

AGENDA
BOARD OF AGRICULTURE MEETING

Date: September 25, 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 7/24/18 MEETING
- III. INTRODUCTIONS
- IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION
 - A. AGRICULTURAL LOAN DIVISION
 1. Request for Approval of One (1) Emergency Loan to Jose A. Ramelb.
 2. Request for Approval of One (1) Direct Farm Ownership Loan to William P. Brosnahan III and HKC LLC, Co-Borrowers.
 3. Request that One (1) Loan to MV Farms, Inc. be Referred to the Attorney General for Disposition and/or Collection.
 - B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION
 1. Request for Consent to Assignment of General Lease No. S-9001, Jerome J. Kennedy aka Joe Kennedy, Lessee/Assignor; Volcano Island Honey Company, LLC, Assignee; TMK: 2nd Div/ 5-2-001:011, Lot No. 2, Molokai Agricultural Park, Hoolehua-Apana, Island of Molokai, County of Maui, Hawaii
 2. Request for Approval to Award Waianae Agricultural Park Lands Leases to Various Awardees and Back-Up Positions; TMK: 1st/ 8-5-034:002, 013, 016 And 017; Waianae Agricultural Park, Waianae, Island of Oahu, Hawaii
 3. Request for Consent to Assignment of General Lease No. S-6007; Olivios A. Arios, Lessee/Assignor, Chai Yoshimura, Assignee; TMK: 1st Div/5-6-006:035, Lot 07, Kahuku Agricultural Park, Koolauloa, Kahuku, Island of Oahu, Hawaii
 4. Request for Approval of Extension of Lease Term and Transfer of Member Interest, General Lease No. S-3003, Kona Producers Cooperative, Lessee; TMK: 3rd Div/7-9-016: 018, And 019, Lot Nos. 018 And 019, Honalo, North Kona, Island of Hawaii
 5. Request for Consent to Assignment of General Lease No. S-4627, JKB & MLB Corp., Assignor; Scott Salfen, Assignee; TMK: 3rd Div/1-5-116:024, Lot No. 24, Pahoia Agricultural Park, Phase II, Keonepoku Iki, Puna, Island of Hawaii
 6. Request for Consent to Assignment of General Lease No. S-3114, David Pellani, Assignor; Michael Shinsky, Assignee; TMK: 3rd Div-4-4-011:033, Lot No. 33, Ka'apahu Homesteads, Hamakua, Island of Hawaii

7. Request for Consent to Assignments of General Lease No. S-4765 and General Lease No. S-5615; Hawaii Foliage Exports, Inc., Lessee/Assignor; Panaewa Foliage, Inc., Assignee; TMK: 3rd Div/ 2-2-056:044, Lot No. 18, Panaewa Agricultural Park, Waiakea, South Hilo, And Tmk:3rd Div/ 2-4-049:021, Lot No. 07, Panaewa Farm Lots, 2nd Series, Waiakea, South Hilo, Island of Hawaii, Respectively
8. Resubmit - Request for Approval of Extension of General Lease No. S-7017, Agee, Inc., TMK: 3rd Div/4-3-005:015, Lot No. 07, Pohakuhei, And Kemau 1st, District of Hamakua, Hawaii
9. Request for Consent to Assignment of General Lease No. S-3119; Glenn Joseph Robert Griffin and Kelly Lei Griffin, Lessee/Assignor, To Michael Patrick Fairall, Assignee; Lot No. 10, TMK: 1st Div/4-1-010:041; Koolaupoko, Waimanalo, Island of Oahu, Hawaii

C. PLANT INDUSTRY DIVISION

1. Request for: (1) Approval of additional partial amendments to Chapter 4-66, *Hawai'i Administrative Rules* that received board approval on February 27, 2018 in order to comply with the passage of Act 045, signed into law June 13, 2018; and (2) Appoint John McHugh, PhD. as the Hearings Officer in Connection with the Proposed Amendments to Chapter 4-66, *Hawai'i Administrative Rules*.

(See Attached Amendments)

V. OLD BUSINESS

1. Re-submission of Request for Adoption of Proposed Amendments to Chapter 4-71, Hawaii Administrative Rules, Entitled "Plant and Non-Domestic Animal Quarantine, Non-Domestic Animal Import Rules", to Ban Import of Dangerous, Wild Non-Domestic Animals for Performance or Exhibition in Circuses or Carnivals.

(See Attached Summary of Proposed Amendments and Where They May Be Viewed.)

{Reference: 9/26/2017 Board of Agriculture Meeting. No Board action was taken on these specific proposed amendments, for lack of a majority vote.}

2. Updates on Statewide Disaster Relief Efforts.

~~~~~  
*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.*

*"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, 9/20/18.**

**VI.C.1. Attachment**  
**Additional Partial Amendments to Chapter 4-66, HAR**

**§4-66-62 Certified pesticide applicator recordkeeping.** (a) Certified pesticide applicators shall keep records of all ~~applications of~~ restricted use ~~pesticides applied,~~ pesticide applications at ~~their~~ his or her principal place of business.

(b) These records must be kept for a period of two years and shall be made available for inspection and copying by the head during reasonable working hours.

(c) Recordkeeping information shall include:

- (1) Brand or common name of pesticide product applied;
- (2) EPA registration number;
- (3) Type of formulation;
- (4) Per cent active ingredient;
- (5) Scientific or common name of target pest;
- (6) Dilution rate;
- (7) Total amount of pesticide used;
- (8) Total area covered;
- (9) Time and date of application;
- (10) Address or location of treated site
- (11) Name of certified applicator and his or her certification number;
- (12) Crop, commodity, stored product or other site;
- (13) Restricted entry interval and whether posting and oral notification are required; and

(14) A general description of the geographic location including, at a minimum, the tax map key number, at which the restricted use pesticides were used

~~(14)~~ (15) Any other information ~~that~~ the head deems ~~to~~ be necessary.

~~(e)~~ (d) Every user of restricted use pesticides shall submit to the Department, no later than January 30th of the following year, all restricted use application records for the preceding calendar year on forms provided by the Head.

(e) Commercial applicators ~~applying~~ that apply any pesticide in agricultural operations ~~must~~ shall furnish a written record containing the following information to the agricultural employer before ~~the~~ any pesticide is applied:

- (1) The specific location and description of the treated area;
- (2) Time and date of application;
- (3) Product name, EPA registration number, and active ingredient(s);
- (4) Restricted entry interval;
- (5) Whether posting and oral notification are required; and
- (6) Any other product-specific requirements on the product labeling concerning protection of workers or other persons during or after application.

(f) Commercial applicators shall retain a copy of the written record furnished to the agricultural employer in compliance with subsection (e). These records must be kept for a period of two years and shall be made available for inspection and copying by the head during reasonable working hours.

(g) Certified pesticide applicators shall create or verify the existence of records documenting that each non-certified applicator who mixes, loads, transfers, or applies restricted use pesticides has the qualifications required under section 4-66-61(4).

(h) Failure to comply with the recordkeeping requirements, reporting requirements, or both, may result in certification revocation and subject the certified pesticide applicator to additional penalties as provided by law.

(i) The Department shall produce a summary from information submitted in accordance with subsection (c), which includes:

(1) The total quantities used, by federal and state registrations or permit numbers, commercial product names, and active ingredients, for each restricted use pesticide used; and

(2) The amount of area in the county in which the restricted use application occurred.

**§4-66-64.2 Conditions and limitations on restricted use pesticide application within Buffer Zones.**

(a) Beginning January 1, 2019, no person shall apply a restricted use pesticide on or within one hundred feet of a school property during normal school hours.

(b) This section shall not apply to whole structure fumigation.

(c) If this section is determined to conflict with any pesticide application information listed on the pesticide label, the more restrictive provision shall apply.

(d) Buffer zones may be determined by tax map key number, or if tax map key number is not an appropriate means of establishing the buffer zone, by property boundaries such as fence lines, landscaping, or other method that is reasonably capable of determining the school's property.

(e) School locations may be identified by readily available public records.

(f) The certified applicator shall be responsible for all violations of chapter 149A, Hawaii Revised Statutes and this rule.

As used in this section:

"Buffer Zone" means an area in which no restricted use pesticides may be applied.

"Normal school hours" means Monday through Friday from 7:00 a.m. until 4:00 p.m., excluding days when classes are not in session.

"School" means any public or private preschool, kindergarten, elementary, intermediate, middle, secondary, or high school.

Attachment to Board of Agriculture 9/25/2018 Meeting Agenda,  
Item V.1

Summary of Proposed Amendments to Chapter 4-71, Hawaii  
Administrative Rules, Relating to Import Requirements for Non-Domestic Animals

The proposed amendments to chapter 4-71, HAR, will, among other things, do the following:

1. Section 4-71-2, Definitions

Establishes a definition for "dangerous wild animals" and identifies specific species, including, but not limited to, lions, tigers, elephants, bears, and alligators, as "dangerous wild animals."

2. Section 4-71-3, Permits

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 performance in commercial filming for television or movies, subject to qualification for the performance exemption and subject to permit conditions adequate to address any associated risks.

3. Section 4-71-6.5 Permitted introductions and Restricted Animal list

Restates, in the lists of restricted animals that contain the individual species designated as "dangerous wild animals", 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. Updates section 4-71-6.5 to reflect the revised list

-----  
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 25, 2018:

|          |                                                                                                          |                                                                   |
|----------|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| Oahu-    | 1428 South King Street, Honolulu<br>or 1849 Auiki Street, Honolulu                                       | Phone: 808-973-9600<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                                               |