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5 **Minutes of the Board of Agriculture**
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7 CALL TO ORDER – The meeting of the Board of Agriculture was called to order on
8 February 27, 2018 at 9:00 a.m. by Board of Agriculture Chairperson Scott Enright, at the
9 Plant Quarantine Conference Room, 1849 Auiki Street, Honolulu, Hawaii 96819.

10
11 **Members Present:**

12 Scott Enright, Chairperson, Board of Agriculture
13 Suzanne Case, Chairperson, Board of Land and Natural Resources
14 Randy Cabral, Member-At-Large
15 Jerry Ornellas, Kauai Member
16 Glenn Hong, Member-At-Large
17 Vincent Mina, Maui Member
18 Richard Ha, Hawaii Member
19 Mary Alice Evans, Deputy, Department of Business Economic Development, Ex
20 Officio Member
21 Dr. Nicholas Comerford, Dean of the College of Tropical Agriculture & Human
22 Resources University of Hawaii, Ex Officio Member
23

24 **Members Absent:**

25 Michelle Galimba, Member-At-Large
26

27 **Others Present:**

28 Sean O'Keefe, A&B, Inc.
29 Janet Ashman, Hawaii Farm Bureau
30 Chad Callen, HPU/OI
31 Scott Nishimoto, HDOA/Pesticides branch (PEST)
32 Linda Murai, HDOA/Agricultural Resource Management Division (ARM)
33 Roy Hasegawa, HDOA/ARM
34 Kalani Watson, HDOA/ Plant Quarantine Branch (PQB)
35 Jim Thain, HDOA/PQB
36 Tyler Ralston, Private Citizen
37 Cathy Goeggel, Animal Rights Hawaii
38 Stephanie Kendrick, Hawaiian Humane Society
39 Joseph Hong, HDOA/PQB
40 Techie Lancaster, HDOA/PQB
41 Tim Jenkins, Private Citizen
42 Liz Xu, HDOA
43 Chris Kishimoto, HDOA/PQB
44 Lance Sakaino, HDOA/PQB
45 Jonathan Ho, HDOA/PQB

- 1 John McHugh, HDOA/PEST
- 2 Victoria Matsumura, HDOA/PEST
- 3 Donna Smith, EK Fernandez
- 4 Wil Leon Guerrero, HDOA/PQB
- 5 Lindsay Young, Pacific Rim Conservation
- 6 Eric VanderWerf, Pacific Rim Conservation
- 7 Kathryn Stanaway, CGAPS
- 8 Trenton Yasui, HDOA/PQB
- 9 Delanie Prescott-Tate, Attorney General's Office (AG)
- 10 Trisha Watson, Honua
- 11 Janelle Saneishi, HDOA/Chair's office (CHR)
- 12 Micah Munekata, HDOA/CHR
- 13 Bryan Yee, AG
- 14 Kevin Yokoyama, HDOA/Agricultural Loan Division (AGL)
- 15 Lyle Shizumura, City and County of Honolulu

16
17 II. APPROVAL OF MINUTES FROM 1/23/18 MEETING

18
19 Chairperson Enright deferred the minutes until the next meeting.

20
21 III. COMMENTS FROM THE GENERAL PUBLIC ON AGENDA ITEMS (ORAL OR
22 WRITTEN)

23
24 Chairperson Enright said that the Board will be taking public comments on agenda
25 items as they come up during the meeting.

26
27 IV. INTRODUCTIONS

28
29 V. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

30
31 A. AGRICULTURAL LOAN DIVISION

- 32
33 1. Request for Approval of One (1) Direct Farm Ownership Loan to Lucas
34 M. Cisneros and Maria S. Cisneros-Magana, husband and wife.

35
36 Kevin Yokoyama, HDOA/AGL, presented testimony as submitted. Staff recommends
37 approval.

38
39 Motion to accept: Hong/Mina.

40
41 Board member Mina asked if there was coffee on the land. Mr. Yokoyama said that they
42 have just started. Board member Mina asked about the income. Mr. Yokoyama said
43 that the current flow can handle the anticipated expenses and that they can structure to
44 support if there is not enough.

45

1 Board member Cabral said that there is no labor cost and asked if you have to pay
2 labor, which could be 35-40% of cost, would that change the outlook. Mr. Yokoyama
3 said that it could, but it is hard to foresee. He said that the applicant is a resilient
4 person.

5
6 Chairperson Enright asked where they are marketing. Mr. Yokoyama said that they
7 have a buyer.

8
9 Vote: Approved, 9-0.

10
11 2. Request that One (1) Loan to Chomphanh Hongphao be Referred to the
12 Attorney General's Office for Disposition and/or Collection.

13
14 Yong Pak, HDOA/AGL, presented testimony as submitted. Staff recommends approval.

15
16 Motion to accept: Evans/Cabral.

17
18 Board member Cabral asked about the default rate at HDOA. Mr. Yokoyama said that it
19 is hard to answer that because we work out payments even when delinquent.
20 Chairperson Enright said that staff can get that number for the Board.

21
22 Vote: Approved, 9-0.

23
24 B. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

25
26 1. Request For Acceptance Of Annual Lease Rents As Determined By
27 Independent Appraisal For Disposition Of New Leases For Various
28 Vacant Parcels Located In Waimanalo And Waianae, Island Of Oahu,
29 Hawaii

30
31 Presentation by Roy Hasegawa, HDOA/ARM, as submitted. Staff recommends
32 approval.

33
34 Motion to accept: Cabral/Ornellas

35 Board member Evans asked for an explanation of factors that contribute to appraised
36 value for Waimanalo and Waianae. Ms. Murai said that the difference in value is
37 because the appraisal is based on market sales and values. The land price is much
38 higher in Waimanalo than in Waianae. Board member Evans asked if rainfall and soil
39 are considered. Ms. Murai said yes.

40 Board member Case asked if there are special instructions for appraisal. Ms. Murai
41 said that they base the appraisal on raw land and help the farmers keep the prices
42 down. Board member Case asked if you count a house on property. Ms. Murai said
43 yes. Waimanalo has some shade houses but no residences. Mr. Hasegawa said that
44 there is one shed and one dwelling in Waianae.

1 Board member Mina asked if access to water is a factor. Ms. Murai said yes. Board
2 member asked why Waimanalo is more attractive. Ms. Murai said that there is DOA
3 water in Waimanalo via a reservoir other than BWS water in Waianae.

4 Board member Case stated that even though the land is vacant, there is a dwelling.
5 Ms. Murai said it is vacant because there is no tenant. All these parcels will be put out
6 for disposition. There are no crops currently on them with some overgrowth. Board
7 member Case said that she is interested in the market price comparison in the
8 neighborhood and in appraisal instructions.

9 Vote: Approved, 9-0.

- 10
11 2. Request For Consent To Assignment Of General Lease No. S-4825,
12 Judith Nabers, Lessee/Assignor; Donato Sarahan, Assignee; TMK: 3rd
13 Div/1-5-116:042, Lot No. 15, Pahoia Agricultural Park, Phase II,
14 Keonepoku Iki, Puna, Island Of Hawaii

15
16 Linda Murai, HDOA/ARM, presented testimony as submitted. Staff recommends
17 approval.

18
19 Motion to accept: Ha/Cabral

20
21 Vote: Approved, 9-0.

22
23 C. PLANT INDUSTRY DIVISION

24
25 Pesticide Branch

- 26
27 1. Request for: (1) Withdrawal of request for approval of proposed partial
28 amendments to Chapter 4-66, *Hawaii Administrative Rules*, that received
29 board approval on November 24, 2015; (2) Preliminary Approval of
30 Proposed Amendments to Chapter 4-66, *Hawaii Administrative Rules*,
31 entitled "Pesticides"; (3) Authorization for the Chairperson to Schedule
32 Public Hearing(s) and Appoint a Hearing Officer in Connection with the
33 Proposed Amendments to Chapter 4-66, *Hawai'i Administrative Rules*.

34
35 John McHugh, HDOA/PEST, presented testimony as submitted. Staff recommends
36 approval.

37
38 Motion to accept: Ornellas/Cabral

39
40 Board member Mina mentioned the testimony of the Center for Food Safety and where
41 that concern for public comment comes into play. Chairperson Enright said that this has
42 come before the Board for quite some time and that this process has been transparent.

43
44 Vote: Approved, 9-0.

1
2 Chairperson Enright called for a 5 minute recess.

3
4 Invertebrate and Aquatic Biota

- 5
6 2. Request to: (1) Allow the Importation of Topsmelt, *Atherinops affinis*, an
7 Unlisted Animal, by Special Permit, for Water Quality Testing, by the City
8 and County of Honolulu, Department of Environmental Services, Water
9 Quality Laboratory; and (2) Establish Permit Conditions for the
10 Importation of Topsmelt, *Atherinops affinis*, an Unlisted Animal, by
11 Special Permit, for Water Quality Testing, by the City and County of
12 Honolulu, Department of Environmental Services, Water Quality
13 Laboratory.

14
15 Trenton Yasui, HDOA/PQB, presented testimony as submitted. Staff recommends
16 approval.

17
18 Motion to accept: Evans/Comerford

19
20 Lyle Shizumura, City and County of Honolulu, came forward.

21
22 Board member Evans asked how do you know development of Topsmelt is due to water
23 treatment program versus the fact that smelt doesn't usually grow in this warmth of
24 water. Mr. Shizumura said that this will be done in lab with test methods and it won't be
25 reflective of our environment.

26
27 Board member Mina asked why there is a difference between the previous use of sperm
28 cells of sea urchin. Mr. Shizumura said that they have 4 permits. They monitor with
29 non-specific animal testing system. The current sea urchin test is very selective and
30 would like to expand to others. They are looking at other tests, like water flea or larval
31 fish. There is different sensitivity to different toxicants. Board member Mina mentioned
32 the limited amount of fish. Mr. Shizumura said that it is a small test and that there is not
33 much need for a larger number of fish to do the test. Board member Mina asked about
34 the health of the fish. Mr. Shizumura said that they are obligated to follow up with a
35 second test then go to TIA identification protocol to identify the toxicant. Board member
36 Mina asked if these fish are known to live in extreme conditions. Mr. Shizumura said
37 that this is the west coast protocol EPA test. There is a background to this test and a
38 reason behind choosing this.

39
40 Board member Hong said that Topsmelt has a very specific baseline data. Mr.
41 Shizumura said that there is existing data. When they do a test, they do an approved
42 test with background. He explained how they do the testing. Board member Hong said
43 that they would test the protocol then substitute a locally sourced fish. Mr. Shizumura
44 said that they will need to get an approved method first. Board member Hong said that

1 it may be Moi. Mr. Shizumura said that would be up to the regulators, Department of
2 Health.

3
4 Board member Mina asked if these were bottom feeders and if they are looking for
5 heavy metal toxicity. Mr. Shizumura said that is one thing.

6
7 Vote: Approved, 9-0.

- 8
9 3. Request to: (1) Allow the Importation of Coral Trout, *Plectropomus*
10 *leopardus*, an Animal on the List of Conditionally Approved Animals, by
11 Permit, for Research, by Oceanic Institute of Hawaii Pacific University;
12 and (2) Establish Permit Conditions for the Importation of Coral Trout,
13 *Plectropomus leopardus*, an Animal on the List of Conditionally
14 Approved Animals, by Permit, for Research, by Oceanic Institute of
15 Hawaii Pacific University.

16
17 Trenton Yasui, HDOA/PQB, presented testimony as submitted. Staff recommends
18 approval.

19
20 Motion to accept: Evans/Ha

21
22 Dr. Callen, Oceanic Institute, came forward.

23
24 Board member Mina asked how Roy Grouper was introduced. Board member Case
25 said that they were intentionally introduced by DLNR to enhance reef fisheries in the
26 1950's. Board member Mina asked about the research being done and creating an
27 opportunity for the aquaculture industry. Dr. Callen said that they are valuable in live
28 fish reef trade in Asia and are currently overfished in the western Pacific. They would
29 like to develop the technology to culture this fish and transfer that technology to that
30 region.

31
32 Board member Cabral said that there is not a big risk because of other species. Dr.
33 Callen said there is no intention to release this fish and they will protect against any
34 release. If there is an accidental release, he said that they feel existing extensive Roy
35 population would out-compete the new release. This is a population numbers issue.
36 Board member Cabral stated his concern with this location and a potential threat of a
37 tsunami. Dr. Callen said that there are a small number being brought in.

38
39 Vote: Approved, 9-0.

- 40
41 4. Request to: (1) Allow the Importation of Kahala, *Seriola rivoliana*, a Fish
42 on the List of Conditionally Approved Animals, by Permit, for Research,
43 by Kampachi Farms, LLC.; and (2) Establish Permit Conditions for the
44 Importation of Kahala, *Seriola rivoliana*, a Fish on the List of

1 Conditionally Approved Animals, by Permit, for Research, by Kampachi
2 Farms, LLC.

3
4 Trenton Yasui, HDOA/PQB, presented testimony as submitted. Staff recommends
5 approval.

6
7 Board member Evans and Case clarified with the Deputy AG that there was no conflict
8 to vote on the item.

9
10 Motion to accept: Comerford/Cabral

11
12 Board member Comerford asked if these fish were used in offshore cages. Mr. Yasui
13 said yes. Board member Comerford asked if there had been any releases. Board
14 member Case said that there has been.

15
16 Board member Hong asked if they have imported eggs from outside source before.
17 Mr. Yasui said that he was not sure if there were eggs per se. Board member Hong
18 asked where they get their broodstock from. Dr. Dale Sarver, Kampachi Farms, was
19 called on the phone.

20
21 Board member Hong asked where Kampachi Farms gets its stock from in offshore
22 cages. Dr. Sarver said that they get their broodstock in Kona, produced by Blue Ocean
23 Mariculture. Board member Hong asked if they are trying to find initial genetics that can
24 thrive on soy protein. Dr. Sarver said yes and that it is to evaluate the performance of
25 different fish on different diets. The first diet is soy but they are looking at a range of
26 different diets like micro algae and other sources of oils and proteins. They want to
27 compare the performance of Hawaiian fish with the Mexican fish of these diets. Board
28 member Hong said that it sounds like a control group by feeding the Hawaiian
29 Kampachi the soy protein as well. Dr. Sarver said yes. Board member Hong asked if
30 they would be breeding certain genetic attributes with wild Kampachi here if successful.
31 Dr. Sarver that they would be keeping them separate. Board member Hong asked
32 about the improved Hawaiian broodstock genetics mentioned in the submittal and if that
33 would introduce new genetics into the wild population. Dr. Sarver said that they would
34 provide selective breeding of the Hawaiian fish as a separate family and compare the
35 two origins on these diets. There will be no crossing of Hawaiian and Mexican origin
36 fish. The plan would be to do a selective breeding with the Hawaiian fish and
37 separately with the Mexican fish. These Hawaiian fish would then be introduced into an
38 offshore pen. The permit that Blue Ocean Mariculture obtains does not allow them to
39 do more than F-2, second generation fish due to concern of leakage or escapes. These
40 selective fish would not be put into offshore cages until those issues are taken up with
41 DLNR on that permit.

42
43 Board member Mina asked if the research will consider effects of soy protein as
44 compared to micro algae. Dr. Sarver said that they would look at all aspects that they
45 can including growth rate, fecal aversion efficiency, and fish health. Board member

1 Mina asked about the human uptick in thyroxin due to soy and if that would be
2 something that could happen to fish. Dr. Sarver said that he couldn't speak to that. The
3 main goal with feed formulation is to be able to scale the growth of agriculture. We
4 need to be able to feed the fish with scalable and sustainable proteins and oils. They
5 need to look at a wide range of various proteins and oils to feed to Kampachi and other
6 fish. Any of these diets suitable to fish, will require FDA approval. This is research
7 project to find ways to increase aquaculture to help feed the people of the world. Board
8 member said that he would love to see the research around micro algae.

9
10 Vote: Approved, 9-0.

11
12 Land Vertebrates

- 13
14 5. Request to: (1) Preliminarily Review the Currently Unlisted Bonin Petrel,
15 *Pterodroma hypoleuca*, for Future Placement on the List of Restricted
16 Animals (Part B) for Scientific Research, Exhibition, and Liberation; (2)
17 Allow the Importation of the Currently Unlisted Bonin Petrel, *Pterodroma*
18 *hypoleuca*, by Special Permit, for Scientific Research, Exhibition, and
19 Liberation at James Campbell National Wildlife Refuge by Pacific Rim
20 Conservation and; (3) Establish Permit Conditions for the Importation of
21 the Unlisted Bonin Petrel, *Pterodroma hypoleuca*, by Special Permit, for
22 Scientific Research, Exhibition, and Liberation at James Campbell
23 National Wildlife Refuge by Pacific Rim Conservation.

24
25 Jim Thain, HDOA/PQB, presented testimony as submitted. Staff recommends
26 approval.

27
28 Motion to accept: Hong/Evans.

29
30 Eric VanderWerf, Pacific Rim Conservation, came to the front.

31
32 Board member Mina asked if there was any relation to the Petrel on Haleakala. Dr.
33 VanderWerf said that they were. The Bonin Petrel only nests in Northwestern Hawaiian
34 Islands and are only a little smaller, roughly 2/3 the body size of the Hawaiian Petrel.

35
36 Board member Hong asked why the petrel is kept away from mosquitos and if this was
37 due to risk of avian malaria. Dr. VanderWerf said that they could bring a blood parasite
38 from islands where they originated and said that this was a quarantine protocol.

39
40 Board member Comerford asked, from a biosecurity issue, if there are any other viruses
41 carried by these birds. Dr. VanderWerf said that he was not aware of any.

42
43 Board member Ornellas asked if this bird if affected by light. Dr. VanderWerf said that it
44 could be. The James Campbell Refuge has very few lights. The nesting and coastline
45 are both close in proximity.

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Vote: Approved, 9-0.

Chairperson Enright called for a 5-minute recess.

6. Request to: (1) Allow the Importation of Wistar Laboratory Rats, *Rattus norvegicus*, an Animal on the List of Conditionally Approved Animals, by Permit, for Laboratory Research, Including Animal Inoculation Studies Utilizing Rat Lungworm Larvae, by the United States Department of Agriculture, National Wildlife Research Center, Hawaii Field Station, Hilo, Hawaii; and (2) Establish Permit Conditions for the Importation of Wistar Laboratory Rats, *Rattus norvegicus*, an Animal on the List of Conditionally Approved Animals, by Permit, for Laboratory Research, Including Animal Inoculation Studies Utilizing Rat Lungworm Larvae, by the United States Department of Agriculture, National Wildlife Research Center, Hawaii Field Station, Hilo, Hawaii.

Kalani Watson, HDOA/PQB, presented testimony as submitted. Staff recommends approval.

Motion to accept: Mina/Evans.

Dr. Sue Jarvi, University of Hawaii Hilo, joined via phone.

Board member Mina asked if Dr. Jarvi could articulate the objective of this request. Dr. Jarvi said that they have been working with a particular iodine stain to differentiate between live and dead cells. The stain won't cross a live cell membrane, but will cross a dead cell's membrane. They would like to validate the stain assay in rats and prepare all the larva. The USDA will get rats and put larva sample into the rat stomach. They will do different tests and track the larva development for up to six weeks. Board member Mina asked about the funding for this research. Dr. Jarvi said that there was some legislation moving to support that research. She mentioned the trouble of maintaining staff with grant money.

Chairperson Enright opened the floor to public testimony.

Cathy Goeggel presented testimony in opposition as submitted. Ms. Goeggel asked for the humane disposal of these animals. Dr. Jarvi said that they plan to use a CO2 chamber euthanasia. It is very quick. Disposal is allowed through landfill. Hilo landfill has a special area for animals. She also mentioned the secure facility that they use.

Vote: Approved, 9-0.

Jonathan Ho, HDOA/PQB, clarified the submittal for Board member Cabral.

1 V. OLD BUSINESS

- 2
3 1. Request for Final Approval of Amendments to Chapter 4-71, Hawaii
4 Administrative Rules, Entitled "Plant and Non-Domestic Animal Quarantine,
5 Non-Domestic Animal Import Rules," As Adopted by the Board of Agriculture
6 on September 26, 2017, Including, But Not Limited to, Changes to Import List
7 Placement of (a) Nile tilapia, *Oreochromis niloticus*, to Allow Import for
8 Aquaculture Production; and (b) House Cricket, *Acheta Domesticus*, to Allow
9 Import as Feed for Certain Insectivorous Animals at Honolulu Zoo.
10 *(See attached Summary of Amendments Adopted on September 26, 2017,*
11 *and Where they May be Viewed.)*

12
13 Jonathan Ho, HDOA/PQB, presented testimony as submitted. He said that the Board
14 will approve final form to be signed by the Governor. The Board already saw these
15 amendments. Staff recommends approval.

16
17 Motion to accept: Evans/Comerford

18
19 Board member Case expressed her concerns with Nile Tilapia and that she will be
20 voting no on this.

21
22 Bryan Yee, Deputy AG, clarified the submittal request to the Board. The request is in
23 respect to the Cricket, the housekeeping, and the Nile tilapia all of which has passed in
24 a previous meeting. The Dangerous Wild Animals item is still pending.

25
26 Vote: Approved, 8-1.

27
28 VI. NEW BUSINESS

- 29
30 1. Discussion on the status to designate emergency pest treatment for Little Fire
31 Ant (*Wasmannia Auropunctata*) on all islands and counties.

32
33 Board member Mina stated the concern from certified organic growers who are
34 struggling with the Little Fire Ant. There is a request for emergency declaration to use
35 control products that would then take that particular area out of production until the
36 harvest would take place. It could be brought back into organic certification. The
37 farmer will not lose the certification as a result. He mentioned that the Board should
38 take that action.

39
40 Chairperson Enright said that Board member Mina could put together a formal request
41 to DOA pesticide branch and we could pursue that. Chairperson Enright said that he
42 would pursue this administratively rather than through the Board process.

43
44 VII. ADJOURNMENT OF REGULAR MEETING

45

1 Motion to adjourn meeting: Mina/Case.

2

3 Vote: Approved, 9-0.

4

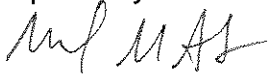
5 Meeting adjourned at 10:55 AM.

6

7 Respectfully submitted,

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9



10 Micah Munekata

11 Board Secretary