the minutes for the March 17, 2021 meeting before entertaining a motion to approve them.

With no further questions or comments Committee Member Dr. Benton Pang made a motion to approve the March 17, 2021 meeting minutes. The motion was seconded by Committee Member Dr. Maria Haws.

Chairperson Oishi 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)

Written testimony was received and distributed to the committee members. Oral testimony will be heard after the requests have been presented.

Chairperson Oishi stated that the Request to Allow the Importation of Two Mute Swans be stricken from the agenda to be heard at a later date and time. Chairperson Oishi asked if there was any written testimony to be heard by the PQB? There were no comments or testimony presented. Chairperson Oishi asked the public if they have any comments or oral testimony?

Stephen Dalton noted that there were no comments from the public.

V. REQUESTS TO BE REVIEWED BY THE ADVISORY COMMITTEE

Land Vertebrate

1. Request to: (1) Allow the Importation of "KE18", a Hawaiian Monk Seal, *Neomonachus schauinslandi* (*Monachus schauinslandi*), an Animal on the List of Restricted Animals (Part B), by Permit, for Exhibition, by Sea Life Park Hawaii; and (2) Establish Permit Conditions for the Importation of "KE18" a Hawaiian Monk Seal, *Neomonachus schauinslandi* (*Monachus schauinslandi*), an Animal on the List of Restricted Animals (Part B), by Permit, for Exhibition, by Sea Life Park Hawaii.

PQB Land Vertebrate Specialist Noni Putnam provided a synopsis of the request. Ms. Putnam stated that she received a total of five advisory subcommittee recommendations. For Question No. 1, five out of five did recommend approval to allow the importation of KE18, a Hawaiian Monk Seal, an animal on the List of Restricted Animals, Part B, by permit, for exhibition by Sea Life Park Hawaii. For Question No. 2, five out of five recommended approval to establish the permit conditions of KE18, a Hawaiian Monk Seal, an animal on the List of Restricted Animals, Part B, by permit, for exhibition by Sea Life Park Hawaii. Ms. Putnam noted that Mr. Jeff Pawloski was in attendance and available for any questions if needed.

Chairperson Oishi asked Mr. Pawloski if he has any questions for the PQB?

Advisory Committee Member Rob Hauff stated that he has two questions: One, are there any accreditation systems for sea parks? This question has come forth in the past regarding other applications. Ms. Putnam wasn't sure regarding seals but believed that Mr. Pawloski was trying to obtain accreditation for Sea Life Park, if not done so already.

Mr. Pawloski stated that they are currently accredited by the Alliance of Marine Mammal Parks and Aquariums and are in the process of pursuing AZA (Association of Zoos and Aquariums) accreditation, have hired a consultant, and are looking to be accredited in two years.

Mr. Hauff posed the second question for Sea Life Park whether they rehabilitate injured monk seals, returned them to the wild, and if so, do they have any contact with the wild seals? Mr. Pawloski stated that they do not release rehabilitated marine mammals at the facility due to the concern of zoonosis. He said that in the 1980s, there was some "head-starting" of monk seals that occurred, but it was stopped for the same reason.

Advisory Committee Member Kenneth Matsui recalled that there were OSHA (Occupational Safety and Health Administration) violations about five years ago at Sea Life Park, which resulted in substantial fines. He asked if the violations were associated with the monk seal enclosures? Mr. Pawloski said that the violations were related to job hazard analysis protocols, were mostly related to maintenance facilities, and did not have anything to do with animal enclosures or animal care.

Advisory Committee Member Dr. Benton Pang stated that he noticed there was upgraded fencing; that it looks like cats can still enter but monk seals can't get out. It's a concern that cats can enter the pens where the monk seals are and the continual spread of zoonotic diseases. Dr. Pang asked Mr. Pawloski how

easy is it for cats to enter the monk seal pens? Mr. Pawloski said that although they've tried their best to keep cats and mongooses out, and they have an aggressive trapping program in the park, it's been a very difficult challenge with feral cats in and around the park. Dr. Pang noted that Sea Life Park is authorized by the U.S. Fish and Wildlife Service to take in and rehabilitate injured seabirds.

Chairperson Oishi stated that there are conditions that mentioned progeny and asked Mr. Pawloski if there was any intent to breed monk seals? Ms. Putnam said that the intent was to establish permit conditions for the Hawaiian monk seal, and should there be the need to breed, then it could be accommodated. She noted that Mr. Pawloski did not state that there was an intent to breed the animals. Mr. Pawloski said that the issue was brought up years ago, and that is why there are two separate enclosures to separate males and females. He said that the National Marine Fisheries Service (NMFS) permit that they currently have only allows males, and there is no discussion to breed them.

Chairperson Oishi asked what would happen if semen was used for artificial insemination and would that be considered progeny? Ms. Putnam said that it would depend on the situation. Acting PQB Manager Jonathan Ho said that because the process does involve a lot of time and effort, and knowing that things could possibly change in the future for Sea Life Park, PQB proposed permit conditions that would "future-proof" them so that should there be an unintended importation, such as a pregnant female seal, that there would be a way to have records on that animal as well. Mr. Ho said that the references to progeny can be removed; however, he reiterated that conditions were drafted for added flexibility.

Chairperson Oishi said that the conditions require a biosecurity manual and asked if Sea Life Park had one. Mr. Pawloski said that they did not have one but were drafting it now. Chairperson Oishi asked if the manual would need to be presented prior to permit issuance. Ms. Putnam said that she has been working with the applicant to draft the manual and that the submittal has much of the information that would be contained in the manual. She said that Sea Life Park is working with the University of Hawaii to finalize it and once completed, a permit can be issued, provided it is approved by the Board of Agriculture (Board).

Chairperson Oishi asked what would happen to monk seal KE18 if the Board did not approve the request? Mr. Pawloski said that because of the animal's hyper-aggressiveness toward pups, the animal was initially to have been euthanized and Sea Life Park was selected to take such non-releasable

males. He said, however, that if this permit were denied, he would work with the NMFS to find another suitable institution to house the animal.

Hearing no other questions or comments, Chairperson Oishi called for a motion. Advisory Committee Member Hauff recommended that Board approve the request to allow importation and establish permit conditions for monk seal KE18 by Sea Life Park. Advisory Committee Member Dr. Pang seconded the motion. There was no further discussion. The motion was called to vote.

Vote: APPROVED 6/0

Motion Passes.

2. Request to: (1) Allow the Transfer of Two Bison, *Bison bison*, an Animal on the List of Restricted Animals (Part B), by Permit, for Commercial Meat Production, by Hanalei Garden Bison Company, LLC; and (2) Update Permit Conditions for the Transfer of Two Bison, *Bison bison*, an Animal on the List of Restricted Animals (Part B), by Permit, for Commercial Meat Production, by Hanalei Garden Bison Company, LLC.

PQB Land Vertebrate Specialist Noni Putnam provided a synopsis of the request. She noted that a site inspection of the Hanalei Garden Bison Company, LLC facility was conducted on May 2<sup>nd</sup>. She also noted that the statement “This request was submitted to the advisory subcommittee on land vertebrates for their review and recommendations” which is normally in the section for the advisory subcommittee review was missing, but it will be included prior to the submittal to the Board.

Ms. Putnam received a total of four recommendations. Four out of four recommended approval for the transfer. Advisory Subcommittee member Dr. Carolyn McKinnie intended to submit a recommendation, but due to unforeseen circumstances was not able to submit a recommendation. For Request No. 2, four out of four subcommittee members recommended approval to establish permit conditions for the transfer of two bison.

Ms. Putnam said that the applicant’s business partner, Mr. Stuart Wellington was in attendance and was available to answer questions, if needed. Ms. Putnam also mentioned that the name of the company listed in the importer section will be changed from Hanalei Garden Bison to Hanalei Garden Bison Company, LLC, for consistency.

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

Advisory Committee Member Mr. Robert Hauff, mentioned that the permit conditions laid out are very specific fencing requirements. He noticed in the application that one of the containment barriers are hau tree thickets. Mr. Hauff asked if there is a conflict there between the current situation on the ground and what the permit conditions state.

Ms. Putnam mentioned that she has been working with the applicant and Mr. Wellington from the Hanalei Garden Bison Company to try and understand their fencing and clarify any discrepancies that their facility may have. Ms. Putnam further mentioned that, yes, the conditions are specific to a certain feet and certain gauge, however, the permit conditions also states other PQB approved materials. PQB conducted a site inspection, however, no photographs were provided in the submittal package for review. Based on the information provided in the site inspection, it appears that the hau bush is very thick and that the animals will not be able to get through or escape. Ms. Putnam also mentioned that Mr. Wellington would be able to answer any questions regarding the hau bush fencing.

Chairperson Oishi asked what would happen if the hau starts dying for whatever reason. Ms. Putnam stated that would be a concern. Chairperson Oishi asked how PQB would define and explain that a hau bush is thick enough to contain a bison. Ms. Putnam stated that she has no research or background information regarding this, however, these animals have been there for a while.

Chairperson Oishi mentioned his concerns from some of the incidences that are referenced, like the floods of 2018, and said he does not know the facility well enough to understand since no pictures were submitted with the submittal to assess and review. Chairperson Oishi further asked what would happen if there is a landslide that takes out the hau and you have an escape, and how do you plan on recontaining the bison? Ms. Putnam mentioned that based on their submittal and the information provided, in the event that an escape occurred, the bison would be rounded up by cowboys on horseback and a dart gun would be used to secure the animals.

Chairperson Oishi asked Mr. Hauff if he had any follow-up questions.

Mr. Hauff mentioned that he wanted to verify that everyone is on the same page with how the bison are to be contained. He also wanted to verify that the applicant is aware that there is a feral cattle problem in Hawaii that degrades our forest, and we don't want a feral bison problem, too. Mr. Hauff said that he doesn't necessarily have a problem with this submittal, but he wants to be clear

that the animals need to be contained within particular means. Chairperson Oishi mentions that he echoes the same point with his questions.

Chairperson Oishi called Mr. Wellington forward to testify and comment. Mr. Wellington introduced himself and his affiliation to the Hanalei Bison Company, LLC.

Mr. Wellington said that the hau is really thick and is approximately between 30- to 40-yards thick from the edge of the riverbank, with some encroaching into the river and inland. Mr. Wellington stated that in the previous floods, including the 2018 flood, the animals that did get washed out to sea did not penetrate the hau. The floods laid down the fence, and the animals actually floated out through the fence (not the hau). Mr. Wellington mentioned that he thinks it was a 50- to 100-year flood situation. Mr. Wellington said that he understands it is hard to visualize without pictures; however, he would forward photographs from different angles to show how dense the hau bush is. Mr. Wellington said that the bison have been there for over 35 years now where the hau is located, it appears the area was never fenced, and does not see any remnants of fencing in the hau bush area. Mr. Wellington reiterated that he would forward pictures so that there is a better understanding of the situation.

Chairperson Oishi stated to Mr. Wellington that his comments are more aimed at not his adherence to permit conditions; however, it is the enforcement by PQB of the permit conditions. Chairperson Oishi asked how does PQB assess whether the hau bush is thick enough to maintain the bison and is there a standard?

Ms. Putnam said that she was not aware of a standard for how thick the hau bush needs to be sufficient in containing large animals such as bison. As mentioned, these bison have been there for 30 years, and as Mr. Wellington stated, the animals that were displaced in the flood went out through the other side, not necessarily through the hau bush.

Ms. Putnam said that she has been working with the applicant and Mr. Wellington regarding these discrepancies and trying to figure out the best solution.

Mr. Hauff asked if something were to happen to the stand of hau trees, say a new disease were introduced into the State -- Chairperson Oishi stated, "even a fire." -- Mr. Hauff mentioned that a fire may happen; we do get droughts. Mr. Hauff then asked would the ranch then be required to build containment, and how would that be addressed?

Ms. Putnam stated that the Hanalei Bison Company would need to have a perimeter fence. Currently, they use the thick hau bush as part of their fencing, and where there is no hau bush, there is fencing around the perimeter. Ms. Putnam said that in the event of a fire or some type of disease that devastated the hau bush, they would be required to have a perimeter fence in place to prevent the animals from escaping.

Mr. Hauff asked if PQB would need to be alerted? Ms. Putnam said that the permittee shall notify PQB if there are any problems, emergencies, or escape and take the appropriate actions required to prevent the animals from further escape. Should animals escape, it is the responsibility of the permittee to capture them. The PQB would also take appropriate actions to prevent further spreading of the animals.

Dr. Pang recommended including a permit condition regarding the hau bushes. Dr. Pang mentioned that on page 3, it states that the hau is 50-feet wide and 20- to 25-feet tall. He proposed that as long as the hau remains 50-feet wide and 20- to 25-feet tall, the hau bush can be used as a barrier, and in the event that the hau bush is reduced to smaller than what is mentioned, the PQB could either conduct a site visit or assess the situation and require permanent or man-made fencing. Dr. Pang reiterated that the proposed permit condition should include the existing dimensions of the hau bush, and in the event that the hau bushes are reduced, to require a more permanent fence.

Chairperson Oishi asked if there were any comments from the PQB.

Ms. Putnam agreed with Dr. Pang's recommendations and recommended including it into the permit conditions, if approved.

Chairperson Oishi asked if the permit application and permit conditions were to transfer, would these recommendations (to allow a hau stand to be used as a barrier with the recommended specifications) be able to be used by other people?

Ms. Putnam recommended that the condition be specific for the Hanalei Garden Bison Company, and if there were a similar request, it will go through the Board process (on a case-by-case basis).

Dr. Pang said that he agreed with the staff, and that the recommendations be specific geographically to Hanalei because Hanalei is known for their hau thickets along the banks. He said that these local conditions are specific to this permittee and would not apply to any other permittee.

Chairperson Oishi said that he understood and is capturing this for the Board to keep in mind as it renders its final decision.

Dr. Maria Haws said that the Natural Resources of Conservation Services (NRCS) and the United States Department of Agriculture (USDA) have available standards and guidelines for hedgerow, which this essentially is. She further mentioned that they also have standards for fencing for different types of animals and recommend referring to that information. Dr. Haws noted that she has used waivi (strawberry guava) to contain goats, and it was pretty effective as long as it was thick. She said that they did have quite a few standards that could be referred to, including one that said, "15-feet thick for wildlife control." She recommended selecting what would be suitable for bison.

Acting PQB Manager Mr. Jonathan Ho introduced himself. He stated that in order to address the particular fencing issue and still give some specificity, he suggested Permit Condition No. 9 be amended, which pertains to the fencing, and add a letter 'e.' Mr. Ho proposed language: In the event that alternative fencing or containment options other than the conditions listed above [are proposed], they may be approved by the Board on a case-by-case basis. He said that this would provide specificity yet still allow the Board to determine the appropriate requirements, giving flexibility. Mr. Ho agrees with Dr. Haws regarding looking into other standards that are in existence and potentially providing concrete information to the Board.

Advisory Committee Member Mr. Kenneth Matsui said that the ranchers have a significant investment in these animals, and they are not going to want the animals to escape. He said that they are motivated to try and maintain control of the animals. Mr. Matsui asked, "why are we imposing additional requirements beyond our normal requirements for bovine organisms, such as the testing for leptospirosis, when leptospirosis is clearly already here?" Mr. Matsui asked if there is a different strain of leptospirosis that we are testing for? Ms. Putnam stated that she would need to follow up with Dr. Isaac Maeda from Animal Quarantine regarding the testing requirements.

Mr. Matsui said that if you check the standards for bovine organisms provided, it doesn't mention leptospirosis. He further said that he can understand bovine tuberculosis because he, as a committee member, reviewed that for the doctors to train; however, it wasn't found here. Mr. Matsui mentions that he doesn't understand the leptospirosis requirement when it is commonly found here in our streams. Ms. Putnam asked if he's saying that it should not be listed? Mr. Matsui wanted further clarification why we are requiring the test for leptospirosis in this particular applicant's request, but we do not require it for cattle.

Ms. Putnam mentioned that these conditions were generated from previous conditions and were reviewed by Dr. Maeda from the Advisory Subcommittee. She further mentioned that PQB works with Animal Quarantine (AQ) regarding specific health requirements.

Mr. Matsui mentions his concerns regarding the proposed conditions for this applicant, and that the applicant's requirements are beyond the brucellosis and bovine tuberculosis of the general cattle requirements. He doesn't see the need when leptospirosis is found in our streams and a higher standard (for the leptospirosis) is being applied to the bison rancher. Ms. Putnam stated that she can follow up with Dr. Maeda and what their recommendations would be. Ms. Putnam asked Mr. Matsui if he had any recommendations regarding the leptospirosis other than what he has mentioned. Mr. Matsui recommended that the conditions not be beyond the general cattle requirements because he doesn't see them being a greater risk and that bison seems like a healthier product for the residents of Hawaii; therefore, making the applicants' lives more difficult doesn't seem to be in the best interest of our society.

Mr. Ho stated that to address Mr. Matsui's specific concern, Dr. Maeda, the State Veterinarian, did review the conditions, and based on his recommendation, appears appropriate. Mr. Ho said that he understood Mr. Matsui's concerns and PQB would follow up with Dr. Maeda prior to presenting to the Board to address the concern. He mentioned that these are proposed conditions, and the Board has the ability to determine if the conditions are appropriate or inappropriate.

Mr. Matsui stated that as he understands it from the World Organization for Animal Health (OIE), you generally cannot restrict an organism on the basis of the disease when the disease is already present in the environment that you are trying to restrict them from. He also mentioned that the annual reporting requirements appear to be generating much more paperwork in this particular case when the risks don't seem that high, or at least no higher than regular cattle. He further states that the annual reporting requirements should be waived. He agrees that the notification should occur when there is an escape, however, he recommends that the annual report be waived.

Ms. Putnam thanked Mr. Matsui for his comments and stated that the bison conditions state that the permittee shall submit a semi-annual report to the PQB Chief in January and July of all restricted animals or progeny possessed. She further mentioned that reporting is important and that these animals are on the list of Restricted Animals, Part B (RB List) and any restricted animal should be reported either annually or semi-annually. In the event that something happens, PQB knows what we are dealing with and how to proceed with an issue if it comes up.

Mr. Matsui understood it is required to report the animal when they escape, however, to do this additional paperwork when it is not in their best interest to let the animal escape didn't make sense. He said that you want the animals to reproduce on property to have a continuous supply in an environmentally sound manner. He said that the risk is similar to those of beef cattle and recommends applying a standard that is similar to beef cattle. Mr. Matsui is aware of what Mr. Hauff mentioned regarding beef cattle being a problem; however, he doesn't see this being more of a problem than the beef cattle. He reiterated that the investment is in the animals, therefore, the ranchers are not going to want to lose them. Mr. Matsui stated that in regard to the fencing, the hau is likely to last longer than the fencing.

Ms. Putnam thanked Mr. Matsui for his comments. She stated that the PQB regulates all non-domestic animals coming into the State. *Bison bison* is on the RB List, and it is considered different from cattle, which are considered domestic. She recommended that the PQB continue to have some type of reporting, whether it be annually or semi-annually, to know how many animals are on the property in the event there is a problem.

Mr. Ho stated that with regard to matching requirements, RB List animals are not considered domestic and are treated differently for permitting. He stated that understanding "what is where" and maintaining that particular record is important in the event there is an escape, theft, or an illegal transfer. He recommended speaking to the applicant to verify if this is something they can or cannot do. He said that inventory is important because PQB cannot be everywhere at the same time and it is helpful having the record showing that the permittee is doing what needs to be done. Mr. Ho said that reporting is something that is requested in all RB List permits.

Chairperson Oishi asked if there were any other questions or comments from the Advisory Committee. He also asked Mr. Wellington if he had any comments on his application.

Mr. Wellington stated, "no", however, he does appreciate everybody's input, and the time and effort that was put into this application review. He said that this is a unique operation with bison in Hawaii. He agreed with the health aspect of bison meat as being very beneficial and invited anyone to visit the operation if on Kauai. He thanked everyone for their time.

Chairperson Oishi called for a motion. Advisory Committee Member Dr. Pang moved to recommend that the Board allow the transfer of two Bison, *Bison bison*, an Animal on the List of Restricted Animals (Part B), by permit, for Commercial Meat Production, by Hanalei Garden Bison Company, LLC; and update permit conditions for the transfer of two Bison, *Bison bison*, an Animal on

the List of Restricted Animals (Part B), by permit, for Commercial Meat Production, by Hanalei Garden Bison Company, LLC.

Chairperson Oishi asked if we are encapsulating the suggestion for modification of permit condition made by Mr. Ho. Dr. Pang stated, yes, to include the amended Permit Condition No. 9.e. Mr. Matsui seconded the motion. Having no further discussion by the Committee members, Chairperson Oishi called for a vote.

Vote: APPROVED 6/0

Motion passes.

Chairperson Oishi called for a motion to adjourn. Dr. Pang stated that before he makes a motion to adjourn, he wanted to thank the HDOA staff. He felt that the requests that were distributed were well done and appreciated the completeness. Mr. Hauff seconded that. Chairperson Oishi also thanked PQB.

Mr. Matsui wanted to mention that past Advisory Committee Members Ken Redman and Genevieve Salmonson will no longer be joining us.

VI. ADJOURNMENT

Having no further business, Advisory Committee Member Dr. Pang moved to adjourn the meeting. Advisory Committee Member Mr. Hauff seconded the motion. Chairperson Oishi called for a vote and motion was unanimously approved.

Vote: APPROVED 6/0

The meeting was adjourned at 2:43 P.M.

Respectfully Submitted,

Karen Hiroshige  
Advisory Committee Secretary